

**Substitute Version as Presented to the Senate Finance and  
Financial Institutions Committee\***

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

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

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3745.10, 3745.15, 3748.08, 3750.081, 4117.102, 4715.031, 4723.062, 274  
4731.573, 4905.87, 5101.821, 5111.0110, 5111.042, 5111.081, 275  
5111.171, 5111.63, 5111.64, 5111.85, 5111.86, 5111.872, 5111.873, 276  
5123.044, 5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 277  
5123.0410, 5123.0411, 5123.0412, 5123.0413, 5126.046, 5126.047, 278  
5126.055, 5126.056, 5153.06, and 5139.87 be enacted; and section 279  
1309.525 of the Revised Code contingently be enacted to read as 280

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follows: 281

**Sec. 9.06.** (A)(1) The department of rehabilitation and 282  
correction shall contract for the private operation and management 283  
pursuant to this section of the initial intensive program prison 284  
established pursuant to section 5120.033 of the Revised Code and 285  
may contract for the private operation and management of any other 286  
facility under this section. Counties and municipal corporations 287  
to the extent authorized in sections 307.93, 341.35, 753.03, and 288  
753.15 of the Revised Code, may contract for the private operation 289  
and management of a facility under this section. A contract 290  
entered into under this section shall be for an initial term of 291  
not more than two years, with an option to renew for additional 292  
periods of two years. 293

(2) ~~Not later than December 31, 1998, the~~ The department of 294  
rehabilitation and correction, by rule, shall adopt minimum 295  
criteria and specifications that a person or entity, other than a 296  
person or entity that satisfies the criteria set forth in division 297  
(A)(3)(a) of this section and subject to division (I) of this 298  
section, must satisfy in order to apply to operate and manage as a 299  
contractor pursuant to this section the initial intensive program 300  
prison established pursuant to section 5120.033 of the Revised 301  
Code. 302

(3) Subject to division (I) of this section, any person or 303  
entity that applies to operate and manage a facility as a 304  
contractor pursuant to this section shall satisfy one or more of 305  
the following criteria: 306

(a) The person or entity is accredited by the American 307  
correctional association and, at the time of the application, 308  
operates and manages one or more facilities accredited by the 309  
American correctional association. 310

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(b) The person or entity satisfies all of the minimum 311  
criteria and specifications adopted by the department of 312  
rehabilitation and correction pursuant to division (A)(2) of this 313  
section, provided that this alternative shall be available only in 314  
relation to the initial intensive program prison established 315  
pursuant to section 5120.033 of the Revised Code. 316

(4) Subject to division (I) of this section, before a public 317  
entity may enter into a contract under this section, the 318  
contractor shall convincingly demonstrate to the public entity 319  
that it can operate the facility with the inmate capacity required 320  
by the public entity and provide the services required in this 321  
section and realize at least a five per cent savings over the 322  
projected cost to the public entity of providing these same 323  
services to operate the facility that is the subject of the 324  
contract. No out-of-state prisoners may be housed in any facility 325  
that is the subject of a contract entered into under this section. 326

(B) Subject to division (I) of this section, any contract 327  
entered into under this section shall include all of the 328  
following: 329

(1) A requirement that the contractor retain the contractor's 330  
accreditation from the American correctional association 331  
throughout the contract term or, if the contractor applied 332  
pursuant to division (A)(3)(b) of this section, continue complying 333  
with the applicable criteria and specifications adopted by the 334  
department of rehabilitation and correction pursuant to division 335  
(A)(2) of this section; 336

(2) A requirement that all of the following conditions be 337  
met: 338

(a) The contractor begins the process of accrediting the 339  
facility with the American correctional association no later than 340  
sixty days after the facility receives its first inmate. 341

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

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

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

(3) A requirement that the contractor comply with all rules promulgated by the department of rehabilitation and correction that apply to the operation and management of correctional facilities, including the minimum standards for jails in Ohio and policies regarding the use of force and the use of deadly force, although the public entity may require more stringent standards, and comply with any applicable laws, rules, or regulations of the federal, state, and local governments, including, but not limited to, sanitation, food service, safety, and health regulations. The contractor shall be required to send copies of reports of inspections completed by the appropriate authorities regarding compliance with rules and regulations to the director of rehabilitation and correction or the director's designee and, if contracting with a local public entity, to the governing authority of that entity.

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

(5) A requirement that the contractor immediately report all

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escapes from the facility, and the apprehension of all escapees, 373  
by telephone and in writing to all local law enforcement agencies 374  
with jurisdiction over the place at which the facility is located, 375  
to the prosecuting attorney of the county in which the facility is 376  
located, to the state highway patrol, to a daily newspaper having 377  
general circulation in the county in which the facility is 378  
located, and, if the ~~institution~~ facility is a state correctional 379  
institution, to the department of rehabilitation and correction. 380  
The written notice may be by either facsimile transmission or 381  
mail. A failure to comply with this requirement regarding an 382  
escape is a violation of section 2921.22 of the Revised Code. 383

(6) A requirement that, if the facility is a state 384  
correctional institution, the contractor provide a written report 385  
within specified time limits to the director of rehabilitation and 386  
correction or the director's designee of all unusual incidents at 387  
the facility as defined in rules promulgated by the department of 388  
rehabilitation and correction or, if the facility is a local 389  
correctional institution, that the contractor provide a written 390  
report of all unusual incidents at the facility to the governing 391  
authority of the local public entity; 392

(7) A requirement that the contractor maintain proper control 393  
of inmates' personal funds pursuant to rules promulgated by the 394  
department of rehabilitation and correction, for state 395  
correctional institutions, or pursuant to the minimum standards 396  
for jails along with any additional standards established by the 397  
local public entity, for local correctional institutions, and that 398  
records pertaining to these funds be made available to 399  
representatives of the public entity for review or audit; 400

(8) A requirement that the contractor prepare and distribute 401  
to the director of rehabilitation and correction or, if 402  
contracting with a local public entity, to the governing authority 403  
of the local entity, annual budget income and expenditure 404

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statements and funding source financial reports; 405

(9) A requirement that the public entity appoint and 406  
supervise a full-time contract monitor, that the contractor 407  
provide suitable office space for the contract monitor at the 408  
facility, and that the contractor allow the contract monitor 409  
unrestricted access to all parts of the facility and all records 410  
of the facility except the contractor's financial records; 411

(10) A requirement that if the facility is a state 412  
correctional institution, designated department of rehabilitation 413  
and correction staff members be allowed access to the facility in 414  
accordance with rules promulgated by the department; 415

(11) A requirement that the contractor provide internal and 416  
perimeter security as agreed upon in the contract; 417

(12) If the facility is a state correctional institution, a 418  
requirement that the contractor impose discipline on inmates 419  
housed in a state correctional institution, only in accordance 420  
with rules promulgated by the department of rehabilitation and 421  
correction; 422

(13) A requirement that the facility be staffed at all times 423  
with a staffing pattern approved by the public entity and adequate 424  
both to ensure supervision of inmates and maintenance of security 425  
within the facility, and to provide for programs, transportation, 426  
security, and other operational needs. In determining security 427  
needs, the contractor shall be required to consider, among other 428  
things, the proximity of the facility to neighborhoods and 429  
schools. 430

(14) If the contract is with a local public entity, a 431  
requirement that the contractor provide services and programs, 432  
consistent with the minimum standards for jails promulgated by the 433  
department of rehabilitation and correction under section 5120.10 434  
of the Revised Code; 435

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(15) A clear statement that no immunity from liability 436  
granted to the state, and no immunity from liability granted to 437  
political subdivisions under Chapter 2744. of the Revised Code, 438  
shall extend to the contractor or any of the contractor's 439  
employees; 440

(16) A statement that all documents and records relevant to 441  
the facility shall be maintained in the same manner required for, 442  
and subject to the same laws, rules, and regulations as apply to, 443  
the records of the public entity; 444

(17) Authorization for the public entity to impose a fine on 445  
the contractor from a schedule of fines included in the contract 446  
for the contractor's failure to perform its contractual duties, or 447  
to cancel the contract, as the public entity considers 448  
appropriate. If a fine is imposed, the public entity may reduce 449  
the payment owed to the contractor pursuant to any invoice in the 450  
amount of the imposed fine. 451

(18) A statement that all services provided or goods produced 452  
at the facility shall be subject to the same regulations, and the 453  
same distribution limitations, as apply to goods and services 454  
produced at other correctional institutions; 455

(19) Authorization for the department to establish one or 456  
more prison industries at a facility operated and managed by a 457  
contractor for the department; 458

(20) A requirement that, if the facility is an intensive 459  
program prison established pursuant to section 5120.033 of the 460  
Revised Code, the facility shall comply with all criteria for 461  
intensive program prisons of that type that are set forth in that 462  
section; 463

(21) If the institution is a state correctional institution, 464  
a requirement that the contractor provide clothing for all inmates 465  
housed in the facility that is conspicuous in its color, style, or 466

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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.

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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:

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(1) Developing or implementing procedures for calculating inmate release and parole eligibility dates and recommending the granting or denying of parole, although the contractor may submit written reports that have been prepared in the ordinary course of business;

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

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

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(4) For inmates serving a term imposed for a felony offense

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committed on or after July 1, 1996, extending an inmate's term	498
pursuant to the provisions of law governing bad time;	499
(5) Classifying an inmate or placing an inmate in a more or a	500
less restrictive custody than the custody ordered by the public	501
entity;	502
(6) Approving inmates for work release;	503
(7) Contracting for local or long distance telephone services	504
for inmates or receiving commissions from <del>such</del> <u>those</u> services at a	505
facility that is owned by or operated under a contract with the	506
department.	507
(D) A contractor that has been approved to operate a facility	508
under this section, and a person or entity that enters into a	509
contract for specialized services, as described in division (I) of	510
this section, relative to an intensive program prison established	511
pursuant to section 5120.033 of the Revised Code to be operated by	512
a contractor that has been approved to operate the prison under	513
this section, shall provide an adequate policy of insurance	514
specifically including, but not limited to, insurance for civil	515
rights claims as determined by a risk management or actuarial firm	516
with demonstrated experience in public liability for state	517
governments. The insurance policy shall provide that the state,	518
including all state agencies, and all political subdivisions of	519
the state with jurisdiction over the facility or in which a	520
facility is located are named as insured, and that the state and	521
its political subdivisions shall be sent any notice of	522
cancellation. The contractor may not self-insure.	523
A contractor that has been approved to operate a facility	524
under this section, and a person or entity that enters into a	525
contract for specialized services, as described in division (I) of	526
this section, relative to an intensive program prison established	527
pursuant to section 5120.033 of the Revised Code to be operated by	528

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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:

(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;

(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;

(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

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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.

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(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

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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:

(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.

(2) Divisions (A)(2), (B), and (C) of this section do not  
apply in relation to any specialized services contract, except to  
the extent that the provisions of those divisions clearly are  
relevant to the specialized services to be provided under the  
specialized services contract. Division (D) of this section  
applies in relation to each specialized services contract.

(J) As used in this section:

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

(2) "Local public entity" means a county or municipal  
corporation, or a combination of counties and municipal  
corporations, that has jurisdiction over a jail, workhouse, or  
other correctional facility used only for misdemeanants that is

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the subject of a contract entered into under this section. 623

(3) "Governing authority of a local public entity" means, for 624  
a county, the board of county commissioners; for a municipal 625  
corporation, the legislative authority; for a combination of 626  
counties and municipal corporation, all the boards of county 627  
commissioners and municipal legislative authorities that joined to 628  
create the facility. 629

(4) "Contractor" means a person ~~who~~ or entity that enters 630  
into a contract under this section to operate and manage a jail, 631  
workhouse, or other correctional facility. 632

(5) "Facility" means the specific county, multicounty, 633  
municipal, municipal-county, or multicounty-municipal jail, 634  
workhouse, prison, or other type of correctional institution or 635  
facility used only for misdemeanants, or a state correctional 636  
institution, that is the subject of a contract entered into under 637  
this section. 638

(6) "Person or entity" in the case of a contract for the 639  
private operation and management of a state correctional 640  
institution, includes an employee organization, as defined in 641  
section 4117.01 of the Revised Code, that represents employees at 642  
state correctional institutions. 643

**Sec. 9.821.** (A) The department of administrative services 644  
shall direct and manage for state agencies all risk management and 645  
insurance programs authorized under section 9.822 of the Revised 646  
Code. 647

(B) The office of risk management is hereby established 648  
within the department of administrative services. The director of 649  
administrative services, or a deputy director appointed by the 650  
director, shall control and supervise the office. 651

(C) The office may take any of the following actions that it 652

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determines to be in the best interests of the state: 653

(1) Provide all insurance coverages for the state, including, 654  
but not limited to, automobile liability, casualty, property, 655  
public liability, and, except as provided in division (C)(6) of 656  
this section, fidelity bond insurance~~r~~. The cost of insurance 657  
coverage shall be paid from appropriations made to the state 658  
agencies that the office has designated to receive the coverage. 659  
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(2) Provide coverage of legal expenses that are necessary and 661  
related to the legal defense of claims against the state; 662

(3) Purchase insurance policies consistent with sections 663  
125.01 to 125.111 of the Revised Code, develop and administer 664  
self-insurance programs, or do both; 665

(4) Consolidate and combine state insurance coverages; 666

(5) Provide technical services in risk management and 667  
insurance to state agencies; 668

(6)(a) Establish and administer a self-insured fidelity bond 669  
program for a particular class or subclass of state officer, 670  
employee, or agent, if, prior to the establishment and 671  
administration of this program, the director does both of the 672  
following: 673

(i) Holds a hearing in accordance with Chapter 119. of the 674  
Revised Code to determine whether fidelity bond insurance for that 675  
particular class or subclass of state officer, employee, or agent 676  
is available in the voluntary market; 677

(ii) If, as a result of that hearing, the director determines 678  
that fidelity bond insurance for a particular class or subclass of 679  
state officer, employee, or agent is unavailable in the voluntary 680  
market and that the absence of this insurance threatens the 681  
operation of state government and will be detrimental to the 682

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general welfare of the citizens of this state, adopts rules in accordance with Chapter 119. of the Revised Code to establish standards and procedures governing the establishment, administration, and termination of the fidelity bond program for that particular class or subclass of state officer, employee, or agent.

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

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

(D) No state agency, except a state agency exempted under section 125.02 or 125.04 of the Revised Code from the department's purchasing authority, shall purchase any insurance described in this section except as authorized by the department and in accordance with terms, conditions, and procurement methods established by the department.

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

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

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(1) Insuring state real and personal property against losses	714
occasioned by fire, windstorm, or other accidents and perils;	715
(2) Insuring the state and its officers and employees against	716
liability resulting from any civil action, demand, or claim	717
against the state or its officers and employees arising out of any	718
act or omission of an officer or employee in the performance of	719
<del>his</del> <u>official</u> duties, except acts and omissions for which	720
indemnification is prohibited under section 9.87 of the Revised	721
Code;	722
(3) Insuring the state through the fidelity bonding of state	723
officers, employees, and agents who are required by law to provide	724
a fidelity bond.	725
(B)(1) Prior to the establishment of any self-insured	726
fidelity bond program for a particular class or subclass of state	727
officer, employee, or agent authorized pursuant to division (A)(3)	728
of this section, the director of administrative services shall	729
follow the procedures for holding a hearing and adopting rules set	730
forth in division (C)(6)(a) of section 9.821 of the Revised Code.	731
(2) Division (B)(1) of this section does not apply to any	732
self-insured blanket fidelity bond program that, on <del>the effective</del>	733
<del>date of this section</del> <u>September 20, 1993</u> , has been established	734
pursuant to section 9.831 <del>or 9.832</del> of the Revised Code.	735
(3) The director shall prepare annually a written report	736
detailing any self-insured fidelity bond program established	737
pursuant to division (A)(3) of this section. The report shall	738
include, but is not limited to, information relating to premiums	739
collected, income from recovery, loss experience, and	740
administrative costs of the program. A copy of the report,	741
together with a copy of those portions of the most recent reports	742
submitted under division (D) of section 9.823 of the Revised Code	743
<del>and pertaining that pertain</del> to any such self-insured fidelity bond	744



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program, shall be submitted to the speaker of the house of 745  
representatives and the president of the senate by the ~~first~~ last 746  
day of ~~September~~ March of each year. 747

**Sec. 101.15.** (A) As used in this section: 748

(1) "Caucus" means all of the members of either house of the 749  
general assembly who are members of the same political party. 750

(2) "Committee" means any committee of either house of the 751  
general assembly, a joint committee of both houses of the general 752  
assembly, including a committee of conference, or a subcommittee 753  
of any committee listed in division (A)(2) of this section. 754

(3) "Meeting" means any prearranged discussion of the public 755  
business of a committee by a majority of its members. 756

(B) Except as otherwise provided in division (F) of this 757  
section, all meetings of any committee are declared to be public 758  
meetings open to the public at all times. The secretary assigned 759  
to the chairperson of the committee shall prepare, file, and 760  
maintain the minutes of every regular or special meeting of a 761  
committee. The committee, at its next regular or special meeting, 762  
shall approve the minutes prepared, filed, and maintained by the 763  
secretary, or, if the minutes prepared, filed, and maintained by 764  
the secretary require correction before their approval, the 765  
committee shall correct and approve the minutes at the next 766  
following regular or special meeting. The committee shall make the 767  
minutes available for public inspection not later than seven days 768  
after the meeting the minutes reflect or not later than the 769  
committee's next regular or special meeting, whichever occurs 770  
first. 771

(C) Each committee shall establish ~~by rule~~ a reasonable 772  
method whereby any person may determine the time and place of all 773  
regularly scheduled meetings and the time, place, and purpose of 774  
all special meetings. No committee shall hold a regular or special 775

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meeting unless it gives at least twenty-four hours' advance notice 776  
to the news media that have requested notification. 777

The rule method established by each committee shall provide 778  
that, upon request and payment of a reasonable fee, any person may 779  
obtain reasonable advance notification of all meetings at which 780  
any specific type of public business will be discussed. Provisions 781  
for advance notification may include, but are not limited to, 782  
mailing the agenda of meetings to all subscribers on a mailing 783  
list or mailing notices in self-addressed stamped envelopes 784  
provided by the person who desires advance notification. 785

(D) Any action of a committee relating to a bill or 786  
resolution, or any other formal action of a committee, is invalid 787  
unless taken in an open meeting of the committee. Any action of a 788  
committee relating to a bill or resolution, or any other formal 789  
action of a committee, taken in an open meeting is invalid if it 790  
results from deliberations in a meeting not open to the public. 791

(E)(1) Any person may bring an action to enforce this 792  
section. An action under this division shall be brought within two 793  
years after the date of the alleged violation or threatened 794  
violation. Upon proof of a violation or threatened violation of 795  
this section in an action brought by any person, the court of 796  
common pleas shall issue an injunction to compel the members of 797  
the committee to comply with its provisions. 798

(2)(a) If the court of common pleas issues an injunction 799  
under division (E)(1) of this section, the court shall order the 800  
committee that it enjoins to pay a civil forfeiture of five 801  
hundred dollars to the party that sought the injunction and shall 802  
award to that party all court costs and, subject to reduction as 803  
described in this division, reasonable attorney's fees. The court, 804  
in its discretion, may reduce an award of attorney's fees to the 805  
party that sought the injunction or not award attorney's fees to 806  
that party if the court determines both of the following: 807

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

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

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

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

(4) A member of a committee who knowingly violates an injunction issued under division (E)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney of Franklin county or by the attorney general.

(5) The remedies described in divisions (E)(1) to (4) of this section shall be the exclusive remedies for a violation of this section.

(F) This section does not apply to or affect either of the following:

(1) All meetings of the joint legislative ethics committee

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created under section 101.34 of the Revised Code other than a meeting that is held for any of the following purposes:

(a) To consider the adoption, amendment, or rescission of any rule that the joint legislative ethics committee is authorized to adopt pursuant to division (B)(11) of section 101.34, division (E) of section 101.78, division (B) of section 102.02, or division (E) of section 121.68 of the Revised Code;

(b) To discuss and consider changes to any administrative operation of the joint legislative ethics committee other than any matter described in division (G) of section 121.22 of the Revised Code;

(c) To discuss pending or proposed legislation.

(2) Meetings of a caucus.

(G) For purposes of division (F)(1)(a) of this section, an advisory opinion, written opinion, or decision relative to a complaint is not a rule.

**Sec. 101.27.** (A)(1) Every member of the senate, except the members elected president, president pro tempore, assistant president pro tempore, majority whip, minority leader, assistant minority leader, minority whip, and assistant minority whip, shall receive as compensation a salary of fifty-one thousand six hundred seventy-four dollars a year during the senator's term of office. Every member of the house of representatives, except the members elected speaker, speaker pro tempore, majority floor leader, assistant majority floor leader, majority whip, assistant majority whip, minority leader, assistant minority leader, minority whip, and assistant minority whip, shall receive as compensation a salary of fifty-one thousand six hundred seventy-four dollars a year during the representative's term of office. Such salaries shall be paid in equal monthly installments during such term. All

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monthly payments shall be made on or before the fifth day of each 869  
month. Upon the death of any member of the general assembly during 870  
the member's term of office, any unpaid salary due such member for 871  
the remainder of the member's term shall be paid to the member's 872  
~~dependent~~, surviving spouse, children, mother, or father, in the 873  
order in which the relationship is set forth in this section in 874  
monthly installments. 875

(2) Each member shall receive a travel ~~allowance~~ 876  
reimbursement per mile each way, at the same mileage rate allowed 877  
for the reimbursement of travel expenses of state agents as 878  
provided by rule of the director of budget and management pursuant 879  
to division (B) of section 126.31 of the Revised Code, for mileage 880  
not more than once a week during the session for travel incurred 881  
by a member from and to the member's place of residence, by the 882  
most direct highway route of public travel to and from the seat of 883  
government, to be paid quarterly on the last day of March, June, 884  
September, and December of each year. 885

(3) The member of the senate elected president and the member 886  
of the house of representatives elected speaker shall each receive 887  
as compensation a salary of eighty thousand five hundred 888  
forty-nine dollars a year during the president's or speaker's term 889  
of office. 890

The member of the senate elected president pro tempore, the 891  
member of the senate elected minority leader, the member of the 892  
house of representatives elected speaker pro tempore, and the 893  
member of the house of representatives elected minority leader 894  
shall each receive as compensation a salary of seventy-three 895  
thousand four hundred ninety-three dollars a year during the 896  
member's term of office. The member of the house of 897  
representatives elected majority floor leader and the member of 898  
the senate elected assistant president pro tempore shall each 899  
receive as compensation a salary of sixty-nine thousand two 900

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hundred twenty-seven dollars a year during the member's term of office. The member of the senate elected assistant minority leader and the member of the house of representatives elected assistant minority leader shall each receive as compensation a salary of sixty-seven thousand ninety-nine dollars a year during the member's term of office. The member of the senate elected majority whip and the member of the house of representatives elected assistant majority floor leader shall each receive a salary of sixty-four thousand nine hundred sixty-seven dollars a year during the member's term of office. The member of the senate elected minority whip, the member of the house of representatives elected majority whip, and the member of the house of representatives elected minority whip shall each receive as compensation a salary of sixty thousand seven hundred six dollars a year during the member's term of office. The member of the house of representatives elected assistant majority whip shall receive as compensation a salary of fifty-six thousand four hundred forty-three dollars a year during the member's term of office. The member of the house of representatives elected assistant minority whip and the member of the senate elected assistant minority whip shall each receive a salary of fifty-four thousand sixty dollars a year during the member's term of office.

(4) The chairperson of the finance committee of each house shall receive an additional sum of ten thousand dollars annually. The chairperson of each standing committee of each house other than the finance committee shall receive an additional sum of six thousand five hundred dollars annually. The chairperson of each standing subcommittee of a finance committee shall receive an additional sum of six thousand five hundred dollars annually. The vice-chairperson of the finance committee of each house shall receive an additional sum of five thousand five hundred dollars annually. The ranking minority member of the finance committee of

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each house shall receive an additional sum of six thousand five hundred dollars annually. The ranking minority member of each standing subcommittee of a finance committee shall receive an additional sum of five thousand dollars annually. The chairperson of each standing subcommittee of each house other than a standing subcommittee of the finance committee shall receive an additional sum of five thousand dollars annually. The vice-chairperson and ranking minority member of each standing committee of each house other than the finance committee shall each receive an additional sum of five thousand dollars annually. Except for the ranking minority member of each standing subcommittee of a finance committee, the ranking minority member of each standing subcommittee of each house shall receive an additional sum of two thousand five hundred dollars annually.

No member may receive more than one additional sum for serving as chairperson, vice-chairperson, or ranking minority member of a standing committee or standing subcommittee, regardless of the number of standing committees or standing subcommittees on which the member serves as chairperson, vice-chairperson, or ranking minority member.

(5) If a member is absent without leave, or is not excused on the member's return, there shall be deducted from the member's compensation twenty dollars for each day's absence.

(B) Each calendar year from 2002 through 2008, the salary amounts under divisions (A)(1) and (3) of this section shall be increased by the lesser of the following:

(1) Three per cent;

(2) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

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(C) As used in this section: 964

(1) "Consumer price index" means the consumer price index 965  
 prepared by the United States bureau of labor statistics (U.S. 966  
 city average for urban wage earners and clerical workers: all 967  
 items, 1982-1984=100), or, if that index is no longer published, a 968  
 generally available comparable index. 969

(2) "Finance committee" means the finance committee of the 970  
 senate and the finance-appropriations committee of the house of 971  
 representatives. 972

**Sec. 101.30.** (A) As used in this section and in sections 973  
101.302 and 101.303 of the Revised Code: 974

(1) "Legislative document" includes, but is not limited to, 975  
 all of the following: 976

(a) A working paper, work product, correspondence, 977  
 preliminary draft, note, proposed bill or resolution, proposed 978  
 amendment to a bill or resolution, analysis, opinion, memorandum, 979  
 or other document in whatever form or format prepared by 980  
 legislative staff for a member of the general assembly or for 981  
 general assembly staff; 982

(b) Any document or material in whatever form or format 983  
 provided by a member of the general assembly or general assembly 984  
 staff to legislative staff that requests, or that provides 985  
 information or materials to assist in, the preparation of any of 986  
 the items described in division (A)(1)(a) of this section; 987

(c) Any summary of a bill or resolution or of an amendment to 988  
 a bill or resolution in whatever form or format that is prepared 989  
 by or in the possession of a member of the general assembly or 990  
 general assembly staff, if the summary is prepared before the 991  
 bill, resolution, or amendment is filed for introduction or 992  
 presented at a committee hearing or floor session, as applicable. 993



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994  
 (2) "Legislative staff" means the staff of the legislative 995  
 service commission, ~~legislative budget office of the legislative~~ 996  
~~service commission,~~ or any other legislative agency included in 997  
 the legislative service commission budget group. 998

(3) "General assembly staff" means an officer or employee of 999  
 either house of the general assembly who acts on behalf of a 1000  
 member of the general assembly or on behalf of a committee or 1001  
 either house of the general assembly. 1002

(B)(1) Legislative staff shall maintain a confidential 1003  
 relationship with each member of the general assembly, and with 1004  
 each member of the general assembly staff, with respect to 1005  
 communications between the member of the general assembly or 1006  
 general assembly staff and legislative staff. Except as otherwise 1007  
 provided in this division and division (C) of this section, a 1008  
 legislative document arising out of this confidential relationship 1009  
 is not a public record for purposes of section 149.43 of the 1010  
 Revised Code. When it is in the public interest and with the 1011  
 consent of the commission, the director of the commission may 1012  
 release to the public any legislative document in the possession 1013  
 of the commission staff arising out of a confidential relationship 1014  
 with a former member of the general assembly or former member of 1015  
 the general assembly staff who is not available to make the 1016  
 legislative document a public record as provided in division (C) 1017  
 of this section because of death or disability, whom the director 1018  
 is unable to contact for that purpose, or who fails to respond to 1019  
 the director after the director has made a reasonable number of 1020  
 attempts to make such contact. 1021

(2) Legislative documents that are not public records under 1022  
divisions (B)(1) and (C) of this section are not subject to 1023  
subpoena duces tecum. A member of the general assembly, member of 1024  
the general assembly staff, or member of the legislative staff 1025

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neither is subject to subpoena or subpoena duces tecum, nor may be 1026  
compelled to testify, with regard to legislative documents that 1027  
are not public records under divisions (B)(1) and (C) of this 1028  
section. 1029

(C)(1) A legislative document is a public record for purposes 1030  
of section 149.43 of the Revised Code if it is an analysis, 1031  
synopsis, fiscal note, or local impact statement prepared by 1032  
legislative staff that is required to be prepared by law, or by a 1033  
rule of either house of the general assembly, for the benefit of 1034  
the members of either or both of those houses or any legislative 1035  
committee and if it has been presented to those members. 1036

1037

(2) A legislative document is a public record for purposes of 1038  
section 149.43 of the Revised Code if a member of the general 1039  
assembly for whom legislative staff prepared the legislative 1040  
document does any of the following: 1041

(a) Files it for introduction with the clerk of the senate or 1042  
the clerk of the house of representatives, if it is a bill or 1043  
resolution; 1044

(b) Presents it at a committee hearing or floor session, if 1045  
it is an amendment to a bill or resolution or is a substitute bill 1046  
or resolution; 1047

(c) Releases it, or authorizes general assembly staff or 1048  
legislative staff to release it, to the public. 1049

Sec. 101.302. A member of the general assembly, a member of 1050  
the general assembly staff, and a member of the legislative staff, 1051  
in their respective capacities as such, are not liable in a civil 1052  
action for any legislative act or duty. In relation to any 1053  
legislative act or duty, a member of the general assembly, a 1054  
member of the general assembly staff, or a member of the 1055

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legislative staff is not subject to subpoena or subpoena duces 1056  
tecum in a civil action, may not be made party to a civil action, 1057  
and may not be compelled to testify or to produce tangible 1058  
evidence in a civil action. 1059

This section is cumulative to Ohio Constitution, Article II, 1060  
Section 12. 1061

Sec. 101.303. A member of the legislative staff shall not be 1062  
compelled to testify or to produce tangible evidence concerning 1063  
any communication with or any advice or assistance given to a 1064  
member of the general assembly or a member of the general assembly 1065  
staff in relation to any legislative act or duty. 1066

**Sec. 101.34.** (A) There is hereby created a joint legislative 1067  
ethics committee to serve the general assembly. The committee 1068  
shall be composed of twelve members, six each from the two major 1069  
political parties, and each member shall serve on the committee 1070  
during the member's term as a member of that general assembly. Six 1071  
members of the committee shall be members of the house of 1072  
representatives appointed by the speaker of the house of 1073  
representatives, not more than three from the same political 1074  
party, and six members of the committee shall be members of the 1075  
senate appointed by the president of the senate, not more than 1076  
three from the same political party. A vacancy in the committee 1077  
shall be filled for the unexpired term in the same manner as an 1078  
original appointment. The members of the committee shall be 1079  
appointed within fifteen days after the first day of the first 1080  
regular session of each general assembly and the committee shall 1081  
meet and proceed to recommend an ethics code not later than thirty 1082  
days after the first day of the first regular session of each 1083  
general assembly. 1084

In the first regular session of each general assembly, the 1085

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speaker of the house of representatives shall appoint the 1086  
chairperson of the committee from among the house members of the 1087  
committee and the president of the senate shall appoint the 1088  
vice-chairperson of the committee from among the senate members of 1089  
the committee. In the second regular session of each general 1090  
assembly, the president of the senate shall appoint the 1091  
chairperson of the committee from among the senate members of the 1092  
committee and the speaker of the house of representatives shall 1093  
appoint the vice-chairperson of the committee from among the house 1094  
members of the committee. The chairperson, vice-chairperson, and 1095  
members of the committee shall serve until their respective 1096  
successors are appointed or until they are no longer members of 1097  
the general assembly. 1098

The committee shall meet at the call of the chairperson or 1099  
upon the written request of seven members of the committee. 1100

(B) The joint legislative ethics committee: 1101

(1) Shall recommend a code of ethics which is consistent with 1102  
law to govern all members and employees of each house of the 1103  
general assembly and all candidates for the office of member of 1104  
each house; 1105

(2) May receive and hear any complaint which alleges a breach 1106  
of any privilege of either house, or misconduct of any member, 1107  
employee, or candidate, or any violation of the appropriate code 1108  
of ethics; 1109

(3) May obtain information with respect to any complaint 1110  
filed pursuant to this section and to that end may enforce the 1111  
attendance and testimony of witnesses, and the production of books 1112  
and papers; 1113

(4) May recommend whatever sanction is appropriate with 1114  
respect to a particular member, employee, or candidate as will 1115  
best maintain in the minds of the public a good opinion of the 1116

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- conduct and character of members and employees of the general  
assembly; 1117  
1118
- (5) May recommend legislation to the general assembly 1119  
relating to the conduct and ethics of members and employees of and 1120  
candidates for the general assembly; 1121
- (6) Shall employ an executive director for the committee and 1122  
may employ such other staff as the committee determines necessary 1123  
to assist it in exercising its powers and duties. The executive 1124  
director and staff of the committee shall be known as the office 1125  
of legislative inspector general. At least one member of the staff 1126  
of the committee shall be an attorney at law licensed to practice 1127  
law in this state. The appointment and removal of the executive 1128  
director shall require the approval of at least eight members of 1129  
the committee. 1130
- (7) May employ a special counsel to assist the committee in 1131  
exercising its powers and duties. The appointment and removal of a 1132  
special counsel shall require the approval of at least eight 1133  
members of the committee. 1134
- (8) Shall act as an advisory body to the general assembly and 1135  
to individual members, candidates, and employees on questions 1136  
relating to ethics, possible conflicts of interest, and financial  
disclosure; 1137  
1138
- (9) Shall provide for the proper forms on which the statement 1139  
required pursuant to section 102.02 of the Revised Code shall be 1140  
filed and instructions as to the filing of the statement; 1141
- (10) Exercise the powers and duties prescribed under sections 1142  
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 1143  
1144
- (11) Adopt in accordance with section 111.15 of the Revised 1145  
Code any rules that are necessary to implement and clarify Chapter 1146  
102. and sections 2921.42 and 2921.43 of the Revised Code. 1147

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(C) There is hereby created in the state treasury the joint legislative ethics committee fund. All money collected from registration fees and late filing fees prescribed under sections 101.72 and 121.62 of the Revised Code shall be deposited into the state treasury to the credit of the fund. Money credited to the fund and any interest and earnings from the fund shall be used solely for the operation of the joint legislative ethics committee and the office of legislative inspector general and for the purchase of data storage and computerization facilities for the statements filed with the joint committee under sections 101.73, 101.74, 121.63, and 121.64 of the Revised Code.

(D) The chairperson of the joint committee shall issue a written report, not later than the thirty-first day of January of each year, to the speaker and minority leader of the house of representatives and to the president and minority leader of the senate that lists the number of committee meetings and investigations the committee conducted during the immediately preceding calendar year and the number of advisory opinions it issued during the immediately preceding calendar year.

(E) Any investigative report that contains facts and findings regarding a complaint filed with the committee and that is prepared by the staff of the committee or a special counsel to the committee shall become a public record upon its acceptance by a vote of the majority of the members of the committee, except for any names of specific individuals and entities contained in the report. If the committee recommends disciplinary action or reports its findings to the appropriate prosecuting authority for proceedings in prosecution of the violations alleged in the complaint, the investigatory report regarding the complaint shall become a public record in its entirety.

(F)(1) Any file obtained by or in the possession of the former house ethics committee or former senate ethics committee

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shall become the property of the joint legislative ethics committee. Any such file is confidential if either of the following applies:

(a) It is confidential under section 102.06 of the Revised Code or the legislative code of ethics.

(b) If the file was obtained from the former house ethics committee or from the former senate ethics committee, it was confidential under any statute or any provision of a code of ethics that governed the file.

(2) As used in this division, "file" includes, but is not limited to, evidence, documentation, or any other tangible thing.

**Sec. 101.37. (A)** There is hereby created the joint council on mental retardation and developmental disabilities. The joint council shall consist of three members of the house of representatives appointed by the speaker of the house of representatives, not more than two of whom shall be members of the same political party, three members of the senate appointed by the president of the senate, not more than two of whom shall be members of the same political party, and the director of mental retardation and developmental disabilities. At least one member of the joint council appointed by the speaker of the house of representatives and at least one member appointed by the president of the senate shall be a member of the house or senate committee with primary responsibility for appropriation issues and at least one member appointed by the speaker and at least one member appointed by the president shall be a member of the house or senate committee with primary responsibility for human services issues. ~~Members~~

Members of the joint council shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties, provided that reimbursement for such expenses

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shall not exceed limits imposed upon the department of mental 1211  
retardation and developmental disabilities by administrative rules 1212  
regulating travel within this state. Members shall receive no 1213  
other compensation. ~~The~~ 1214

The joint council shall organize itself within fifteen days 1215  
after the commencement of each regular session of the general 1216  
assembly by electing a chairperson and vice-chairperson. The joint 1217  
council may meet upon the call of the chairperson, the director, 1218  
or on the request of any three members. ~~Members~~ 1219

Members of the joint council who are appointed from the 1220  
general assembly shall serve until the expiration of their terms 1221  
in the general assembly. Any vacancies occurring among the general 1222  
assembly members of the joint council shall be filled in the 1223  
manner of the original appointment. 1224

(B) The joint council shall do all of the following: 1225

~~(A)~~(1) Appoint the original members of the citizen's advisory 1226  
council at any institution under the control of the department of 1227  
mental retardation and developmental disabilities that is created 1228  
after November 15, 1981; 1229

~~(B)~~(2) Make final determinations in any dispute between the 1230  
director of mental retardation and developmental disabilities and 1231  
a citizen's advisory council concerning the appointment of members 1232  
to the citizen's advisory council, as provided for in section 1233  
5123.092 of the Revised Code; 1234

~~(C)~~(3) Receive reports from citizen's advisory councils on or 1235  
before the thirty-first day of January of each year, as required 1236  
by section 5123.093 of the Revised Code; 1237

~~(D)~~(4) Receive reports as appropriate concerning extenuating 1238  
circumstances at institutions under the control of the department 1239  
of mental retardation and developmental disabilities; 1240

~~(E)~~(5) Conduct reviews and make recommendations to the 1241



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director of mental retardation and developmental disabilities with 1242  
respect to any disputes between the department of mental 1243  
retardation and developmental disabilities and entities that have 1244  
entered into contracts with the department for the provision of 1245  
protective services to individuals with mental retardation or 1246  
developmental disabilities; 1247

(6) Provide the director of mental retardation and 1248  
developmental disabilities with advice on legislative and fiscal 1249  
issues affecting the department of mental retardation and 1250  
developmental disabilities, county boards of mental retardation 1251  
and developmental disabilities, persons with mental retardation or 1252  
developmental disabilities, and providers of services to persons 1253  
with mental retardation or developmental disabilities and on 1254  
related issues the director requests the joint council to address; 1255

~~(F)~~(7) On behalf of the director of mental retardation and 1256  
developmental disabilities, advocate to the general assembly 1257  
legislative issues about which the joint council has provided 1258  
advice to the director. 1259

(C) Reports and any correspondence received by the joint 1260  
council shall be deposited with the legislative service 1261  
commission, which shall retain them for not less than three years 1262  
after the date of deposit. 1263

**Sec. 101.72.** (A) Each legislative agent and employer, within 1264  
ten days following an engagement of a legislative agent, shall 1265  
file with the joint legislative ethics committee an initial 1266  
registration statement showing all of the following: 1267

(1) The name, business address, and occupation of the 1268  
legislative agent; 1269

(2) The name and business address of the employer and the 1270  
real party in interest on whose behalf the legislative agent is 1271  
actively advocating, if it is different from the employer. For the 1272

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purposes of division (A) of this section, where a trade 1273  
association or other charitable or fraternal organization that is 1274  
exempt from federal income taxation under subsection 501(c) of the 1275  
federal Internal Revenue Code is the employer, the statement need 1276  
not list the names and addresses of each member of the association 1277  
or organization, so long as the association or organization itself 1278  
is listed. 1279

(3) A brief description of the type of legislation to which 1280  
the engagement relates. 1281

(B) In addition to the initial registration statement 1282  
required by division (A) of this section, each legislative agent 1283  
and employer shall file with the joint committee, not later than 1284  
the last day of January, May, and September of each year, an 1285  
updated registration statement that confirms the continuing 1286  
existence of each engagement described in an initial registration 1287  
statement and that lists the specific bills or resolutions on 1288  
which the agent actively advocated under that engagement during 1289  
the period covered by the updated statement, and with it any 1290  
statement of expenditures required to be filed by section 101.73 1291  
of the Revised Code and any details of financial transactions 1292  
required to be filed by section 101.74 of the Revised Code. 1293

(C) If a legislative agent is engaged by more than one 1294  
employer, the agent shall file a separate initial and updated 1295  
registration statement for each engagement. If an employer engages 1296  
more than one legislative agent, the employer need file only one 1297  
updated registration statement under division (B) of this section, 1298  
which shall contain the information required by division (B) of 1299  
this section regarding all of the legislative agents engaged by 1300  
the employer. 1301

(D)(1) A change in any information required by division 1302  
(A)(1), (2), or (B) of this section shall be reflected in the next 1303  
updated registration statement filed under division (B) of this 1304

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section. 1305

(2) Within thirty days after the termination of an 1306  
engagement, the legislative agent who was employed under the 1307  
engagement shall send written notification of the termination to 1308  
the joint committee. 1309

(E) Except as otherwise provided in this division, a 1310  
registration fee of ten dollars shall be charged for filing an 1311  
initial registration statement. All money collected from ~~this~~ 1312  
registration fee fees under this division and late filing fees 1313  
under division (G) of this section shall be deposited to the 1314  
credit of the joint legislative ethics committee fund created 1315  
under section 101.34 of the Revised Code. ~~An~~ 1316

An officer or employee of a state agency who actively 1317  
advocates in a fiduciary capacity as a representative of that 1318  
state agency need not pay the registration fee prescribed by this 1319  
division or file expenditure statements under section 101.73 of 1320  
the Revised Code. As used in this division, "state agency" does 1321  
not include a state institution of higher education as defined in 1322  
section 3345.011 of the Revised Code. 1323

(F) Upon registration pursuant to division (A) of this 1324  
section, the legislative agent shall be issued a card by the joint 1325  
committee showing that the legislative agent is registered. The 1326  
registration card and the legislative agent's registration shall 1327  
be valid from the date of their issuance until the next 1328  
thirty-first day of December of an even-numbered year. 1329

(G) The executive director of the joint committee shall be 1330  
responsible for reviewing each registration statement filed with 1331  
the joint committee under this section and for determining whether 1332  
the statement contains all of the information required by this 1333  
section. If the joint committee determines that the registration 1334  
statement does not contain all of the required information or that 1335

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a legislative agent or employer has failed to file a registration statement, the joint committee shall send written notification by certified mail to the person who filed the registration statement regarding the deficiency in the statement or to the person who failed to file the registration statement regarding the failure. Any person so notified by the joint committee shall, not later than fifteen days after receiving the notice, file a registration statement or an amended registration statement that does contain all of the information required by this section. If any person who receives a notice under this division fails to file a registration statement or such an amended registration statement within this fifteen-day period, the joint committee shall ~~notify the attorney general, who may take appropriate action as authorized under section 101.79 of the Revised Code. If the joint committee notifies the attorney general under this division, the joint committee shall also notify in writing the governor and each member of the general assembly of the pending investigation~~ assess a late filing fee equal to twelve dollars and fifty cents per day, up to a maximum of one hundred dollars, upon that person. The joint committee may waive the late filing fee for good cause shown.

(H) On or before the fifteenth day of March of each year, the joint committee shall, in the manner and form that it determines, publish a report containing statistical information on the registration statements filed with it under this section during the preceding year.

**Sec. 101.73.** (A) Each legislative agent and each employer shall file in the office of the joint legislative ethics committee, with the updated registration statement required by division (B) of section 101.72 of the Revised Code, a statement of expenditures as specified in divisions (B) and (C) of this section. A legislative agent shall file a separate statement of

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expenditures under this section for each employer engaging him the 1368  
legislative agent. 1369

(B)(1) In addition to the information required by divisions 1370  
(B)(2) and (3) of this section, a statement filed by a legislative 1371  
agent shall show the total amount of expenditures made by the 1372  
legislative agent during the reporting period covered by the 1373  
statement. 1374

(2) If, during a reporting period covered by a statement, an 1375  
employer or any legislative agent ~~he~~ the employer engaged made, 1376  
either separately or in combination with each other, either 1377  
directly or indirectly, expenditures to, at the request of, for 1378  
the benefit of, or on behalf of any particular member of the 1379  
general assembly, any particular member of the controlling board, 1380  
the governor, the director of a department created under section 1381  
121.02 of the Revised Code, or any particular member of the staff 1382  
of any of the public officers or employees listed in division 1383  
(B)(2) of this section, then the employer or legislative agent 1384  
shall also state all of the following: 1385

(a) The name of the public officer or employee to whom, at 1386  
whose request, for whose benefit, or on whose behalf the 1387  
expenditures were made; 1388

(b) The total amount of the expenditures made; 1389

(c) A brief description of the expenditures made; 1390

(d) The approximate date the expenditures were made; 1391

(e) The specific items of legislation, if any, for which the 1392  
expenditures were made and the identity of the client on whose 1393  
behalf each expenditure was made. 1394

As used in division (B)(2) of this section, "expenditures" 1395  
does not include expenditures made by a legislative agent as 1396  
payment for meals and other food and beverages. 1397

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(3) If, during a reporting period covered by a statement, a legislative agent made expenditures as payment for meals and other food and beverages, other than for meals and other food and beverages provided to a member of the general assembly at a meeting at which the member participated in a panel, seminar, or speaking engagement or provided to a member of the general assembly at a meeting or convention of a national organization to which ~~either house of the general assembly, any legislative agency, or any other~~ state agency or any state institution of higher education as defined in section 3345.031 of the Revised Code pays membership dues, that, when added to the amount of previous payments made for meals and other food and beverages by that legislative agent during that same calendar year, exceeded a total of fifty dollars to, at the request of, for the benefit of, or on behalf of any particular member of the general assembly, any particular member of the controlling board, the governor, the director of a department created under section 121.02 of the Revised Code, or any particular member of the staff of any of the public officers or employees listed in division (B)(3) of this section, then the legislative agent shall also state all of the following regarding those expenditures:

(a) The name of the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf the expenditures were made;

(b) The total amount of the expenditures made;

(c) A brief description of the expenditures made;

(d) The approximate date the expenditures were made;

(e) The specific items of legislation, if any, for which the expenditures were made and the identity of the client on whose behalf each expenditure was made.

(C) In addition to the information required by divisions

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(B)(2) and (3) of this section, a statement filed by an employer shall show the total amount of expenditures made by the employer filing the statement during the period covered by the statement. As used in this section, "expenditures" does not include the expenses of maintaining office facilities or the compensation paid to legislative agents engaged by an employer.

No employer is required to show any expenditure on a statement filed under this division if the expenditure is reported on a statement filed under division (B) of this section by a legislative agent engaged by the employer.

(D) Any statement required to be filed under this section shall be filed at the times specified in section 101.72 of the Revised Code. Each statement shall cover expenditures made during the four-calendar-month period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed.

No portion of the amount of an expenditure for a dinner, party, or other function sponsored by an employer or legislative agent need be attributed to, or counted toward the amount for, a reporting period specified in division (B)(2) or (3) of this section if the sponsor has invited to the function all the members of either of the following:

(1) The general assembly;

(2) Either house of the general assembly.

However, the amount spent for such function and its date and purpose shall be reported separately on the statement required to be filed under this section and the amount spent for the function shall be added with other expenditures for the purpose of determining the total amount of expenditures reported in the statement under division (B)(1) or (C) of this section.

If it is impractical or impossible for a legislative agent or

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employer to determine exact dollar amounts or values of 1460  
expenditures, reporting of good faith estimates, based upon 1461  
reasonable accounting procedures, constitutes compliance with this 1462  
section. 1463

(E) All legislative agents and employers shall retain 1464  
receipts or maintain records for all expenditures that are 1465  
required to be reported pursuant to this section. These receipts 1466  
or records shall be maintained for a period ending on the 1467  
thirty-first day of December of the second calendar year after the 1468  
year in which the expenditure was made. 1469

(F)(1) An employer or legislative agent who is required to 1470  
file an expenditure statement under division (B) or (C) of this 1471  
section shall deliver a copy of the statement, or of the portion 1472  
showing the expenditure, to the public officer or employee who is 1473  
listed in the statement as having received the expenditure or on 1474  
whose behalf it was made, at least ten days before the date on 1475  
which the statement is filed. 1476

(2) If, during a reporting period covered by an expenditure 1477  
statement filed under division (B)(2) of this section, an employer 1478  
or any legislative agent ~~he~~ the employer engaged made, either 1479  
separately or in combination with each other, either directly or 1480  
indirectly, expenditures for transportation, lodging, or food and 1481  
beverages purchased for consumption on the premises in which the 1482  
food and beverages were sold to, at the request of, for the 1483  
benefit of, or on behalf of any of the public officers or 1484  
employees described in division (B)(2) of this section, the 1485  
employer or legislative agent shall deliver to the public officer 1486  
or employee a statement that contains all of the nondisputed 1487  
information prescribed in division (B)(2)(a) through (e) of this 1488  
section with respect to the expenditures described in division 1489  
(F)(2) of this section. The statement of expenditures made under 1490  
division (F)(2) of this section shall be delivered to the public 1491



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officer or employee to whom, at whose request, for whose benefit, 1492  
 or on whose behalf those expenditures were made on the same day in 1493  
 which a copy of the expenditure statement or of a portion showing 1494  
 the expenditure is delivered to the public officer or employee 1495  
 under division (F)(1) of this section. An employer is not required 1496  
 to show any expenditure on a statement delivered under division 1497  
 (F)(2) of this section if the expenditure is shown on a statement 1498  
 delivered under division (F)(2) of this section by a legislative 1499  
 agent engaged by the employer. 1500

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 1501  
 of this section, every person who is elected to or is a candidate 1502  
 for a state, county, or city office, or the office of member of 1503  
 the United States congress, and every person who is appointed to 1504  
 fill a vacancy for an unexpired term in such an elective office; 1505  
 all members of the state board of education; the director, 1506  
 assistant directors, deputy directors, division chiefs, or persons 1507  
 of equivalent rank of any administrative department of the state; 1508  
 the president or other chief administrative officer of every state 1509  
 institution of higher education as defined in section 3345.011 of 1510  
 the Revised Code; the chief executive officer of each state 1511  
 retirement system; all members of the board of commissioners on 1512  
 grievances and discipline of the supreme court and the ethics 1513  
 commission created under section 102.05 of the Revised Code; every 1514  
 business manager, treasurer, or superintendent of a city, local, 1515  
 exempted village, joint vocational, or cooperative education 1516  
 school district or an educational service center; every person who 1517  
 is elected to or is a candidate for the office of member of a 1518  
 board of education of a city, local, exempted village, joint 1519  
 vocational, or cooperative education school district or of a 1520  
 governing board of an educational service center that has a total 1521  
 student count of twelve thousand or more as most recently 1522  
 determined by the department of education pursuant to section 1523

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3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the tobacco use prevention and control foundation; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; members and the executive director of the biomedical research and technology transfer commission; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section shall file with the appropriate ethics commission on a form prescribed by the commission, a statement disclosing all of the following:

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

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was

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received. If the person filing the statement is a member of the  
general assembly, the statement shall identify the amount of every  
source of income received in accordance with the following ranges  
of amounts: zero or more, but less than one thousand dollars; one  
thousand dollars or more, but less than ten thousand dollars; ten  
thousand dollars or more, but less than twenty-five thousand  
dollars; twenty-five thousand dollars or more, but less than fifty  
thousand dollars; fifty thousand dollars or more, but less than  
one hundred thousand dollars; and one hundred thousand dollars or  
more. Division (A)(2)(a) of this section shall not be construed to  
require a person filing the statement who derives income from a  
business or profession to disclose the individual items of income  
that constitute the gross income of that business or profession,  
except for those individual items of income that are attributable  
to the person's or, if the income is shared with the person, the  
partner's, solicitation of services or goods or performance,  
arrangement, or facilitation of services or provision of goods on  
behalf of the business or profession of clients, including  
corporate clients, who are legislative agents as defined in  
section 101.70 of the Revised Code. A person who files the  
statement under this section shall disclose the identity of and  
the amount of income received from a person who the public  
official or employee knows or has reason to know is doing or  
seeking to do business of any kind with the public official's or  
employee's agency.

(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

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of the services for which the income was received. Division 1588  
(A)(2)(b) of this section requires the disclosure of clients of 1589  
attorneys or persons licensed under section 4732.12 of the Revised 1590  
Code, or patients of persons certified under section 4731.14 of 1591  
the Revised Code, if those clients or patients are legislative 1592  
agents. Division (A)(2)(b) of this section requires a person 1593  
filing the statement who derives income from a business or 1594  
profession to disclose those individual items of income that 1595  
constitute the gross income of that business or profession that 1596  
are received from legislative agents. 1597

(c) Except as otherwise provided in division (A)(2)(c) of 1598  
this section, division (A)(2)(a) of this section applies to 1599  
attorneys, physicians, and other persons who engage in the 1600  
practice of a profession and who, pursuant to a section of the 1601  
Revised Code, the common law of this state, a code of ethics 1602  
applicable to the profession, or otherwise, generally are required 1603  
not to reveal, disclose, or use confidences of clients, patients, 1604  
or other recipients of professional services except under 1605  
specified circumstances or generally are required to maintain 1606  
those types of confidences as privileged communications except 1607  
under specified circumstances. Division (A)(2)(a) of this section 1608  
does not require an attorney, physician, or other professional 1609  
subject to a confidentiality requirement as described in division 1610  
(A)(2)(c) of this section to disclose the name, other identity, or 1611  
address of a client, patient, or other recipient of professional 1612  
services if the disclosure would threaten the client, patient, or 1613  
other recipient of professional services, would reveal details of 1614  
the subject matter for which legal, medical, or professional 1615  
advice or other services were sought, or would reveal an otherwise 1616  
privileged communication involving the client, patient, or other 1617  
recipient of professional services. Division (A)(2)(a) of this 1618  
section does not require an attorney, physician, or other 1619

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professional subject to a confidentiality requirement as described 1620  
in division (A)(2)(c) of this section to disclose in the brief 1621  
description of the nature of services required by division 1622  
(A)(2)(a) of this section any information pertaining to specific 1623  
professional services rendered for a client, patient, or other 1624  
recipient of professional services that would reveal details of 1625  
the subject matter for which legal, medical, or professional 1626  
advice was sought or would reveal an otherwise privileged 1627  
communication involving the client, patient, or other recipient of 1628  
professional services. 1629

(3) The name of every corporation on file with the secretary 1630  
of state that is incorporated in this state or holds a certificate 1631  
of compliance authorizing it to do business in this state, trust, 1632  
business trust, partnership, or association that transacts 1633  
business in this state in which the person filing the statement or 1634  
any other person for the person's use and benefit had during the 1635  
preceding calendar year an investment of over one thousand dollars 1636  
at fair market value as of the thirty-first day of December of the 1637  
preceding calendar year, or the date of disposition, whichever is 1638  
earlier, or in which the person holds any office or has a 1639  
fiduciary relationship, and a description of the nature of the 1640  
investment, office, or relationship. Division (A)(3) of this 1641  
section does not require disclosure of the name of any bank, 1642  
savings and loan association, credit union, or building and loan 1643  
association with which the person filing the statement has a 1644  
deposit or a withdrawable share account. 1645

(4) All fee simple and leasehold interests to which the 1646  
person filing the statement holds legal title to or a beneficial 1647  
interest in real property located within the state, excluding the 1648  
person's residence and property used primarily for personal 1649  
recreation; 1650

(5) The names of all persons residing or transacting business 1651

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in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure 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.

(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

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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;

(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;

(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~~  
any state agency or any state institution of higher education as  
defined in section 3345.031 of the Revised Code, ~~any other state~~  
~~agency pays membership dues~~, or any political subdivision or any

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office or agency of a political subdivision pays membership dues, 1716  
that are incurred in connection with the person's official duties 1717  
and that exceed one hundred dollars aggregated per calendar year; 1718

(10) If the financial disclosure statement is filed by a 1719  
public official or employee described in division (B)(2) of 1720  
section 101.73 of the Revised Code or division (B)(2) of section 1721  
121.63 of the Revised Code who receives a statement from a 1722  
legislative agent, executive agency lobbyist, or employer that 1723  
contains the information described in division (F)(2) of section 1724  
101.73 of the Revised Code or division (G)(2) of section 121.63 of 1725  
the Revised Code, all of the nondisputed information contained in 1726  
the statement delivered to that public official or employee by the 1727  
legislative agent, executive agency lobbyist, or employer under 1728  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1729  
the Revised Code. As used in division (A)(10) of this section, 1730  
"legislative agent," "executive agency lobbyist," and "employer" 1731  
have the same meanings as in sections 101.70 and 121.60 of the 1732  
Revised Code. 1733

A person may file a statement required by this section in 1734  
person or by mail. A person who is a candidate for elective office 1735  
shall file the statement no later than the thirtieth day before 1736  
the primary, special, or general election at which the candidacy 1737  
is to be voted on, whichever election occurs soonest, except that 1738  
a person who is a write-in candidate shall file the statement no 1739  
later than the twentieth day before the earliest election at which 1740  
the person's candidacy is to be voted on. A person who holds 1741  
elective office shall file the statement on or before the 1742  
fifteenth day of April of each year unless the person is a 1743  
candidate for office. A person who is appointed to fill a vacancy 1744  
for an unexpired term in an elective office shall file the 1745  
statement within fifteen days after the person qualifies for 1746  
office. Other persons shall file an annual statement on or before 1747



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the fifteenth day of April or, if appointed or employed after that 1748  
 date, within ninety days after appointment or employment. No 1749  
 person shall be required to file with the appropriate ethics 1750  
 commission more than one statement or pay more than one filing fee 1751  
 for any one calendar year. 1752

The appropriate ethics commission, for good cause, may extend 1753  
 for a reasonable time the deadline for filing a disclosure 1754  
 statement under this section. 1755

A statement filed under this section is subject to public 1756  
 inspection at locations designated by the appropriate ethics 1757  
 commission except as otherwise provided in this section. 1758

(B) The Ohio ethics commission, the joint legislative ethics 1759  
 committee, and the board of commissioners on grievances and 1760  
 discipline of the supreme court, using the rule-making procedures 1761  
 of Chapter 119. of the Revised Code, may require any class of 1762  
 public officials or employees under its jurisdiction and not 1763  
 specifically excluded by this section whose positions involve a 1764  
 substantial and material exercise of administrative discretion in 1765  
 the formulation of public policy, expenditure of public funds, 1766  
 enforcement of laws and rules of the state or a county or city, or 1767  
 the execution of other public trusts, to file an annual statement 1768  
 on or before the fifteenth day of April under division (A) of this 1769  
 section. The appropriate ethics commission shall send the public 1770  
 officials or employees written notice of the requirement by the 1771  
 fifteenth day of February of each year the filing is required 1772  
 unless the public official or employee is appointed after that 1773  
 date, in which case the notice shall be sent within thirty days 1774  
 after appointment, and the filing shall be made not later than 1775  
 ninety days after appointment. 1776

Except for disclosure statements filed by members of the 1777  
 board of trustees and the executive director of the tobacco use 1778  
 prevention and control foundation, members of the board of 1779

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trustees and the executive director of the southern Ohio  
agricultural and community development foundation, and members and  
the executive director of the biomedical research and technology  
transfer commission, disclosure statements filed under this  
division with the Ohio ethics commission by members of boards,  
commissions, or bureaus of the state for which no compensation is  
received other than reasonable and necessary expenses shall be  
kept confidential. Disclosure statements filed with the Ohio  
ethics commission under division (A) of this section by business  
managers, treasurers, and superintendents of city, local, exempted  
village, joint vocational, or cooperative education school  
districts or educational service centers shall be kept  
confidential, except that any person conducting an audit of any  
such school district or educational service center pursuant to  
section 115.56 or Chapter 117. of the Revised Code may examine the  
disclosure statement of any business manager, treasurer, or  
superintendent of that school district or educational service  
center. The Ohio ethics commission shall examine each disclosure  
statement required to be kept confidential to determine whether a  
potential conflict of interest exists for the person who filed the  
disclosure statement. A potential conflict of interest exists if  
the private interests of the person, as indicated by the person's  
disclosure statement, might interfere with the public interests  
the person is required to serve in the exercise of the person's  
authority and duties in the person's office or position of  
employment. If the commission determines that a potential conflict  
of interest exists, it shall notify the person who filed the  
disclosure statement and shall make the portions of the disclosure  
statement that indicate a potential conflict of interest subject  
to public inspection in the same manner as is provided for other  
disclosure statements. Any portion of the disclosure statement  
that the commission determines does not indicate a potential  
conflict of interest shall be kept confidential by the commission

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and shall not be made subject to public inspection, except as is 1813  
 necessary for the enforcement of Chapters 102. and 2921. of the 1814  
 Revised Code and except as otherwise provided in this division. 1815  
 1816

(C) No person shall knowingly fail to file, on or before the 1817  
 applicable filing deadline established under this section, a 1818  
 statement that is required by this section. 1819

(D) No person shall knowingly file a false statement that is 1820  
 required to be filed under this section. 1821

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1822  
 section, ~~on and after March 2, 1994,~~ the statement required by 1823  
 division (A) or (B) of this section shall be accompanied by a 1824  
 filing fee of twenty-five dollars. 1825

(2) The statement required by division (A) of this section 1826  
 shall be accompanied by a filing fee to be paid by the person who 1827  
 is elected or appointed to, or is a candidate for, any of the 1828  
 following offices: 1829

For state office, except member of		1830
state board of education	\$50	1831
For office of member of United States		1832
congress or member of general assembly	\$25	1833
For county office	\$25	1834
	<u>45</u>	1835
For city office	\$10	1836
	<u>20</u>	1837
For office of member of state board		1838
of education	\$10	1839
	<u>20</u>	1840
For office of member of city, local,		1841
exempted village, or cooperative		1842
education board of		1843
education or educational service		1844

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center governing board	\$ 5	1845
For position of business manager,		1846
treasurer, or superintendent of		1847
city, local, exempted village, joint		1848
vocational, or cooperative education		1849
school district or		1850
educational service center	\$ 5	1851
<u>For office of member of the board of</u>		1852
<u>trustees of a state college or university</u>	\$50	1853

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

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

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions

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(E) and (F) of this section and all moneys it receives from 1877  
 settlements under division (G) of section 102.06 of the Revised 1878  
 Code, into the Ohio ethics commission fund, which is hereby 1879  
 created in the state treasury. All moneys credited to the fund 1880  
 shall be used solely for expenses related to the operation and 1881  
 statutory functions of the commission. 1882

(H) Division (A) of this section does not apply to a person 1883  
 elected or appointed to the office of precinct, ward, or district 1884  
 committee member under Chapter 3517. of the Revised Code; a 1885  
 presidential elector; a delegate to a national convention; village 1886  
 or township officials and employees; any physician or psychiatrist 1887  
 who is paid a salary or wage in accordance with schedule C of 1888  
 section 124.15 or schedule E-2 of section 124.152 of the Revised 1889  
 Code and whose primary duties do not require the exercise of 1890  
 administrative discretion; or any member of a board, commission, 1891  
 or bureau of any county or city who receives less than one 1892  
 thousand dollars per year for serving in that position. 1893

**Sec. 102.03.** (A)(1) No present or former public official or 1894  
 employee shall, during public employment or service or for twelve 1895  
 months thereafter, represent a client or act in a representative 1896  
 capacity for any person on any matter in which the public official 1897  
 or employee personally participated as a public official or 1898  
 employee through decision, approval, disapproval, recommendation, 1899  
 the rendering of advice, investigation, or other substantial 1900  
 exercise of administrative discretion. 1901

(2) For twenty-four months after the conclusion of service, 1902  
 no former commissioner or attorney examiner of the public 1903  
 utilities commission shall represent a public utility, as defined 1904  
 in section 4905.02 of the Revised Code, or act in a representative 1905  
 capacity on behalf of such a utility before any state board, 1906  
 commission, or agency. 1907

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(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance

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before, or any written or oral communication with, any public agency on behalf of any person. 1940  
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(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served. 1942  
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(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents. 1948  
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(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business. 1953  
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(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall 1964  
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participate within the scope of duties as a public official or 1972  
employee, except through ministerial functions as defined in 1973  
division (A) of this section, in any license or rate-making 1974  
proceeding that directly affects the license or rates of any 1975  
person to whom the public official or employee or immediate 1976  
family, or a partnership, trust, business trust, corporation, or 1977  
association of which the public official or employee or the public 1978  
official's or employee's immediate family owns or controls more 1979  
than five per cent, has sold goods or services totaling more than 1980  
one thousand dollars during the preceding year, unless the public 1981  
official or employee has filed a written statement acknowledging 1982  
that sale with the clerk or secretary of the public agency and the 1983  
statement is entered in any public record of the agency's 1984  
proceedings. This division shall not be construed to require the 1985  
disclosure of clients of attorneys or persons licensed under 1986  
section 4732.12 or 4732.15 of the Revised Code, or patients of 1987  
persons certified under section 4731.14 of the Revised Code. 1988

(D) No public official or employee shall use or authorize the 1989  
use of the authority or influence of office or employment to 1990  
secure anything of value or the promise or offer of anything of 1991  
value that is of such a character as to manifest a substantial and 1992  
improper influence upon the public official or employee with 1993  
respect to that person's duties. 1994

(E) No public official or employee shall solicit or accept 1995  
anything of value that is of such a character as to manifest a 1996  
substantial and improper influence upon the public official or 1997  
employee with respect to that person's duties. 1998

(F) No person shall promise or give to a public official or 1999  
employee anything of value that is of such a character as to 2000  
manifest a substantial and improper influence upon the public 2001  
official or employee with respect to that person's duties. 2002

(G) In the absence of bribery or another offense under the 2003



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Revised Code or a purpose to defraud, contributions made to a  
 campaign committee, political party, legislative campaign fund,  
 political action committee, or political contributing entity on  
 behalf of an elected public officer or other public official or  
 employee who seeks elective office shall be considered to accrue  
 ordinarily to the public official or employee for the purposes of  
 divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign  
 committee," "political party," "legislative campaign fund,"  
 "political action committee," and "political contributing entity"  
 have the same meanings as in section 3517.01 of the Revised Code.

(H) No public official or employee, except for the president  
 or other chief administrative officer of or a member of a board of  
 trustees of a state institution of higher education as defined in  
 section 3345.011 of the Revised Code, who is required to file a  
 financial disclosure statement under section 102.02 of the Revised  
 Code shall solicit or accept, and no person shall give to that  
 public official or employee, an honorarium. This division and  
 divisions (D), (E), and (F) of this section do not prohibit a  
 public official or employee who is required to file a financial  
 disclosure statement under section 102.02 of the Revised Code from  
 accepting and do not prohibit a person from giving to that public  
 official or employee the payment of actual travel expenses,  
 including any expenses incurred in connection with the travel for  
 lodging, and meals, food, and beverages provided to the public  
 official or employee at a meeting at which the public official or  
 employee participates in a panel, seminar, or speaking engagement  
 or provided to the public official or employee at a meeting or  
 convention of a national organization to which ~~either house of the  
 general assembly, any legislative agency, or any other state  
 agency or any state institution of higher education as defined in  
 section 3345.031 of the Revised Code~~ pays membership dues. This

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division and divisions (D), (E), and (F) of this section do not 2036  
prohibit a public official or employee who is not required to file 2037  
a financial disclosure statement under section 102.02 of the 2038  
Revised Code from accepting and do not prohibit a person from 2039  
promising or giving to that public official or employee an 2040  
honorarium or the payment of travel, meal, and lodging expenses if 2041  
the honorarium, expenses, or both were paid in recognition of 2042  
demonstrable business, professional, or esthetic interests of the 2043  
public official or employee that exist apart from public office or 2044  
employment, including, but not limited to, such a demonstrable 2045  
interest in public speaking and were not paid by any person or 2046  
other entity, or by any representative or association of those 2047  
persons or entities, that is regulated by, doing business with, or 2048  
seeking to do business with the department, division, institution, 2049  
board, commission, authority, bureau, or other instrumentality of 2050  
the governmental entity with which the public official or employee 2051  
serves. 2052

(I) A public official or employee may accept travel, meals, 2053  
and lodging or expenses or reimbursement of expenses for travel, 2054  
meals, and lodging in connection with conferences, seminars, and 2055  
similar events related to official duties if the travel, meals, 2056  
and lodging, expenses, or reimbursement is not of such a character 2057  
as to manifest a substantial and improper influence upon the 2058  
public official or employee with respect to that person's duties. 2059  
The house of representatives and senate, in their code of ethics, 2060  
and the Ohio ethics commission, under section 111.15 of the 2061  
Revised Code, may adopt rules setting standards and conditions for 2062  
the furnishing and acceptance of such travel, meals, and lodging, 2063  
expenses, or reimbursement. 2064

A person who acts in compliance with this division and any 2065  
applicable rules adopted under it, or any applicable, similar 2066  
rules adopted by the supreme court governing judicial officers and 2067

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employees, does not violate division (D), (E), or (F) of this 2068  
section. This division does not preclude any person from seeking 2069  
an advisory opinion from the appropriate ethics commission under 2070  
section 102.08 of the Revised Code. 2071

(J) For purposes of divisions (D), (E), and (F) of this 2072  
section, the membership of a public official or employee in an 2073  
organization shall not be considered, in and of itself, to be of 2074  
such a character as to manifest a substantial and improper 2075  
influence on the public official or employee with respect to that 2076  
person's duties. As used in this division, "organization" means a 2077  
church or a religious, benevolent, fraternal, or professional 2078  
organization that is tax exempt under subsection 501(a) and 2079  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 2080  
"Internal Revenue Code of 1986." This division does not apply to a 2081  
public official or employee who is an employee of an organization, 2082  
serves as a trustee, director, or officer of an organization, or 2083  
otherwise holds a fiduciary relationship with an organization. 2084  
This division does not allow a public official or employee who is 2085  
a member of an organization to participate, formally or 2086  
informally, in deliberations, discussions, or voting on a matter 2087  
or to use his official position with regard to the interests of 2088  
the organization on the matter if the public official or employee 2089  
has assumed a particular responsibility in the organization with 2090  
respect to the matter or if the matter would affect that person's 2091  
personal, pecuniary interests. 2092

(K) It is not a violation of this section for a prosecuting 2093  
attorney to appoint assistants and employees in accordance with 2094  
division (B) of section 309.06 and section 2921.421 of the Revised 2095  
Code, for a chief legal officer of a municipal corporation or an 2096  
official designated as prosecutor in a municipal corporation to 2097  
appoint assistants and employees in accordance with sections 2098  
733.621 and 2921.421 of the Revised Code, for a township law 2099

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director appointed under section 504.15 of the Revised Code to 2100  
 appoint assistants and employees in accordance with sections 2101  
 504.151 and 2921.421 of the Revised Code, or for a coroner to 2102  
 appoint assistants and employees in accordance with division (B) 2103  
 of section 313.05 of the Revised Code. 2104

As used in this division, "chief legal officer" has the same 2105  
 meaning as in section 733.621 of the Revised Code. 2106

**Sec. 102.031.** (A) As used in this section: 2107

(1) "Actively advocating," "employer," "financial 2108  
 transaction," "legislation," and "legislative agent" have the same 2109  
 meanings as in section 101.70 of the Revised Code. 2110

(2) "Business associate" means a person with whom a member of 2111  
 the general assembly is conducting or undertaking a financial 2112  
 transaction. 2113

(3) "Contribution" has the same meaning as in section 3517.01 2114  
 of the Revised Code. 2115

(4) "Employee" does not include a member of the general 2116  
 assembly whose nonlegislative position of employment does not 2117  
 involve the performance of or the authority to perform 2118  
 administrative or supervisory functions; or whose nonlegislative 2119  
 position of employment, if ~~he~~ the member is a public employee, 2120  
 does not involve a substantial and material exercise of 2121  
 administrative discretion in the formulation of public policy, 2122  
 expenditure of public funds, enforcement of laws and rules of the 2123  
 state or a county or city, or execution of other public trusts. 2124

(B) No member of the general assembly shall vote on any 2125  
 legislation that ~~he~~ the member knows is then being actively 2126  
 advocated if ~~he~~ the member is one of the following with respect to 2127  
 a legislative agent or employer that is then actively advocating 2128  
 on that legislation: 2129

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(1) An employee;	2130
(2) A business associate;	2131
(3) A person, other than an employee, who is hired under contract to perform certain services and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.	2132 2133 2134 2135
(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent:	2136 2137
(1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;	2138 2139 2140
(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which <del>either house of the general assembly, any legislative agency, or any other state agency or any state institution of higher education as defined in section 3345.031 of the Revised Code</del> pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;	2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151
(3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by the member of the general assembly and that is incurred in connection with the member's official duties.	2152 2153 2154 2155 2156 2157 2158 2159 2160

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(D) It is not a violation of division (C)(2) of this section 2161  
if, within sixty days after receiving notice from a legislative 2162  
agent that the legislative agent has provided a member of the 2163  
general assembly with more than seventy-five dollars aggregated in 2164  
a calendar year as payment for meals and other food and beverages, 2165  
the member of the general assembly returns to that legislative 2166  
agent the amount received that exceeds seventy-five dollars. 2167

(E) The joint legislative ethics committee may impose a fine 2168  
of not more than one thousand dollars upon a member of the general 2169  
assembly who violates division (B) of this section. 2170

**Sec. 102.06.** (A) The appropriate ethics commission shall 2171  
receive and may initiate complaints against persons subject to 2172  
Chapter 102. of the Revised Code concerning conduct alleged to be 2173  
in violation of this chapter or section 2921.42 or 2921.43 of the 2174  
Revised Code. All complaints except those by the commission shall 2175  
be by affidavit made on personal knowledge, subject to the 2176  
penalties of perjury. Complaints by the commission shall be by 2177  
affidavit, based upon reasonable cause to believe that a violation 2178  
has occurred. 2179

(B) The commission shall investigate complaints, may 2180  
investigate charges presented to it, and may request further 2181  
information, including the specific amount of income from a 2182  
source, from any person filing with the commission a statement 2183  
required by section 102.02 of the Revised Code, if the information 2184  
sought is directly relevant to a complaint or charges received by 2185  
the commission pursuant to this section. This information is 2186  
confidential, except that the commission, at its discretion, may 2187  
share information gathered in the course of any investigation 2188  
with, or disclose the information to, any appropriate prosecuting 2189  
authority, any law enforcement agency, or any other appropriate 2190  
ethics commission. The person so requested shall furnish the 2191

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information to the commission, unless within fifteen days from the 2192  
date of the request the person files an action for declaratory 2193  
judgment challenging the legitimacy of the request in the court of 2194  
common pleas of the county of ~~his~~ the person's residence, ~~his~~ the 2195  
person's place of employment, or Franklin county. The requested 2196  
information need not be furnished to the commission during the 2197  
pendency of the judicial proceedings. Proceedings of the 2198  
commission in connection with the declaratory judgment action 2199  
shall be kept confidential except as otherwise provided by this 2200  
section. Before the commission proceeds to take any formal action 2201  
against a person who is the subject of an investigation based on 2202  
charges presented to the commission, a complaint shall be filed 2203  
against the person. If the commission finds that a complaint is 2204  
not frivolous, and there is reasonable cause to believe that the 2205  
facts alleged in a complaint constitute a violation of section 2206  
102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised 2207  
Code, it shall hold a hearing. If the commission does not so find, 2208  
it shall dismiss the complaint and notify the accused person in 2209  
writing of the dismissal of the complaint. The commission shall 2210  
not make a report of its finding unless the accused person 2211  
requests a report. Upon the request of the accused person, the 2212  
commission shall make a public report of its finding. The person 2213  
against whom the complaint is directed shall be given reasonable 2214  
notice by certified mail of the date, time, and place of the 2215  
hearing and a statement of the charges and the law directly 2216  
involved and shall be given the opportunity to be represented by 2217  
counsel, to have counsel appointed for ~~him~~ the person if ~~he~~ the 2218  
person is unable to afford counsel without undue hardship, to 2219  
examine the evidence against ~~him~~ the person, to produce evidence 2220  
and to call and subpoena witnesses in ~~his~~ the person's defense, to 2221  
confront ~~his~~ the person's accusers, and to cross-examine 2222  
witnesses. The commission shall have a stenographic record made of 2223  
the hearing. The hearing shall be closed to the public. 2224

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(C)(1)(a) If upon the basis of the hearing, the commission 2225  
finds by a preponderance of the evidence that the facts alleged in 2226  
the complaint are true and constitute a violation of section 2227  
102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised 2228  
Code, it shall report its findings to the appropriate prosecuting 2229  
authority for proceedings in prosecution of the violation and to 2230  
the appointing or employing authority of the accused. 2231

(b) If the Ohio ethics commission reports its findings to the 2232  
appropriate prosecuting authority under division (C)(1)(a) of this 2233  
section and the prosecuting authority has not initiated any 2234  
official action on those findings within ninety days after 2235  
receiving the commission's report of them, then the commission may 2236  
publicly comment that no official action has been taken on its 2237  
findings, except that the commission shall make no comment in 2238  
violation of the Rules of Criminal Procedure or about any 2239  
indictment that has been sealed pursuant to any law or those 2240  
rules. The commission shall make no comment regarding the merits 2241  
of its findings. As used in division (C)(1)(b) of this section, 2242  
"official action" means prosecution, closure after investigation, 2243  
or grand jury action resulting in a true bill of indictment or no 2244  
true bill of indictment. 2245

(2) If the appropriate ethics commission does not find by a 2246  
preponderance of the evidence that the facts alleged in the 2247  
complaint are true and constitute a violation of section 102.02, 2248  
102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or 2249  
if the commission has not scheduled a hearing within ninety days 2250  
after the complaint is filed or has not finally disposed of the 2251  
complaint within six months after it has been heard, it shall 2252  
dismiss the complaint and notify the accused person in writing of 2253  
the dismissal of the complaint. The commission shall not make a 2254  
report of its finding unless the accused person requests a report. 2255  
Upon the request of the accused person, the commission shall make 2256



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a public report of the finding, but in this case all evidence and  
the record of the hearing shall remain confidential unless the  
accused person also requests that the evidence and record be made  
public. Upon request by the accused person, the commission shall  
make the evidence and the record available for public inspection.

(D) The commission, or a member of the commission, may  
administer oaths, and the commission may issue subpoenas to any  
person in the state compelling the attendance of witnesses and the  
production of relevant papers, books, accounts, and records. The  
commission shall issue subpoenas to compel the attendance of  
witnesses and the production of documents upon the request of an  
accused person. Section 101.42 of the Revised Code shall govern  
the issuance of these subpoenas insofar as applicable. Upon the  
refusal of any person to obey a subpoena or to be sworn or to  
answer as a witness, the commission may apply to the court of  
common pleas of Franklin county under section 2705.03 of the  
Revised Code. The court shall hold proceedings in accordance with  
Chapter 2705. of the Revised Code. The commission or the accused  
person may take the depositions of witnesses residing within or  
without the state in the same manner as prescribed by law for the  
taking of depositions in civil actions in the court of common  
pleas.

(E) At least once each year, the Ohio ethics commission shall  
report on its activities of the immediately preceding year to the  
majority and minority leaders of the senate and house of  
representatives of the general assembly. The report shall indicate  
the total number of complaints received, initiated, and  
investigated by the commission, the total number of complaints for  
which formal hearings were held, and the total number of  
complaints for which formal prosecution was recommended or  
requested by the commission. The report also shall indicate the  
nature of the inappropriate conduct alleged in each complaint and

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the governmental entity with which any employee or official that 2289  
 is the subject of a complaint was employed at the time of the 2290  
 alleged inappropriate conduct. 2291

(F) All papers, records, affidavits, and documents upon any 2292  
 complaint, inquiry, or investigation relating to the proceedings 2293  
 of the appropriate commission shall be sealed and are private and 2294  
 confidential, except as otherwise provided in this section and 2295  
 section 102.07 of the Revised Code. 2296

(G)(1) When a complaint or charge is before it, the Ohio 2297  
 ethics commission or the appropriate prosecuting authority, in 2298  
 consultation with the person filing the complaint or charge, the 2299  
 accused, and any other person the commission or prosecuting 2300  
 authority considers necessary, may compromise or settle the 2301  
 complaint or charge with the agreement of the accused. The 2302  
 compromise or settlement may include mediation, restitution, 2303  
 rescission of affected contracts, forfeiture of any benefits 2304  
 resulting from a violation or potential violation of law, 2305  
 resignation of a public official or employee, or any other relief 2306  
 that is agreed upon between the commission or prosecuting 2307  
 authority and the accused. 2308

(2) Any settlement agreement entered into under division 2309  
 (G)(1) of this section shall be in writing and be accompanied by a 2310  
 statement of the findings of the commission or prosecuting 2311  
 authority and the reasons for entering into the agreement. The 2312  
 commission or prosecuting authority shall retain the agreement and 2313  
 statement in ~~its~~ the commission's or ~~his~~ prosecuting attorney's 2314  
 office and, in ~~its~~ the commission's or ~~his~~ prosecuting authority's 2315  
 discretion, may make the agreement, the statement, and any 2316  
 supporting information public, unless the agreement provides 2317  
 otherwise. 2318

(3) If a settlement agreement is breached by the accused, the 2319  
 commission or prosecuting authority, in ~~its~~ the commission's or 2320

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his prosecuting authority's discretion, may rescind the agreement 2321  
 and reinstitute any investigation, hearing, or prosecution of the 2322  
 accused. No information obtained from the accused in reaching the 2323  
 settlement that is not otherwise discoverable from the accused 2324  
 shall be used in any proceeding before the commission or by the 2325  
 appropriate prosecuting authority in prosecuting the violation. 2326  
 Notwithstanding any other section of the Revised Code, if a 2327  
 settlement agreement is breached, any statute of limitations for a 2328  
 violation of this chapter or section 2921.42 or 2921.43 of the 2329  
 Revised Code is tolled from the date the complaint or charge is 2330  
 filed until the date the settlement agreement is breached. 2331

**Sec. 103.143.** In addition to its duties under section 103.14 2333  
 of the Revised Code, ~~the legislative budget office~~ of the 2334  
 legislative service commission shall, in accordance with this 2335  
 section, review all bills assigned to a committee of the general 2336  
 assembly, complete the appropriate local impact statements 2337  
 required by this section, and compile and distribute these 2338  
 statements as required by division (D) of this section. 2339

(A) Subject to division (F) of this section, whenever any 2340  
 bill is introduced into either house of the general assembly and 2341  
 receives second consideration pursuant to the rules of that house, 2342  
 the bill shall be reviewed immediately by the legislative budget 2343  
 officer. Upon completing this review, the legislative budget 2344  
 officer shall determine whether the bill could result in a net 2345  
 additional cost to school districts, counties, townships, or 2346  
 municipal corporations from any new or expanded program or service 2347  
 that school districts, counties, townships, or municipal 2348  
 corporations would be required to perform or administer under the 2349  
 bill. If the legislative budget officer determines that it could 2350  
 result in such a cost, the legislative ~~budget office~~ service 2351  
commission shall prepare a local impact statement in the manner 2352

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specified in this section. Immediately upon determining the 2353  
 potential for a net additional cost, the legislative budget 2354  
 officer shall notify the sponsor of the bill, the chairperson of 2355  
 the committee to which the bill has been assigned, and the 2356  
 presiding officer and minority leader of the house in which the 2357  
 bill originates of the legislative budget officer's determination 2358  
 by signing and dating a statement to be delivered to them. 2359

If a local impact statement is required, the legislative 2360  
~~budget office~~ service commission shall, as soon as possible but no 2361  
 later than thirty days after the date the bill is scheduled for a 2362  
 first hearing in a committee in the house in which the bill was 2363  
 introduced or no later than thirty days after being requested to 2364  
 do so by the chairperson of such a committee, prepare a statement 2365  
 containing the most accurate estimate possible, in dollars, of the 2366  
 net additional costs, if any, that will be required of school 2367  
 districts, counties, townships, or municipal corporations to 2368  
 perform or administer a new or expanded program or service 2369  
 required under the bill. Copies of this statement shall be sent to 2370  
 the governor, the speaker of the house of representatives, the 2371  
 president of the senate, the sponsor of the bill, the minority 2372  
 leader in both houses, and the chairperson of the committee to 2373  
 which the bill has been assigned. 2374

No bill for which a local impact statement is required by 2375  
 this section shall be voted out of committee until after the 2376  
 committee members have received and considered the statement or, 2377  
 if the bill was amended in committee, the revised statement, 2378  
 unless the bill is voted out of committee by a two-thirds vote of 2379  
 the membership of the committee. 2380

(B) In preparing a local impact statement, the legislative 2381  
~~budget office~~ service commission may request any department, 2382  
 division, institution, board, commission, authority, bureau, or 2383  
 other instrumentality or officer of the state, a school district, 2384

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a county, a municipal corporation, or a township to provide any of 2385  
the following information: 2386

(1) An estimate, in dollars, of the amount by which the bill 2387  
would increase or decrease the revenues received or expenditures 2388  
made by the instrumentality, officer, or entity; 2389

(2) Any other information the legislative ~~budget-office~~ 2390  
service commission considers necessary for it to understand or 2391  
explain the fiscal effect of the bill. 2392

An instrumentality, officer, or entity shall comply with a 2393  
request as soon as reasonably possible, but not later than fifteen 2394  
days, after receiving it. The legislative ~~budget-office~~ service 2395  
commission shall specify the manner of compliance in its request, 2396  
and if necessary may specify a period of time longer than fifteen 2397  
days for compliance. The legislative ~~budget-office~~ service 2398  
commission may consider any information provided under division 2399  
(B)(1) or (2) of this section in preparing a local impact 2400  
statement. 2401

(C) Any time a bill is amended, the legislative ~~budget-office~~ 2402  
service commission shall, as soon as reasonably possible, revise 2403  
the local impact statement to reflect changes made by amendment. 2404  
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(D) The legislative ~~budget-office~~ service commission shall 2406  
annually compile the final local impact statements completed for 2407  
all laws passed by both houses of the general assembly in the 2408  
preceding year. It shall send a copy of this compilation as a 2409  
draft report ~~to the state and local government commission~~ and to 2410  
associations or nonprofit organizations formed for the improvement 2411  
of school districts or municipal, township, or county government 2412  
or for their elected officials by the last day of July of each 2413  
year. Upon receiving the draft report, ~~the state and local~~ 2414  
~~government commission shall solicit comments from~~ these 2415  
associations and organizations may comment about the actual fiscal 2416

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impact of bills passed during the year covered by the report. 2417  
~~The~~ 2418  
~~commission shall review and comment on the draft report before~~ 2419  
~~returning it to the legislative budget office, along with the~~ 2420  
and 2421  
forward those ~~comments of the associations and organizations, to~~ 2422  
the legislative service commission by the last day of August. The 2423  
 legislative ~~budget office~~ service commission shall then prepare a 2424  
 final report consisting of the compiled local impact statements 2425  
 and all forwarded ~~comments returned by the state and local~~ 2426  
~~government commission~~. The final report shall be completed by the 2427  
 last day of September and copies of the report shall be sent to 2428  
 the governor, the speaker of the house of representatives, and the  
 president of the senate.

(E) As used in this section, "net additional cost" means any 2429  
 cost incurred or anticipated to be incurred by a school district, 2430  
 county, township, or municipal corporation in performing or 2431  
 administering a new or expanded program or service required by a 2432  
 state law other than any of the following: 2433

(1) A cost arising from the exercise of authority granted by 2434  
 a state law rather than from the performance of a duty or 2435  
 obligation imposed by a state law; 2436

(2) New duties or obligations that create only a minimal cost 2437  
 for affected school districts, counties, townships, or municipal 2438  
 corporations. The legislative ~~budget office~~ service commission 2439  
 shall determine what constitutes such a minimal cost. Before 2440  
 making this determination, the legislative ~~budget office~~ service 2441  
commission shall notify the state organizations that represent 2442  
 school districts, counties, townships, and municipal corporations 2443  
 regarding the proposed determination and provide a thirty-day 2444  
 period for these organizations and individual school districts, 2445  
 counties, townships, and municipal corporations to comment on it. 2446

(3) A cost arising from a law passed as a result of a federal 2447  
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mandate.	2449
The amounts described in division (E)(2) of this section	2450
include only the amounts remaining after subtracting from such	2451
costs any revenues received or receivable by the school district,	2452
county, township, or municipal corporation on account of the	2453
program or service, including the following:	2454
(a) Fees charged to the recipients of the program or service;	2455
	2456
(b) State or federal aid paid specifically or categorically	2457
in connection with the program or service;	2458
(c) Any offsetting savings resulting from the diminution or	2459
elimination of any other program or service directly attributable	2460
to the performance or administration of the required program or	2461
service.	2462
(F) This section does not apply to any of the following:	2463
(1) The main biennial operating appropriations bill;	2464
(2) The biennial operating appropriations bill for state	2465
agencies supported by motor fuel tax revenue;	2466
(3) The biennial operating appropriations bill or bills for	2467
the bureau of workers' compensation and the industrial commission;	2468
(4) Any other bill that makes the principal biennial	2469
operating appropriations for one or more state agencies;	2470
(5) The bill that primarily contains corrections and	2471
supplemental appropriations to the biennial operating	2472
appropriations bills;	2473
(6) The main biennial capital appropriations bill;	2474
(7) The bill that primarily contains reappropriations from	2475
previous capital appropriations bills.	2476

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Sec. 103.33. This section shall be known as "The Community Organizations Access Procedure Act." 2477  
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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: 2479  
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(A) That the agency cannot or has decided that it will not participate fully in the program, along with the reason; 2484  
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(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. 2486  
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If there is a means whereby counties or not-for-profit organizations can so participate in the program, the agency shall post on a generally accessible internet website detailed information about the program and the means by which the counties or not-for-profit organizations can participate in the program. The information shall be posted within ample time for the counties or not-for-profit organizations to participate fully in the program. Any county interested in participating in the program shall apply to the agency on its own behalf. Any county that is willing to be the fiscal agent for a not-for-profit organization interested in participating and qualified to participate in the program, or that arranges with a responsible organization to be the fiscal agent for the program in the county, shall advertise or otherwise inform such organizations about the program and shall apply to the agency in conjunction with or on behalf of the not-for-profit organization. The agency shall accept applications from the counties on a first-come, first-served basis, shall apply to the federal government for the funds, and shall pay the federal 2490  
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funds to the counties when available. 2508

As used in this section, "not-for-profit organizations" means organizations, including faith-based organizations, exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended. 2509  
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**Sec. 105.41.** (A) There is hereby created the capitol square review and advisory board, consisting of nine members as follows: 2514  
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(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party; 2516  
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(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party; 2519  
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(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall represent the office of the state architect and engineer, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, one of whom shall represent the Ohio building authority, and one of whom shall represent the public at large. 2522  
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(B) Terms of office of each appointed member of the board shall be for three years, except that members of the general assembly appointed to the board shall be members of the board only so long as they are members of the general assembly. 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. In case of a vacancy occurring on the board, the president of the senate, the speaker of the house of representatives, or the governor, as the 2530  
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case may be, shall in the same manner prescribed for the regular  
appointment to the commission, fill the vacancy by appointing a  
member. 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 the 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.

(C) The board shall hold meetings in a manner and at times  
prescribed by the rules adopted by the board. A majority of the  
board constitutes a quorum, and no action shall be taken by the  
board unless approved by at least five voting members. At its  
first meeting, the board shall adopt rules for the conduct of its  
business and the election of its officers, and shall organize by  
selecting a chairperson and other officers as it considers  
necessary. Board members shall serve without compensation but  
shall be reimbursed for actual and necessary expenses incurred in  
the performance of their duties.

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

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

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

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

(4) Sponsor, conduct, and support such social events as the  
board may authorize and consider appropriate for the employees of  
the board, employees and members of the general assembly,  
employees of persons under contract with the board or otherwise

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engaged to perform services on the premises of capitol square, or 2569  
 other persons as the board may consider appropriate. Subject to 2570  
 the requirements of Chapter 4303. of the Revised Code, the board 2571  
 may provide beer, wine, and intoxicating liquor, with or without 2572  
 charge, for ~~such~~ those events and may use funds only from the sale 2573  
 of goods and services fund to purchase the beer, wine, and 2574  
 intoxicating liquor the board provides. 2575

(E) The board shall do all of the following: 2576

(1) Have sole authority to coordinate and approve any 2577  
 improvements, additions, and renovations that are made to the 2578  
 capitol square. The improvements shall include, but not be limited 2579  
 to, the placement of monuments and sculpture on the capitol 2580  
 grounds. 2581

(2) ~~Operate~~ Subject to section 3353.07 of the Revised Code, 2582  
operate the capitol square, and have sole authority to regulate 2583  
 all uses of the capitol square. The uses shall include, but not be 2584  
 limited to, the casual and recreational use of the capitol square. 2585  
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(3) Employ, fix the compensation of, and prescribe the duties 2587  
 of the executive director of the board and ~~such~~ other employees ~~as~~ 2588  
 the board considers necessary for the performance of its powers 2589  
 and duties; 2590

(4) Establish and maintain the capitol collection trust. The 2591  
 capitol collection trust shall consist of furniture, antiques, and 2592  
 other items of personal property that the board shall store in 2593  
 suitable facilities until they are ready to be placed in the 2594  
 capitol square. 2595

(5) Perform ~~such~~ repair, construction, contracting, 2596  
 purchasing, maintenance, supervisory, and operating activities ~~as~~ 2597  
 the board determines are necessary for the operation and 2598  
 maintenance of the capitol square; 2599

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(6) Maintain and preserve the capitol square, in accordance 2600  
with guidelines issued by the United States secretary of the 2601  
interior for application of the secretary's standards for 2602  
rehabilitation adopted in 36 C.F.R. part 67. 2603

(F)(1) The ~~capitol square review and advisory~~ board shall 2604  
lease capital facilities improved or financed by the Ohio building 2605  
authority pursuant to Chapter 152. of the Revised Code for the use 2606  
of the board, and may enter into any other agreements with the 2607  
authority ancillary to improvement, financing, or leasing of ~~such~~ 2608  
those capital facilities, including, but not limited to, any 2609  
agreement required by the applicable bond proceedings authorized 2610  
by Chapter 152. of the Revised Code. Any lease of capital 2611  
facilities authorized by this section shall be governed by 2612  
division (D) of section 152.24 of the Revised Code. 2613

(2) Fees, receipts, and revenues received by the ~~capitol~~ 2614  
~~square review and advisory~~ board from the state underground 2615  
parking garage constitute available receipts as defined in section 2616  
152.09 of the Revised Code, and may be pledged to the payment of 2617  
bond service charges on obligations issued by the Ohio building 2618  
authority pursuant to Chapter 152. of the Revised Code to improve 2619  
or finance capital facilities useful to the board. The authority 2620  
may, with the consent of the board, provide in the bond 2621  
proceedings for a pledge of all or ~~such a~~ portion of ~~such~~ those 2622  
fees, receipts, and revenues as the authority determines. The 2623  
authority may provide in the bond proceedings or by separate 2624  
agreement with the board for the transfer of ~~such~~ those fees, 2625  
receipts, and revenues to the appropriate bond service fund or 2626  
bond service reserve fund as required to pay the bond service 2627  
charges when due, and any such provision for the transfer of ~~such~~ 2628  
those fees, receipts, and revenues shall be controlling 2629  
notwithstanding any other provision of law pertaining to ~~such~~ 2630  
those fees, receipts, and revenues. 2631

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(3) All moneys received by the treasurer of state on account 2632  
of the board and required by the applicable bond proceedings or by 2633  
separate agreement with the board to be deposited, transferred, or 2634  
credited to the bond service fund or bond service reserve fund 2635  
established by ~~such~~ the bond proceedings shall be transferred by 2636  
the treasurer of state to such fund, whether or not ~~such fund~~ it 2637  
is in the custody of the treasurer of state, without necessity for 2638  
further appropriation, upon receipt of notice from the Ohio 2639  
building authority as prescribed in the bond proceedings. 2640

(G) All fees, receipts, and revenues received by the ~~capitol~~ 2641  
~~square review and advisory~~ board from the state underground 2642  
parking garage shall be deposited into the state treasury to the 2643  
credit of the underground parking garage operating fund, which is 2644  
hereby created, to be used for the purposes specified in division 2645  
(F) of this section and for the operation and maintenance of the 2646  
garage. All investment earnings of the fund shall be credited to 2647  
the fund. 2648

(H) All donations received by the ~~capitol square review and~~ 2649  
~~advisory~~ board shall be deposited into the state treasury to the 2650  
credit of the capitol square renovation gift fund, which is hereby 2651  
created. The fund shall be used by the ~~capitol square review and~~ 2652  
~~advisory~~ board as follows: 2653

(1) To provide part or all of the funding related to 2654  
construction, goods, or services for the renovation of the capitol 2655  
square; 2656

(2) To purchase art, antiques, and artifacts for display at 2657  
the capitol square; 2658

(3) To award contracts or make grants to organizations for 2659  
educating the public regarding the historical background and 2660  
governmental functions of the capitol square. Chapters 125., 127., 2661  
and 153. and section 3517.13 of the Revised Code do not apply to 2662

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purchases made exclusively from the fund, notwithstanding anything 2663  
to the contrary in those chapters or that section. All investment 2664  
earnings of the fund shall be credited to the fund. 2665

(I) Except as provided in divisions (G), (H), and (J) of this 2666  
section, all fees, receipts, and revenues received by the ~~capitol~~ 2667  
~~square review and advisory~~ board shall be deposited into the state 2668  
treasury to the credit of the sale of goods and services fund, 2669  
which is hereby created. Money credited to the fund shall be used 2670  
solely to pay costs of the board other than those specified in 2671  
divisions (F) and (G) of this section. All investment earnings of 2672  
the fund shall be credited to the fund. 2673

(J) There is hereby created in the state treasury the capitol 2674  
square improvement fund, to be used by the ~~capitol square review~~ 2675  
~~and advisory~~ board to pay construction, renovation, and other 2676  
costs related to the capitol square for which money is not 2677  
otherwise available to the board. Whenever the board determines 2678  
that there is a need to incur ~~such~~ those costs and that the 2679  
unencumbered, unobligated balance to the credit of the underground 2680  
parking garage operating fund exceeds the amount needed for the 2681  
purposes specified in division (F) of this section and for the 2682  
operation and maintenance of the garage, the board may request the 2683  
director of budget and management to transfer from the underground 2684  
parking garage operating fund to the capitol square improvement 2685  
fund the amount needed to pay such construction, renovation, or 2686  
other costs. The director then shall ~~thereupon~~ transfer the amount 2687  
needed from the excess balance of the underground parking garage 2688  
operating fund. 2689

(K) As the operation and maintenance of the capitol square 2690  
constitute essential government functions of a public purpose, the 2691  
board shall not be required to pay taxes or assessments upon the 2692  
square, ~~or~~ upon any property acquired or used by the board under 2693  
this section, or upon any income generated by the operation of the 2694

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square. 2695

(L) As used in this section, "capitol square" means the 2696  
capitol building, senate building, capitol atrium, capitol 2697  
grounds, and the state underground parking garage. 2698

(M) The capitol annex shall be known as the senate building. 2699

Sec. 109.761. (A)(1) Each agency or entity that appoints or 2700  
employs one or more peace officers shall report to the Ohio peace 2701  
officer training commission all of the following that occur: 2702

(a) The appointment or employment of any person to serve the 2703  
agency or entity as a peace officer in any full-time, part-time, 2704  
reserve, auxiliary, or other capacity; 2705

(b) The termination, resignation, felony conviction, or death 2706  
of any person who has been appointed to or employed by the agency 2707  
or entity as a peace officer in any full-time, part-time, reserve, 2708  
auxiliary, or other capacity and who is serving the agency or 2709  
entity in any of those peace officer capacities. 2710

(2) An agency or entity shall make each report required by 2711  
division (A)(1) of this section within ten days of the occurrence 2712  
of the event that is being reported. The agency or entity shall 2713  
make the report in the manner and format prescribed by the 2714  
executive director of the Ohio peace officer training commission. 2715

(B) Each agency or entity that appoints or employs one or 2716  
more peace officers annually shall provide to the Ohio peace 2717  
officer training commission a roster of all persons who have been 2718  
appointed to or employed by the agency or entity as a peace 2719  
officer in any full-time, part-time, reserve, auxiliary, or other 2720  
capacity, and who are serving or during the year covered by the 2721  
report have served the agency or entity in any of those peace 2722  
officer capacities. The agency or entity shall provide the roster 2723  
in the manner and format, and by the date, prescribed by the 2724

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executive director of the Ohio peace officer training commission. 2725

(C) If an agency or entity that appoints or employs one or more peace officers fails to comply with division (A) or (B) of this section, the agency or entity is ineligible to have any of its peace officers participate in any basic or advanced training conducted by the Ohio peace officer training commission or the Ohio peace officer training academy. The agency or entity shall remain ineligible as described in this division until the agency or entity attains compliance with divisions (A) and (B) of this section. Upon the agency's or entity's compliance with divisions (A) and (B) of this section, the ineligibility imposed by this division terminates. 2726  
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(D) The Ohio peace officer training commission shall prescribe the manner and format of making reports under division (A) of this section and providing annual rosters under division (B) of this section and shall prescribe the date by which the annual rosters must be provided. 2737  
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**Sec. 111.16.** The secretary of state shall charge and collect, for the benefit of the state, the following fees: 2742  
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(A) For filing and recording articles of incorporation of a domestic corporation, including designation of agent: 2744  
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(1) Wherein the corporation shall not be authorized to issue any shares of capital stock, one hundred twenty-five dollars; 2746  
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(2) Wherein the corporation shall be authorized to issue shares of capital stock, with or without par value: 2748  
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(a) Ten cents for each share authorized up to and including one thousand shares; 2750  
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(b) Five cents for each share authorized in excess of one thousand shares up to and including ten thousand shares; 2752  
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(c) Two cents for each share authorized in excess of ten thousand shares up to and including fifty thousand shares;	2754 2755
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	2756 2757
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	2758 2759 2760
(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than <del>eighty-five</del> <u>one hundred twenty-five</u> dollars or greater than one hundred thousand dollars.	2761 2762 2763 2764
(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:	2765 2766 2767 2768 2769
(1) If the domestic corporation is not authorized to issue any shares of capital stock, <del>twenty-five</del> <u>fifty</u> dollars;	2770 2771
(2) If the domestic corporation is authorized to issue shares of capital stock, <del>thirty-five</del> <u>fifty</u> dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;	2772 2773 2774 2775 2776 2777 2778 2779
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	2780 2781
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	2782 2783

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(C) For filing and recording articles of incorporation of a savings and loan association, one hundred ~~twenty-five~~ dollars; ~~and~~ for filing and recording a certificate of amendment to or amended articles of incorporation ~~that do not involve an increase in the authorized capital stock of such corporation of a savings and loan association,~~ ~~twenty-five~~ fifty dollars; ~~and for filing and recording a certificate of amendment to or amended articles of incorporation that do involve an increase in the authorized capital stock of such corporation,~~ ~~thirty-five~~ dollars; 2784  
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(D) For filing and recording a certificate of merger or consolidation, ~~fifty~~ one hundred twenty-five dollars and, in the case of any new corporation resulting from a consolidation or any surviving corporation that has an increased number of shares authorized to be issued resulting from a merger, an additional sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued or represented in this state by each of the corporations for which a consolidation or merger is effected by the certificate; 2793  
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(E) For filing and recording articles of incorporation of a credit union or the American credit union guaranty association, ~~thirty-five~~ one hundred twenty-five dollars, and for filing and recording a certificate of increase in capital stock or any other amendment of the articles of incorporation of a credit union or the association, ~~twenty-five~~ fifty dollars; 2803  
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(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 2809  
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dollars;	2816
(G) For filing and recording a certificate of limited partnership or an application for registration as a foreign limited partnership <del>the following apply:</del>	2817 2818 2819
<del>(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;</del>	2820 2821 2822 2823 2824
<del>(2) If the certificate or application is for a limited partnership or foreign limited partnership other than a partnership described in division (G)(1) of this section, <u>eighty-five, one hundred twenty-five</u> dollars.</del>	2825 2826 2827 2828
(H) For filing a copy of papers evidencing the incorporation of a municipal corporation or of annexation of territory by a municipal corporation, five dollars, to be paid by the <u>municipal</u> corporation, the petitioners therefor, or their agent;	2829 2830 2831 2832 2833
(I) For filing and recording any of the following:	2833
(1) A license to transact business in this state by a foreign corporation for profit pursuant to section 1703.04 of the Revised Code <u>or a foreign nonprofit corporation pursuant to section 1703.27 of the Revised Code</u> , one hundred <u>twenty-five</u> dollars;	2834 2835 2836 2837 2838
(2) An annual report <u>or annual statement</u> pursuant to section 1775.63 <u>or 1785.06</u> of the Revised Code, <del>ten</del> <u>twenty-five</u> dollars;	2839 2840
(3) <del>Any</del> <u>Except as otherwise provided in this section or any other section of the Revised Code, any</u> other certificate or paper that is required to be <u>filed and recorded</u> or is permitted <del>by any provision of the Revised Code</del> to be filed and recorded <u>by any provision of the Revised Code</u> with the secretary of state, <del>ten</del> <u>twenty-five</u> dollars.	2841 2842 2843 2844 2845 2846

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(J) For filing any certificate or paper not required to be recorded, five dollars;	2847 2848
(K)(1) For making copies of any certificate or other paper filed in the office of the secretary of state, <del>the cost shall a fee</del> not to exceed one dollar per page, <u>except as otherwise provided in the Revised Code</u> , and for creating and affixing the seal of the office of the secretary of state to any good standing or other certificate, five dollars, <del>except that for</del> . For copies of certificates or papers required by state officers for official purpose, no charge shall be made <del>+</del> .	2849 2850 2851 2852 2853 2854 2855 2856
<u>(2) For creating and affixing the seal of the office of the secretary of state to the certificates described in division (E) of section 1701.81, division (E) of section 1705.38, or division (D) of section 1702.43 of the Revised Code, twenty-five dollars.</u>	2857 2858 2859 2860
(L) For a minister's license to solemnize marriages, ten dollars;	2861 2862
(M) For examining documents to be filed at a later date for the purpose of advising as to the acceptability of the proposed filing, <del>ten</del> <u>fifty</u> dollars;	2863 2864 2865
(N) <del>For expedited filing service for filings referred to in divisions (A), (B), (C), (D), (E), (F), and (G) of this section, ten dollars in addition to the fee for filing and recording provided in those divisions</del> <u>Fifty dollars for filing and recording any of the following:</u>	2866 2867 2868 2869 2870
<u>(1) A certificate of dissolution and accompanying documents, or a certificate of cancellation, under section 1701.86, 1702.47, 1705.43, or 1782.10 of the Revised Code;</u>	2871 2872 2873
<u>(2) A notice of dissolution of a foreign licensed corporation or a certificate of surrender of license by a foreign licensed corporation under section 1703.17 of the Revised Code;</u>	2874 2875 2876

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<u>(3) The withdrawal of registration of a foreign or domestic</u>	2877
<u>limited liability partnership under section 1775.61 or 1775.64 of</u>	2878
<u>the Revised Code, or the certificate of cancellation of</u>	2879
<u>registration of a foreign limited liability company under section</u>	2880
<u>1705.57 of the Revised Code;</u>	2881
<u>(4) The filing of a cancellation of disclaimer of general</u>	2882
<u>partner status under Chapter 1782. of the Revised Code.</u>	2883
<u>(O) Fees For filing a statement of continued existence by a</u>	2884
<u>nonprofit corporation, twenty-five dollars;</u>	2885
<u>(P) For filing a restatement under section 1705.08 or 1782.09</u>	2886
<u>of the Revised Code, an amendment to a certificate of cancellation</u>	2887
<u>under section 1782.10 of the Revised Code, an amendment under</u>	2888
<u>section 1705.08 or 1782.09 of the Revised Code, or a correction</u>	2889
<u>under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised</u>	2890
<u>Code, fifty dollars;</u>	2891
<u>(Q) For filing for reinstatement of an entity cancelled by</u>	2892
<u>operation of law, by the secretary of state, by order of the</u>	2893
<u>department of taxation, or by order of a court, twenty-five</u>	2894
<u>dollars;</u>	2895
<u>(R) For filing a change of agent, resignation of agent, or</u>	2896
<u>change of agent's address under section 1701.07, 1702.06,</u>	2897
<u>1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04</u>	2898
<u>of the Revised Code, twenty-five dollars;</u>	2899
<u>(S) For filing and recording any of the following:</u>	2900
<u>(1) An application for the exclusive right to use a name or</u>	2901
<u>an application to reserve a name for future use under section</u>	2902
<u>1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised</u>	2903
<u>Code, fifty dollars;</u>	2904
<u>(2) A trade name or fictitious name registration or report,</u>	2905
<u>fifty dollars;</u>	2906

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(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; 2907  
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(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars. 2910  
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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; 2915  
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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; 2921  
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(2) For filing and recording the change of address of a registrant, the assignment of rights to a registration, a renewal of a registration, or the cancellation of a registration associated with a trademark, service mark, or mark of ownership, twenty-five dollars. 2924  
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Fees specified in this section may be paid by cash, check, or money order or by credit card, or an alternative payment program, in accordance with division (B) or (C) of section 111.18 of the Revised Code. Any credit card number or the expiration date of any credit card is not subject to disclosure under Chapter 149. of the Revised Code. 2929  
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**Sec. 111.18.** (A) The secretary of state shall keep a record of all fees collected by the secretary of state and, ~~except as~~ 2935  
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~~otherwise provided in this subject to division (B) of section and~~ 2937  
~~in sections 1309.401 and 1329.68 and division (C)(2) of section~~ 2938  
~~3506.05 of the Revised Code and except as otherwise provided in~~ 2939  
~~the Revised Code, shall pay, through June 30, 2001, fifty per cent~~ 2940  
~~of them into the state treasury to the credit of the general~~ 2941  
~~revenue fund and fifty per cent of them into the state treasury to~~ 2942  
~~the credit of the corporate and uniform commercial code filing~~ 2943  
~~fund created under by section 1309.401 of the Revised Code and~~ 2944  
~~shall pay, on and after July 1, 2001, all of them into the state~~ 2945  
~~treasury to the credit of the general revenue fund. Through June~~ 2946  
~~30, 2001, all of the fees collected under divisions (I)(2) and (N)~~ 2947  
~~of section 111.16 of the Revised Code shall be paid into the state~~ 2948  
~~treasury to the credit of that corporate and uniform commercial~~ 2949  
~~code filing fund. On and after July 1, 2001, the following fees~~ 2950  
~~shall be paid into the state treasury to the credit of that~~ 2951  
~~corporate and uniform commercial code filing fund:~~ 2952

~~(1) Twenty-five dollars of each fee collected under divisions~~ 2953  
~~(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised~~ 2954  
~~Code:~~ 2955

~~(2) Twenty-five dollars of each fee collected under division~~ 2956  
~~(C) of section 1703.031 of the Revised Code:~~ 2957

~~(3) All fees collected under divisions (I)(2) and (N) of~~ 2958  
~~section 111.16 of the Revised Code:~~ 2959

~~(4) All fees collected under section 1703.08 of the Revised~~ 2960  
~~Code:~~ 2961

~~(5) Each fifty-dollar fee for amendments filed by foreign~~ 2962  
~~nonprofit corporations under section 1703.27 of the Revised Code.~~ 2963

(B) The secretary of state may implement a credit card 2964  
 payment program permitting that permits payment of any fee charged 2965  
 by the secretary of state by means of a credit card. The secretary 2966  
 of state may open an account outside the state treasury in a 2967

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financial institution for the purpose of depositing credit card 2968  
 receipts. Within forty-eight hours following the deposit of the 2969  
 receipts, the financial institution shall make available to the 2970  
 secretary of state funds in the amount of the receipts. The 2971  
 secretary of state ~~then~~ shall ~~then~~ pay ~~these~~ those funds into the 2972  
 state treasury to the credit of the ~~general revenue~~ corporate and 2973  
uniform commercial code filing fund, subject to division (B) of 2974  
section 1309.401 of the Revised Code and except as otherwise 2975  
 provided by in the Revised Code. 2976

The secretary of state may pay the cost of any service charge 2977  
 required by a financial institution or credit card company in 2978  
 connection with a credit card payment program. 2979

The secretary of state shall adopt rules ~~as~~ necessary to 2980  
 carry out the purposes of this division. The rules shall include 2981  
 standards for determining eligible financial institutions and the 2982  
 manner in which funds shall be made available and shall be 2983  
 consistent with the standards contained in sections 135.03, 2984  
 135.18, and 135.181 of the Revised Code. 2985

(C) The secretary of state may implement alternative payment 2986  
programs that permit payment of any fee charged by the secretary 2987  
of state by means other than cash, check, money order, or credit 2988  
card; an alternative payment program may include, but is not 2989  
limited to, one that permits a fee to be paid by electronic means 2990  
of transmission. The secretary of state may open an account 2991  
outside the state treasury in a financial institution for the 2992  
purpose of operating an alternative payment program. Within 2993  
forty-eight hours following the deposit of funds into such an 2994  
account, the financial institution shall make available to the 2995  
secretary of state the deposited funds. The secretary of state 2996  
then shall pay those funds into the state treasury to the credit 2997  
of the corporate and uniform commercial code filing fund, subject 2998  
to division (B) of section 1309.401 of the Revised Code and except 2999



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as otherwise provided in the Revised Code.

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

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

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

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

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

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made on a form prescribed by the secretary of state and shall 3031  
comply fully with any other requirements of the Revised Code 3032  
applicable to the type of filing being made. 3033

**Sec. 111.25.** (A) The secretary of state shall prescribe the 3034  
 following forms for persons to use in complying with the 3035  
 requirements of Chapter 1309. of the Revised Code for the filing 3036  
 of financing statements and related documents: 3037

~~(A)~~(1) The financing statement described in division (A) of 3038  
 section 1309.39 of the Revised Code; 3039

~~(B)~~(2) A form for the amendment of a financing statement 3040  
 described in division (C) of section 1309.39 of the Revised Code; 3041

~~(C)~~(3) A continuation statement described in division (C) of 3042  
 section 1309.40 of the Revised Code; 3043

~~(D)~~(4) A termination statement described in division (A) of 3044  
 section 1309.41 of the Revised Code; 3045

~~(E)~~(5) A form for an assignment of rights under a financing 3046  
 statement described in section 1309.42 of the Revised Code; 3047

~~(F)~~(6) A statement of release described in section 1309.43 of 3048  
 the Revised Code. 3049

(B) The secretary of state shall prescribe the forms for 3050  
persons to use in complying with the requirements of Title XVII of 3051  
the Revised Code to the extent that those requirements relate to 3052  
filings with the secretary of state's office. 3053

**Sec. 118.08.** (A) The members of the financial planning and 3054  
 supervision commission shall serve without compensation, but shall 3055  
 be paid by the commission their necessary and actual expenses 3056  
 incurred while engaged in the business of the commission. 3057

(B) All expenses incurred for services rendered by the 3058

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financial supervisor for a period of twenty-four months shall be 3059  
 paid by the commission pursuant to an appropriation made by the 3060  
 general assembly for this purpose. Expenses incurred for services 3061  
 rendered by the financial supervisor beyond this period shall be 3062  
 borne by the municipal corporation, county, or township unless the 3063  
 director of budget and management waives the costs and allows 3064  
 payment in accordance with the following: 3065

(1) If the continued performance of the financial supervisor 3066  
 is required for a period of twenty-five to thirty months, the 3067  
 municipal corporation, county, or township is responsible for 3068  
 twenty per cent of the compensation due. 3069

(2) If the continued performance of the financial supervisor 3070  
 is required for a period of thirty-one to thirty-six months, the 3071  
 municipal corporation, county, or township is responsible for 3072  
 fifty per cent of the compensation due. 3073

(3) If the continued performance of the financial supervisor 3074  
 is required for a period of thirty-seven months or more, the 3075  
 municipal corporation, county, or township is responsible for one 3076  
 hundred per cent of the compensation due except as otherwise 3077  
 provided in division (B)(4) of this section. 3078

(4) ~~Beginning in fiscal year 2000, if~~ If the continued 3079  
 performance of the financial supervisor has been required longer 3080  
 than eight fiscal years for any municipal corporation, county, or 3081  
 township declared to be in a fiscal emergency prior to fiscal year 3082  
 1996, that municipal corporation, county, or township is 3083  
 responsible for fifty per cent of the compensation due in its 3084  
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred 3085  
 per cent of the compensation due in its tenth fiscal year ~~2001~~ and 3086  
every fiscal year thereafter while in fiscal emergency. 3087

(C) If the municipal corporation, county, or township fails 3088  
 to make any payment to the financial supervisor as required by 3089

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

**Sec. 119.12.** Any party adversely affected by any order of an  
 agency issued pursuant to an adjudication denying an applicant  
 admission to an examination, or denying the issuance or renewal of  
 a license or registration of a licensee, or revoking or suspending  
 a license, or allowing the payment of a forfeiture under section  
 4301.252 of the Revised Code, may appeal from the order of the  
 agency to the court of common pleas of the county in which the  
 place of business of the licensee is located or the county in  
 which the licensee is a resident, except that appeals from  
 decisions of the liquor control commission, the state medical  
 board, state chiropractic board, state dental board, and board of  
 nursing shall be to the court of common pleas of Franklin county.  
 If any such party is not a resident of and has no place of  
 business in this state, the party may appeal to the court of  
 common pleas of Franklin county.

Any party adversely affected by any order of an agency issued  
 pursuant to any other adjudication may appeal to the court of  
 common pleas of Franklin county, except that appeals from orders  
 of the fire marshal issued under Chapter 3737. of the Revised Code  
 may be to the court of common pleas of the county in which the  
 building of the aggrieved person is located.

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This section does not apply to appeals from the department of taxation. 3121  
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Any party desiring to appeal shall file a notice of appeal 3123  
with the agency setting forth the order appealed from and the 3124  
grounds of the party's appeal. A copy of such notice of appeal 3125  
shall also be filed by the appellant with the court. Unless 3126  
otherwise provided by law relating to a particular agency, such 3127  
notices of appeal shall be filed within fifteen days after the 3128  
mailing of the notice of the agency's order as provided in this 3129  
section. For purposes of this paragraph, an order includes a 3130  
determination appealed pursuant to division (C) of section 119.092 3131  
of the Revised Code. 3132

The filing of a notice of appeal shall not automatically 3133  
operate as a suspension of the order of an agency. If it appears 3134  
to the court that an unusual hardship to the appellant will result 3135  
from the execution of the agency's order pending determination of 3136  
the appeal, the court may grant a suspension and fix its terms. If 3137  
an appeal is taken from the judgment of the court and the court 3138  
has previously granted a suspension of the agency's order as 3139  
provided in this section, such suspension of the agency's order 3140  
shall not be vacated and shall be given full force and effect 3141  
until the matter is finally adjudicated. No renewal of a license 3142  
or permit shall be denied by reason of such suspended order during 3143  
the period of the appeal from the decision of the court of common 3144  
pleas. In the case of an appeal from the state medical board or 3145  
state chiropractic board, the court may grant a suspension and fix 3146  
its terms if it appears to the court that an unusual hardship to 3147  
the appellant will result from the execution of the agency's order 3148  
pending determination of the appeal and the health, safety, and 3149  
welfare of the public will not be threatened by suspension of the 3150  
order. This provision shall not be construed to limit the factors 3151  
the court may consider in determining whether to suspend an order 3152

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of any other agency pending determination of an appeal. 3153

The final order of adjudication may apply to any renewal of a 3154  
license or permit which has been granted during the period of the 3155  
appeal. 3156

Notwithstanding any other provision of this section, any 3157  
order issued by a court of common pleas or a court of appeals 3158  
suspending the effect of an order of the liquor control commission 3159  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3160  
suspends, revokes, or cancels a permit issued under Chapter 4303. 3161  
of the Revised Code, or that allows the payment of a forfeiture 3162  
under section 4301.252 of the Revised Code, shall terminate not 3163  
more than six months after the date of the filing of the record of 3164  
the liquor control commission with the clerk of the court of 3165  
common pleas and shall not be extended. The court of common pleas, 3166  
or the court of appeals on appeal, shall render a judgment in that 3167  
matter within six months after the date of the filing of the 3168  
record of the liquor control commission with the clerk of the 3169  
court of common pleas. A court of appeals shall not issue an order 3170  
suspending the effect of an order of the liquor control commission 3171  
that extends beyond six months after the date on which the record 3172  
of the liquor control commission is filed with a court of common 3173  
pleas. 3174

Notwithstanding any other provision of this section, any 3175  
order issued by a court of common pleas suspending the effect of 3176  
an order of the state medical board or state chiropractic board 3177  
that limits, revokes, suspends, places on probation, or refuses to 3178  
register or reinstate a certificate issued by the board or 3179  
reprimands the holder of such a certificate shall terminate not 3180  
more than fifteen months after the date of the filing of a notice 3181  
of appeal in the court of common pleas, or upon the rendering of a 3182  
final decision or order in the appeal by the court of common 3183  
pleas, whichever occurs first. 3184

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Within thirty days after receipt of a notice of appeal from 3185  
an order in any case in which a hearing is required by sections 3186  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3187  
certify to the court a complete record of the proceedings in the 3188  
case. Failure of the agency to comply within the time allowed, 3189  
upon motion, shall cause the court to enter a finding in favor of 3190  
the party adversely affected. Additional time, however, may be 3191  
granted by the court, not to exceed thirty days, when it is shown 3192  
that the agency has made substantial effort to comply. Such record 3193  
shall be prepared and transcribed and the expense of it shall be 3194  
taxed as a part of the costs on the appeal. The appellant shall 3195  
provide security for costs satisfactory to the court of common 3196  
pleas. Upon demand by any interested party, the agency shall 3197  
furnish at the cost of the party requesting it a copy of the 3198  
stenographic report of testimony offered and evidence submitted at 3199  
any hearing and a copy of the complete record. 3200

Notwithstanding any other provision of this section, any 3201  
party desiring to appeal an order or decision of the state 3202  
personnel board of review shall, at the time of filing a notice of 3203  
appeal with the board, provide a security deposit in an amount and 3204  
manner prescribed in rules that the board shall adopt in 3205  
accordance with this chapter. In addition, the board is not 3206  
required to prepare or transcribe the record of any of its 3207  
proceedings unless the appellant has provided the deposit 3208  
described above. The failure of the board to prepare or transcribe 3209  
a record for an appellant who has not provided a security deposit 3210  
shall not cause a court to enter a finding adverse to the board. 3211

Unless otherwise provided by law, in the hearing of the 3213  
appeal, the court is confined to the record as certified to it by 3214  
the agency. Unless otherwise provided by law, the court may grant 3215  
a request for the admission of additional evidence when satisfied 3216

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that such additional evidence is newly discovered and could not  
with reasonable diligence have been ascertained prior to the  
hearing before the agency.

The court shall conduct a hearing on such appeal and shall  
give preference to all proceedings under sections 119.01 to 119.13  
of the Revised Code, over all other civil cases, irrespective of  
the position of the proceedings on the calendar of the court. An  
appeal from an order of the state medical board issued pursuant to  
division (G) of either section 4730.25 or 4731.22 of the Revised  
Code, or the state chiropractic board issued pursuant to section  
4734.37 of the Revised Code, or the liquor control commission  
issued pursuant to Chapter 4301. or 4303. of the Revised Code  
shall be set down for hearing at the earliest possible time and  
takes precedence over all other actions. The hearing in the court  
of common pleas shall proceed as in the trial of a civil action,  
and the court shall determine the rights of the parties in  
accordance with the laws applicable to such action. At such  
hearing, counsel may be heard on oral argument, briefs may be  
submitted, and evidence introduced if the court has granted a  
request for the presentation of additional evidence.

The court may affirm the order of the agency complained of in  
the appeal if it finds, upon consideration of the entire record  
and such additional evidence as the court has admitted, that the  
order is supported by reliable, probative, and substantial  
evidence and is in accordance with law. In the absence of such a  
finding, it may reverse, vacate, or modify the order or make such  
other ruling as is supported by reliable, probative, and  
substantial evidence and is in accordance with law. The court  
shall award compensation for fees in accordance with section  
2335.39 of the Revised Code to a prevailing party, other than an  
agency, in an appeal filed pursuant to this section.

The judgment of the court shall be final and conclusive



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unless reversed, vacated, or modified on appeal. Such appeals may  
be taken either by the party or the agency, shall proceed as in  
the case of appeals in civil actions, and shall be pursuant to the  
Rules of Appellate Procedure and, to the extent not in conflict  
with those rules, Chapter 2505. of the Revised Code. Such appeal  
by the agency shall be taken on questions of law relating to the  
constitutionality, construction, or interpretation of statutes and  
rules of the agency, and in such appeal the court may also review  
and determine the correctness of the judgment of the court of  
common pleas that the order of the agency is not supported by any  
reliable, probative, and substantial evidence in the entire  
record.

The court shall certify its judgment to such agency or take  
such other action necessary to give its judgment effect.

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

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

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

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

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

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

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

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

(D) When the state public defender is designated by the court or requested by a county public defender or joint county public

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defender to provide legal representation for an indigent person in 3311  
any case, other than pursuant to a contract entered into under 3312  
authority of division (C)(7) of section 120.04 of the Revised 3313  
Code, the state public defender shall send to the county in which 3314  
the case is filed an itemized bill for fifty per cent of the 3315  
actual cost of the representation. The county, upon receipt of an 3316  
itemized bill from the state public defender pursuant to this 3317  
division, shall pay fifty per cent of the actual cost of the legal 3318  
representation as set forth in the itemized bill. There is hereby 3319  
created in the state treasury the county representation fund for 3320  
the deposit of moneys received from counties under this division. 3321  
All moneys credited to the fund shall be used by the state public 3322  
defender to provide legal representation for indigent persons when 3323  
designated by the court or requested by a county or joint county 3324  
public defender. 3325

(E)(1) Notwithstanding any contrary provision of sections 3326  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 3327  
that pertains to representation by the attorney general, an 3328  
assistant attorney general, or special counsel of an officer or 3329  
employee, as defined in section 109.36 of the Revised Code, or of 3330  
an entity of state government, the state public defender may elect 3331  
to contract with, and to have the state pay pursuant to division 3332  
(E)(2) of this section for the services of, private legal counsel 3333  
to represent the Ohio public defender commission, the state public 3334  
defender, assistant state public defenders, other employees of the 3335  
commission or the state public defender, and attorneys described 3336  
in division (C) of section 120.41 of the Revised Code in a 3337  
malpractice or other civil action or proceeding that arises from 3338  
alleged actions or omissions related to responsibilities derived 3339  
pursuant to this chapter, or in a civil action that is based upon 3340  
alleged violations of the constitution or statutes of the United 3341  
States, including section 1983 of Title 42 of the United States 3342

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Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that  
arises from alleged actions or omissions related to  
responsibilities derived pursuant to this chapter, if the state  
public defender determines, in good faith, that the defendant in  
the civil action or proceeding did not act manifestly outside the  
scope of the defendant's employment or official responsibilities,  
with malicious purpose, in bad faith, or in a wanton or reckless  
manner. If the state public defender elects not to contract  
pursuant to this division for private legal counsel in a civil  
action or proceeding, then, in accordance with sections 109.02,  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the  
attorney general shall represent or provide for the representation  
of the Ohio public defender commission, the state public defender,  
assistant state public defenders, other employees of the  
commission or the state public defender, or attorneys described in  
division (C) of section 120.41 of the Revised Code in the civil  
action or proceeding.

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

(i) The private legal counsel shall file with the attorney  
general a copy of the contract; a request for an award of legal  
fees, court costs, and expenses earned or incurred 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; a  
written itemization of those fees, costs, and expenses, including  
the signature of the state public defender and the state public  
defender's attestation that the fees, costs, and expenses were  
earned or incurred pursuant to division (E)(1) of this section to

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the best of the state public defender's knowledge and information; 3375  
a written statement whether the fees, costs, and expenses are for 3376  
all legal services to be rendered in connection with that defense, 3377  
are only for legal services rendered to the date of the request 3378  
and additional legal services likely will have to be provided in 3379  
connection with that defense, or are for the final legal services 3380  
rendered in connection with that defense; a written statement 3381  
indicating whether the private legal counsel previously submitted 3382  
a request for an award under division (E)(2) of this section in 3383  
connection with that defense and, if so, the date and the amount 3384  
of each award granted; and, if the fees, costs, and expenses are 3385  
for all legal services to be rendered in connection with that 3386  
defense or are for the final legal services rendered in connection 3387  
with that defense, a certified copy of any judgment entry in the 3388  
civil action or proceeding or a signed copy of any settlement 3389  
agreement entered into between the parties to the civil action or 3390  
proceeding. 3391

(ii) Upon receipt of a request for an award of legal fees, 3392  
court costs, and expenses and the requisite supportive 3393  
documentation described in division (E)(2)(a)(i) of this section, 3394  
the attorney general shall review the request and documentation; 3395  
determine whether any of the limitations specified in division 3396  
(E)(2)(b) of this section apply to the request; and, if an award 3397  
of legal fees, court costs, or expenses is permissible after 3398  
applying the limitations, prepare a document awarding legal fees, 3399  
court costs, or expenses to the private legal counsel. The 3400  
document shall name the private legal counsel as the recipient of 3401  
the award; specify the total amount of the award as determined by 3402  
the attorney general; itemize the portions of the award that 3403  
represent legal fees, court costs, and expenses; specify any 3404  
limitation applied pursuant to division (E)(2)(b) of this section 3405  
to reduce the amount of the award sought by the private legal 3406

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counsel; state that the award is payable from the state treasury 3407  
pursuant to division (E)(2)(a)(iii) of this section; and be 3408  
approved by the inclusion of the signatures of the attorney 3409  
general, the state public defender, and the private legal counsel. 3410

(iii) The attorney general shall forward a copy of the 3411  
document prepared pursuant to division (E)(2)(a)(ii) of this 3412  
section to the director of budget and management. The award of 3413  
legal fees, court costs, or expenses shall be paid out of the 3414  
state public defender's appropriations, to the extent there is a 3415  
sufficient available balance in those appropriations. If the state 3416  
public defender does not have a sufficient available balance in 3417  
the state public defender's appropriations to pay the entire award 3418  
of legal fees, court costs, or expenses, the director shall make 3419  
application for a transfer of appropriations out of the emergency 3420  
purposes account or any other appropriation for emergencies or 3421  
contingencies in an amount equal to the portion of the award that 3422  
exceeds the sufficient available balance in the state public 3423  
defender's appropriations. A transfer of appropriations out of the 3424  
emergency purposes account or any other appropriation for 3425  
emergencies or contingencies shall be authorized if there are 3426  
sufficient moneys greater than the sum total of then pending 3427  
emergency purposes account requests, or requests for releases from 3428  
the other appropriation. If a transfer of appropriations out of 3429  
the emergency purposes account or other appropriation for 3430  
emergencies or contingencies is made to pay an amount equal to the 3431  
portion of the award that exceeds the sufficient available balance 3432  
in the state public defender's appropriations, the director shall 3433  
cause the payment to be made to the private legal counsel. If 3434  
sufficient moneys do not exist in the emergency purposes account 3435  
or other appropriation for emergencies or contingencies to pay an 3436  
amount equal to the portion of the award that exceeds the 3437  
sufficient available balance in the state public defender's 3438

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appropriations, the private legal counsel shall request the 3439  
general assembly to make an appropriation sufficient to pay an 3440  
amount equal to the portion of the award that exceeds the 3441  
sufficient available balance in the state public defender's 3442  
appropriations, and no payment in that amount shall be made until 3443  
the appropriation has been made. The private legal counsel shall 3444  
make the request during the current biennium and during each 3445  
succeeding biennium until a sufficient appropriation is made. 3446

(b) An award of legal fees, court costs, and expenses 3448  
pursuant to division (E) of this section is subject to the 3449  
following limitations: 3450

(i) The maximum award or maximum aggregate of a series of 3451  
awards of legal fees, court costs, and expenses to the private 3452  
legal counsel in connection with the defense of the Ohio public 3453  
defender commission, the state public defender, an assistant state 3454  
public defender, an employee, or an attorney in a specified civil 3455  
action or proceeding shall not exceed fifty thousand dollars. 3456

(ii) The private legal counsel shall not be awarded legal 3457  
fees, court costs, or expenses to the extent the fees, costs, or 3458  
expenses are covered by a policy of malpractice or other 3459  
insurance. 3460

(iii) The private legal counsel shall be awarded legal fees 3461  
and expenses only to the extent that the fees and expenses are 3462  
reasonable in light of the legal services rendered by the private 3463  
legal counsel in connection with the defense of the Ohio public 3464  
defender commission, the state public defender, an assistant state 3465  
public defender, an employee, or an attorney in a specified civil 3466  
action or proceeding. 3467

(c) If, pursuant to division (E)(2)(a) of this section, the 3468  
attorney general denies a request for an award of legal fees, 3469  
court costs, or expenses to private legal counsel because of the 3470

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application of a limitation specified in division (E)(2)(b) of 3471  
this section, the attorney general shall notify the private legal 3472  
counsel in writing of the denial and of the limitation applied. 3473

(d) If, pursuant to division (E)(2)(c) of this section, a 3474  
private legal counsel receives a denial of an award notification 3475  
or if a private legal counsel refuses to approve a document under 3476  
division (E)(2)(a)(ii) of this section because of the proposed 3477  
application of a limitation specified in division (E)(2)(b) of 3478  
this section, the private legal counsel may commence a civil 3479  
action against the attorney general in the court of claims to 3480  
prove the private legal counsel's entitlement to the award sought, 3481  
to prove that division (E)(2)(b) of this section does not prohibit 3482  
or otherwise limit the award sought, and to recover a judgment for 3483  
the amount of the award sought. A civil action under division 3484  
(E)(2)(d) of this section shall be commenced no later than two 3485  
years after receipt of a denial of award notification or, if the 3486  
private legal counsel refused to approve a document under division 3487  
(E)(2)(a)(ii) of this section because of the proposed application 3488  
of a limitation specified in division (E)(2)(b) of this section, 3489  
no later than two years after the refusal. Any judgment of the 3490  
court of claims in favor of the private legal counsel shall be 3491  
paid from the state treasury in accordance with division (E)(2)(a) 3492  
of this section. 3493

(F) If a court appoints the office of the state public 3494  
defender to represent a petitioner in a postconviction relief 3495  
proceeding under section 2953.21 of the Revised Code, the 3496  
petitioner has received a sentence of death, and the proceeding 3497  
relates to that sentence, all of the attorneys who represent the 3498  
petitioner in the proceeding pursuant to the appointment, whether 3499  
an assistant state public defender, the state public defender, or 3500  
another attorney, shall be certified under Rule ~~65~~ 20 of the Rules 3501  
of Superintendence for ~~Common Pleas~~ the Courts of Ohio to 3502



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represent indigent defendants charged with or convicted of an 3503  
offense for which the death penalty can be or has been imposed. 3504

**Sec. 120.16.** (A)(1) The county public defender shall provide 3505  
legal representation to indigent adults and juveniles who are 3506  
charged with the commission of an offense or act that is a 3507  
violation of a state statute and for which the penalty or any 3508  
possible adjudication includes the potential loss of liberty and 3509  
in postconviction proceedings as defined in this section. 3510

(2) The county public defender may provide legal 3511  
representation to indigent adults and juveniles charged with the 3512  
violation of an ordinance of a municipal corporation for which the 3513  
penalty or any possible adjudication includes the potential loss 3514  
of liberty, if the county public defender commission has 3515  
contracted with the municipal corporation to provide legal 3516  
representation for indigent persons charged with a violation of an 3517  
ordinance of the municipal corporation. 3518

(B) The county public defender shall provide the legal 3519  
representation authorized by division (A) of this section at every 3520  
stage of the proceedings following arrest, detention, service of 3521  
summons, or indictment. 3522

(C) The county public defender may request the state public 3523  
defender to prosecute any appeal or other remedy before or after 3524  
conviction that the county public defender decides is in the 3525  
interests of justice, and may provide legal representation in 3526  
parole and probation revocation matters. 3527

(D) The county public defender shall not be required to 3528  
prosecute any appeal, postconviction remedy, or other proceeding, 3529  
unless the county public defender is first satisfied there is 3530  
arguable merit to the proceeding. 3531

(E) Nothing in this section shall prevent a court from 3532  
appointing counsel other than the county public defender or from 3533

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allowing an indigent person to select the indigent person's own personal counsel to represent the indigent person. A court may also appoint counsel or allow an indigent person to select the indigent person's own personal counsel to assist the county public defender as co-counsel when the interests of justice so require.

(F) Information as to the right to legal representation by 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

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contracted with the municipal corporation to provide legal 3565  
representation for indigent persons charged with a violation of an 3566  
ordinance of the municipal corporation. 3567

(B) The joint county public defender shall provide the legal 3568  
representation authorized by division (A) of this section at every 3569  
stage of the proceedings following arrest, detention, service of 3570  
summons, or indictment. 3571

(C) The joint county public defender may request the Ohio 3572  
public defender to prosecute any appeal or other remedy before or 3573  
after conviction that the joint county public defender decides is 3574  
in the interests of justice and may provide legal representation 3575  
in parole and probation revocation matters. 3576

(D) The joint county public defender shall not be required to 3577  
prosecute any appeal, postconviction remedy, or other proceeding, 3578  
unless the joint county public defender is first satisfied that 3579  
there is arguable merit to the proceeding. 3580

(E) Nothing in this section shall prevent a court from 3581  
appointing counsel other than the joint county public defender or 3582  
from allowing an indigent person to select the indigent person's 3583  
own personal counsel to represent the indigent person. A court may 3584  
also appoint counsel or allow an indigent person to select the 3585  
indigent person's own personal counsel to assist the joint county 3586  
public defender as co-counsel when the interests of justice so 3587  
require. 3588

(F) Information as to the right to legal representation by 3589  
the joint county public defender or assigned counsel shall be 3590  
afforded to an accused person immediately upon arrest, when 3591  
brought before a magistrate, or when formally charged, whichever 3592  
occurs first. 3593

(G) If a court appoints the office of the joint county public 3594  
defender to represent a petitioner in a postconviction relief 3595

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

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

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

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

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

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

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

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

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

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

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shall approve compensation and expenses that exceed the amount 3659  
fixed pursuant to division (A)(3) of this section. 3660

The fees and expenses approved by the court shall not be 3661  
taxed as part of the costs and shall be paid by the county. 3662  
However, if the person represented has, or may reasonably be 3663  
expected to have, the means to meet some part of the cost of the 3664  
services rendered to the person, the person shall pay the county 3665  
an amount that the person reasonably can be expected to pay. 3666  
Pursuant to section 120.04 of the Revised Code, the county shall 3667  
pay to the state public defender a percentage of the payment 3668  
received from the person in an amount proportionate to the 3669  
percentage of the costs of the person's case that were paid to the 3670  
county by the state public defender pursuant to this section. The 3671  
money paid to the state public defender shall be credited to the 3672  
client payment fund created pursuant to division (B)(5) of section 3673  
120.04 of the Revised Code. 3674

The county auditor shall draw a warrant on the county 3675  
treasurer for the payment of counsel in the amount fixed by the 3676  
court, plus the expenses the court fixes and certifies to the 3677  
auditor. The county auditor shall report periodically, but not 3678  
less than annually, to the board of county commissioners and to 3679  
the Ohio public defender commission the amounts paid out pursuant 3680  
to the approval of the court. The board of county commissioners, 3681  
after review and approval of the auditor's report, may then 3682  
certify it to the state public defender for reimbursement. If a 3683  
request for reimbursement is not accompanied by a financial 3684  
disclosure form and an affidavit of indigency completed by the 3685  
indigent person on forms prescribed by the state public defender, 3686  
the state public defender shall not pay the requested 3687  
reimbursement. If a request for the reimbursement of the cost of 3688  
counsel in any case is not received by the state public defender 3689  
within ninety days after the end of the calendar month in which 3690

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the case is finally disposed of by the court, unless the county  
has requested and the state public defender has granted an  
extension of the ninety-day limit, the state public defender shall  
not pay the requested reimbursement. The state public defender  
shall also review the report and, in accordance with the  
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

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the state provided for in division (A)(4) of this section.	3723
(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.	3724 3725 3726 3727 3728 3729 3730 3731 3732 3733
(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 <del>65</del> <u>20</u> of the Rules of Superintendence for <del>Common Pleas</del> <u>the Courts of Ohio</u> to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.	3734 3735 3736 3737 3738 3739 3740 3741 3742 3743
<b>Sec. 121.04.</b> Offices are created within the several departments as follows:	3744 3745
In the department of commerce:	3746
Commissioner of securities;	3747
Superintendent of real estate and professional licensing;	3748
Superintendent of financial institutions;	3749
Fire marshal;	3750
Superintendent of labor and worker safety;	3751
Beginning on July 1, 1997,	3752



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Superintendent of liquor control;	3753
Superintendent of industrial compliance.	3754
In the department of administrative services:	3755
State architect and engineer;	3756
Equal employment opportunity coordinator.	3757
In the department of agriculture:	3758
Chiefs of divisions as follows:	3759
Administration;	3760
Animal industry;	3761
Dairy;	3762
Food safety;	3763
Plant industry;	3764
Markets;	3765
Meat inspection;	3766
Consumer analytical laboratory;	3767
Amusement ride safety;	3768
Enforcement;	3769
Weights and measures.	3770
In the department of natural resources:	3771
Chiefs of divisions as follows:	3772
Water;	3773
Mineral resources management;	3774
Forestry;	3775
Natural areas and preserves;	3776
Wildlife;	3777
Geological survey;	3778
Parks and recreation;	3779
Watercraft;	3780
Recycling and litter prevention;	3781
Civilian conservation;	3782
Soil and water conservation;	3783
Real estate and land management;	3784

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Engineering. 3785

In the department of insurance: 3786

Deputy superintendent of insurance; 3787

Assistant superintendent of insurance, technical; 3788

Assistant superintendent of insurance, administrative; 3789

Assistant superintendent of insurance, research. 3790

**Sec. 121.371.** There is hereby created the wellness block 3791  
~~grant~~ program. The Ohio family and children first cabinet council 3792  
shall oversee the program, ~~and the children's trust fund board,~~ 3793  
~~created by section 3109.15 of the Revised Code, shall serve as the~~ 3794  
~~program's administrative agent. The board and the cabinet council~~ 3795  
and shall establish guidelines and objectives for operating the 3796  
~~wellness block grant program. A representative of the family and~~ 3797  
~~children first cabinet council and the chairperson of the~~ 3798  
~~children's trust fund board shall resolve any disagreements~~ 3799  
~~concerning the duties of the council and the board under this~~ 3800  
section The department of job and family services shall serve as 3801  
the program's administrative agent. 3802

~~The children's trust fund board may accept gifts, donations,~~ 3803  
~~grants, or other moneys for the wellness block grant program from~~ 3804  
~~any source. The board shall use the funds received to make block~~ 3805  
~~grants to county family and children first councils. The amount of~~ 3806  
funds for the wellness program to be granted allocated to each 3807  
~~county council department of job and family services shall be~~ 3808  
determined by ~~the board and the cabinet council. To cover~~ 3809  
~~administrative expenses, the board may use in each state fiscal~~ 3810  
~~year an amount not to exceed one per cent of the total amount~~ 3811  
~~available for the program in that year.~~ 3812

County councils departments of job and family services shall 3813  
use the funds ~~they receive through~~ allocated for the wellness 3814  
~~block grants program~~ to fund community-based programs of 3815

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prevention services that address issues of broad social concern, 3816  
 as determined by the cabinet council ~~and the board~~, and to fund 3817  
 state-directed training, evaluation, and education programs 3818  
 pertaining to the issues being addressed. ~~Each county council~~ 3819  
~~shall submit to the board a program and fiscal plan that outlines~~ 3820  
~~its proposal for expenditure of its block grant and shall, after~~ 3821  
~~consulting with the board of county commissioners, designate a~~ 3822  
~~fiscal agent to receive the block grant.~~ 3823

~~As requested by the board on behalf of the cabinet council,~~ 3824  
~~each county council shall submit program and fiscal accountings~~ 3825  
~~regarding the use of its block grant. The board and the cabinet~~ 3826  
 council shall establish criteria for assessing a county council's 3827  
department's progress in achieving the goals objectives of the 3828  
 wellness ~~block grant~~ program. If a county council department of 3829  
job and family services does not operate in accordance with the 3830  
 program guidelines and criteria established by ~~the board and the~~ 3831  
 cabinet council, ~~the board and the cabinet council~~ may revise the 3832  
 allocation of funds that the county council department of job and 3833  
family services receives. 3834

~~The board shall prepare an annual report detailing the~~ 3835  
~~results of the program. The report shall be submitted to the~~ 3836  
~~governor, the president and minority leader of the senate, and the~~ 3837  
~~speaker and minority leader of the house of representatives.~~ 3838

**Sec. 121.40.** (A) There is hereby created the governor's Ohio 3839  
 community service council consisting of twenty-one members 3840  
 including the superintendent of public instruction or the 3841  
 superintendent's designee, the chancellor of the Ohio board of 3842  
 regents or the chancellor's designee, the director of natural 3843  
 resources or the director's designee, the director of youth 3844  
 services or the director's designee, the director of aging or the 3845  
 director's designee, the director of job and family services or 3846  
 the director's designee, the chairperson of the committee of the 3847

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house of representatives dealing with education or the 3848  
chairperson's designee, the chairperson of the committee of the 3849  
senate dealing with education or the chairperson's designee, and 3850  
thirteen members who shall be appointed by the governor with the 3851  
advice and consent of the senate and who shall serve terms of 3852  
office of three years. The appointees shall include educators, 3853  
including teachers and administrators; representatives of youth 3854  
organizations; students and parents; representatives of 3855  
organizations engaged in volunteer program development and 3856  
management throughout the state, including youth and conservation 3857  
programs; and representatives of business, government, nonprofit 3858  
organizations, social service agencies, veterans organizations, 3859  
religious organizations, or philanthropies that support or 3860  
encourage volunteerism within the state. Members of the council 3861  
shall receive no compensation, but shall be reimbursed for actual 3862  
and necessary expenses incurred in the performance of their 3863  
official duties. 3864

(B) The council shall appoint an executive director for the 3865  
council, who shall be in the unclassified civil service. The 3866  
executive director shall supervise the council's activities and 3867  
report to the council on the progress of those activities. The 3868  
executive director shall do all things necessary for the efficient 3869  
and effective implementation of the duties of the council. 3870

The responsibilities assigned to the executive director do 3871  
not relieve the members of the council from final responsibility 3872  
for the proper performance of the requirements of this ~~division~~ 3873  
section. 3874

(C) The council or its designee shall do all of the 3875  
following: 3876

(1) Employ, promote, supervise, and remove all employees as 3877  
needed in connection with the performance of its duties under this 3878  
section and may assign duties to those employees as necessary to 3879

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achieve the most efficient performance of its functions, and to  
that end may establish, change, or abolish positions, and assign  
and reassign duties and responsibilities of any employee of the  
council. Personnel employed by the council who are subject to  
Chapter 4117. of the Revised Code shall retain all of their rights  
and benefits conferred pursuant to that chapter. Nothing in this  
chapter shall be construed as eliminating or interfering with  
Chapter 4117. of the Revised Code or the rights and benefits  
conferred under that chapter to public employees or to any  
bargaining unit.

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

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

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

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

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

(7) Assist in coordinating and preparing the state

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application for funds under sections 101 to 184 of the "National  
 and Community Service Act of 1990," 104 Stat. 3127 (1990), 42  
 U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist  
 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;

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(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 fiscal agent. Beginning on July 1, 1997, whenever reference is made in any law, contract, or document to the functions of the department of youth services as fiscal agent to the council, the reference shall be deemed to refer to the department of aging. The department of aging shall have no responsibility for or obligation to the council prior to July 1, 1997. Any validation, cure, right, privilege, remedy, obligation, or liability shall be retained by the council.

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

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

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

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

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

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

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(2) Sole authority to expend funds from their accounts for 3973  
 programs and any other necessary expenses the council may incur 3974  
 and its subgrantees may incur; 3975

(3) Responsibility to cooperate with and inform the 3976  
 department of aging as fiscal agent to ensure that the department 3977  
 is fully apprised of all financial transactions. 3978

The council shall follow all state procurement requirements. 3979

The department of aging shall determine fees to be charged to 3980  
 the council, which shall be in proportion to the services 3981  
 performed for the council. 3982

The council shall pay fees owed to the department of aging 3983  
 from a general revenue fund of the council or from any other fund 3984  
 from which the operating expenses of the council are paid. Any 3985  
 amounts set aside for a fiscal year for the payment of ~~such~~ these 3986  
 fees shall be used only for the services performed for the council 3987  
 by the department of aging in that fiscal year. 3988

**Sec. 121.63.** (A) Each executive agency lobbyist and each 3989  
 employer shall file with the joint legislative ethics committee, 3990  
 with the updated registration statement required by division (B) 3991  
 of section 121.62 of the Revised Code, a statement of expenditures 3992  
 as specified in divisions (B) and (C) of this section. An 3993  
 executive agency lobbyist shall file a separate statement of 3994  
 expenditures under this section for each employer that engages ~~him~~ 3995  
the executive agency lobbyist. 3996

(B)(1) In addition to the information required by divisions 3997  
 (B)(2) and (3) of this section, a statement filed by an executive 3998  
 agency lobbyist shall show the total amount of expenditures made 3999  
 during the reporting period covered by the statement by the 4000  
 executive agency lobbyist. 4001

(2) If, during a reporting period covered by a statement, an 4002



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employer or any executive agency lobbyist ~~he~~ the employer engaged 4003  
 made, either separately or in combination with each other, 4004  
 expenditures to, at the request of, for the benefit of, or on 4005  
 behalf of a particular elected executive official, the director of 4006  
 a department created under section 121.02 of the Revised Code, a 4007  
 particular executive agency official, or a particular member of 4008  
 the staff of any public officer listed in division (B)(2) of this 4009  
 section, the employer or executive agency lobbyist also shall 4010  
 state the name of the public officer or employee to whom, at whose 4011  
 request, for whose benefit, or on whose behalf the expenditures 4012  
 were made, the total amount of the expenditures made, a brief 4013  
 description of the expenditures made, the approximate date the 4014  
 expenditures were made, the executive agency decision, if any, 4015  
 sought to be influenced, and the identity of the client on whose 4016  
 behalf the expenditure was made. 4017

As used in division (B)(2) of this section, "expenditures" 4018  
 does not include expenditures made by an executive agency lobbyist 4019  
 as payment for meals and other food and beverages. 4020

(3) If, during a reporting period covered by a statement, an 4021  
 executive agency lobbyist made expenditures as payment for meals 4022  
 and other food and beverages, other than for meals and other food 4023  
 and beverages provided at a meeting at which the person 4024  
 participated in a panel, seminar, or speaking engagement or at a 4025  
 meeting or convention of a national organization to which ~~either~~ 4026  
~~house of the general assembly, any legislative agency, or any~~ 4027  
~~other~~ state agency or any state institution of higher education as 4028  
defined in section 3345.031 of the Revised Code pays membership 4029  
 dues, that, when added to the amount of previous payments made for 4030  
 meals and other food and beverages by that executive agency 4031  
 lobbyist during that same calendar year, exceeded a total of fifty 4032  
 dollars to, at the request of, for the benefit of, or on behalf of 4033  
 a particular elected executive official, the director of a 4034

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department created under section 121.02 of the Revised Code, a 4035  
particular executive agency official, or any particular member of 4036  
the staff of any of the public officers or employees listed in 4037  
division (B)(3) of this section, then the executive agency 4038  
lobbyist shall also state regarding those expenditures the name of 4039  
the public officer or employee to whom, at whose request, for 4040  
whose benefit, or on whose behalf the expenditures were made, the 4041  
total amount of the expenditures made, a brief description of the 4042  
expenditures made, the approximate date the expenditures were 4043  
made, the executive agency decision, if any, sought to be 4044  
influenced, and the identity of the client on whose behalf the 4045  
expenditure was made. 4046

(C) In addition to the information required by divisions 4047  
(B)(2) and (3) of this section, a statement filed by an employer 4048  
shall show the total amount of expenditures made by the employer 4049  
filing the statement during the period covered by the statement. 4050  
As used in this section, "expenditures" does not include the 4051  
expenses of maintaining office facilities, or the compensation 4052  
paid to executive agency lobbyists engaged to influence executive 4053  
agency decisions or conduct executive agency lobbying activity. 4054

No employer shall be required to show any expenditure on a 4055  
statement filed under this division if the expenditure is reported 4056  
on a statement filed under division (B)(1), (2), or (3) of this 4057  
section by an executive agency lobbyist engaged by the employer. 4058

(D) Any statement required to be filed under this section 4059  
shall be filed at the times specified in section 121.62 of the 4060  
Revised Code. Each statement shall cover expenditures made during 4061  
the four-calendar-month period that ended on the last day of the 4062  
month immediately preceding the month in which the statement is 4063  
required to be filed. 4064

(E) If it is impractical or impossible for an executive 4065  
agency lobbyist or employer to determine exact dollar amounts or 4066

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values of expenditures, reporting of good faith estimates, based 4067  
on reasonable accounting procedures, constitutes compliance with 4068  
this division. 4069

(F) Executive agency lobbyists and employers shall retain 4070  
receipts or maintain records for all expenditures that are 4071  
required to be reported pursuant to this section. These receipts 4072  
or records shall be maintained for a period ending on the 4073  
thirty-first day of December of the second calendar year after the 4074  
year in which the expenditure was made. 4075

(G)(1) At least ten days before the date on which the 4076  
statement is filed, each employer or executive agency lobbyist who 4077  
is required to file an expenditure statement under division (B)(2) 4078  
or (3) of this section shall deliver a copy of the statement, or 4079  
the portion showing the expenditure, to the public officer or 4080  
employee who is listed in the statement as having received the 4081  
expenditure or on whose behalf it was made. 4082

(2) If, during a reporting period covered by an expenditure 4083  
statement filed under division (B)(2) of this section, an employer 4084  
or any executive agency lobbyist ~~he~~ the employer engaged made, 4085  
either separately or in combination with each other, either 4086  
directly or indirectly, expenditures for an honorarium or for 4087  
transportation, lodging, or food and beverages purchased for 4088  
consumption on the premises in which the food and beverages were 4089  
sold to, at the request of, for the benefit or, or on behalf of 4090  
any of the public officers or employees described in division 4091  
(B)(2) of this section, the employer or executive agency lobbyist 4092  
shall deliver to the public officer or employee a statement that 4093  
contains all of the nondisputed information prescribed in division 4094  
(B)(2) of this section with respect to the expenditures described 4095  
in division (G)(2) of this section. The statement of expenditures 4096  
made under division (G)(2) of this section shall be delivered to 4097  
the public officer or employee to whom, at whose request, for 4098

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whose benefit, or on whose behalf those expenditures were made on 4099  
the same day in which a copy of the expenditure statement or of a 4100  
portion showing the expenditure is delivered to the public officer 4101  
or employee under division (G)(1) of this section. An employer is 4102  
not required to show any expenditure on a statement delivered 4103  
under division (G)(2) of this section if the expenditure is shown 4104  
on a statement delivered under division (G)(2) of this section by 4105  
a legislative agent engaged by the employer. 4106

**Sec. 122.011.** (A) The department of development shall develop 4107  
and promote plans and programs designed to assure that state 4108  
resources are efficiently used, economic growth is properly 4109  
balanced, community growth is developed in an orderly manner, and 4110  
local governments are coordinated with each other and the state, 4111  
and for such purposes may do all of the following: 4112

(1) Serve as a clearinghouse for information, data, and other 4113  
materials that may be helpful or necessary to persons or local 4114  
governments, as provided in section 122.07 of the Revised Code; 4115  
4116

(2) Prepare and activate plans for the retention, 4117  
development, expansion, and use of the resources and commerce of 4118  
the state, as provided in section 122.04 of the Revised Code; 4119

(3) Assist and cooperate with federal, state, and local 4120  
governments and agencies of federal, state, and local governments 4121  
in the coordination of programs to carry out the functions and 4122  
duties of the department; 4123

(4) Encourage and foster research and development activities, 4124  
conduct studies related to the solution of community problems, and 4125  
develop recommendations for administrative or legislative actions, 4126  
as provided in section 122.03 of the Revised Code; 4127  
4128

(5) Serve as the economic and community development planning 4129

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agency, which shall prepare and recommend plans and programs for 4130  
the orderly growth and development of this state and which shall 4131  
provide planning assistance, as provided in section 122.06 of the 4132  
Revised Code; 4133

(6) Cooperate with and provide technical assistance to state 4134  
departments, political subdivisions, regional and local planning 4135  
commissions, tourist associations, councils of government, 4136  
community development groups, community action agencies, and other 4137  
appropriate organizations for carrying out the functions and 4138  
duties of the department or for the solution of community 4139  
problems; 4140

(7) Coordinate the activities of state agencies that have an 4141  
impact on carrying out the functions and duties of the department; 4142

(8) Encourage and assist the efforts of and cooperate with 4143  
local governments to develop mutual and cooperative solutions to 4144  
their common problems that relate to carrying out the purposes of 4145  
this section; 4146

(9) Study existing structure, operations, and financing of 4147  
regional or local government and those state activities that 4148  
involve significant relations with regional or local governmental 4149  
units, recommend to the governor and to the general assembly such 4150  
changes in these provisions and activities as will improve the 4151  
operations of regional or local government, and conduct other 4152  
studies of legal provisions that affect problems related to 4153  
carrying out the purposes of this section; 4154

(10) Appoint, with the approval of the governor, technical 4155  
and other advisory councils as it considers appropriate, as 4156  
provided in section 122.09 of the Revised Code; 4157

(11) Create and operate a division of community development 4158  
to develop and administer programs and activities that are 4159  
authorized by federal statute or the Revised Code; 4160

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

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

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

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

(B) The department, by rule, shall establish criteria defining nonprofit corporations that are eligible for appointment as qualified agents pursuant to sections 135.81 to 135.88 of the Revised Code. The criteria shall require that a corporation be organized pursuant to Chapter 1702. of the Revised Code and have as its primary purpose the promotion of economic development or the creation or retention of jobs and job opportunities. The criteria may include a specification as to the professional qualifications of the corporation employees, a minimum elapsed period of time since the corporation was organized, current and former activities of the corporation, and such other criteria

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reasonably related to the foregoing that relate to the ability of  
 the corporation to act as a qualified agent for the purposes of  
 sections ~~135.51~~ 135.81 to 135.88 of the Revised Code.

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

**Sec. 122.60.** As used in sections 122.60 to 122.605 of the  
Revised Code:

(A) "Capital access loan" means a loan made by a  
participating financial institution to an eligible business that  
may be secured by a deposit of money from the fund into the  
participating financial institution's program reserve account.

(B) "Department" means the department of development.

(C) "Eligible business" means a for-profit business entity  
that had total annual sales in its most recently completed fiscal  
year of less than ten million dollars and that has a principal  
place of business within the state, the operation of which, alone  
or in conjunction with other facilities, will create new jobs or  
preserve existing jobs and employment opportunities and will  
improve the economic welfare of the people of the state. As used  
in this division, "new jobs" does not include existing jobs  
transferred from another facility within the state, and "existing  
jobs" means only existing jobs at facilities within the same  
municipal corporation or township in which the project, activity,  
or enterprise that is the subject of a capital access loan is  
located.

(D) "Financial institution" means any bank, trust company,

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savings bank, or savings and loan association that is chartered by 4223  
and has a significant presence in the state, or any national bank, 4224  
federal savings and loan association, or federal savings bank that 4225  
has a significant presence in the state. 4226

(E) "Fund" means the capital access loan program fund. 4227

(F) "Participating financial institution" means a financial 4228  
institution that has a valid, current participation agreement with 4229  
the department. 4230

(G) "Participation agreement" means the agreement between a 4231  
financial institution and the department under which a financial 4232  
institution may participate in the program. 4233

(H) "Passive real estate ownership" means the ownership of 4234  
real estate for the sole purpose of deriving income from it by 4235  
speculation, trade, or rental. 4236

(I) "Program" means the capital access loan program created 4237  
under section 122.602 of the Revised Code. 4238

(J) "Program reserve account" means a dedicated account at 4239  
each participating financial institution that is the property of 4240  
the state and may be used by the participating financial 4241  
institution only for the purpose of recovering a claim under 4242  
section 122.604 of the Revised Code arising from a default on a 4243  
loan made by the participating financial institution under the 4244  
program. 4245

**Sec. 122.601.** There is hereby created in the state treasury 4246  
the capital access loan program fund. The fund shall consist of 4247  
money deposited into it from the facilities establishment fund 4248  
pursuant to section 166.03 of the Revised Code and all money 4249  
deposited into it pursuant to section 122.602 of the Revised Code. 4250  
The total amount of money deposited into the fund from the 4251  
facilities establishment fund shall not exceed three million 4252



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dollars during any particular fiscal year of the department. 4253

The department shall disburse money from the capital access 4254  
loan program fund only to pay the operating costs of the program 4255  
and only in keeping with the purposes specified in sections 122.60 4256  
to 122.605 of the Revised Code. 4257

**Sec. 122.602.** (A) There is hereby created in the department 4258  
of development the capital access loan program to assist 4259  
participating financial institutions in making program loans to 4260  
eligible businesses that face barriers in accessing working 4261  
capital and obtaining fixed asset financing. In administering the 4262  
program, the director of development may do any of the following: 4263

(1) Receive and accept grants, gifts, and contributions of 4264  
money, property, labor, and other things of value to be held, 4265  
used, and applied only for the purpose for which the grants, gifts 4266  
and contributions are made, from individuals, private and public 4267  
corporations, the United States or any agency of the United 4268  
States, the state or any agency of the state, or any political 4269  
subdivision of the state; agree to repay any contribution of money 4270  
or return any property contributed or the value of that property 4271  
at the times, in the amounts, and on the terms and conditions, 4272  
excluding the payment of interest, that the director consents to 4273  
at the time a contribution is made; and evidence obligations by 4274  
notes, bonds, or other written instruments; 4275

(2) Adopt rules under Chapter 119. of the Revised Code to 4276  
carry out the purposes of the program specified in sections 122.60 4277  
to 122.605 of the Revised Code; 4278

(3) Engage in all other acts, and enter into contracts and 4279  
execute all instruments, necessary or appropriate to carry out the 4280  
purposes specified in sections 122.60 to 122.605 of the Revised 4281  
Code. 4282

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(B) The director shall determine the eligibility of a 4283  
financial institution to participate in the program and may set a 4284  
limit on the number of financial institutions that may participate 4285  
in the program. 4286

(C) To be considered eligible by the director to participate 4287  
in the program, a financial institution shall enter into a 4288  
participation agreement with the department that sets out the 4289  
terms and conditions under which the department will deposit 4290  
moneys from the fund into the financial institution's program 4291  
reserve account, specifies the criteria for loan qualification 4292  
under the program, and contains any additional terms the director 4293  
considers necessary. 4294

(D) After receiving the certification required under division 4295  
(C) of section 122.603 of the Revised Code, the director shall 4296  
disburse moneys from the fund to a participating financial 4297  
institution for deposit in its program reserve account if the 4298  
director determines that the capital access loan involved meets 4299  
all of the following criteria: 4300

(1) It will be made to an eligible business. 4301

(2) It will be used by the eligible business for a project, 4302  
activity, or enterprise in the state that fosters economic 4303  
development. 4304

(3) It will not be made in order to enroll in the program 4305  
prior debt that is not covered under the program and that is owed 4306  
or was previously owed by an eligible business to the financial 4307  
institution. 4308

(4) It will not be utilized for a project or development 4309  
related to the on-site construction or purchase of residential 4310  
housing. 4311

(5) It will not be used to finance passive real estate 4312  
ownership. 4313

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(6) It conforms to the requirements of divisions (E), (F), (G), (H), and (I) of this section, and to the rules adopted by the director under division (A)(2) of this section. 4314  
4315  
4316

(E) The director shall not approve a capital access loan to an eligible business that exceeds two hundred fifty thousand dollars for working capital or five hundred thousand dollars for the purchase of fixed assets. An eligible business may apply for the maximum amount for both working capital and the purchase of fixed assets in the same capital access loan. 4317  
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(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program. 4323  
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(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code. 4327  
4328

(H) A financial institution may apply to the director for the approval of a capital access loan that refinances a nonprogram loan made by another financial institution. 4329  
4330  
4331

(I) The director shall not approve a capital access loan that refinances a nonprogram loan made by the same financial institution, unless the amount of the refinanced loan exceeds the existing debt, in which case only the amount exceeding the existing debt is eligible for a loan under the program. 4332  
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**Sec. 122.603.** (A)(1) Upon approval by the director of development and after entering into a participation agreement with the department, a participating financial institution making a capital access loan shall establish a program reserve account. The account shall be an interest-bearing account and shall contain only moneys deposited into it under the program and the interest payable on the moneys in the account. 4337  
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(2) All interest payable on the moneys in the program reserve 4344  
account shall be added to the moneys and held as an additional 4345  
loss reserve. The director may require that a portion or all of 4346  
the accrued interest so held in the account be released to the 4347  
department. If the director causes a release of accrued interest, 4348  
the director shall deposit the released amount into the fund. The 4349  
director shall not require the release of accrued interest more 4350  
than twice in a fiscal year. 4351

(B) When a participating financial institution makes a 4352  
capital access loan, it shall require the eligible business to pay 4353  
to the participating financial institution a fee in an amount that 4354  
is not less than one and one-half per cent, and not more than 4355  
three per cent, of the principal amount of the loan. The 4356  
participating financial institution shall deposit the fee into its 4357  
program reserve account, and it also shall deposit into the 4358  
account an amount of its own funds equal to the amount of the fee. 4359  
The participating financial institution may recover from the 4360  
eligible business all or part of the amount that the participating 4361  
financial institution is required to deposit into the account 4362  
under this division in any manner agreed to by the participating 4363  
financial institution and the eligible business. 4364

(C) For each capital access loan made by a participating 4365  
financial institution, the participating financial institution 4366  
shall certify to the director, within a period specified by the 4367  
director, that the participating financial institution has made 4368  
the loan. The certification shall include the amount of the loan, 4369  
the amount of the fee received from the eligible business, the 4370  
amount of its own funds that the participating financial 4371  
institution deposited into its program reserve account to reflect 4372  
that fee, and any other information specified by the director. 4373

(D) On receipt of a certification made under division (C) of 4374  
this section and subject to section 122.602 of the Revised Code, 4375

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the director shall disburse to the participating financial institution from the fund an amount equal to ten per cent of the principal amount of the particular capital access loan for deposit into the participating financial institution's program reserve account. The disbursement of moneys from the fund to a participating financial institution does not require approval from the controlling board. 4376  
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(E) If the amount in a program reserve account exceeds an amount equal to thirty-three per cent of a participating financial institution's outstanding capital access loans, the department may cause the withdrawal of the excess amount and the deposit of the withdrawn amount into the fund. 4383  
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(F)(1) The department may cause the withdrawal of the total amount in a participating financial institution's program reserve account if any of the following applies: 4388  
4389  
4390

(a) The financial institution is no longer eligible to participate in the program. 4391  
4392

(b) The participation agreement expires without renewal by the department or the financial institution. 4393  
4394

(c) The financial institution has no outstanding capital access loans. 4395  
4396

(d) The financial institution has not made a capital access loan within the preceding twenty-four months. 4397  
4398

(2) If the department causes a withdrawal under division (F)(1) of this section, the department shall deposit the withdrawn amount into the fund. 4399  
4400  
4401

**Sec. 122.604.** (A) If a participating financial institution determines that a portion or all of a capital access loan is uncollectible, it may submit a claim to the department for approval of the release of moneys from its program reserve 4402  
4403  
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account. 4406

(B) The claim may include the amount of principal plus 4407  
accrued interest owed. The amount of principal included in the 4408  
claim may not exceed the principal amount covered by the program. 4409  
The amount of accrued interest included in the claim may not 4410  
exceed the accrued interest attributable to the covered principal 4411  
amount. 4412

(C) The participating financial institution shall determine 4413  
the timing and amount of delinquency on a capital access loan in a 4414  
manner consistent with the participating financial institution's 4415  
normal method for making these determinations on similar 4416  
nonprogram loans. 4417

(D) If the participating financial institution files two or 4418  
more claims at the same time or approximately the same time and 4419  
there are insufficient funds in its program reserve account at 4420  
that time to cover the entire amount of the claims, the 4421  
participating financial institution may specify an order of 4422  
priority in which the department shall approve the release of 4423  
funds from the account in relation to the claims. 4424

(E) If subsequent to the payment of a claim, a participating 4425  
financial institution recovers from an eligible business any 4426  
amount covered by the paid claim, the participating financial 4427  
institution shall promptly deposit the amount recovered into its 4428  
program reserve account, less any reasonable expenses incurred. 4429

**Sec. 122.605.** Each participating financial institution shall 4430  
submit an annual report to the department on or before the 4431  
thirty-first day of March of each year. The report shall include 4432  
or be accompanied by all of the following: 4433

(A) Information regarding the participating financial 4434  
institution's outstanding capital access loans, its capital access 4435

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loan losses, and other related matters that the department 4436  
considers appropriate; 4437

(B) A statement of the total amount of the participating 4438  
financial institution's capital access loans for which the 4439  
department has made disbursements from the fund under the program; 4440

(C) A copy of the participating financial institution's most 4441  
recent financial statement. 4442

**Sec. 122.71.** As used in sections 122.71 to 122.83 of the 4443  
Revised Code: 4444

(A) "Financial institution" means any banking corporation, 4445  
trust company, insurance company, savings and loan association, 4446  
building and loan association, or corporation, partnership, 4447  
federal lending agency, foundation, or other institution engaged 4448  
in lending or investing funds for industrial or business purposes. 4449

(B) "Project" means any real or personal property connected 4450  
with or being a part of an industrial, distribution, commercial, 4451  
or research facility to be acquired, constructed, reconstructed, 4452  
enlarged, improved, furnished, or equipped, or any combination 4453  
thereof, with the aid provided under sections 122.71 to 122.83 of 4454  
the Revised Code, for industrial, commercial, distribution, and 4455  
research development of the state. 4456

(C) "Mortgage" means the lien imposed on a project by a 4457  
mortgage on real property, or by financing statements on personal 4458  
property, or a combination of a mortgage and financing statements 4459  
when a project consists of both real and personal property. 4460

(D) "Mortgagor" means the principal user of a project or the 4461  
person, corporation, partnership, or association unconditionally 4462  
guaranteeing performance by the principal user of its obligations 4463  
under the mortgage. 4464

(E)(1) "Minority business enterprise" means an individual who 4465

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is a United States citizen and owns and controls a business, or a 4466  
 partnership, corporation, or joint venture of any kind that is 4467  
 owned and controlled by United States citizens who, which citizen 4468  
or citizens are residents of this state ~~or nonresidents of this~~ 4469  
~~state who have a significant presence in this state,~~ and who are 4470  
 members of one of the following economically disadvantaged groups: 4471  
 Blacks, American Indians, Hispanics, and Orientals. 4472

(2) "Owned and controlled" means that at least fifty-one per 4473  
 cent of the business, including corporate stock if a corporation, 4474  
 is owned by persons who belong to one or more of the groups set 4475  
 forth in division (E)(1) of this section, and that those owners 4476  
 have control over the management and day-to-day operations of the 4477  
 business and an interest in the capital, assets, and profits and 4478  
 losses of the business proportionate to their percentage of 4479  
 ownership. In order to qualify as a minority business enterprise, 4480  
 a business shall have been owned and controlled by those persons 4481  
 at least one year prior to being awarded a contract pursuant to 4482  
 this section. 4483

(F) "Community improvement corporation" means a corporation 4484  
 organized under Chapter 1724. of the Revised Code. 4485

(G) "Ohio development corporation" means a corporation 4486  
 organized under Chapter 1726. of the Revised Code. 4487

(H) "Minority contractors business assistance organization" 4488  
means an entity engaged in the provision of management and 4489  
technical business assistance to minority business enterprise 4490  
entrepreneurs. 4491

(I) "Minority business supplier development council" means a 4492  
nonprofit organization established as an affiliate of the national 4493  
minority supplier development council. 4494

**Sec. 122.76.** (A) The director of development, with 4495  
 controlling board approval, may lend funds to minority business 4496



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enterprises and to community improvement corporations ~~and~~, Ohio 4497  
 development corporations, minority contractors business assistance 4498  
organizations, and minority business supplier development councils 4499  
 for the purpose of loaning funds to minority business enterprises 4500  
 and for the purpose of procuring or improving real or personal 4501  
 property, or both, for the establishment, location, or expansion 4502  
 of industrial, distribution, commercial, or research facilities in 4503  
 the state, if the director determines, in the director's sole 4504  
 discretion, that all of the following apply: 4505

(1) The project is economically sound and will benefit the 4506  
 people of the state by increasing opportunities for employment, by 4507  
 strengthening the economy of the state, or expanding minority 4508  
 business enterprises~~+~~. 4509

(2) The proposed minority business enterprise borrower is 4510  
 unable to finance the proposed project through ordinary financial 4511  
 channels at comparable terms~~+~~. 4512

(3) The value of the project is~~+~~ or ~~+~~ upon completion ~~thereof~~, 4513  
 will be~~+~~ at least equal to the total amount of the money expended 4514  
 in the procurement or improvement of the project, ~~and of which~~ 4515  
~~amount~~ one or more financial institutions or other governmental 4516  
 entities have loaned not less than thirty per cent~~+~~ of that 4517  
amount. 4518

(4) The amount to be loaned by the director will not exceed 4519  
 sixty per cent of the total amount expended in the procurement or 4520  
 improvement of the project~~+~~. 4521

(5) The amount to be loaned by the director will be 4522  
 adequately secured by a first or second mortgage upon the project~~+~~ 4523  
 or by mortgages, leases, liens, assignments, or pledges on or of 4524  
 other property or contracts as the director requires, ~~and that~~ 4525  
 such mortgage will not be subordinate to any other liens or 4526  
 mortgages except the liens securing loans or investments made by 4527  
 financial institutions referred to in division (A)(3) of this 4528

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section, and the liens securing loans previously made by any 4529  
financial institution in connection with the procurement or 4530  
expansion of all or part of a project. 4531

(B) Any proposed minority business enterprise borrower 4532  
submitting an application for assistance under this section shall 4533  
not have defaulted on a previous loan from the director, and no 4534  
full or limited partner, ~~or~~ major shareholder, or holder of an 4535  
equity interest of the proposed minority business enterprise 4536  
borrower shall have defaulted on a loan from the director~~.~~ 4537

(C) The proposed minority business enterprise borrower shall 4538  
demonstrate to the satisfaction of the director that it is able to 4539  
successfully compete in the private sector if it obtains the 4540  
necessary financial, technical, or managerial support and that 4541  
support is available through the director, the minority business 4542  
development office of the department of development, or other 4543  
identified and acceptable sources. In determining whether a 4544  
minority business enterprise borrower will be able to successfully 4545  
compete, the director may give consideration to such factors as 4546  
the successful completion of or participation in courses of study, 4547  
recognized by the board of regents as providing financial, 4548  
technical, or managerial skills related to the operation of the 4549  
business, by the economically disadvantaged individual, owner, or 4550  
partner, and the prior success of the individual, owner, or 4551  
partner in personal, career, or business activities, as well as to 4552  
other factors identified by the director. 4553

(D) The director shall not lend funds for the purpose of 4554  
procuring or improving motor vehicles, power-driven vehicles, 4555  
office equipment, raw materials, small tools, supplies, 4556  
inventories, or accounts receivable. 4557

**Sec. 122.92.** There is hereby created in the department of 4558  
development a minority business development division. The division 4559

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- shall do all of the following: 4560
- (A) Provide technical, managerial, and counseling services 4561  
and assistance to minority business enterprises; 4562
- (B) Provide procurement and bid packaging assistance to 4563  
minority business enterprises; 4564
- (C) Provide bonding technical assistance to minority business 4565  
enterprises; 4566
- (D) Participate with other state departments and agencies as 4567  
appropriate in developing specific plans and specific program 4568  
goals for programs to assist in the establishment and development 4569  
of minority business enterprises and establish regular performance 4570  
monitoring and reporting systems to ensure that those goals are 4571  
being achieved; 4572
- (E) Implement state law and policy supporting minority 4573  
business enterprise development, and assist in the coordination of 4574  
plans, programs, and operations of state government which affect 4575  
or may contribute to the establishment, preservation, and 4576  
strengthening of minority business enterprises; 4577
- (F) Assist in the coordination of activities and resources of 4578  
state agencies and local governments, business and trade 4579  
associations, universities, foundations, professional 4580  
organizations, and volunteer and other groups, to promote the 4581  
growth of minority business enterprises; 4582
- (G) Establish a center for the development, collection, and 4583  
dissemination of information that will be helpful to persons in 4584  
establishing or expanding minority business enterprises in this 4585  
state; 4586
- (H) Design, implement, and assist in experimental and 4587  
demonstration projects designed to overcome the special problems 4588  
of minority business enterprises; 4589

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

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

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

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

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

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

(O) Provide grant assistance to nonprofit entities that promote economic development, development corporations, community improvement corporations, and incubator business entities, if the entities or corporations focus on business, technical, and financial assistance to minority business enterprises to assist the enterprises with fixed asset financing;

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

**Sec. 124.24.** Notwithstanding sections 124.01 to 124.64 and

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Chapter 145. of the Revised Code, the examinations of applicants 4620  
 for the positions of deputy mine inspector, superintendent of 4621  
 rescue stations, assistant superintendent of rescue stations, 4622  
 electrical inspectors, gas storage well inspector, and mine 4623  
 chemists in the division of mineral resources management, 4624  
 department of natural resources, as provided in Chapters 1561., 4625  
 1563., 1565., and 1567. of the Revised Code shall be provided for, 4626  
 conducted, and administered by the ~~mine examining board created by~~ 4627  
~~section 1561.10 of the Revised Code~~ chief of the division of 4628  
mineral resources management. 4629

From the returns of the examinations the ~~mine examining board~~ 4630  
chief shall prepare eligible lists of the persons whose general 4631  
 average standing upon examinations for such grade or class is not 4632  
 less than the minimum fixed by ~~the rules of the board~~ adopted 4633  
under section 1561.05 of the Revised Code and who are otherwise 4634  
 eligible. All appointments to a position shall be made from such 4635  
 eligible list in the same manner as appointments are made from 4636  
 eligible lists prepared by the director of administrative 4637  
 services. Any person upon being appointed to fill one of the 4638  
 positions provided for in this section, from any such eligible 4639  
 list, shall have the same standing, rights, privileges, and status 4640  
 as other state employees in the classified service. 4641

**Sec. 124.82.** (A) Except as provided in division (D) of this 4642  
 section, the department of administrative services, in 4643  
 consultation with the superintendent of insurance, shall, in 4644  
 accordance with competitive selection procedures of Chapter 125. 4645  
 of the Revised Code, contract with an insurance company or a 4646  
 health plan in combination with an insurance company, authorized 4647  
 to do business in this state, for the issuance of a policy or 4648  
 contract of health, medical, hospital, dental, or surgical 4649  
 benefits, or any combination ~~thereof~~ of those benefits, covering 4650  
 state employees who are paid directly by warrant of the auditor of 4651

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state, including elected state officials. The department may 4652  
fulfill its obligation under this division by exercising its 4653  
authority under division (A)(2) of section 124.81 of the Revised 4654  
Code. 4655

(B) The department may, in addition, in consultation with the 4656  
superintendent of insurance, negotiate and contract with health 4657  
insuring corporations holding a certificate of authority under 4658  
Chapter 1751. of the Revised Code, in their approved service areas 4659  
only, for issuance of a contract or contracts of health care 4660  
services, covering state employees who are paid directly by 4661  
warrant of the auditor of state, including elected state 4662  
officials. Except for health insuring corporations, no more than 4663  
one insurance carrier or health plan shall be contracted with to 4664  
provide the same plan of benefits, provided that: 4665

(1) The amount of the premium or cost for such coverage 4666  
contributed by the state, for an individual or for an individual 4667  
and the individual's family, does not exceed that same amount of 4668  
the premium or cost contributed by the state under division (A) of 4669  
this section; 4670

(2) The employee be permitted to exercise the option as to 4671  
which plan the employee will select under division (A) or (B) of 4672  
this section, at a time that shall be determined by the 4673  
department; 4674

(3) The health insuring corporations do not refuse to accept 4675  
the employee, or the employee and the employee's family, if the 4676  
employee exercises the option to select care provided by the 4677  
corporations; 4678

(4) The employee may choose participation in only one of the 4679  
plans sponsored by the department; 4680

(5) The director of health examines and certifies to the 4681  
department that the quality and adequacy of care rendered by the 4682

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health insuring corporations meet at least the standards of care 4683  
provided by hospitals and physicians in that employee's community, 4684  
who would be providing such care as would be covered by a contract 4685  
awarded under division (A) of this section. 4686

(C) All or any portion of the cost, premium, or charge for 4687  
the coverage in divisions (A) and (B) of this section may be paid 4688  
in such manner or combination of manners as the department 4689  
determines and may include the proration of health care costs, 4690  
premiums, or charges for part-time employees. 4691

(D) Notwithstanding division (A) of this section, the 4692  
department may provide benefits equivalent to those that may be 4693  
paid under a policy or contract issued by an insurance company or 4694  
a health plan pursuant to division (A) of this section. 4695

(E) This section does not prohibit the state office of 4696  
collective bargaining from entering into an agreement with an 4697  
employee representative for the purposes of providing fringe 4698  
benefits, including, but not limited to, hospitalization, surgical 4699  
care, major medical care, disability, dental care, vision care, 4700  
medical care, hearing aids, prescription drugs, group life 4701  
insurance, sickness and accident insurance, group legal services 4702  
or other benefits, or any combination thereof, to employees paid 4703  
directly by warrant of the auditor of state through a jointly 4704  
administered trust fund. The employer's contribution for the cost 4705  
of the benefit care shall be mutually agreed to in the 4706  
collectively bargained agreement. The amount, type, and structure 4707  
of fringe benefits provided under this division is subject to the 4708  
determination of the board of trustees of the jointly administered 4709  
trust fund. Notwithstanding any other provision of the Revised 4710  
Code, competitive bidding does not apply to the purchase of fringe 4711  
benefits for employees under this division when such benefits are 4712  
provided through a jointly administered trust fund. 4713

(F) Members of state boards and commissions who are members 4714

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of the public employees retirement system may be covered by any 4715  
policy, contract, or plan of benefits or services described in 4716  
division (A) or (B) of this section if they pay the entire amount 4717  
of the premiums, costs, or charges for that coverage. 4718

**Sec. 125.22.** (A) The department of administrative services 4719  
shall establish the central service agency to perform routine 4720  
support for the following boards and commissions: 4721

(1) State board of examiners of architects; 4722

(2) Barber board; 4723

(3) State chiropractic board; 4724

(4) State board of cosmetology; 4725

(5) Accountancy board; 4726

(6) State dental board; 4727

(7) State board of optometry; 4728

(8) Ohio occupational therapy, physical therapy, and athletic 4729  
trainers board; 4730

(9) State board of registration for professional engineers 4731  
and surveyors; 4732

(10) State board of sanitarian registration; 4733

(11) Board of embalmers and funeral directors; 4734

(12) State board of psychology; 4735

(13) Ohio optical dispensers board; 4736

(14) Board of speech pathology and audiology; 4737

(15) Counselor and social worker board; 4738

(16) State veterinary medical licensing board; 4739

(17) Ohio board of dietetics; 4740



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(18) Commission on Hispanic-Latino affairs;	4741
(19) Ohio respiratory care board;	4742
<u>(20) Ohio commission on African-American males.</u>	4743
(B)(1) Notwithstanding any other section of the Revised Code,	4744
the agency shall perform the following routine support services	4745
for the boards and commissions named in division (A) of this	4746
section unless the controlling board exempts a board or commission	4747
from this requirement on the recommendation of the director of	4748
administrative services:	4749
(a) Preparing and processing payroll and other personnel	4750
documents;	4751
(b) Preparing and processing vouchers, purchase orders,	4752
encumbrances, and other accounting documents;	4753
(c) Maintaining ledgers of accounts and balances;	4754
(d) Preparing and monitoring budgets and allotment plans in	4755
consultation with the boards and commissions;	4756
(e) <del>Maintaining information required by section 3729.40 of</del>	4757
<del>the Revised Code;</del>	4758
<del>(f)</del> Other routine support services that the director of	4759
administrative services considers appropriate to achieve	4760
efficiency.	4761
(2) The agency may perform other services which a board or	4762
commission named in division (A) of this section delegates to the	4763
agency and the agency accepts.	4764
(3) The agency may perform any service for any professional	4765
or occupational licensing board not named in division (A) of this	4766
section or any commission if the board or commission requests such	4767
service and the agency accepts.	4768
(C) The director of administrative services shall be the	4769

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appointing authority for the agency. 4770

(D) The agency shall determine the fees to be charged to the 4771  
boards and commissions, which shall be in proportion to the 4772  
services performed for each board or commission. 4773

(E) Each board or commission named in division (A) of this 4774  
section and any other board or commission requesting services from 4775  
the agency shall pay these fees to the agency from the general 4776  
revenue fund maintenance account of the board or commission or 4777  
from such other fund as the operating expenses of the board or 4778  
commission are paid. Any amounts set aside for a fiscal year by a 4779  
board or commission to allow for the payment of fees shall be used 4780  
only for the services performed by the agency in that fiscal year. 4781  
All receipts collected by the agency shall be deposited in the 4782  
state treasury to the credit of the central service agency fund, 4783  
which is hereby created. All expenses incurred by the agency in 4784  
performing services for the boards or commissions shall be paid 4785  
from the fund. 4786

(F) Nothing in this section shall be construed as a grant of 4787  
authority for the central service agency to initiate or deny 4788  
personnel or fiscal actions for the boards and commissions. 4789

**Sec. 126.11.** (A)(1) The director of budget and management 4790  
shall, upon consultation with the treasurer of state, coordinate 4791  
and approve the scheduling of initial sales of publicly offered 4792  
securities of the state and of publicly offered fractionalized 4793  
interests in or securitized issues of public obligations of the 4794  
state. The director shall from time to time develop and distribute 4795  
to state issuers an approved sale schedule for each of the 4796  
obligations covered by ~~this~~ division (A) or (B) of this section. 4797  
~~This division~~ Division (A) of this section applies only to those 4798  
obligations on which the state or a state agency is the direct 4799  
obligor or obligor on any backup security or related credit 4800

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enhancement facility or source of money subject to state 4801  
appropriations that is intended for payment of those obligations. 4802

(2) The issuers of obligations pursuant to section 151.03, 4803  
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 4804  
shall submit to the director: 4805

(a) For review and approval: the projected sale date, amount, 4806  
and type of obligations proposed to be sold; their purpose, 4807  
security, and source of payment; and the proposed structure and 4808  
maturity schedule; 4809

(b) For review and comment: the authorizing order or 4810  
resolution; preliminary and final offering documents; method of 4811  
sale; preliminary and final pricing information; and any written 4812  
reports or recommendations of financial advisors or consultants 4813  
relating to those obligations; 4814

(c) Promptly after each sale of those obligations: final 4815  
terms, including sale price, maturity schedule and yields, and 4816  
sources and uses; names of the original purchasers or 4817  
underwriters; a copy of the final offering document and of the 4818  
transcript of proceedings; and any other pertinent information 4819  
requested by the director. 4820

(3) The issuer of obligations pursuant to section 151.06 or 4821  
151.08 or Chapter 154. ~~or 3318.~~ of the Revised Code shall submit 4822  
to the director: 4823

(a) For review and mutual agreement: the projected sale date, 4824  
amount, and type of obligations proposed to be sold; their 4825  
purpose, security, and source of payment; and the proposed 4826  
structure and maturity schedule; 4827

(b) For review and comment: the authorizing order or 4828  
resolution; preliminary and final offering documents; method of 4829  
sale; preliminary and final pricing information; and any written 4830  
reports or recommendations of financial advisors or consultants 4831

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relating to those obligations; 4832

(c) Promptly after each sale of those obligations: final 4833  
terms, including sale price, maturity schedule and yields, and 4834  
sources and uses; names of the original purchasers or 4835  
underwriters; a copy of the final offering document and of the 4836  
transcript of proceedings; and any other pertinent information 4837  
requested by the director. 4838

(4) The issuers of obligations pursuant to Chapter 166., 4839  
4981., 5540., or 6121., or section 5531.10, of the Revised Code 4840  
shall submit to the director: 4841

(a) For review and comment: the projected sale date, amount, 4842  
and type of obligations proposed to be sold; the purpose, 4843  
security, and source of payment; and preliminary and final 4844  
offering documents; 4845

(b) Promptly after each sale of those obligations: final 4846  
terms, including a maturity schedule; names of the original 4847  
purchasers or underwriters; a copy of the complete continuing 4848  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 4849  
rule as from time to time in effect; and any other pertinent 4850  
information requested by the director. 4851

(5) Not later than thirty days after the end of a fiscal 4852  
year, each issuer of obligations subject to divisions (A) and (B) 4853  
of this section shall submit to the director and to the treasurer 4854  
of state a sale plan for the then current fiscal year for each 4855  
type of obligation, projecting the amount and term of each 4856  
issuance, the method of sale, and the month of sale. 4857

(B) Issuers of obligations pursuant to section 3318.085 or 4858  
Chapter 122., 166., 175., 3345., 3347., 3366., 3377., 3706., 4859  
3737., 5537., 6121., or 6123. of the Revised Code, and issuers of 4860  
securities issued pursuant to Chapter 165. of the Revised Code 4861  
other than a county or municipal corporation, shall submit to the 4862

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director copies of the preliminary and final offering documents 4863  
upon their availability if not previously submitted pursuant to 4864  
division (A) of this section. 4865

(C) Not later than the first day of January of each year, 4866  
every state agency obligated to make payments on outstanding 4867  
public obligations with respect to which fractionalized interests 4868  
have been publicly issued, such as certificates of participation, 4869  
shall submit a report to the director of the amounts payable from 4870  
state appropriations under those public obligations during the 4871  
then current and next two fiscal years, identifying the 4872  
appropriation or intended appropriation from which payment is 4873  
expected to be made. 4874

(D)(1) Information relating generally to the historic, 4875  
current, or future demographics or economy or financial condition 4876  
or funds or general operations of the state, and descriptions of 4877  
any state contractual obligations relating to public obligations, 4878  
to be contained in any offering document, continuing disclosure 4879  
document, or written presentation prepared, approved, or provided, 4880  
or committed to be provided, by an issuer in connection with the 4881  
original issuance and sale of, or rating, remarketing, or credit 4882  
enhancement facilities relating to, public obligations referred to 4883  
in division (A) of this section shall be approved as to format and 4884  
accuracy by the director before being presented, published, or 4885  
disseminated in preliminary, draft, or final form, or publicly 4886  
filed in paper, electronic, or other format. 4887

(2) Except for information described in division (D)(1) of 4888  
this section that is to be contained in an offering document, 4889  
continuing disclosure document, or written presentation, division 4890  
(D)(1) of this section does not inhibit direct communication 4891  
between an issuer and a rating agency, remarketing agent, or 4892  
credit enhancement provider concerning an issuance of public 4893  
obligations referred to in division (A) of this section or matters 4894

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associated with that issuance.

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

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

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

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

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

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

**Sec. 126.21.** (A) The director of budget and management shall do all of the following:

(1) Keep all necessary accounting records;

(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of

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accounts;	4958
(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving payment vouchers;	4959 4960 4961
(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.	4962 4963 4964 4965 4966 4967 4968 4969
(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;	4970 4971 4972
(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.	4973 4974 4975 4976 4977 4978 4979 4980
(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;	4981 4982
(8) Perform extensions, reviews, and compliance checks prior to approving a payment as the director considers necessary;	4983 4984
(9) Issue the official comprehensive annual financial report of the state. The report shall cover all funds <del>and account groups</del> of the state reporting entity and shall include <del>general purpose</del> <u>basic</u> financial statements <u>and required supplementary information</u>	4985 4986 4987 4988



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prepared in accordance with generally accepted accounting 4989  
principles and other information as the director provides. All 4990  
state agencies, authorities, institutions, offices, retirement 4991  
systems, and other component units of the state reporting entity 4992  
as determined by the director shall furnish the director whatever 4993  
financial statements and other information the director requests 4994  
for the report, in the form, at the times, covering the periods, 4995  
and with the attestation the director prescribes. The information 4996  
for state institutions of higher education, as defined in section 4997  
3345.011 of the Revised Code, shall be submitted to the director 4998  
by the Ohio board of regents. The board shall establish a due date 4999  
by which each such institution shall submit the information to the 5000  
board, but no such date shall be later than one hundred twenty 5001  
days after the end of the state fiscal year unless a later date is 5002  
approved by the director. 5003

(B) In addition to the director's duties under division (A) 5004  
of this section, the director of budget and management may 5005  
establish and administer one or more state payment card programs 5006  
that permit or require state agencies to use a payment card to 5007  
purchase equipment, materials, supplies, or services in accordance 5008  
with guidelines issued by the director. The director may contract 5009  
with one or more vendors to provide the payment cards and payment 5010  
card services. State agencies may only participate in state 5011  
payment card programs that the director establishes pursuant to 5012  
this section. 5013

**Sec. 127.16.** (A) Upon the request of either a state agency or 5014  
the director of budget and management and after the controlling 5015  
board determines that an emergency or a sufficient economic reason 5016  
exists, the controlling board may approve the making of a purchase 5017  
without competitive selection as provided in division (B) of this 5018  
section. 5019

(B) Except as otherwise provided in this section, no state 5020

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agency, using money that has been appropriated to it directly, 5021  
shall: 5022

(1) Make any purchase from a particular supplier, that would 5023  
amount to fifty thousand dollars or more when combined with both 5024  
the amount of all disbursements to the supplier during the fiscal 5025  
year for purchases made by the agency and the amount of all 5026  
outstanding encumbrances for purchases made by the agency from the 5027  
supplier, unless the purchase is made by competitive selection or 5028  
with the approval of the controlling board; 5029

(2) Lease real estate from a particular supplier, if the 5030  
lease would amount to seventy-five thousand dollars or more when 5031  
combined with both the amount of all disbursements to the supplier 5032  
during the fiscal year for real estate leases made by the agency 5033  
and the amount of all outstanding encumbrances for real estate 5034  
leases made by the agency from the supplier, unless the lease is 5035  
made by competitive selection or with the approval of the 5036  
controlling board. 5037

(C) Any person who authorizes a purchase in violation of 5038  
division (B) of this section shall be liable to the state for any 5039  
state funds spent on the purchase, and the attorney general shall 5040  
collect the amount from the person. 5041

(D) Nothing in division (B) of this section shall be 5042  
construed as: 5043

(1) A limitation upon the authority of the director of 5044  
transportation as granted in sections 5501.17, 5517.02, and 5045  
5525.14 of the Revised Code; 5046

(2) Applying to medicaid provider agreements under Chapter 5047  
5111. of the Revised Code or payments or provider agreements under 5048  
disability assistance medical assistance established under Chapter 5049  
5115. of the Revised Code; 5050

(3) Applying to the purchase of examinations from a sole 5051

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- supplier by a state licensing board under Title XLVII of the Revised Code; 5052  
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- (4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair; 5054  
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- (5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code; 5063  
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- (6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate. 5067  
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- (7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code; 5075  
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- (8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security 5078  
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administration;	5083
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	5084 5085 5086 5087
(10) Applying to any agency of the legislative branch of the state government;	5088 5089
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;	5090 5091
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	5092 5093 5094 5095
(13) Applying to dues or fees paid for membership in an organization or association;	5096 5097
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	5098 5099
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	5100 5101 5102 5103
(16) Applying to purchases of tickets for passenger air transportation;	5104 5105
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	5106 5107 5108
(18) Applying to the judicial branch of state government;	5109
(19) Applying to purchases of liquor for resale by the division of liquor control;	5110 5111

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(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	5112 5113 5114
(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;	5115 5116 5117 5118
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	5119 5120 5121
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	5122 5123
(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;	5124 5125 5126 5127
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	5128 5129
(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;	5130 5131 5132 5133 5134
(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;	5135 5136 5137
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	5138 5139 5140
(29) Applying to contracts entered into with persons by the	5141

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director of commerce for unclaimed funds collection and remittance 5142  
efforts as provided in division (F) of section 169.03 of the 5143  
Revised Code. The director shall keep an itemized accounting of 5144  
unclaimed funds collected by those persons and amounts paid to 5145  
them for their services. 5146

(30) Applying to purchases made by a state institution of 5147  
higher education in accordance with the terms of a contract 5148  
between the vendor and an inter-university purchasing group 5149  
comprised of purchasing officers of state institutions of higher 5150  
education; 5151

(31) Applying to the department of job and family services' 5152  
purchases of health assistance services under the children's 5153  
health insurance program part I provided for under section 5101.50 5154  
of the Revised Code or the children's health insurance program 5155  
part II provided for under section 5101.51 of the Revised Code; 5156

(32) Applying to payments by the attorney general from the 5157  
reparations fund to hospitals and other emergency medical 5158  
facilities for performing medical examinations to collect physical 5159  
evidence pursuant to section 2907.28 of the Revised Code. 5160

(E) Notwithstanding division (B)(1) of this section, the 5161  
cumulative purchase threshold shall be seventy-five thousand 5162  
dollars for the departments of mental retardation and 5163  
developmental disabilities, mental health, rehabilitation and 5164  
correction, and youth services. 5165

(F) When determining whether a state agency has reached the 5166  
cumulative purchase thresholds established in divisions (B)(1), 5167  
(B)(2), and (E) of this section, all of the following purchases by 5168  
such agency shall not be considered: 5169

(1) Purchases made through competitive selection or with 5170  
controlling board approval; 5171

(2) Purchases listed in division (D) of this section; 5172

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(3) For the purposes of the thresholds of divisions (B)(1) 5173  
and (E) of this section only, leases of real estate. 5174

(G) As used in this section, "competitive selection," 5175  
"purchase," "supplies," and "services" have the same meanings as 5176  
in section 125.01 of the Revised Code. 5177

**Sec. 131.01.** As used in Chapters 113., 117., 123., 124., 5178  
125., 126., 127., and 131. of the Revised Code, and any statute 5179  
that uses the terms in connection with state accounting or 5180  
budgeting: 5181

(A) "Account" means any record, element, or summary in which 5182  
financial transactions are identified and recorded as debit or 5183  
credit transactions in order to summarize items of a similar 5184  
nature or classification. 5185

(B) "Accounting procedure" means the arrangement of all 5186  
processes which discover, record, and summarize financial 5187  
information to produce financial statements and reports and to 5188  
provide internal control. 5189

(C) "Accounting system" means the total structure of records 5190  
and procedures which discover, record, classify, and report 5191  
information on the financial position and operations of a 5192  
governmental unit or any of its funds, ~~balanced account groups,~~ 5193  
and organizational components. 5194

(D) "Allocation" means a portion of an appropriation which is 5195  
designated for expenditure by specific organizational units or for 5196  
special purposes, activities, or objects that do not relate to a 5197  
period of time. 5198

(E) "Allotment" means all or part of an appropriation which 5199  
may be encumbered or expended within a specific period of time. 5200

(F) "Appropriation" means an authorization granted by the 5201  
general assembly to make expenditures and to incur obligations for 5202

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- specific purposes. 5203
- (G) "Assets" means resources owned, controlled, or otherwise 5204  
used or held by the state which have monetary value. 5205
- (H) "Budget" means the plan of financial operation embodying 5206  
an estimate of proposed expenditures and obligations for a given 5207  
period and the proposed means of financing them. 5208
- (I) "Direct deposit" is a form of electronic funds transfer 5209  
in which money is electronically deposited into the account of a 5210  
person or entity at a financial institution. 5211
- (J) "Disbursement" means a payment made for any purpose. 5212
- (K) "Electronic benefit transfer" means the electronic 5213  
delivery of benefits through automated teller machines, point of 5214  
sale terminals, or other electronic media pursuant to section 5215  
5101.33 of the Revised Code. 5216
- (L) "Electronic funds transfer" means the electronic movement 5217  
of funds via automated clearing house or wire transfer. 5218
- (M) "Encumbrancing document" means a document reserving all 5219  
or part of an appropriation. 5220
- (N) "Expenditure" means a reduction of the balance of an 5221  
appropriation after legal requirements have been met. 5222
- (O) "Fund" means an independent fiscal and accounting entity 5223  
with a self-balancing set of accounts recording cash or other 5224  
resources, together with all related liabilities, obligations, 5225  
reserves, and fund balances which are segregated for the purpose 5226  
of carrying on specific activities or attaining certain objectives 5227  
in accordance with special rules, restrictions, or limitations. 5228
- (P) "Lapse" means the automatic termination of an 5229  
appropriation at the end of the fiscal period for which it was 5230  
appropriated. 5231
- (Q) "Reappropriation" means an appropriation of a previous 5232



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appropriation that is continued in force in a succeeding 5233  
appropriation period. "Reappropriation" shall be equated with and 5234  
incorporated in the term "appropriation." 5235

(R) "Voucher" means the document used to transmit a claim for 5236  
payment and evidentiary matter related to the claim. 5237

(S) "Warrant" means an order drawn upon the treasurer of 5238  
state by the auditor of state directing the treasurer of state to 5239  
pay a specified amount, including an order to make a lump-sum 5240  
payment to a financial institution for the transfer of funds by 5241  
direct deposit or the drawdown of funds by electronic benefit 5242  
transfer, and the resulting electronic transfer to or by the 5243  
ultimate payees. 5244

The terms defined in this section shall be used, on all 5245  
accounting forms, reports, formal rules, and budget requests 5246  
produced by a state agency, only as defined in this section. 5247

**Sec. 133.021.** The general assembly hereby finds and declares 5248  
that the "Tax Reform Act of 1986" (the "Act") establishes a 5249  
unified volume ceiling on the aggregate amount of private activity 5250  
bonds which can be issued in each state. The unified volume 5251  
ceiling is the product of seventy-five dollars multiplied by the 5252  
state population in 1987 and fifty dollars multiplied by the state 5253  
population in each succeeding calendar year. 5254

The general assembly further finds and declares that the Act 5255  
requires the state to allocate its volume ceiling according to a 5256  
specified formula unless a different procedure is established by 5257  
the governor or general assembly. 5258

The general assembly further finds and declares that pursuant 5259  
to authorization of state legislation the general assembly has, by 5260  
division (D)(3) of section 133.02 of the Revised Code, effective 5261  
October 30, 1989, provided for delegating such function to the 5262  
governor and for further delegation as therein provided, subject 5263

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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  
the state. To this end, the joint select committee on volume cap  
shall:

(1) ~~Annually, survey the governmental units (or other  
authorities) in the state having authority to issue tax exempt~~

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<del>private activity bonds concerning;</del>	5295
<del>(a) The amount of tax exempt private activity bonds issued</del>	5296
<del>for the previous calendar year; and</del>	5297
<del>(b) The amount requested for the calendar year allocation</del>	5298
<del>currently under consideration.</del>	5299
<del>(2) Set forth procedures for making allocations, reallocation</del>	5300
<del>and carry forward of the state's unified volume ceiling in</del>	5301
<del>accordance with the Act;</del>	5302
<del>(3)(2) Develop strategies for allocating and reallocating the</del>	5303
<del>unified volume ceiling which are designed to maximize the</del>	5304
<del>availability of tax exempt private activity bonds among competing</del>	5305
<del>sectors of the state.</del>	5306
(D) To provide for the orderly and prompt issuance of private	5307
activity bonds, the committee is authorized to allocate the	5308
unified volume ceiling among those governmental units (or other	5309
authorities) in the state having authority to issue tax exempt	5310
private activity bonds. The committee shall reserve a portion of	5311
the unified volume ceiling to be allocated for multi-family rental	5312
housing projects. The committee in determination of unified volume	5313
ceiling allocations and reallocations shall consider the	5314
following:	5315
(1) The interest of the state with regard to long-term	5316
economic development, housing, education, redevelopment, and solid	5317
waste management;	5318
(2) The projected increase of jobs in the state;	5319
(3) The needs of political subdivisions.	5320
(E) The director of development shall adopt rules in	5321
accordance with Chapter 119. of the Revised Code to carry out the	5322
purposes of this section.	5323

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

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

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

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

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in

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excess of the limitation stated in division (B) of this section,	5355
under division (E) of this section;	5356
(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;	5357 5358 5359 5360
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;	5361 5362 5363
(5) Debt incurred under section 3313.374 of the Revised Code;	5364 5365
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	5366 5367 5368
<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	5369 5370
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	5371 5372
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	5373 5374 5375
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	5376 5377
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	5378 5379 5380 5381
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	5382 5383 5384

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(a) A history of and a projection of the growth of the student population;	5385
	5386
(b) The history of and a projection of the growth of the tax valuation;	5387
	5388
(c) The projected needs;	5389
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	5390
	5391
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	5392
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	5394
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	5395
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	5397
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than three per cent per year. The findings and certification of the superintendent shall be conclusive.	5398
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	5405
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	5406
	5407
	5408
	5409
(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	5410
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	5414

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question of issuing the proposed securities; 5415

(b) Nine per cent of the sum of its tax valuation plus an 5416  
amount that is the product of multiplying that tax valuation by 5417  
the percentage, determined by the superintendent of public 5418  
instruction, by which that tax valuation is projected to increase 5419  
during the next ten years. 5420

(F) A school district may issue securities for emergency 5421  
purposes, in a principal amount that does not exceed an amount 5422  
equal to three per cent of its tax valuation, as provided in this 5423  
division. 5424

(1) A board of education, by resolution, may declare an 5425  
emergency if it determines both of the following: 5426

(a) School buildings or other necessary school facilities in 5427  
the district have been wholly or partially destroyed, or condemned 5428  
by a constituted public authority, or that such buildings or 5429  
facilities are partially constructed, or so constructed or planned 5430  
as to require additions and improvements to them before the 5431  
buildings or facilities are usable for their intended purpose, or 5432  
that corrections to permanent improvements are necessary to remove 5433  
or prevent health or safety hazards. 5434

(b) Existing fiscal and net indebtedness limitations make 5435  
adequate replacement, additions, or improvements impossible. 5436

(2) Upon the declaration of an emergency, the board of 5437  
education may, by resolution, submit to the electors of the 5438  
district pursuant to section 133.18 of the Revised Code the 5439  
question of issuing securities for the purpose of paying the cost, 5440  
in excess of any insurance or condemnation proceeds received by 5441  
the district, of permanent improvements to respond to the 5442  
emergency need. 5443

(3) The procedures for the election shall be as provided in 5444  
section 133.18 of the Revised Code, except that: 5445

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(a) The form of the ballot shall describe the emergency 5446  
existing, refer to this division as the authority under which the 5447  
emergency is declared, and state that the amount of the proposed 5448  
securities exceeds the limitations prescribed by division (B) of 5449  
this section; 5450

(b) The resolution required by division (B) of section 133.18 5451  
of the Revised Code shall be certified to the county auditor and 5452  
the board of elections at least seventy-five days prior to the 5453  
election; 5454

(c) The county auditor shall advise and, not later than 5455  
sixty-five days before the election, confirm that advice by 5456  
certification to, the board of education of the information 5457  
required by division (C) of section 133.18 of the Revised Code; 5458

(d) The board of education shall then certify its resolution 5459  
and the information required by division (D) of section 133.18 of 5460  
the Revised Code to the board of elections not less than sixty 5461  
days prior to the election. 5462

(4) Notwithstanding division (B) of section 133.21 of the 5463  
Revised Code, the first principal payment of securities issued 5464  
under this division may be set at any date not later than sixty 5465  
months after the earliest possible principal payment otherwise 5466  
provided for in that division. 5467

(G) The board of education may contract with an architect, 5468  
professional engineer, or other person experienced in the design 5469  
and implementation of energy conservation measures for an analysis 5470  
and recommendations pertaining to installations, modifications of 5471  
installations, or remodeling that would significantly reduce 5472  
energy consumption in buildings owned by the district. The report 5473  
shall include estimates of all costs of such installations, 5474  
modifications, or remodeling, including costs of design, 5475  
engineering, installation, maintenance, repairs, and debt service, 5476



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and estimates of the amounts by which energy consumption and 5477  
resultant operational and maintenance costs, as defined by the 5478  
Ohio school facilities commission, would be reduced. 5479

If the board finds after receiving the report that the amount 5480  
of money the district would spend on such installations, 5481  
modifications, or remodeling is not likely to exceed the amount of 5482  
money it would save in energy and resultant operational and 5483  
maintenance costs over the ensuing fifteen years, the board may 5484  
submit to the commission a copy of its findings and a request for 5485  
approval to incur indebtedness to finance the making or 5486  
modification of installations or the remodeling of buildings for 5487  
the purpose of significantly reducing energy consumption. 5488

If the commission determines that the board's findings are 5489  
reasonable, it shall approve the board's request. Upon receipt of 5490  
the commission's approval, the district may issue securities 5491  
without a vote of the electors in a principal amount not to exceed 5492  
nine-tenths of one per cent of its tax valuation for the purpose 5493  
of making such installations, modifications, or remodeling, but 5494  
the total net indebtedness of the district without a vote of the 5495  
electors incurred under this and all other sections of the Revised 5496  
Code shall not exceed one per cent of the district's tax 5497  
valuation. 5498

So long as any securities issued under division (G) of this 5499  
section remain outstanding, the board of education shall monitor 5500  
the energy consumption and resultant operational and maintenance 5501  
costs of buildings in which installations or modifications have 5502  
been made or remodeling has been done pursuant to division (G) of 5503  
this section and shall maintain and annually update a report 5504  
documenting the reductions in energy consumption and resultant 5505  
operational and maintenance cost savings attributable to such 5506  
installations, modifications, or remodeling. The report shall be 5507  
certified by an architect or engineer independent of any person 5508

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that provided goods or services to the board in connection with 5509  
the energy conservation measures that are the subject of the 5510  
report. The resultant operational and maintenance cost savings 5511  
shall be certified by the school district treasurer. The report 5512  
shall be made available to the commission upon request. 5513

(H) With the consent of the superintendent of public 5514  
instruction, a school district may incur without a vote of the 5515  
electors net indebtedness that exceeds the amounts stated in 5516  
divisions (A) and (G) of this section for the purpose of paying 5517  
costs of permanent improvements, if and to the extent that both of 5518  
the following conditions are satisfied: 5519

(1) The fiscal officer of the school district estimates that 5520  
receipts of the school district from payments made under or 5521  
pursuant to agreements entered into pursuant to section 725.02, 5522  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5523  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 5524  
Code, or distributions under division (C) of section 5709.43 of 5525  
the Revised Code, or any combination thereof, are, after 5526  
accounting for any appropriate coverage requirements, sufficient 5527  
in time and amount, and are committed by the proceedings, to pay 5528  
the debt charges on the securities issued to evidence that 5529  
indebtedness and payable from those receipts, and the taxing 5530  
authority of the district confirms the fiscal officer's estimate, 5531  
which confirmation is approved by the superintendent of public 5532  
instruction; 5533

(2) The fiscal officer of the school district certifies, and 5534  
the taxing authority of the district confirms, that the district, 5535  
at the time of the certification and confirmation, reasonably 5536  
expects to have sufficient revenue available for the purpose of 5537  
operating such permanent improvements for their intended purpose 5538  
upon acquisition or completion thereof, and the superintendent of 5539  
public instruction approves the taxing authority's confirmation. 5540

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The maximum maturity of securities issued under division (H) 5541  
of this section shall be the lesser of twenty years or the maximum 5542  
maturity calculated under section 133.20 of the Revised Code. 5543

(I) A school district may incur net indebtedness by the 5544  
issuance of securities in accordance with the provisions of this 5545  
chapter in excess of the limit specified in division (B) of this 5546  
section when necessary to raise the school district portion of the 5547  
basic project cost pursuant to Chapter 3318. of the Revised Code. 5548  
The school facilities commission shall notify the superintendent 5549  
of public instruction whenever a school district will exceed the 5550  
nine per cent limit pursuant to this division. 5551

**Sec. 133.07.** (A) A county shall not incur, without a vote of 5552  
the electors, either of the following: 5553

(1) Net indebtedness for all purposes that exceeds an amount 5554  
equal to one per cent of its tax valuation; 5555

(2) Net indebtedness for the purpose of paying the county's 5556  
share of the cost of the construction, improvement, maintenance, 5557  
or repair of state highways that exceeds an amount equal to 5558  
one-half of one per cent of its tax valuation. 5559

(B) A county shall not incur total net indebtedness that 5560  
exceeds an amount equal to one of the following limitations that 5561  
applies to the county: 5562

(1) A county with a valuation not exceeding one hundred 5563  
million dollars, three per cent of that tax valuation; 5564

(2) A county with a tax valuation exceeding one hundred 5565  
million dollars but not exceeding three hundred million dollars, 5566  
three million dollars plus one and one-half per cent of that tax 5567  
valuation in excess of one hundred million dollars; 5568

(3) A county with a tax valuation exceeding three hundred 5569  
million dollars, six million dollars plus two and one-half per 5570

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cent of that tax valuation in excess of three hundred million	5571
dollars.	5572
(C) In calculating the net indebtedness of a county, none of	5573
the following securities shall be considered:	5574
(1) Securities described in section 307.201 of the Revised	5575
Code;	5576
(2) Self-supporting securities issued for any purposes,	5577
including, but not limited to, any of the following general	5578
purposes:	5579
(a) Water systems or facilities;	5580
(b) Sanitary sewerage systems or facilities, or surface and	5581
storm water drainage and sewerage systems or facilities, or a	5582
combination of those systems or facilities;	5583
(c) County or joint county scrap tire collection, storage,	5584
monocell, monofill, or recovery facilities, or any combination of	5585
those facilities;	5586
(d) Off-street parking lots, facilities, or buildings, or	5587
on-street parking facilities, or any combination of off-street and	5588
on-street parking facilities;	5589
(e) Facilities for the care or treatment of the sick or	5590
infirm, and for housing the persons providing that care or	5591
treatment and their families;	5592
(f) Recreational, sports, convention, auditorium, museum,	5593
trade show, and other public attraction facilities;	5594
(g) Facilities for natural resources exploration,	5595
development, recovery, use, and sale;	5596
(h) Correctional and detention facilities and related	5597
rehabilitation facilities.	5598
(3) Securities issued for the purpose of purchasing,	5599

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constructing, improving, or extending water or sanitary or surface  
and storm water sewerage systems or facilities, or a combination  
of those systems or facilities, to the extent that an agreement  
entered into with another subdivision requires the other  
subdivision to pay to the county amounts equivalent to debt  
charges on the securities;

(4) Voted general obligation securities issued for the  
purpose of permanent improvements for sanitary sewerage or water  
systems or facilities to the extent that the total principal  
amount of voted securities outstanding for the purpose does not  
exceed an amount equal to two per cent of the county's tax  
valuation;

(5) Securities issued for permanent improvements to house  
agencies, departments, boards, or commissions of the county or of  
any municipal corporation located, in whole or in part, in the  
county, to the extent that the revenues, other than revenues from  
unvoted county property taxes, derived from leases or other  
agreements between the county and those agencies, departments,  
boards, commissions, or municipal corporations relating to the use  
of the permanent improvements are sufficient to cover the cost of  
all operating expenses of the permanent improvements paid by the  
county and debt charges on the securities;

(6) Securities issued pursuant to section 133.08 of the  
Revised Code;

(7) Securities issued for the purpose of acquiring or  
constructing roads, highways, bridges, or viaducts, for the  
purpose of acquiring or making other highway permanent  
improvements, or for the purpose of procuring and maintaining  
computer systems for the office of the clerk of any  
county-operated municipal court, for the office of the clerk of  
the court of common pleas, or for the office of the clerk of the  
probate, juvenile, or domestic relations division of the court of

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common pleas to the extent that the legislation authorizing the  
issuance of the securities includes a covenant to appropriate from  
moneys distributed to the county pursuant to division (B) of  
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or  
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a  
sufficient amount to cover debt charges on and financing costs  
relating to the securities as they become due;

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

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

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

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

(12) Securities issued for the acquisition, construction,  
equipping, and improving of a municipal educational and cultural  
facility under division (B)(1) of section 307.672 of the Revised

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Code;	5663
(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;	5664 5665
(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code;	5666 5667 5668 5669
(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;	5670 5671 5672 5673 5674 5675 5676 5677
(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due-;	5678 5679 5680 5681 5682 5683 5684 5685 5686
(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay the debt charges on the bonds or notes, and the board of county commissioners pledges that revenue for that purpose-;	5687 5688 5689 5690 5691 5692 5693

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

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

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

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

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

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

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

(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



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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.

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

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(F) "Costs of hospital facilities" means the costs of 5756  
acquiring or constructing hospital facilities, costs of improving 5757  
one or more hospital facilities, including reconstructing, 5758  
rehabilitating, remodeling, renovating, and enlarging, costs of 5759  
equipping and furnishing such facilities, and all financing costs 5760  
pertaining thereto, including, without limitation thereto, costs 5761  
of engineering, architectural, and other professional services, 5762  
designs, plans, specifications and surveys, and estimates of cost, 5763  
costs of tests and inspections, the costs of any indemnity or 5764  
surety bonds and premiums on insurance, all related direct or 5765  
allocable administrative expenses pertaining thereto, fees and 5766  
expenses of trustees, depositories, and paying agents for the 5767  
obligations, cost of issuance of the obligations and financing 5768  
charges and fees and expenses of financial advisors, attorneys, 5769  
accountants, consultants and rating services in connection 5770  
therewith, capitalized interest on the obligations, amounts 5771  
necessary to establish reserves as required by the bond 5772  
proceedings, the reimbursement of all moneys advanced or applied 5773  
by the hospital agency or others or borrowed from others for the 5774  
payment of any item or items of costs of such facilities, and all 5775  
other expenses necessary or incident to planning or determining 5776  
feasibility or practicability with respect to such facilities, and 5777  
such other expenses as may be necessary or incident to the 5778  
acquisition, construction, reconstruction, rehabilitation, 5779  
remodeling, renovation, enlargement, improvement, equipment, and 5780  
furnishing of such facilities, the financing thereof, and the 5781  
placing of the same in use and operation, including any one, part 5782  
of, or combination of such classes of costs and expenses, and 5783  
means the costs of refinancing obligations issued by, or 5784  
reimbursement of money advanced by, nonprofit hospital agencies or 5785  
others the proceeds of which were used for the payment of costs of 5786  
hospital facilities, if the governing body of the public hospital 5787  
agency determines that the refinancing or reimbursement advances 5788

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the purposes of this chapter, whether or not the refinancing or 5789  
reimbursement is in conjunction with the acquisition or 5790  
construction of additional hospital facilities. 5791

(G) "Hospital receipts" means all moneys received by or on 5792  
behalf of a hospital agency from or in connection with the 5793  
ownership, operation, acquisition, construction, improvement, 5794  
equipping, or financing of any hospital facilities, including, 5795  
without limitation thereto, any rentals and other moneys received 5796  
from the lease, sale, or other disposition of hospital facilities, 5797  
and any gifts, grants, interest subsidies, or other moneys 5798  
received under any federal program for assistance in financing the 5799  
costs of hospital facilities, and any other gifts, grants, and 5800  
donations, and receipts therefrom, available for financing the 5801  
costs of hospital facilities. 5802

(H) "Obligations" means bonds, notes, or other evidences of 5803  
indebtedness or obligation, including interest coupons pertaining 5804  
thereto, issued or issuable by a public hospital agency to pay 5805  
costs of hospital facilities. 5806

(I) "Bond service charges" means principal, interest, and 5807  
call premium, if any, required to be paid on obligations. 5808

(J) "Bond proceedings" means one or more ordinances, 5809  
resolutions, trust agreements, indentures, and other agreements or 5810  
documents, and amendments and supplements to the foregoing, or any 5811  
combination thereof, authorizing or providing for the terms, 5812  
including any variable interest rates, and conditions applicable 5813  
to, or providing for the security of, obligations and the 5814  
provisions contained in such obligations. 5815

(K) "Nursing home" has the same meaning as in division (A)(1) 5816  
of section 5701.13 of the Revised Code. 5817

(L) "Residential care facility" has the same meaning as in 5818  
division (A)(2) of section 5701.13 of the Revised Code. 5819

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- (M) "Adult care facility" has the same meaning as in division 5820  
(A)(3) of section 5701.13 of the Revised Code. 5821
- (N) "Independent living facility" means any self-care 5822  
facility or other housing facility designed or used as a residence 5823  
for elderly persons. An "independent living facility" does not 5824  
include a residential facility, or that part of a residential 5825  
facility, that is any of the following: 5826
- (1) A hospital required to be certified by section 3727.02 of 5827  
the Revised Code; 5828
- (2) A nursing home or residential care facility; 5829
- (3) An adult care facility; 5830
- (4) A hospice licensed under section 3712.04 of the Revised 5831  
Code; 5832
- (5) A habilitation center as defined in section 5123.041 of 5833  
the Revised Code; 5834
- (6) A residential facility for the mentally ill licensed by 5835  
the department of mental health under section 5119.22 of the 5836  
Revised Code; 5837
- (7) A facility licensed to provide methadone treatment under 5838  
section 3793.11 of the Revised Code; 5839
- (8) A facility certified as an alcohol and drug addiction 5840  
program under section 3793.06 of the Revised Code; 5841
- (9) A residential facility licensed under section 5123.19 of 5842  
the Revised Code or a facility providing services under a contract 5843  
with the department of mental retardation and developmental 5844  
disabilities under section 5123.18 of the Revised Code; 5845
- (10) A residential facility used as part of a hospital to 5846  
provide housing for staff of the hospital or students pursuing a 5847  
course of study at the hospital. 5848

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<b>Sec. 151.04.</b> This section applies to obligations as defined	5849
in this section.	5850
(A) As used in this section:	5851
(1) "Costs of capital facilities" include related direct	5852
administrative expenses and allocable portions of direct costs of	5853
the using institution.	5854
(2) "Obligations" means obligations as defined in section	5855
<del>154.30</del> <u>151.01</u> of the Revised Code issued to pay costs of capital	5856
facilities for state-supported or state-assisted institutions of	5857
higher education.	5858
(3) "State-supported or state-assisted institutions of higher	5859
education" means a state university or college, or community	5860
college district, technical college district, university branch	5861
district, or state community college, or other institution for	5862
education, including technical education, beyond the high school,	5863
receiving state support or assistance for its expenses of	5864
operation. "State university or college" means each of the state	5865
universities identified in section 3345.011 of the Revised Code,	5866
the northeastern Ohio universities college of medicine, and the	5867
medical college of Ohio at Toledo.	5868
(4) "Using institution" means the state-supported or	5869
state-assisted institution of higher education, or two or more	5870
institutions acting jointly, that are the ultimate users of	5871
capital facilities for state-supported and state-assisted	5872
institutions of higher education financed with net proceeds of	5873
obligations.	5874
(B) The issuing authority shall issue obligations to pay	5875
costs of capital facilities for state-supported and state-assisted	5876
institutions of higher education pursuant to Section 2n of Article	5877
VIII, Ohio Constitution, section 151.01 of the Revised Code, and	5878

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this section. 5879

(C) Net proceeds of obligations shall be deposited into the 5880  
higher education improvement fund created by division (F) of 5881  
section 154.21 of the Revised Code. 5882

(D) There is hereby created in the state treasury the "higher 5883  
education capital facilities bond service fund." All moneys 5884  
received by the state and required by the bond proceedings, 5885  
consistent with sections 151.01 and 151.04 of the Revised Code, to 5886  
be deposited, transferred, or credited to the bond service fund, 5887  
and all other moneys transferred or allocated to or received for 5888  
the purposes of that fund, shall be deposited and credited to the 5889  
bond service fund, subject to any applicable provisions of the 5890  
bond proceedings but without necessity for any act of 5891  
appropriation. During the period beginning with the date of the 5892  
first issuance of obligations and continuing during the time that 5893  
any obligations are outstanding in accordance with their terms, so 5894  
long as moneys in the bond service fund are insufficient to pay 5895  
debt service when due on those obligations payable from that fund 5896  
(except the principal amounts of bond anticipation notes payable 5897  
from the proceeds of renewal notes or bonds anticipated) and due 5898  
in the particular fiscal year, a sufficient amount of revenues of 5899  
the state is committed and, without necessity for further act of 5900  
appropriation, shall be paid to the bond service fund for the 5901  
purpose of paying that debt service when due. 5902

**Sec. 166.03.** (A) There is hereby created the facilities 5903  
establishment fund within the state treasury, consisting of 5904  
proceeds from the issuance of obligations as specified under 5905  
section 166.08 of the Revised Code; the moneys received by the 5906  
state from the sources specified in section 166.09 of the Revised 5907  
Code; service charges imposed under sections 166.06 and 166.07 of 5908  
the Revised Code; any grants, gifts, or contributions of moneys 5909

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received by the director of development to be used for loans made 5910  
under section 166.07 of the Revised Code or for the payment of the 5911  
allowable costs of project facilities; and all other moneys 5912  
appropriated or transferred to the fund. Moneys in the loan 5913  
guarantee fund in excess of four per cent of the unpaid principal 5914  
amount of loan repayments guaranteed under section 166.06 of the 5915  
Revised Code, but subject to the provisions and requirements of 5916  
any guarantee contracts, may be transferred to the facilities 5917  
establishment fund by the treasurer of state upon the order of the 5918  
director of development. Moneys received by the state under 5919  
Chapter 122. of the Revised Code, to the extent allocable to the 5920  
utilization of moneys derived from proceeds of the sale of 5921  
obligations pursuant to section 166.08 of the Revised Code, shall 5922  
be credited to the facilities establishment fund. 5923

(B) All moneys appropriated or transferred to the facilities 5924  
establishment fund may be released at the request of the director 5925  
of development for payment of allowable costs or the making of 5926  
loans under this chapter, for transfer to the loan guarantee fund 5927  
established in section 166.06 of the Revised Code, or for use for 5928  
the purpose of or transfer to the funds established by sections 5929  
122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, 122.601, 5930  
and 122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the 5931  
funds established by sections 122.26 and 166.031 of the Revised 5932  
Code, but only for such of those purposes as are within the 5933  
authorization of Section 13 of Article VIII, Ohio Constitution, in 5934  
all cases subject to the approval of the controlling board. 5935

(C) The department of development, in the administration of 5936  
the facilities establishment fund, is encouraged to utilize and 5937  
promote the utilization of, to the maximum practicable extent, the 5938  
other existing programs, business incentives, and tax incentives 5939  
that department is required or authorized to administer or 5940  
supervise. 5941

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

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

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

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

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

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

(d) Corresponded with the holder concerning such funds;

(e) Otherwise indicated an interest in or knowledge of such funds;

(f) Transacted business with the holder.

(2) "Unclaimed funds" does not include any of the following:

(a) Money received or collected under section 9.39 of the Revised Code;

(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,



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refunds, and rebates;	5971
(c) Any payment or credit received by a business association	5972
from a business association for tangible goods sold, or services	5973
performed, in the course of business, including, but not limited	5974
to, checks or memoranda, overpayments, unidentified remittances,	5975
nonrefunded overcharges, discounts, refunds, and rebates;	5976
<u>(d) Any credit due a retail customer that is represented by a</u>	5977
<u>gift certificate, gift card, merchandise credit, or merchandise</u>	5978
<u>credit card, redeemable only for merchandise.</u>	5979
For purposes of divisions (B)(2)(b) and (c) of this section,	5980
"business association" means any corporation, joint venture,	5981
business trust, limited liability company, partnership,	5982
association, or other business entity composed of one or more	5983
individuals, whether or not the entity is for profit.	5984
(C) "Owner" means any person, or the person's legal	5985
representative, entitled to receive or having a legal or equitable	5986
interest in or claim against moneys, rights to moneys, or other	5987
intangible property, subject to this chapter.	5988
(D)(1) "Holder" means any person that has possession,	5989
custody, or control of moneys, rights to moneys, or other	5990
intangible property, or that is indebted to another, if any of the	5991
following applies:	5992
(a) Such person resides in this state;	5993
(b) Such person is formed under the laws of this state;	5994
(c) Such person is formed under the laws of the United States	5995
and has an office or principal place of business in this state;	5996
	5997
(d) The records of such person indicate that the last known	5998
address of the owner of such moneys, rights to moneys, or other	5999
intangible property is in this state;	6000

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

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

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated association or organization; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

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

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Revised Code. 6033

(G) "Lawful claims" means any vested right a holder of 6034  
unclaimed funds has against the owner of such unclaimed funds. 6035

(H) "Public utility" means any entity defined as such by 6036  
division (A) of section 745.01 or by section 4905.02 of the 6037  
Revised Code. 6038

(I) "Deposit" means to place money in the custody of a 6039  
financial organization for the purpose of establishing an 6040  
income-bearing account by purchase or otherwise. 6041

(J) "Income-bearing account" means a time or savings account, 6042  
whether or not evidenced by a certificate of deposit, or an 6043  
investment account through which investments are made solely in 6044  
obligations of the United States or its agencies or 6045  
instrumentalities or guaranteed as to principal and interest by 6046  
the United States or its agencies or instrumentalities, debt 6047  
securities rated as investment grade by at least two nationally 6048  
recognized rating services, debt securities which the director of 6049  
commerce has determined to have been issued for the safety and 6050  
welfare of the residents of this state, and equity interests in 6051  
mutual funds that invest solely in some or all of the above-listed 6052  
securities and involve no general liability, without regard to 6053  
whether income earned on such accounts, securities, or interests 6054  
is paid periodically or at the end of a term. 6055

**Sec. 173.40.** There is hereby created a component of the 6056  
medicaid program established under Chapter 5111. of the Revised 6057  
Code to be known as the preadmission screening system providing 6058  
options and resources today program, or PASSPORT. ~~Through the~~ 6059  
~~medical assistance program established under Chapter 5111. of the~~ 6060  
~~Revised Code, the~~ The PASSPORT program shall provide home and 6061  
community-based services as an alternative to nursing facility 6062  
placement for aged and disabled ~~persons~~ medicaid recipients. The 6063

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program shall be operated pursuant to a home and community-based 6064  
waiver granted by the United States secretary of health and human 6065  
services under section 1915 of the "Social Security Act," 49 Stat. 6066  
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 6067  
shall administer the program. ~~The department of aging shall enter~~ 6068  
~~into~~ through an interagency agreement entered into with the 6069  
department of job and family services ~~regarding services provided~~ 6070  
~~under the program to recipients of medical assistance under~~ 6071  
~~Chapter 5111. under section 5111.86 of the Revised Code.~~ The 6072  
directors of aging and job and family services shall adopt rules 6073  
in accordance with Chapter 119. of the Revised Code to implement 6074  
the program. 6075

**Sec. 173.46.** The department of aging shall develop and 6076  
publish a guide to nursing facilities in this state for use by 6077  
individuals considering nursing facility placement and their 6078  
families, friends, and advisors. The guide shall be titled the 6079  
Ohio long-term care consumer guide. 6080

The consumer guide shall be published in computerized form 6081  
for distribution over the internet. The guide shall be made 6082  
available not later than ~~fourteen months after the effective date~~ 6083  
~~of this section~~ March 1, 2002, and shall be updated in accordance 6084  
with section 173.52 of the Revised Code. 6085

Every two years, the department shall publish an executive 6086  
summary of the consumer guide, and shall make the executive 6087  
summary available in both computerized and printed forms. 6088

**Sec. 173.47.** The department of aging may contract with any 6089  
person or government entity to perform any function related to the 6090  
publication of the Ohio long-term care consumer guide or the 6091  
collection and preparation of data and other material for the 6092  
guide, except that the department shall contract to have the 6093  
customer satisfaction surveys conducted under section 173.54 of 6094

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the Revised Code. ~~In awarding the contract to have the surveys~~ 6095  
~~conducted~~ To the extent possible, the department shall contract 6096  
with a person or government entity that has experience in 6097  
surveying the customer satisfaction of nursing facility residents 6098  
and their families. The department's contract shall permit the 6099  
person or government entity to subcontract with other persons or 6100  
government entities for purposes of conducting all or part of the 6101  
surveys. 6102

**Sec. 175.03.** (A)(1) The Ohio housing finance agency shall 6103  
consist of ~~nine~~ eleven members. ~~Seven~~ Nine of the members shall be 6104  
appointed by the governor with the advice and consent of the 6105  
senate. The director of commerce and the director of development, 6106  
or their respective designees, shall also be voting members of the 6107  
agency. Of the ~~seven~~ nine appointed members, at least one shall 6108  
have experience in residential housing construction; at least one 6109  
shall have experience in residential housing mortgage lending, 6110  
loan servicing, or brokering; at least one shall have experience 6111  
in the licensed residential housing brokerage business; at least 6112  
one shall have experience with the housing needs of senior 6113  
citizens; at least one shall be from a background in labor 6114  
representation in the construction industry; at least one shall 6115  
represent the interests of nonprofit multifamily housing 6116  
development organizations; at least one shall represent the 6117  
interests of for-profit multifamily housing development 6118  
corporations; and two shall be public members. No more than ~~five~~ 6119  
~~six~~ of the appointed members of the agency shall be of the same 6120  
political party. ~~Of the initial appointments made to the agency,~~ 6121  
~~two shall be for a term ending on January 31, 1984, two shall be~~ 6122  
~~for a term ending on January 31, 1985, one shall be for a term~~ 6123  
~~ending on January 31, 1986, one shall be for a term ending on~~ 6124  
~~January 31, 1987, and one shall be for a term ending on January~~ 6125  
~~31, 1988, the term for each member to be designated by the~~ 6126

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governor Of the appointments made to the agency for the eighth and 6127  
ninth appointed members in accordance with this amendment, one 6128  
shall be for a term ending on January 31, 2005, and one shall be 6129  
for a term ending on January 31, 2006. Thereafter, each appointed 6130  
member shall serve for a term ending on the thirty-first day of 6131  
January which is six years following the date of termination of 6132  
the term which it succeeds. Each member shall hold office from the 6133  
date of the member's appointment until the end of the term for 6134  
which the member was appointed. Any member appointed to fill a 6135  
vacancy occurring prior to the expiration of the term for which 6136  
the member's predecessor was appointed shall hold office for the 6137  
remainder of such term. Any appointed member shall continue in 6138  
office subsequent to the expiration date of the member's term 6139  
until the member's successor takes office, or until a period of 6140  
sixty days has elapsed, whichever occurs first. Each appointed 6141  
member may be removed from office by the governor for misfeasance, 6142  
nonfeasance, malfeasance in office, or for failure to attend in 6143  
person three consecutive meetings of the agency. 6144

(2) The director of development or the director's designee 6145  
shall be the chairperson of the agency. The agency shall elect one 6146  
of its appointed members as vice-chairperson and such other 6147  
officers as it deems necessary, who need not be members of the 6148  
agency. Each appointed member of the agency shall receive 6149  
compensation at the rate of one hundred fifty dollars per agency 6150  
meeting attended in person, not to exceed a maximum of three 6151  
thousand dollars per year. All members shall be reimbursed for 6152  
their actual and necessary expenses incurred in the discharge of 6153  
their official duties. 6154

(3) ~~Five~~ six members of the agency constitute a quorum, and 6155  
the affirmative vote of ~~five~~ six members shall be necessary for 6156  
any action taken by the agency. No vacancy in membership of the 6157  
agency impairs the right of a quorum to exercise all the rights 6158

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and perform all the duties of the agency. Meetings of the agency 6159  
may be held at any place within the state. Meetings of the agency, 6160  
including notice of the place of meetings, shall comply with 6161  
section 121.22 of the Revised Code. 6162

(B) The appointed members of the agency are not subject to 6163  
section 102.02 of the Revised Code. Each such appointed member 6164  
shall file with the agency a signed written statement setting 6165  
forth the general nature of sales of goods, property or services 6166  
or of loans to the agency in which such member has a pecuniary 6167  
interest or in which any member of the member's immediate family, 6168  
as defined in section 102.01 of the Revised Code, or any 6169  
corporation, partnership or enterprise of which the member is an 6170  
officer, director, or partner, or of which the member or a member 6171  
of the member's immediate family, as so defined, owns more than a 6172  
five per cent interest, has a pecuniary interest, and of which 6173  
sale, loan and interest such member has knowledge. The statement 6174  
shall be supplemented from time to time to reflect changes in the 6175  
general nature of any such sales or loans. No member shall 6176  
participate in portions of agency meetings dealing with, or vote 6177  
concerning, any such matter. The requirements of this section 6178  
pertaining to disclosure and prohibition from participation and 6179  
voting do not apply to agency loans to lending institutions or 6180  
contracts between the agency and lending institutions for the 6181  
purchase, administration, or servicing of loans notwithstanding 6182  
that such lending institution has a director, officer, employee, 6183  
or owner who is a member of the agency, and no such loans or 6184  
contracts shall be deemed to be prohibited or otherwise regulated 6185  
by reason of any other law or rule. 6186

**Sec. 175.21.** (A) The low- and moderate-income housing trust 6187  
fund is hereby created in the state treasury. The fund shall 6188  
consist of all appropriations, grants, gifts, loan repayments, and 6189  
contributions of money made from any source to the department of 6190

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development for the fund. All investment earnings of the fund 6191  
shall be credited to the fund. The director of development shall 6192  
allocate a portion of the money in the fund to an account of the 6193  
Ohio housing finance agency. The department shall administer the 6194  
fund. The agency shall use money allocated to it in the fund for 6195  
implementing and administering its programs and duties under 6196  
sections 175.22 and 175.24 of the Revised Code, and the department 6197  
shall use the remaining money in the fund for implementing and 6198  
administering its programs and duties under sections 175.22 to 6199  
175.25 of the Revised Code. Use of all money in the fund is 6200  
subject to the following restrictions: forty-five per cent of the 6201  
~~money in the fund~~ amount of funds awarded during any one fiscal 6202  
year shall be used to make grants and loans to nonprofit 6203  
organizations under section 175.22 of the Revised Code, not less 6204  
than ~~thirty-five~~ forty-five per cent of the ~~money in the fund~~ 6205  
~~amount of funds awarded during any one fiscal year~~ shall be used 6206  
to make grants and loans for activities that will provide housing 6207  
and housing assistance to families and individuals in rural areas 6208  
and small cities that would not be eligible to participate ~~in the~~ 6209  
~~small cities program of the community development and block grant~~ 6210  
~~program under sections 570.420 to 570.438 of the Code of Federal~~ 6211  
~~Regulations~~ as a participating jurisdiction under the "HOME 6212  
Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 6213  
12701 note, 12721, no more than ~~five~~ six per cent of the money in 6214  
the fund shall be used for administration, and no money in the 6215  
fund shall be used to pay for any legal services other than the 6216  
usual and customary legal services associated with the acquisition 6217  
of housing. Except as otherwise provided by the director under 6218  
division (B) of this section, money in the fund may be used as 6219  
matching money for federal funds received by the state, counties, 6220  
municipal corporations, and townships for the activities listed in 6221  
section 175.22 of the Revised Code. 6222

(B) If after the second quarter of any year it appears to the 6223



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director that the full amount of the money in the low- and 6224  
 moderate-income housing trust fund designated in that year for 6225  
 activities that will provide housing and housing assistance to 6226  
 families and individuals in rural areas and small cities under 6227  
 division (A) of this section will not be so used, the director may 6228  
 reallocate all or a portion of that amount for other housing 6229  
 activities. In determining whether or how to reallocate money 6230  
 under this division, the director may consult with and shall 6231  
 receive advice from the housing trust fund advisory committee. 6232

**Sec. 175.22.** (A) The department of development and the Ohio 6233  
 housing finance agency shall each develop programs under which, in 6234  
 accordance with rules adopted under this section, it may make 6235  
 grants, loans, loan guarantees, and loan subsidies to counties, 6236  
 municipal corporations, townships, local housing authorities, and 6237  
 nonprofit organizations and may make loans, loan guarantees, and 6238  
 loan subsidies to private developers and private lenders to assist 6239  
 them in activities that will provide housing and housing 6240  
 assistance for specifically targeted low- and moderate-income 6241  
 families and individuals. There shall be no minimum housing 6242  
project size for awards under this division for any project that 6243  
is being developed for a special needs population and that is 6244  
supported by a social service agency where the housing project 6245  
will be located. Activities for which grants, loans, loan 6246  
 guarantees, and loan subsidies may be made under this section 6247  
 include all of the following: 6248

(1) Acquiring, financing, constructing, leasing, 6249  
 rehabilitating, remodeling, improving, and equipping publicly or 6250  
 privately owned housing; 6251

(2) Providing supportive services related to housing and the 6252  
 homeless, including housing counseling<sup>+</sup>. Not more than twenty per 6253  
cent of the current year appropriation authority for the low- and 6254

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moderate-income housing trust fund shall be awarded in any fiscal year for such supportive services. 6255  
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(3) Providing rental assistance payments or other project operating subsidies that lower tenant rents. 6257  
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(B) Grants, loans, loan guarantees, and loan subsidies may be made to counties, municipal corporations, townships, and nonprofit organizations for the additional purposes of providing technical assistance, design and finance services and consultation, and payment of pre-development and administrative costs related to any of the activities listed above. 6259  
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(C) In developing programs under this section, the department and the agency shall invite, accept, and consider public comment, and recommendations from the housing trust fund advisory committee created under section 175.25 of the Revised Code, on how the programs should be designed to most effectively benefit low- and moderate-income families and individuals. The programs developed under this section shall respond collectively to housing and housing assistance needs of low- and moderate-income families and individuals statewide. 6265  
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(D) The department and the agency, in accordance with Chapter 119. of the Revised Code, shall each adopt rules under which it shall administer programs developed by it under this section. The rules shall prescribe procedures and forms whereby counties, municipal corporations, townships, local housing authorities, and nonprofit organizations may apply for grants, loans, loan guarantees, and loan subsidies and private developers and private lenders may apply for loans, loan guarantees, and loan subsidies; eligibility criteria for the receipt of funds; procedures for reviewing and granting or denying applications; procedures for paying out funds; conditions on the use of funds; procedures for monitoring the use of funds; and procedures under which a recipient shall be required to repay funds that are improperly 6274  
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used. The rules adopted by the department shall do both of the 6287  
following: 6288

(1) Require each recipient of a grant or loan made from the 6289  
low- and moderate-income housing trust fund for activities that 6290  
will provide, or assist in providing, a rental housing project, to 6291  
reasonably ensure that the rental housing project will be 6292  
affordable to those families and individuals targeted for the 6293  
rental housing project for the useful life of the rental housing 6294  
project or for thirty years, whichever is longer; 6295

(2) Require each recipient of a grant or loan made from the 6296  
low- and moderate-income housing trust fund for activities that 6297  
will provide, or assist in providing, a housing project to prepare 6298  
and implement a plan to reasonably assist any families and 6299  
individuals displaced by the housing project in obtaining decent 6300  
affordable housing. 6301

(E) In prescribing eligibility criteria and conditions for 6302  
the use of funds, neither the department nor agency is limited to 6303  
the criteria and conditions specified in this section and each may 6304  
prescribe additional eligibility criteria and conditions that 6305  
relate to the purposes for which grants, loans, loan guarantees, 6306  
and loan subsidies may be made. However, the department and agency 6307  
are limited by the following specifically targeted low- and 6308  
moderate-income guidelines: 6309

(1) Not less than seventy-five per cent of the money granted 6310  
and loaned under this section in any ~~biennium~~ fiscal year shall be 6311  
for activities that will provide affordable housing and housing 6312  
assistance to families and individuals in a county whose incomes 6313  
are equal to or less than fifty per cent of the median income for 6314  
that county, as determined by the department under section 175.23 6315  
of the Revised Code. 6316

(2) The remainder of the money granted and loaned under this 6317  
section in any ~~biennium~~ fiscal year shall be for activities that 6318

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will provide affordable housing and housing assistance to families 6319  
 and individuals in a county whose incomes are equal to or less 6320  
 than eighty per cent of the median income for that county, as 6321  
 determined by the department under section 175.23 of the Revised 6322  
 Code. 6323

(F) In making grants, loans, loan guarantees, and loan 6324  
 subsidies under this section, the department and the agency shall 6325  
 give preference to viable projects and activities that will 6326  
 benefit those families and individuals in a county whose incomes 6327  
 are equal to or less than thirty-five per cent of the median 6328  
 income for that county, as determined by the department under 6329  
 section 175.23 of the Revised Code. The department and the agency 6330  
 shall monitor the programs developed under this section to ensure 6331  
 that money granted and loaned under this section is not used in a 6332  
 manner that violates division (H) of section 4112.02 of the 6333  
 Revised Code or discriminates against families with children. 6334

**Sec. 175.24.** (A) Annually, the department of development 6335  
 shall submit a report to the president of the senate and the 6336  
 speaker of the house of representatives describing the activities 6337  
 of the department under sections 175.21 to 175.25 of the Revised 6338  
 Code during the previous ~~calendar~~ state fiscal year. 6339

(B) Annually, the Ohio housing finance agency shall submit a 6340  
 report to the president of the senate and the speaker of the house 6341  
 of representatives describing the activities of the agency under 6342  
 sections 175.21, 175.22, and 175.24 of the Revised Code during the 6343  
 previous ~~calendar~~ state fiscal year. 6344

**Sec. 179.02.** (A) There is hereby established the Ohio 6345  
 commission on dispute resolution and conflict management, 6346  
 consisting of twelve members, unless a vacancy exists in an 6347  
appointment at any given time. The purpose of the commission is to 6348  
 provide, coordinate, fund, and evaluate dispute resolution and 6349

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conflict management education, training, and research programs in 6350  
 this state, and to consult with, educate, train, provide resources 6351  
 for, and otherwise assist and facilitate other persons and public 6352  
 or private agencies, organizations, or entities that are engaged 6353  
 in activities related to dispute resolution and conflict 6354  
 management. Four members of the commission shall be appointed by 6355  
 the governor, four members shall be appointed by the chief justice 6356  
 of the supreme court, two members shall be appointed by the 6357  
 president of the senate, and two members shall be appointed by the 6358  
 speaker of the house of representatives. 6359

Within thirty days after ~~the effective date of this section~~ 6360  
June 30, 1995, the governor, the chief justice of the supreme 6361  
 court, the president of the senate, and the speaker of the house 6362  
 of representatives shall make initial appointments to the 6363  
 commission. Of the initial appointments made to the commission by 6364  
 the governor and the chief justice, two each shall be for a term 6365  
 ending two years after ~~the effective date of this section~~ June 30, 6366  
1995, and two each shall be for a term ending four years after 6367  
 that date. Of the initial appointments made to the commission by 6368  
 the president of the senate and the speaker of the house of 6369  
 representatives, one each shall be for a term ending two years 6370  
 after ~~the effective date of this section~~ June 30, 1995, and one 6371  
 each shall be for a term ending four years after that date. 6372  
 Thereafter, terms of office shall be for three years, with each 6373  
 term ending on the same day of the same month of the year as the 6374  
 term that it succeeds. Each member shall hold office from the date 6375  
 of appointment until the end of the term for which appointed. 6376  
 Members may be reappointed. ~~Vacancies~~ 6377

Vacancies shall be filled in the manner provided for original 6378  
 appointments. Any member appointed to fill a vacancy occurring 6379  
 prior to the expiration date of the term for which the member's 6380  
 predecessor was appointed shall hold office as a member for the 6381

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remainder of that term. ~~A~~ 6382

A member shall continue in office subsequent to the 6383  
expiration date of the member's term until ~~a~~ the member's 6384  
successor takes office or until a period of sixty days has 6385  
elapsed, whichever occurs first. 6386

(B) The commission shall meet within two weeks after all of 6387  
its initial members have been appointed, at a time and place 6388  
determined by the governor. Thereafter, the commission shall meet 6389  
at least quarterly, or more often upon the call of the ~~chairman~~ 6390  
chairperson or at the request of the executive director of the 6391  
commission. ~~The~~ 6392

The commission shall organize by selecting from among its 6393  
members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, 6394  
and ~~such~~ other necessary officers ~~as are necessary~~. All officers 6395  
shall be elected annually by vote of the members of the 6396  
commission. ~~Each~~ 6397

Each member of the commission shall have one vote. ~~Seven~~ A 6398  
majority of the members ~~constitute of the commission, as it exists~~ 6399  
at any given time, constitutes a quorum, and the votes of a 6400  
majority of the members present at a meeting of the commission are 6401  
required to validate an action of the commission. 6402

(C) The members of the commission shall serve without 6403  
compensation, but each member shall be reimbursed for actual and 6404  
necessary expenses incurred in the performance of official duties, 6405  
and actual mileage for each mile necessarily traveled in the 6406  
performance of official duties. 6407

**Sec. 179.03.** (A) The Ohio commission on dispute resolution 6408  
and conflict management shall do all of the following: 6409

(1) Appoint and set the compensation of an executive 6410  
director, who shall serve at the pleasure of the commission; 6411

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- (2) Establish and maintain a central office; 6412
- (3) Adopt rules to govern the application for, and the 6413  
awarding of, grants made available by the commission under 6414  
sections 179.01 to 179.04 of the Revised Code out of the dispute 6415  
resolution and conflict management commission gifts, grants, and 6416  
reimbursements fund established by division (C) of this section; 6417
- (4) Seek, solicit, and apply for grants from any public or 6418  
private source to provide for the operation of dispute resolution 6419  
and conflict management programs in this state; 6420
- (5) Adopt standards for the evaluation of dispute resolution 6421  
and conflict management programs funded pursuant to sections 6422  
179.01 to 179.04 of the Revised Code; 6423
- (6) Provide technical aid and assistance to dispute 6424  
resolution and conflict management programs, to centers that 6425  
provide these programs, and to public and private agencies and 6426  
organizations that provide these programs or engage in dispute 6427  
resolution and conflict management ~~activities~~ services; 6428
- (7) Approve an annual operating budget; 6429
- (8) Prepare an annual report on the operation of the 6430  
commission and the office established by the commission, and 6431  
provide the report to the governor, the supreme court, and the 6432  
general assembly. 6433
- (B) The commission may do any of the following: 6434
- (1) Receive and accept donations, grants, awards, bequests, 6435  
gifts, reimbursements, and similar funds from any lawful source; 6436
- (2) Accept the services of volunteer workers and consultants 6437  
at no compensation, other than reimbursement for actual and 6438  
necessary expenses incurred in the performance of their official 6439  
duties, and reimburse any volunteer workers or consultants for 6440  
their actual and necessary expenses so incurred; 6441

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

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

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

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

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

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

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

(1) Appoint and set the compensation of personnel who are necessary for the efficient operation of the office established by



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- the commission, with the approval of the commission; 6472
- (2) Keep and maintain financial records pertaining to the 6473  
awarding of grants and contracts authorized ~~pursuant to~~ under 6474  
sections 179.01 to 179.04 of the Revised Code, and report 6475  
periodically, but not less than annually, to the commission on all 6476  
relevant data pertaining to the operations, costs, and projected 6477  
needs of the office established by the commission and on 6478  
recommendations for legislation or amendments to court rules that 6479  
may be appropriate to improve dispute resolution and conflict 6480  
management programs. 6481
- (C) The executive director may do any of the following: 6482
- (1) Make all necessary arrangements to coordinate the 6483  
services of the office established by the commission with any 6484  
federal, state, county, municipal, township, or private entity or 6485  
program established to provide dispute resolution and conflict 6486  
management services and to obtain and provide all funds allowable 6487  
from any such entity or under any such ~~programs~~ program; 6488
- (2) Consult and cooperate with professional groups concerned 6489  
with the study, development, implementation, and evaluation of 6490  
dispute resolution and conflict management programs and services 6491  
and the operation of the ~~state dispute resolution and conflict~~ 6492  
~~management~~ office established by the commission; 6493
- (3) Accept the services of volunteer workers and consultants 6494  
at no compensation, other than reimbursement for actual and 6495  
necessary expenses incurred in the performance of their official 6496  
duties, and provide for the reimbursement of any volunteer workers 6497  
or consultants for their actual and necessary expenses so 6498  
incurred; 6499
- (4) Prescribe any forms that are necessary for the uniform 6500  
operation of sections 179.01 to 179.04 of the Revised Code; 6501
- (5) With the authorization of the commission, enter into 6502

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contracts for dispute resolution and conflict management services. 6503

**Sec. 181.51.** As used in sections 181.51 to 181.56 of the Revised Code: 6504  
6505

(A) "Federal criminal justice acts" means any federal law that authorizes financial assistance and other forms of assistance to be given by the federal government to the states to be used for the improvement of the criminal and juvenile justice systems of the states. 6506  
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6508  
6509  
6510

(B)(1) "Criminal justice system" includes all of the functions of the following: 6511  
6512

(a) The state highway patrol, county sheriff offices, municipal and township police departments, and all other law enforcement agencies; 6513  
6514  
6515

(b) The courts of appeals, courts of common pleas, municipal courts, county courts, and mayor's courts, when dealing with criminal cases; 6516  
6517  
6518

(c) The prosecuting attorneys, city directors of law, village solicitors, and other prosecuting authorities when prosecuting or otherwise handling criminal cases and the county and joint county public defenders and other public defender agencies or offices; 6519  
6520  
6521  
6522  
6523

(d) The department of rehabilitation and correction, probation departments, county and municipal jails and workhouses, and any other department, agency, or facility that is concerned with the rehabilitation or correction of criminal offenders; 6524  
6525  
6526  
6527

(e) Any public or private agency whose purposes include the prevention of crime or the diversion, adjudication, detention, or rehabilitation of criminal offenders; 6528  
6529  
6530

(f) Any public or private agency, the purposes of which 6531

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include assistance to crime victims or witnesses. 6532

(2) The inclusion of any public or private agency, the 6533  
purposes of which include assistance to crime victims or 6534  
witnesses, as part of the criminal justice system pursuant to 6535  
division (B)(1) of this section does not limit, and shall not be 6536  
construed as limiting, the discretion or authority of the attorney 6537  
general with respect to crime victim assistance and criminal 6538  
justice programs. 6539

(C) "Juvenile justice system" includes all of the functions 6540  
of the juvenile courts, the department of youth services, any 6541  
public or private agency whose purposes include the prevention of 6542  
delinquency or the diversion, adjudication, detention, or 6543  
rehabilitation of delinquent children, and any of the functions of 6544  
the criminal justice system that are applicable to children. 6545

(D) "Comprehensive plan" means a document that coordinates, 6546  
evaluates, and otherwise assists, on an annual or multi-year 6547  
basis, ~~all~~ any of the functions of the criminal and juvenile 6548  
justice systems of the state or a specified area of the state, 6549  
that conforms to the priorities of the state with respect to 6550  
criminal and juvenile justice systems, and that conforms with the 6551  
requirements of all federal criminal justice acts. These functions 6552  
may include, but are not limited to, ~~all~~ any of the following: 6553

6554

(1) Crime and delinquency prevention; 6555

(2) Identification, detection, apprehension, and detention of 6556  
persons charged with criminal offenses or delinquent acts; 6557

(3) Assistance to crime victims or witnesses, except that the 6558  
comprehensive plan does not include the functions of the attorney 6559  
general pursuant to sections 109.91 and 109.92 of the Revised 6560  
Code; 6561

(4) Adjudication or diversion of persons charged with 6562

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criminal offenses or delinquent acts;	6563
(5) Custodial treatment of criminal offenders <del>and</del> , delinquent children, <u>or both</u> ;	6564 6565
(6) Institutional and noninstitutional rehabilitation of criminal offenders <del>and</del> , delinquent children, <u>or both</u> .	6566 6567
(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.	6568 6569 6570
(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.	6571 6572 6573
(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.	6574 6575 6576
(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.	6577 6578 6579 6580 6581 6582
<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>	6583 6584 6585
<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 are necessary to enable the office to comply with sections 181.51 to 181.56 of the Revised Code. The director and the assistant director of the office, and all professional and technical	6586 6587 6588 6589 6590 6591 6592

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personnel employed within the office who are not public employees 6593  
as defined in section 4117.01 of the Revised Code, shall be in the 6594  
unclassified civil service, and all other persons employed within 6595  
the office shall be in the classified civil service. The director 6596  
may enter into any contracts, except contracts governed by Chapter 6597  
4117. of the Revised Code, that are necessary for the operation of 6598  
the office. 6599

(B) Subject to division ~~(D)~~(E) of this section and subject to 6600  
divisions (D) to (F) of section 5120.09 of the Revised Code 6601  
insofar as those divisions relate to federal criminal justice acts 6602  
that the governor requires the department of rehabilitation and 6603  
correction to administer, the office of criminal justice services 6604  
shall do all of the following: 6605

(1) Serve as the state criminal justice services agency and 6606  
perform criminal ~~and juvenile~~ justice system planning in the 6607  
state, including any planning that is required by any federal law; 6608

(2) Collect, analyze, and correlate information and data 6609  
concerning the criminal ~~and juvenile~~ justice ~~systems~~ system in the 6610  
state; 6611

(3) Cooperate with and provide technical assistance to state 6612  
departments, administrative planning districts, metropolitan 6613  
county criminal justice services agencies, criminal justice 6614  
coordinating councils, agencies, offices, and departments of the 6615  
criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and 6616  
other appropriate organizations and persons; 6617

(4) Encourage and assist agencies, offices, and departments 6618  
of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state 6619  
and other appropriate organizations and persons to solve problems 6620  
that relate to the duties of the office; 6621

(5) Administer within the state any federal criminal justice 6622  
acts ~~or juvenile justice acts~~ that the governor requires it to 6623

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administer; 6624

(6) 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. 6625 6626 6627 6628 6629

(7) Implement the state comprehensive plans; 6630

~~(7)~~(8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the office; 6631 6632 6633

~~(8)~~(9) Monitor or evaluate the performance of criminal ~~and juvenile justice systems~~ system projects and programs in the state that are financed in whole or in part by funds granted through the office; 6634 6635 6636 6637

~~(9)~~(10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts ~~or juvenile justice acts~~, or made available from other federal, state, or private sources, to improve the criminal ~~and juvenile justice systems~~ system 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. 6638 6639 6640 6641 6642 6643 6644 6645 6646 6647

~~(10)~~(11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the office; 6648 6649 6650 6651

~~(11)~~(12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the 6652 6653 6654

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state; 6655

~~(12)~~(13) Advise the general assembly and governor on 6656  
legislation and other significant matters that pertain to the 6657  
improvement and reform of criminal and juvenile justice systems in 6658  
the state; 6659

~~(13)~~(14) Prepare and recommend legislation to the general 6660  
assembly and governor for the improvement of the criminal and 6661  
juvenile justice systems in the state; 6662

~~(14)~~(15) Assist, advise, and make any reports that are 6663  
requested or required by the governor, attorney general, or 6664  
general assembly; 6665

~~(15)~~(16) Adopt rules pursuant to Chapter 119. of the Revised 6666  
Code. 6667

(C) Division Upon the request of the governor, the office of 6668  
criminal justice services may do any of the following: 6669

(1) Collect, analyze, or correlate information and data 6670  
concerning the juvenile justice system in the state; 6671

(2) Cooperate with and provide technical assistance to state 6672  
departments, administrative planning districts, metropolitan 6673  
county criminal justice service agencies, criminal justice 6674  
coordinating councils, agency offices, and the departments of the 6675  
juvenile justice system in the state and other appropriate 6676  
organizations and persons; 6677

(3) Encourage and assist agencies, offices, and departments 6678  
of the juvenile justice system in the state and other appropriate 6679  
organizations and persons to solve problems that relate to the 6680  
duties of the office. 6681

(D) Divisions (B) and (C) of this section does do not limit 6682  
the discretion or authority of the attorney general with respect 6683  
to crime victim assistance and criminal justice programs. 6684

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~~(D)~~(E) Nothing in this section is intended to diminish or 6685  
alter the status of the office of the attorney general as a 6686  
criminal justice services agency. 6687

**Sec. 181.54.** (A) A county may enter into an agreement with 6688  
the largest city within the county to establish a metropolitan 6689  
county criminal justice services agency, if the population of the 6690  
county exceeds five hundred thousand or the population of the city 6691  
exceeds two hundred fifty thousand. 6692

(B) A metropolitan county criminal justice services agency 6693  
shall do all of the following: 6694

(1) Accomplish criminal and juvenile justice systems planning 6695  
within its services area; 6696

(2) Collect, analyze, and correlate information and data 6697  
concerning the criminal and juvenile justice systems within its 6698  
services area; 6699

(3) Cooperate with and provide technical assistance to all 6700  
criminal and juvenile justice agencies and systems and other 6701  
appropriate organizations and persons within its services area; 6702

(4) Encourage and assist agencies of the criminal and 6703  
juvenile justice systems and other appropriate organizations and 6704  
persons to solve problems that relate to its duties; 6705

(5) Administer within its services area any federal criminal 6706  
justice acts or juvenile justice acts that the office of criminal 6707  
justice services pursuant to section 5139.11 of the Revised Code 6708  
or the department of youth services administers within the state; 6709

(6) Implement the comprehensive plans for its services area; 6710

(7) Monitor or evaluate, within its services area, the 6711  
performance of the criminal and juvenile justice systems projects 6712  
and programs that are financed in whole or in part by funds 6713



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granted through it; 6714

(8) Apply for, allocate, and disburse grants that are made 6715  
available pursuant to any federal criminal justice acts, or 6716  
pursuant to any other federal, state, or private sources for the 6717  
purpose of improving the criminal and juvenile justice systems; 6718

(9) Contract with federal, state, and local agencies, 6719  
foundations, corporations, and other businesses or persons to 6720  
carry out the duties of the agency. 6721

**Sec. 181.55.** (A)(1) When funds are available for ~~this purpose~~ 6722  
criminal justice purposes pursuant to section 181.54 of the 6723  
Revised Code, the office of criminal justice services shall 6724  
provide funds to metropolitan county criminal justice services 6725  
agencies for the purpose of developing, coordinating, evaluating, 6726  
and implementing comprehensive plans within their respective 6727  
counties. The office of criminal justice services shall provide 6728  
funds to an agency only if it complies with the conditions of 6729  
division (B) of this section. 6730

(2) When funds are available for juvenile justice purposes 6731  
pursuant to section 181.54 of the Revised Code, the department of 6732  
youth services shall provide funds to metropolitan county criminal 6733  
justice services agencies for the purpose of developing, 6734  
coordinating, evaluating, and implementing comprehensive plans 6735  
within their respective counties. The department shall provide 6736  
funds to an agency only if it complies with the conditions of 6737  
division (B) of this section. 6738

(B) A metropolitan county criminal justice services agency 6739  
shall do all of the following: 6740

(1) Submit, in a form that is acceptable to the office of 6741  
criminal justice services or the department of youth services 6742  
pursuant to section 5139.01 of the Revised Code, a comprehensive 6743

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plan for the county; 6744

(2) Establish a metropolitan county criminal justice services 6745  
supervisory board whose members shall include a majority of the 6746  
local elected officials in the county and representatives from law 6747  
enforcement agencies, courts, prosecuting authorities, public 6748  
defender agencies, rehabilitation and correction agencies, 6749  
community organizations, juvenile justice services agencies, 6750  
professionals, and private citizens in the county, and that shall 6751  
have the authority set forth in division (C) of this section; 6752

(3) Organize in the manner provided in sections 167.01 to 6753  
167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, 6754  
unless the board created pursuant to division (B)(2) of this 6755  
section organizes pursuant to these sections. 6756

(C) A metropolitan county criminal justice services 6757  
supervisory board shall do all of the following: 6758

(1) Exercise leadership in improving the quality of the 6759  
criminal and juvenile justice systems in the county; 6760

(2) Review, approve, and maintain general oversight of the 6761  
comprehensive plans for the county and the implementation of the 6762  
plans; 6763

(3) Review and comment on the overall needs and 6764  
accomplishments of the criminal and juvenile justice systems in 6765  
the county; 6766

(4) Establish, as required to comply with this division, task 6767  
forces, ad hoc committees, and other committees, whose members 6768  
shall be appointed by the ~~chairman~~ chairperson of the board; 6769  
6770

(5) Establish any rules that the board considers necessary 6771  
and that are consistent with the federal criminal justice acts and 6772  
section 181.52 of the Revised Code. 6773

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

(B) In counties in which a metropolitan county criminal justice services agency does not exist, the department of youth services shall discharge pursuant to section 5139.11 of the Revised Code the department's duty by establishing administrative planning districts for juvenile justice programs.

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

(D) Any county or any combination of contiguous counties within an administrative planning district may form a criminal justice coordinating council or a juvenile justice coordinating council for its respective programs, if the county or the group of counties has a total population in excess of two hundred fifty thousand. The council shall comply with the conditions set forth in divisions (B) and (C) of section 181.55 of the Revised Code, and exercise within its jurisdiction the powers and duties set forth in division (B) of section 181.54 of the Revised Code.

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

Within ninety days after the end of each fiscal year, the foundation shall submit to the governor and the general assembly

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both of the following: 6804

(A) A report of the activities of the foundation during the 6805  
preceding fiscal year and an independent and objective evaluation 6806  
of the progress being made by the foundation in reducing tobacco 6807  
use by Ohioans; 6808

(B) A financial report of the foundation for the preceding 6809  
fiscal year, which shall include both: 6810

(1) Information on the amount and percentage of overhead and 6811  
administrative expenditures compared to programmatic expenditures; 6812

(2) An independent auditor's report on the ~~general purpose~~ 6813  
basic financial statements and required supplementary information 6814  
of the foundation. Such financial statements shall be prepared in 6815  
conformity with generally accepted accounting principles 6816  
prescribed for governmental entities. 6817

**Sec. 183.10.** The law enforcement improvements trust fund is 6818  
hereby created in the state treasury. Money credited to the fund 6819  
shall be used by the attorney general to maintain, upgrade, and 6820  
modernize the law enforcement training, law enforcement 6821  
technology, and laboratory ~~facilities~~ equipment of the office of 6822  
the attorney general. All investment earnings of the fund shall be 6823  
credited to the fund. 6824

**Sec. 183.17.** The fiscal year of the southern Ohio 6825  
agricultural and community development foundation shall be the 6826  
same as the fiscal year of the state. 6827

Within ninety days after the end of each fiscal year, the 6828  
foundation shall submit to the governor and the general assembly 6829  
both of the following: 6830

(A) A report of the activities of the foundation during the 6831  
preceding fiscal year. The report shall also contain an 6832

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independent evaluation of the progress being made by the 6833  
 foundation in carrying out its duties. 6834

(B) A financial report of the foundation for the preceding 6835  
 year, which shall include both: 6836

(1) Information on the amount and percentage of overhead and 6837  
 administrative expenditures compared to programmatic expenditures; 6838

(2) An independent auditor's report on the ~~general purpose~~ 6839  
~~basic~~ financial statements and required supplementary information 6840  
 of the foundation. Such financial statements shall be prepared in 6841  
 conformity with generally accepted accounting principles 6842  
 prescribed for governmental entities. 6843

On or before July 1, 2010, the foundation shall report to the 6844  
 governor and the general assembly on the progress that the 6845  
 foundation has made in replacing the production of tobacco in 6846  
 southern Ohio with the production of other agricultural products 6847  
 and in mitigating the adverse economic impact of reduced tobacco 6848  
 production in the region. ~~In~~ If the foundation concludes that a 6849  
 need for additional funding still exists, the foundation may 6850  
 request that provision be made for a portion of the payments 6851  
 credited to the tobacco master settlement agreement fund to 6852  
 continue to be transferred to the southern Ohio agricultural and 6853  
 community development trust fund. 6854

**Sec. 183.28.** The education technology trust fund is hereby 6855  
 created in the state treasury. Money credited to the fund shall be 6856  
 used to pay costs of ~~new and innovative technology for primary and~~ 6857  
~~secondary education, including chartered nonpublic schools, and~~ 6858  
~~higher education, including state institutions of higher education~~ 6859  
~~and private nonprofit institutions of higher education holding~~ 6860  
~~certificates of authorization~~ the Ohio SchoolNet commission under 6861  
 section ~~1713-02~~ 3301.80 of the Revised Code. All investment 6862  
 earnings of the fund shall be credited to the fund. 6863

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Sec. 183.30. (A) ~~No~~ Except as provided in division (D) of 6864  
this section, no more than five per cent of the total expenditures 6865  
of the tobacco use prevention and control foundation in a fiscal 6866  
year shall be for administrative expenses of the foundation. 6867

(B) ~~No~~ Except as provided in division (D) of this section, no 6868  
more than five per cent of the total expenditures of the southern 6869  
Ohio agricultural and community development foundation in a fiscal 6870  
year shall be for administrative expenses of the foundation. 6871

(C) ~~No~~ Except as provided in division (D) of this section, no 6872  
more than five per cent of the total expenditures of the 6873  
biomedical research and technology transfer commission in a fiscal 6874  
year shall be for administrative expenses of the commission. 6875

(D) This section's five per cent limitation on administrative 6876  
expenses does not apply in fiscal years 2001 and 2002. 6877

6878

Sec. 301.27. (A) As used in this section: 6879

(1) "Credit card" includes a gasoline credit card and a 6880  
telephone credit card. 6881

(2) "Officer" includes an individual who also is an 6882  
appointing authority. 6883

(3) "Gasoline and oil expenses," "minor motor vehicle 6884  
maintenance expenses," and "emergency motor vehicle repair 6885  
expenses" refer to only those expenses incurred for motor vehicles 6886  
owned or leased by the county. 6887

(B) A credit card held by a board of county commissioners or 6888  
the office of any other county appointing authority shall be used 6889  
only to pay work-related ~~food, transportation, gasoline expenses,~~ 6890  
limited to the following: 6891

(1) Food expenses; 6892

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<u>(2) Transportation expenses;</u>	6893
<u>(3) Gasoline and oil, <del>minor</del> expenses;</u>	6894
<u>(4) Minor motor vehicle maintenance, <del>emergency</del>;</u>	6895
<u>(5) Emergency motor vehicle repair, <del>telephone, lodging, and</del></u> <u>internet expenses;</u>	6896 6897
<u>(6) Telephone expenses;</u>	6898
<u>(7) Lodging expenses;</u>	6899
<u>(8) Internet service provider expenses;</u>	6900
<u>(9) In the case of a public children services agency,</u>	6901
<u>expenses for purchases for children for whom the agency is</u>	6902
<u>providing temporary emergency care pursuant to section 5153.16 of</u>	6903
<u>the Revised Code, children in the temporary or permanent custody</u>	6904
<u>of the agency, and children in a planned permanent living</u>	6905
<u>arrangement.</u>	6906
(C) A county appointing authority may apply to the board of	6907
county commissioners for authorization to have an officer or	6908
employee of the appointing authority use a credit card held by	6909
that appointing authority. The authorization request shall state	6910
whether the card is to be issued only in the name of the office of	6911
the appointing authority itself or whether the issued card shall	6912
also include the name of a specified officer or employee.	6913
(D) The debt incurred as a result of the use of a credit card	6914
pursuant to this section shall be paid from moneys appropriated to	6915
the appointing authority for work-related <del>food, transportation,</del>	6916
<del>gasoline and oil, minor motor vehicle maintenance, emergency motor</del>	6917
<del>vehicle repair, telephone, lodging, and internet service provider</del>	6918
expenses <u>listed in division (B) of this section.</u>	6919
(E)(1) Except as otherwise provided in division (E)(2) of	6920
this section, every officer or employee authorized to use a credit	6921
card held by the board or appointing authority shall submit to the	6922

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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  
obligations or certifications, the board shall authorize the  
officer or employee to incur debt for such expenses against the  
county's credit up to the authorized amount.

(2) In lieu of following the procedure set forth in division  
(E)(1) of this section, a board of county commissioners may adopt  
a resolution authorizing an officer or employee of an appointing  
authority to use a county credit card to pay for specific classes  
of the work-related expenses listed in division (B) of this  
section, or use a specific credit card for any of those  
work-related expenses listed in division (B) of this section,  
without submitting an estimate of those expenses to the board as  
required by division (E)(1) of this section. Prior to adopting the  
resolution, the board shall notify the county auditor. The  
resolution shall specify whether the officer's or employee's  
exemption extends to the use of a specific card, which card shall



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be identified by its number, or to one or more specific  
work-related uses from the classes of uses permitted under  
division (B) of this section. Before any credit card exempted for  
specific uses may be used to make purchases for uses other than  
those specific uses listed in the resolution, the procedures  
outlined in division (E)(1) of this section must be followed or  
the use shall be considered an unauthorized use. Use of any credit  
card under division (E)(2) of this section shall be limited to the  
amount appropriated and encumbered in a specific appropriation  
line item for the permitted use or uses designated in the  
authorizing resolution, or, in the case of a resolution that  
authorizes use of a specific credit card, for each of the  
permitted uses listed in division (B) of this section, but only to  
the extent the moneys in such appropriations are not otherwise  
encumbered.

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

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county to reimburse the county treasury for the amount charged to 6987  
the county beyond the originally authorized amount. 6988

(b) If the card was issued to the office of the appointing 6989  
authority, then the appointing authority is liable in person and 6990  
upon any official bond the appointing authority has given to the 6991  
county for the amount charged to the county beyond the originally 6992  
authorized amount. 6993

(2) Any time a county credit card authorized for use under 6994  
division (E)(2) of this section is used for more than the amount 6995  
appropriated under that division, the appointing authority may 6996  
request the board of county commissioners to issue a supplemental 6997  
appropriation or make a transfer to the proper line item account 6998  
as permitted in section 5705.40 of the Revised Code, to cover the 6999  
amount charged beyond the originally appropriated amount. If the 7000  
card is used for more than the amount originally appropriated and 7001  
if for any reason that amount is not appropriated or transferred 7002  
as permitted by this section, then the county treasury shall be 7003  
reimbursed for any amount spent beyond the originally appropriated 7004  
amount in the following manner: 7005

(a) If the card is issued in the name of a specific officer 7006  
or employee, then that officer or employee is liable in person and 7007  
upon any official bond the officer or employee has given to the 7008  
county for reimbursing the county treasury for any amount charged 7009  
on the card beyond the originally appropriated amount. 7010

(b) If the card is issued in the name of the office of the 7011  
appointing authority, then the appointing authority is liable in 7012  
person and upon any official bond the appointing authority has 7013  
given to the county for reimbursement for any amount charged on 7014  
the card beyond the originally appropriated amount. 7015

(3) Whenever any officer or employee authorized to use a 7016  
credit card held by the board or the office of any other county 7017

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7018 appointing authority suspects the loss, theft, or possibility of  
 7019 unauthorized use of the county credit card the officer or employee  
 7020 is authorized to use, the officer or employee shall so notify the  
 7021 officer's or employee's appointing authority or the board  
 7022 immediately and in writing.

7023 (4) If the county auditor determines there has been a credit  
 7024 card expenditure beyond the appropriated or authorized amount as  
 7025 provided in division (E) of this section, the auditor immediately  
 7026 shall notify the board of county commissioners of this fact. When  
 7027 the board of county commissioners determines on its own or after  
 7028 notification from the county auditor that the county treasury  
 7029 should be reimbursed for credit card expenditures beyond the  
 7030 appropriated or authorized amount as provided in divisions (F)(1)  
 7031 and (2) of this section, it shall give written notice to the  
 7032 officer or employee or appointing authority liable to the treasury  
 7033 as provided in divisions (F)(1) and (2) of this section. If,  
 7034 within thirty days after issuance of this written notice the  
 7035 county treasury is not reimbursed for the amount shown on the  
 7036 written notice, the prosecuting attorney of the county shall  
 7037 recover that amount from the officer or employee or appointing  
 7038 authority who is liable under this section by civil action in any  
 7039 court of appropriate jurisdiction.

7040 (G) Use of a county credit card for any use other than those  
 7041 permitted under division (B) of this section is a violation of law  
 7042 for the purposes of section 2913.21 of the Revised Code.

7043 **Sec. 313.091.** In connection with the performance of duties  
 7044 ~~performed in accordance with~~ under this chapter, a coroner, deputy  
 7045 coroner, or representative of a coroner or deputy coroner may  
 7046 request, in writing, to inspect and receive a copy of the deceased  
 7047 person's medical and psychiatric records. The person to whom the  
 7048 request is delivered shall make such records in the person's

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custody available during normal business hours to the coroner, 7049  
deputy coroner, or representative for purposes of inspection and 7050  
copying. A person who provides copies of medical or psychiatric 7051  
records pursuant to a request made under this section may request, 7052  
in writing, reimbursement in a specified amount for the necessary 7053  
and reasonable costs of copying the records, in which case the 7054  
coroner, deputy coroner, or representative shall remit that amount 7055  
to the person upon receipt of the copies. 7056

Any medical or psychiatric record provided to a coroner, 7057  
deputy coroner, or representative of a coroner or deputy coroner 7058  
under this section is not a public record subject to section 7059  
149.43 of the Revised Code. The release of a deceased person's 7060  
medical or psychiatric records to a coroner, deputy coroner, or 7061  
representative of a coroner or deputy coroner in accordance with 7062  
this section does not violate division (B)(4) of section 4731.22 7063  
or section 5122.31 of the Revised Code. 7064

As used in this section and section 313.10 of the Revised 7065  
Code, "medical record" has the same meaning as in division (A)(3) 7066  
of section 149.43 of the Revised Code. 7067

**Sec. 325.071.** There shall be allowed annually to the sheriff, 7068  
in addition to all salary and allowances otherwise provided by 7069  
law, an amount equal to one-half of the official salary allowed 7070  
under ~~sections~~ division (A) of section 325.06 and section 325.18 7071  
of the Revised Code, to provide for expenses that the sheriff 7072  
incurs in the performance of the sheriff's official duties and in 7073  
the furtherance of justice. Upon the order of the sheriff, the 7074  
county auditor shall draw the auditor's warrant on the county 7075  
treasurer, payable to the sheriff or any other person as the order 7076  
designates, for the amount the order requires. The amounts the 7077  
order requires, not exceeding the amount provided by this section, 7078  
shall be paid out of the general fund of the county. 7079

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Nothing shall be paid under this section until the sheriff 7080  
gives bond to the state in an amount not less than the sheriff's 7081  
official salary, to be fixed by the court of common pleas or the 7082  
probate court, with sureties to be approved by either of those 7083  
courts. The bond shall be conditioned that the sheriff will 7084  
faithfully discharge all the duties enjoined upon the sheriff, and 7085  
pay over all moneys the sheriff receives in an official capacity. 7086  
The bond, with the approval of the court of common pleas or the 7087  
probate court of the amount of the bond and the sureties on the 7088  
bond, shall be deposited with the county treasurer. 7089

The sheriff annually, before the first Monday of January, 7090  
shall file with the county auditor an itemized statement, verified 7091  
by the sheriff, as to the manner in which the fund provided by 7092  
this section has been expended during the current year, and, if 7093  
any part of that fund remains in the sheriff's hands unexpended, 7094  
forthwith shall pay the remainder into the county treasury. 7095

**Sec. 329.042.** The county department of job and family 7096  
services shall certify public assistance and nonpublic assistance 7097  
households eligible under the "Food Stamp Act of 1964," 78 Stat. 7098  
703, 7 U.S.C.A. 2011, as amended, and federal and state 7099  
regulations adopted pursuant to such act, to enable low-income 7100  
households to participate in the food stamp program and thereby to 7101  
purchase foods having a greater monetary value than is possible 7102  
under public assistance standard allowances or other low-income 7103  
budgets. 7104

The county department of job and family services shall 7105  
administer the distribution of food stamp ~~coupons~~ benefits under 7106  
the supervision of the department of job and family services. ~~Such~~ 7107  
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~ 7108  
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~ 7109  
~~Code, or by some alternative~~ a method approved by the department 7110

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of job and family services in accordance with the "Food Stamp Act 7111  
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 7112  
regulations issued thereunder. 7113

The document referred to as the "authorization-to-participate 7114  
card," which shows the face value of the ~~coupon allotment~~ benefits 7115  
an eligible household is entitled to receive on presentment of the 7116  
document, shall be issued, immediately upon certification, to a 7117  
household determined under division (C) of section 5101.54 of the 7118  
Revised Code to be in immediate need of food assistance by being 7119  
personally handed by a member of the staff of the county 7120  
department of job and family services to the member of the 7121  
household in whose name application was made for participation in 7122  
the program or the authorized representative of such member of the 7123  
household. 7124

**Sec. ~~5101.19~~ 329.19.** (A) Upon determining that a person or 7125  
persons are eligible for ~~aid payments~~ benefits or services under 7126  
~~Chapter 5107. or 5115. of the Revised Code~~ any assistance program 7127  
administered by the county department of job and family services, 7128  
the county department may issue an identification card ~~shall be~~ 7129  
~~issued to the individual designated to receive warrants for aid~~ 7130  
~~payments~~ person or persons. Such cards may be made up and issued 7131  
by the county department of job and family services, or the 7132  
department of job and family services may enter into a contract 7133  
with any person, corporation, or agency, public or private, to 7134  
furnish cards to individuals certified by the county department. 7135  
The county department of job and family services shall determine 7136  
the card's material, design, and informational content, which 7137  
~~shall~~ may include a photograph, social security number, name, and 7138  
signature, and shall prescribe the procedure by which it is 7139  
issued. 7140

~~(B) Any county department of job and family services which on 7141  
July 7, 1972 is furnishing identification cards to individuals 7142~~

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designated to receive warrants for aid payments under Chapter 5107. of the Revised Code, may continue to issue such cards and may issue identification cards to individuals designated to receive warrants for aid payments under Chapter 5115. of the Revised Code under procedures developed by the county, in lieu of those established under division (A) of this section, provided:

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

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

(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.

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.

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.

**Sec. 349.01.** As used in this chapter: 7182

(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



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in section 349.04 of the Revised Code. 7204

(E) "Developer" means any person, organized for carrying out 7205  
a new community development program who owns or controls, through 7206  
leases of at least seventy-five years' duration, options, or 7207  
contracts to purchase, the land within a new community district, 7208  
or any ~~municipality~~ municipal corporation, county, or port 7209  
authority that owns the land within a new community district, or 7210  
has the ability to acquire such land, either by voluntary 7211  
acquisition or condemnation in order to eliminate slum, blighted, 7212  
and deteriorated or deteriorating areas and to prevent the 7213  
recurrence thereof. 7214

(F) "Organizational board of commissioners" means, if the new 7215  
community district is located in only one county, the board of 7216  
county commissioners of such county; if located in more than one 7217  
county, a board consisting of the members of the board of county 7218  
commissioners of each of the counties in which the district is 7219  
located, provided that action of such board shall require a 7220  
majority vote of the members of each separate board of county 7221  
commissioners; or, if more than half of the new community district 7222  
is located within the boundaries of the most populous municipal 7223  
corporation of a county, the legislative authority of the 7224  
municipal corporation. 7225

(G) "Land acquisition" means the acquisition of real property 7226  
and interests in real property as part of a new community 7227  
development program. 7228

(H) "Land development" means the process of clearing and 7229  
grading land, making, installing, or constructing water 7230  
distribution systems, sewers, sewage collection systems, steam, 7231  
gas, and electric lines, roads, streets, curbs, gutters, 7232  
sidewalks, storm drainage facilities, and other installations or 7233  
work, whether within or without the new community district, and 7234  
the construction of community facilities. 7235

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(I) "Community facilities" means all real property, 7236  
 buildings, structures, or other facilities, including related 7237  
 fixtures, equipment, and furnishings, to be owned, operated, 7238  
 financed, constructed, and maintained under this chapter, 7239  
 including public, community, village, neighborhood, or town 7240  
 buildings, centers and plazas, auditoriums, day care centers, 7241  
 recreation halls, educational facilities, hospital facilities as 7242  
defined in section 140.01 of the Revised Code, recreational 7243  
 facilities, natural resource facilities, including parks and other 7244  
 open space land, lakes and streams, cultural facilities, community 7245  
 streets, pathway and bikeway systems, pedestrian underpasses and 7246  
 overpasses, lighting facilities, design amenities, or other 7247  
 community facilities, and buildings needed in connection with 7248  
 water supply or sewage disposal installations or steam, gas, or 7249  
 electric lines or installation. 7250

(J) "Cost" as applied to a new community development program 7251  
 means all costs related to land acquisition and land development, 7252  
 the acquisition, construction, maintenance, and operation of 7253  
 community facilities and offices of the community authority, and 7254  
 of providing furnishings and equipment therefor, financing charges 7255  
 including interest prior to and during construction and for the 7256  
 duration of the new community development program, planning 7257  
 expenses, engineering expenses, administrative expenses including 7258  
 working capital, and all other expenses necessary and incident to 7259  
 the carrying forward of the new community development program. 7260

(K) "Income source" means any and all sources of income to 7261  
 the community authority, including community development charges 7262  
 of which the new community authority is the beneficiary as 7263  
 provided in section 349.07 of the Revised Code, rentals, user fees 7264  
 and other charges received by the new community authority, any 7265  
 gift or grant received, any moneys received from any funds 7266  
 invested by or on behalf of the new community authority, and 7267

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proceeds from the sale or lease of land and community facilities. 7268

(L) "Community development charge" means a dollar amount 7269
which shall be determined on the basis of the assessed valuation 7270
of real property or interests in real property in a new community 7271
district sold, leased, or otherwise conveyed by the developer or 7272
the new community authority, the income of the residents of such 7273
property subject to such charge under section 349.07 of the 7274
Revised Code, if such property is devoted to residential uses or 7275
to the profits of any business, a uniform fee on each parcel of 7276
such real property originally sold, leased, or otherwise conveyed 7277
by the developer or new community authority, or any combination of 7278
the foregoing bases. 7279

(M) "Proximate city" means any city that, as of the date of 7280
filing of the petition under section 349.03 of the Revised Code, 7281
is the most populous city of the county in which the proposed new 7282
community district is located, is the most populous city of an 7283
adjoining county if any portion of such city is within five miles 7284
of any part of the boundaries of such district, or exercises 7285
extraterritorial subdivision authority under section 711.09 of the 7286
Revised Code with respect to any part of such district. 7287

Sec. 503.162. (A) After certification of a resolution as 7288
provided in section 503.161 of the Revised Code, the board of 7289
elections shall submit the question of whether the township's name 7290
shall be changed to the electors of the unincorporated area of the 7291
township in accordance with division (C) of that section, and the 7292
ballot language shall be substantially as follows: 7293

"Shall the township of ..... (name) change its name to 7294
..... (proposed name)? 7295

..... For name change 7296

..... Against name change" 7297

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

(C) If a majority of the votes cast on the proposition of changing the township's name is in the affirmative, the name change is adopted and becomes effective ninety days after the board of elections certifies the election results to the clerk of the township. Upon receipt of the certification of the election results from the board of elections, the clerk of the township shall send a copy of that certification to the secretary of state ~~and to the state and local government commission of Ohio.~~

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

**Sec. 504.03.** (A)(1) If a limited home rule government is adopted pursuant to section 504.02 of the Revised Code, it shall remain in effect for at least three years except as otherwise provided in division (B) of this section. At the end of that period, if the board of township trustees determines that that government is not in the best interests of the township, it may adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should continue the limited home rule government. The question shall be voted upon at the next general election occurring at least seventy-five days after the certification of the resolution to the board of elections. After certification of the resolution, the board of elections shall submit the question to the electors of the unincorporated area of

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the township, and the ballot language shall be substantially as follows: 7329 7330

"Shall the township of ..... (name) continue the limited home rule government under which it is operating? ..... For continuation of the limited home rule government ..... Against continuation of the limited home rule government" 7331 7332 7333 7334

(2) At least forty-five days before the election on the question of continuing the limited home rule government, the board of township trustees shall have notice of the election published in a newspaper of general circulation in the township for three consecutive weeks and have the notice posted in five conspicuous places in the unincorporated area of the township. 7335 7336 7337 7338 7339 7340

(B) The electors of a township that has adopted a limited home rule government may propose at any time by initiative petition, in accordance with section 504.14 of the Revised Code, a resolution submitting to the electors in the unincorporated area of the township, in an election, the question set forth in division (A)(1) of this section. 7341 7342 7343 7344 7345 7346

(C) If a majority of the votes cast under division (A) or (B) of this section on the proposition of continuing the limited home rule government is in the negative, that government is terminated effective on the first day of January immediately following the election, and a limited home rule government shall not be adopted in the unincorporated area of the township pursuant to section 504.02 of the Revised Code for at least three years after that date. 7347 7348 7349 7350 7351 7352 7353 7354

(D) If a limited home rule government is terminated pursuant to under this section, the board of township trustees immediately shall adopt a resolution repealing all resolutions adopted pursuant to this chapter that are not authorized by any other section of the Revised Code outside this chapter, effective on the first day of January immediately following the election described 7355 7356 7357 7358 7359 7360

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in division (A) or (B) of this section. However, no resolution 7361  
 adopted under this division shall affect or impair the obligations 7362  
 of the township under any security issued or contracts entered 7363  
 into by the township in connection with the financing of any water 7364  
 supply facility or sewer improvement under sections 504.18 to 7365  
 504.20 of the Revised Code or the authority of the township to 7366  
 collect or enforce any assessments or other revenues constituting 7367  
 security for or source of payments of debt service charges of 7368  
 those securities. 7369

(E) Upon the termination of a limited home rule government 7370  
under this section, if the township had converted its board of 7371  
township trustees to a five-member board under section 504.21 of 7372  
the Revised Code, the current board member who received the lowest 7373  
number of votes of the current board members who were elected at 7374  
the most recent election for township trustees, and the current 7375  
board member who received the lowest number of votes of the 7376  
current board members who were elected at the second most recent 7377  
election for township trustees, shall cease to be township 7378  
trustees on the date that the limited home rule government 7379  
terminates. Their offices likewise shall cease to exist at that 7380  
time, and the board shall continue as a three-member board as 7381  
provided in section 505.01 of the Revised Code. 7382

**Sec. 504.04.** (A) A township that adopts a limited home rule 7383  
 government may do all of the following by resolution, provided 7384  
 that any of these resolutions, other than a resolution to supply 7385  
 water or sewer services in accordance with sections 504.18 to 7386  
 504.20 of the Revised Code, may be enforced only by the imposition 7387  
 of civil fines as authorized in this chapter: 7388

(1) Exercise all powers of local self-government within the 7389  
 unincorporated area of the township, other than powers that are in 7390  
 conflict with general laws, except that the township shall comply 7391  
 with the requirements and prohibitions of this chapter, and shall 7392

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enact no taxes other than those authorized by general law, and  
except that no resolution adopted pursuant to this chapter shall  
encroach upon the powers, duties, and privileges of elected  
township officers or change, alter, combine, eliminate, or  
otherwise modify the form or structure of the township government  
unless the change is required or permitted by this chapter;

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

(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,

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fishing, or the possession, use, or sale of firearms; 7423

(7) Establish or revise water or sewer regulations, except in 7424  
accordance with sections 504.18 and 504.19 of the Revised Code. 7425

Nothing in this chapter shall be construed as affecting the 7426  
powers of counties with regard to the subjects listed in divisions 7427  
(B)(3) to (5) of this section. 7428

(C) Under a limited home rule government, all officers shall 7429  
have the qualifications, and be nominated, elected, or appointed, 7430  
as provided in Chapter 505. of the Revised Code, except that the 7431  
board of township trustees shall appoint a full-time or part-time 7432  
law director pursuant to section 504.15 of the Revised Code, and 7433  
except that section 504.21 of the Revised Code also shall apply if 7434  
a five-member board of township trustees is approved for the 7435  
township. 7436

(D) In case of conflict between resolutions enacted by a 7437  
board of township trustees and municipal ordinances or 7438  
resolutions, the ordinance or resolution enacted by the municipal 7439  
corporation prevails. In case of conflict between resolutions 7440  
enacted by a board of township trustees and any county resolution, 7441  
the resolution enacted by the board of township trustees prevails. 7442

**Sec. 504.21.** (A) By a unanimous vote, the board of township 7443  
trustees of a limited home rule township may pass a resolution to 7444  
place on the ballot at the next general election described in this 7445  
division the question of whether the board should be converted to 7446  
a five-member board. Upon passage of the resolution, the question 7447  
shall be voted upon at the next general election occurring at 7448  
least seventy-five days after the board certifies the resolution 7449  
to the board of elections. 7450

(B) If a majority of the votes cast on the question of 7451  
converting the board of township trustees to a five-member board 7452



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is in the affirmative, at the next election at which any members 7453  
of the board are elected, two additional board members shall be 7454  
elected, one for a four-year term of office and the other for a 7455  
two-year term of office. Their successors thereafter shall be 7456  
elected for four-year terms of office. 7457

(C) If a board of township trustees is converted to a 7458  
five-member board, the board members shall be elected by 7459  
determining which individuals receive the highest number of votes 7460  
from a slate of candidates running for the office of township 7461  
trustee. If the first election after a township converts its board 7462  
of township trustees to a five-member board is an election for 7463  
three four-year term members and one two-year term member, the 7464  
three candidates who receive the highest number of votes from the 7465  
slate of candidates for township trustee shall serve a four-year 7466  
term and the candidate who receives the fourth highest number of 7467  
votes from that slate of candidates shall serve a two-year term. 7468

**Sec. 505.24.** Each township trustee is entitled to 7469  
compensation as follows: 7470

(A) Except as otherwise provided in division (B) of this 7471  
section, an amount for each day of service in the business of the 7472  
township, to be paid from the township treasury as follows: 7473

(1) In townships having a budget of fifty thousand dollars or 7474  
less, twenty dollars per day for not more than two hundred days; 7475  
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(2) In townships having a budget of more than fifty thousand 7477  
but not more than one hundred thousand dollars, twenty-four 7478  
dollars per day for not more than two hundred days; 7479

(3) In townships having a budget of more than one hundred 7480  
thousand but not more than two hundred fifty thousand dollars, 7481  
twenty-eight dollars and fifty cents per day for not more than two 7482

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hundred days;	7483
(4) In townships having a budget of more than two hundred	7484
fifty thousand but not more than five hundred thousand dollars,	7485
thirty-three dollars per day for not more than two hundred days;	7486
(5) In townships having a budget of more than five hundred	7487
thousand but not more than seven hundred fifty thousand dollars,	7488
thirty-five dollars per day for not more than two hundred days;	7489
(6) In townships having a budget of more than seven hundred	7490
fifty thousand but not more than one million five hundred thousand	7491
dollars, forty dollars per day for not more than two hundred days;	7492
(7) In townships having a budget of more than one million	7493
five hundred thousand but not more than three million five hundred	7494
thousand dollars, forty-four dollars per day for not more than two	7495
hundred days;	7496
(8) In townships having a budget of more than three million	7497
five hundred thousand dollars but not more than six million	7498
dollars, forty-eight dollars per day for not more than two hundred	7499
days;	7500
(9) In townships having a budget of more than six million	7501
dollars, fifty-two dollars per day for not more than two hundred	7502
days.	7503
(B) Beginning in calendar year 1999, the amounts paid as	7504
specified in division (A) of this section shall be replaced by the	7505
following amounts:	7506
(1) In calendar year 1999, the amounts specified in division	7507
(A) of this section increased by three per cent;	7508
(2) In calendar year 2000, the amounts determined under	7509
division (B)(1) of this section increased by three per cent;	7510
(3) In calendar year 2001, the amounts determined under	7511
division (B)(2) of this section increased by three per cent;	7512

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

(5) In calendar years 2003 through 2008, the amounts determined under division (B) of this section for the immediately preceding calendar year increased by the lesser of the following:

(a) Three per cent;

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

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

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

(C) Whenever members of a board of township trustees are compensated per diem and not by annual salary, the board shall establish, by resolution, a method by which each member of the board shall periodically notify the township clerk of the number of days spent in the service of the township and the kinds of services rendered on those days. The per diem compensation shall be paid from the township general fund or from other township funds in such proportions as the kinds of services performed may require. The notice shall be filed with the township clerk and

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preserved for inspection by any persons interested. 7544

By unanimous vote, a board of township trustees may adopt a 7545  
method of compensation consisting of an annual salary to be paid 7546  
in equal monthly payments. If the office of trustee is held by 7547  
more than one person during any calendar year, each person holding 7548  
the office shall receive payments for only those months, and any 7549  
fractions of those months, during which the person holds the 7550  
office. The amount of the annual salary approved by the board 7551  
shall be no more than the maximum amount that could be received 7552  
annually by a trustee if the trustee were paid on a per diem basis 7553  
as specified in this division, and shall be paid from the township 7554  
general fund or from other township funds in such proportions as 7555  
the board may specify by resolution. A board of township trustees 7556  
that has adopted a salary method of compensation may return to a 7557  
method of compensation on a per diem basis as specified in this 7558  
division by a majority vote. Any change in the method of 7559  
compensation shall be effective on the first day of January of the 7560  
year following the year during which the board has voted to change 7561  
the method of compensation. 7562

**Sec. 507.09.** (A) Except as otherwise provided in division (D) 7563  
of this section, the township clerk shall be entitled to 7564  
compensation as follows: 7565

(1) In townships having a budget of fifty thousand dollars or 7566  
less, three thousand five hundred dollars; 7567

(2) In townships having a budget of more than fifty thousand 7568  
but not more than one hundred thousand dollars, five thousand five 7569  
hundred dollars; 7570

(3) In townships having a budget of more than one hundred 7571  
thousand but not more than two hundred fifty thousand dollars, 7572  
seven thousand seven hundred dollars; 7573

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(4) In townships having a budget of more than two hundred 7574  
fifty thousand but not more than five hundred thousand dollars, 7575  
nine thousand nine hundred dollars; 7576

(5) In townships having a budget of more than five hundred 7577  
thousand but not more than seven hundred fifty thousand dollars, 7578  
eleven thousand dollars; 7579

(6) In townships having a budget of more than seven hundred 7580  
fifty thousand but not more than one million five hundred thousand 7581  
dollars, thirteen thousand two hundred dollars; 7582

(7) In townships having a budget of more than one million 7583  
five hundred thousand but not more than three million five hundred 7584  
thousand dollars, fifteen thousand four hundred dollars; 7585

(8) In townships having a budget of more than three million 7586  
five hundred thousand dollars but not more than six million 7587  
dollars, sixteen thousand five hundred dollars; 7588

(9) In townships having a budget of more than six million 7589  
dollars, seventeen thousand six hundred dollars. 7590

(B) Any township clerk may elect to receive less than the 7591  
compensation the clerk is entitled to under division (A) of this 7592  
section. Any clerk electing to do this shall so notify the board 7593  
of township trustees in writing, and the board shall include this 7594  
notice in the minutes of its next board meeting. 7595

(C) The compensation of the township clerk shall be paid in 7596  
equal monthly payments. If the office of clerk is held by more 7597  
than one person during any calendar year, each person holding the 7598  
office shall receive payments for only those months, and any 7599  
fractions of those months, during which the person holds the 7600  
office. 7601

(D) Beginning in calendar year 1999, the township clerk shall 7602  
be entitled to compensation as follows: 7603

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- (1) In calendar year 1999, the compensation specified in division (A) of this section increased by three per cent; 7604  
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- (2) In calendar year 2000, the compensation determined under division (D)(1) of this section increased by three per cent; 7606  
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- (3) In calendar year 2001, the compensation determined under division (D)(2) of this section increased by three per cent; 7608  
7609
- (4) In calendar year 2002, except in townships having a budget of more than six million dollars, the compensation determined under division (D)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, nineteen thousand eight hundred ten dollars; and in townships having a budget of more than ten million dollars, twenty thousand nine hundred dollars; 7610  
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- (5) In calendar years 2003 through 2008, the compensation determined under division (D) of this section for the immediately preceding calendar year increased by the lesser of the following: 7618  
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- (a) Three per cent; 7621
- (b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding calendar year, rounded to the nearest one-tenth of one per cent; 7622  
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- (6) In calendar year 2009 and thereafter, the amount determined under division (D) of this section for calendar year 2008. 7626  
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- As used in this division, "consumer price index" has the same meaning as in section 325.18 of the Revised Code. 7629  
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- Sec. 901.43.** (A) The director of agriculture may authorize any department of agriculture laboratory to perform a laboratory 7631  
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service for any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

(B) The director may charge a reasonable fee for the performance of a laboratory service, except when the service is performed on an official sample taken by the director acting pursuant to Title IX, Chapter 3715., or Chapter 3717. of the Revised Code; by a board of health acting as the licensor of retail food establishments or food service operations under Chapter 3717. of the Revised Code; or by the director of health acting as the licensor of food service operations under Chapter 3717. of the Revised Code. The director of agriculture shall adopt rules specifying what constitutes an official sample.

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

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

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

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

(E)(1) All moneys collected by the director under this section that are from fees generated by a laboratory service performed by the department and related to the diseases of animals, and all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and

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laboratory services related to the diseases of animals, shall be 7664  
 deposited in the animal industry laboratory fund, which is hereby 7665  
 created in the state treasury. The director shall use the moneys 7666  
 in the animal industry laboratory fund to pay the expenses 7667  
necessary to operate the animal industry laboratory, including the 7668  
purchase of supplies and equipment ~~for the laboratory that~~ 7669  
~~provides laboratory services related to the diseases of animals.~~ 7670

(2) All moneys collected by the director under this section 7671  
 that are from fees generated by a laboratory service performed by 7672  
 the consumer analytical laboratory, and all moneys so collected 7673  
 that are from fees generated for the inspection and accreditation 7674  
 of laboratories and laboratory services not related to weights and 7675  
 measures or the diseases of animals, shall be deposited in the 7676  
 laboratory services fund, which is hereby created in the state 7677  
 treasury. The moneys held in the fund may be used to pay the 7678  
 expenses necessary to operate the consumer analytical laboratory, 7679  
 including the purchase of supplies and equipment. 7680

(3) All moneys collected by the director under this section 7681  
 that are from fees generated by a laboratory service performed by 7682  
 the weights and measures laboratory, and all moneys so collected 7683  
 that are from fees generated for the inspection and accreditation 7684  
 of laboratories and laboratory services related to weights and 7685  
 measures, shall be deposited in the weights and measures 7686  
 laboratory fund, which is hereby created in the state treasury. 7687  
 The moneys held in the fund may be used to pay the expenses 7688  
 necessary to operate the division of weights and measures, 7689  
 including the purchase of supplies and equipment. 7690

**Sec. 901.63.** (A) The agricultural financing commission shall 7691  
 do both of the following until July 1, ~~2001~~ 2003: 7692

(1) Make recommendations to the director of agriculture about 7693  
 financial assistance applications made pursuant to sections 901.80 7694



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- 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,

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and hold, assign, pledge, lease, transfer, or otherwise dispose 7726  
of, real and personal property, or any interest in that real and 7727  
personal property, in the exercise of its powers and the 7728  
performance of its duties under this chapter and Chapter 902. of 7729  
the Revised Code; 7730

(6) Receive and accept gifts, grants, loans, or any other 7731  
financial or other form of aid from any federal, state, local, or 7732  
private agency or fund and enter into any contract with any such 7733  
agency or fund in connection therewith, and receive and accept aid 7734  
or contributions from any other source of money, property, labor, 7735  
or things of value, to be held, used, and applied only for the 7736  
purposes for which ~~such~~ the grants and contributions are made, all 7737  
within the purposes of this chapter and Chapter 902. of the 7738  
Revised Code; 7739

(7) Sue and be sued in its own name with respect to its 7740  
contracts or to enforce this chapter or its obligations or 7741  
covenants made under this chapter and Chapter 902. of the Revised 7742  
Code; 7743

(8) Make and enter into all contracts, commitments, and 7744  
agreements, and execute all instruments necessary or incidental to 7745  
the performance of its duties and the execution of its powers 7746  
under this chapter and Chapter 902. of the Revised Code; 7747

(9) Adopt an official seal; 7748

(10) Do any and all things necessary or appropriate to carry 7749  
out the public purposes and exercise the powers granted to the 7750  
commission in this chapter and Chapter 902. of the Revised Code 7751  
and the public purposes of Section 13 of Article VIII, Ohio 7752  
Constitution. 7753

Any instrument by which real property is acquired pursuant to 7754  
this section shall identify the agency of the state that has the 7755  
use and benefit of the real property as specified in section 7756

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5301.012 of the Revised Code.

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

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

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(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.

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(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.

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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

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also shall forward a request by the financial institution to enter 7788  
 into a contract of guarantee described in section 901.83 of the 7789  
 Revised Code. 7790

The department ~~of development~~ shall proceed with the loan 7791  
 application in accordance with ~~division (A)(12) of section 122.011~~ 7792  
901.82 of the Revised Code. 7793

**Sec. 901.82.** (A) In administering the program established 7794  
 under section 901.80 of the Revised Code, the director of 7795  
 agriculture shall do all of the following: 7796

(1) Receive, review, analyze, and summarize applications for 7797  
 financial assistance forwarded to the director by ~~the department~~ 7798  
~~of development~~, a financial institution under section 901.81 of 7799  
the Revised Code and, after processing, forward them to the 7800  
 agricultural financing commission together with necessary 7801  
 supporting information; 7802

(2) Receive the recommendations of the commission made under 7803  
 division (A)(1) of section 901.63 of the Revised Code and make a 7804  
 final determination whether to approve ~~the~~ an application for 7805  
 financial assistance; 7806

(3) Transmit the director's determinations to approve 7807  
 assistance to the controlling board together with any information 7808  
 the controlling board requires for its review and its decision 7809  
 whether to approve the release of money for the financial 7810  
 assistance; 7811

(4) Work in conjunction with financial institutions and other 7812  
 private and public financing sources to purchase loans from 7813  
 financial institutions or provide loan guarantees to eligible 7814  
 applicants; 7815

(5) Require each applicant to provide a farm business plan, 7816  
 including an overview of the type of agricultural operation the 7817

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applicant anticipates conducting, and a management strategy for the project; 7818  
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(6) Inform agricultural organizations and others in the state of the existence of the program established under section 901.80 of the Revised Code and of the financial assistance available under the program; 7820  
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(7) Report to the governor, president of the senate, speaker of the house of representatives, and minority leaders of the senate and the house of representatives by the thirtieth day of June of each year on the activities carried out under the program during the preceding calendar year. The report shall include the number of loans purchased or loan guarantees made that year, the amount of each such loan or loan guarantee, the county in which the loan recipient's farm is located, and whatever other information the director determines is relevant to include. 7824  
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(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following with regard to the program: 7833  
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(a) Forms and procedures by which eligible applicants may apply for financial assistance; 7836  
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(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program; 7838  
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(c) Reporting requirements and monitoring procedures; 7841

(d) Interest rates, payment schedules, loan transfer provisions, penalties, including penalties for the conversion of land devoted exclusively to agricultural use as defined in section 5713.30 of the Revised Code, and other terms and conditions for loans purchased and loan guarantees provided under the program; 7842  
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(e) Criteria for determining whether the location at which 7847

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the applicant proposes to use financial assistance provided under 7848  
the program is in an area in which agriculture is the primary land 7849  
use at the time the application is made and whether the land at 7850  
that location reasonably may not be expected to be converted to a 7851  
nonagricultural use during the period of time that the applicant's 7852  
obligation to repay the loan remains outstanding; 7853

(f) Any other rules necessary to implement and administer the 7854  
program. 7855

(B) In order to be eligible for financial assistance under 7856  
section 901.80 of the Revised Code, an applicant shall demonstrate 7857  
all of the following: 7858

(1) That the applicant is domiciled in this state; 7859

(2) That the applicant is unable to obtain sufficient 7860  
financing from commercial or agricultural lending sources; 7861

(3) That the applicant has the ability to repay the loan, 7862  
primarily from the cash flow of the proposed farming operation, 7863  
and that there is adequate security for the loan; 7864

(4) That the applicant has sufficient education, training, or 7865  
experience in the type of farming for which the applicant requests 7866  
the financial assistance; 7867

(5) That there are no zoning restrictions, environmental 7868  
regulations, or other impairments to the use of the land for the 7869  
purpose intended; 7870

(6) That the location at which the applicant proposes to use 7871  
the financial assistance is in an area in which agriculture is the 7872  
primary land use at the time the application is made and that the 7873  
land at that location reasonably may not be expected to be 7874  
converted to a nonagricultural use during the period of time that 7875  
the applicant's obligation to repay the financial assistance 7876  
remains outstanding. In demonstrating the information required 7877

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under division (B)~~(5)~~(6) of this section, the applicant shall 7878  
utilize criteria established in rules adopted under division 7879  
(A)(8)(e) of this section. 7880

**Sec. 917.07.** The dairy industry fund is hereby created in the 7881  
state treasury. All inspection fees and license fees collected 7882  
under this chapter shall be deposited into the fund. 7883

~~The dairy fund is hereby created in the state treasury. All 7884  
together with all fine moneys received by the treasurer of state 7885  
pursuant to division ~~(E)~~(F) of section 917.99 of the Revised Code 7886  
and any other moneys collected under this chapter, ~~except for 7887  
inspection fees and license fees, shall be deposited into the 7888  
fund.~~ 7889~~

Moneys credited to the dairy industry fund ~~and the dairy fund 7890~~  
shall be used to operate and pay expenses of the division of dairy 7891  
in the department of agriculture. 7892

**Sec. 917.99.** (A) Whoever violates division (C) of section 7893  
917.09 of the Revised Code is guilty of a misdemeanor of the 7894  
second degree on a first offense and a misdemeanor of the first 7895  
degree on each subsequent offense. 7896

(B) Whoever violates section 917.13 or 917.14 of the Revised 7897  
Code is guilty of a misdemeanor of the first degree on a first 7898  
offense, a felony of the fifth degree on a second offense, and a 7899  
felony of the fourth degree on each subsequent offense. 7900

(C) Whoever violates division (A), (B), (C), (D), or (G) of 7901  
section 917.05 of the Revised Code is guilty of a misdemeanor of 7902  
the fourth degree. 7903

(D) Whoever violates division (E) or (F) of section 917.05 of 7904  
the Revised Code is guilty of a misdemeanor of the second degree 7905  
on a first offense and a misdemeanor of the first degree on each 7906

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subsequent offense. 7907

(E) Each day of violation of a provision described in 7908  
divisions (A) to (D) of this section constitutes a separate 7909  
offense. 7910

(F) The court imposing a fine under divisions (A) to (D) of 7911  
this section shall order that not less than fifty per cent of the 7912  
fine be disbursed to the treasurer of state for deposit into the 7913  
dairy industry fund created in section 917.07 of the Revised Code. 7914  
Subject to that minimum percentage, the court's order shall 7915  
specify the percentage of the fine that the clerk of the court 7916  
shall disburse to the treasurer of state. The clerk of the court 7917  
shall disburse the remainder of the fine to the county treasurer. 7918

**Sec. 1309.40.** (A) Presentation for filing of a financing 7919  
statement, tender of the filing fee, and acceptance of the 7920  
statement by the filing officer constitute filing under sections 7921  
1309.01 to 1309.50 of the Revised Code. 7922

(B)(1) Except as provided in divisions (B)(2) and (F) of this 7923  
section, a filed financing statement is effective for a period of 7924  
five years from the date of filing. The effectiveness of a filed 7925  
financing statement lapses on the expiration of the five-year 7926  
period unless a continuation statement is filed prior to the 7927  
lapse. If a security interest perfected by filing exists at the 7928  
time insolvency proceedings are commenced by or against the 7929  
debtor, the security interest remains perfected until termination 7930  
of the insolvency proceedings and thereafter for a period of sixty 7931  
days or until expiration of the five-year period, whichever occurs 7932  
later. Upon lapse the security interest becomes unperfected, 7933  
unless it is perfected without filing. If the security interest 7934  
becomes unperfected upon lapse, it is deemed to have been 7935  
unperfected as against a person who became a purchaser or lien 7936  
creditor before lapse. 7937



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

(C) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in division (B)(1) of this section, or within six months prior to the stated maturity date referred to in division (B)(2) of this section. A continuation statement shall be filed on a form prescribed by the secretary of state. A continuation statement filed in the office of the county recorder shall also comply with Chapter 317. of the Revised Code. The continuation statement must be signed by the secured party, identify the original statement by file number, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with division (B) of section 1309.42 of the Revised Code, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in division (B) of this section unless another continuation statement is filed

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prior to such lapse. Succeeding continuation statements may be  
filed in the same manner to continue the effectiveness of the  
original statement. The filing officer may remove a lapsed  
statement from the files and destroy it immediately if the filing  
officer has retained a microfilm or other photographic record, or  
in other cases one year after the lapse. The filing officer shall  
so arrange matters by physical annexation of financing statements  
to continuation statements or other related filings, or by other  
means, that if the filing officer physically destroys the  
financing statements of a period more than five years past, those  
which have been continued by a continuation statement or which are  
still effective under division (B)(2) or (F) of this section shall  
be retained.

(D) Except as provided in division (G) of this section, a  
filing officer shall assign each statement a consecutive file  
number and shall hold the statement or a microfilm or other  
photographic or digitized copy thereof for public inspection. In  
addition, the filing officer shall index the statements according  
to the name of the debtor and shall note in the index the file  
number, the date and hour of filing, and the address of the debtor  
given in the statement. In addition to the indexing required in  
the previous sentence, statements covering crops growing or to be  
grown or timber to be cut or minerals or the like, including oil  
and gas, or accounts subject to division (E) of section 1309.03 of  
the Revised Code, or a financing statement filed as a fixture  
filing pursuant to section 1309.32 of the Revised Code shall also  
be indexed in the real estate mortgage records by the filing  
officer according to the name of the debtor or, if the financing  
statement shows the record owner or record lessee to be other than  
the debtor, then according to the name of the record owner or  
record lessee given in the statement. The fee to be charged for  
indexing financing statements in the real estate mortgage records

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shall be two dollars for each record owner or lessee listed in the  
statement, as provided in division (E) of section 317.32 of the  
Revised Code.

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

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

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

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

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~~financing statement and for each statement of assignment reported~~ 8034  
~~therein. Upon~~ 8035

(2) Upon request, the a county recorder who is a filing 8036  
officer shall furnish to any person a copy of any filed financing 8037  
statement ~~or naming a particular debtor, owner, or lessee and any~~ 8038  
filed statement of assignment of the financing statement. When 8039  
such a request ~~for copies~~ is made ~~in the office of the county~~ 8040  
~~recorder~~, the county recorder shall charge a fee of one dollar per 8041  
page. ~~When a request for copies is made in the office of the~~ 8042  
~~secretary of state, the fee shall not exceed one dollar per page.~~ 8043

(3) Any person may request from the secretary of state a copy 8044  
of any financing statement naming a particular debtor, owner, or 8045  
lessee, and of any statement of assignment of the financing 8046  
statement, that is on file with the secretary of state. The 8047  
request shall be made in writing to the secretary of state, and 8048  
the secretary of state shall charge and collect a fee of five 8049  
dollars for each copy requested. 8050

**Sec. 1309.401.** ~~Through June 30, 2001, four dollars and fifty~~ 8051  
~~cents, and, on and after July 1, 2001, four dollars, of each fee~~ 8052  
~~collected by the secretary of state under sections 1309.42 and~~ 8053  
~~1309.43 and divisions (E) and (H) of section 1309.40 of the~~ 8054  
~~Revised Code, and all of the fees collected by the secretary of~~ 8055  
~~state under section 1309.402 (A) All fees collected by the~~ 8056  
~~secretary of state for filings under Title XIII or XVII of the~~ 8057  
~~Revised Code, shall be deposited in into the state treasury to the~~ 8058  
~~credit of the corporate and uniform commercial code filing fund,~~ 8059  
~~which is hereby created. The remainder of each such fee shall be~~ 8060  
~~deposited in the general revenue fund. All moneys credited to the~~ 8061  
~~corporate and uniform commercial code filing fund, subject to~~ 8062  
division (B) of this section, shall be used only for the purpose 8063  
of paying for the operations of the office of the secretary of 8064  
state, other than the division of elections, and for the purpose 8065

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

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

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

(B) A secured party may assign of record all or a part of the secured party's rights under a financing statement by the filing in the place where the original financing statement was filed of a

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separate written statement of assignment. The statement of  
assignment shall be on a form prescribed by the secretary of  
state, shall be signed by the secured party of record, shall set  
forth the name of the secured party of record and the debtor, the  
file number and the date of filing of the financing statement, and  
the name and address of the assignee, and shall contain a  
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

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1309.01 to 1309.50 of the Revised Code.	8130
	8131
(C) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.	8132
	8133
<u>Sec. 1309.525. (A) Except as provided in division (C) of this section, the fee for filing and indexing a record under sections 1309.501 to 1309.527 of the Revised Code is twelve dollars.</u>	8134
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	8137
<u>(B) The fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor is:</u>	8138
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	8140
<u>(1) Twenty dollars if the request is communicated in writing;</u>	8141
<u>(2) Twenty dollars if the request is communicated by another medium authorized by the filing office rule.</u>	8142
	8143
<u>However, the fee otherwise required under division (B) of this section is five dollars if the request is limited to communicating only whether there is on file any financing statement naming a particular debtor and the name of the secured party or record relating thereto. Division (B) of this section does not require that a fee be charged for remote access searching of the filing office data base.</u>	8144
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<u>(C) This section does not require a fee with respect to a record of a mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under division (C) of section 1309.502 of the Revised Code. However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.</u>	8151
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	8157
<u>Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 of</u>	8158

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the Revised Code:	8159
(1) "Trade name" means a name used in business or trade to designate the business of the user and to which the user asserts a right to exclusive use.	8160 8161 8162
(2) "Fictitious name" means a name used in business or trade that is fictitious and that the user has not registered or is not entitled to register as a trade name. It does not include the name of record of any domestic corporation that is formed under Chapter 1701. or 1702. of the Revised Code, any foreign corporation that is registered pursuant to Chapter 1703. of the Revised Code, any domestic or foreign limited liability company that is formed under or registered pursuant to Chapter 1705. of the Revised Code, any domestic or foreign limited partnership that is formed under or registered pursuant to Chapter 1782. of the Revised Code, or any domestic or foreign limited liability partnership that is formed under or registered pursuant to Chapter 1775. of the Revised Code.	8163 8164 8165 8166 8167 8168 8169 8170 8171 8172 8173 8174 8175
(3) "Person" includes any individual, general partnership, limited partnership, limited liability partnership, corporation, association, professional association, limited liability company, society, foundation, federation, or organization formed under the laws of this state or any other state.	8176 8177 8178 8179 8180
(B) Subject to sections 1329.01 to 1329.10 of the Revised Code, any person may register with the secretary of state, on a form prescribed by the secretary of state, any trade name under which the person is operating, setting forth all of the following:	8181 8182 8183 8184
(1) The name and business address of the applicant for registration and any of the following that is applicable:	8185 8186
(a) If the applicant is a general partnership, the names and residence addresses of all of the partners;	8187 8188
(b) If the applicant is a limited partnership existing prior	8189



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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:

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(a) If the user is a general partnership, the names and residence addresses of all the partners;	8220 8221
(b) If the user is a limited partnership existing prior to July 1, 1994, that has not been 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;	8222 8223 8224 8225 8226 8227
(c) If the user is a limited partnership to which division (D)(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 whose laws it was formed.	8228 8229 8230 8231 8232
(2) The fictitious name being used;	8233
(3) The general nature of the business conducted by the user.	8234 8235
(E) The report of use of a fictitious name shall be signed by the user or by any authorized representative of the user.	8236 8237
A single fictitious name may be registered upon each fictitious name report submitted under sections 1329.01 to 1329.10 of the Revised Code.	8238 8239 8240
The fictitious name report shall be accompanied by a filing fee of <del>ten</del> <u>fifty</u> dollars, payable to the secretary of state.	8241 8242
A report under this division shall be made within thirty days after the date of the first use of the fictitious name.	8243 8244
<b>Sec. 1329.04.</b> Registration of a trade name or report of a fictitious name, under sections 1329.01 to 1329.10 of the Revised Code, shall be effective for a term of five years from the date of registration or report. Upon application filed within six months	8245 8246 8247 8248

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prior to the expiration of such term, on a form furnished by the 8249  
 secretary of state, the registration or report may be renewed at 8250  
 the end of each five-year period for a like term, provided that a 8251  
 general partnership shall renew its registration or report 8252  
 whenever there has been a change in the listing of partners on its 8253  
 registration or report and a limited partnership shall renew its 8254  
 registration or report when a change occurs in the listing of its 8255  
 general partners on its registration or report. Such a renewal 8256  
 shall extend the registration or report for five years, unless 8257  
 further changes occur in the interim. A The renewal fee specified 8258  
in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised 8259  
Code, payable to the secretary of state, shall accompany the 8260  
 application for renewal of the registration or report. 8261

The secretary of state shall notify persons who have 8262  
 registered trade names or reported fictitious names, within the 8263  
 six months next preceding the expiration of the five years from 8264  
 the date of registration or report, of the necessity of renewal by 8265  
 writing to the last known address of such persons. 8266

**Sec. 1329.06.** Any trade name or fictitious name and its 8267  
 registration or report shall be assignable by an instrument in 8268  
 writing duly executed and may be recorded with the secretary of 8269  
 state upon the payment of a the fee specified in division (S)(4) 8270  
of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the 8271  
 secretary of state, who, recording the assignment, shall issue in 8272  
 the name of the assignee a new certificate for the remainder of 8273  
 the term of the registration or report or the last renewal 8274  
 thereof. The instrument shall be on a form prescribed by the 8275  
 secretary of state. 8276

**Sec. 1329.07.** The registrant of any trade name or a person 8277  
 who reports a fictitious name shall record all changes of the 8278  
 registrant's business address by filing with the secretary of 8279

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state a statement in writing, on a form prescribed by the 8280  
 secretary of state, setting forth the name previously registered 8281  
 or reported, the date of the registration or report, and the new 8282  
 address of the applicant. A The filing fee specified in division 8283  
(S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall 8284  
 accompany ~~such~~ the statement. 8285

**Sec. 1329.42.** A person who uses in this state a name, mark, 8286  
 or device to indicate ownership of articles or supplies may file 8287  
 in the office of the secretary of state, on a form to be 8288  
 prescribed by the secretary of state, a verified statement setting 8289  
 forth, but not limited to, the following information: 8290

(A) The name and business address of the person filing the 8291  
 statement; and, if a corporation, the state of incorporation; 8292

(B) The nature of the business of the applicant; 8293

(C) The type of articles or supplies in connection with which 8294  
 the name, mark, or device is used. 8295

The statement shall include or be accompanied by a specimen 8296  
 evidencing actual use of the name, mark, or device, together with 8297  
~~a~~ the filing fee specified in division (U)(1) of ~~twenty dollars~~ 8298  
section 111.16 of the Revised Code. The registration of a name, 8299  
 mark, or device pursuant to this section is effective for a 8300  
 ten-year period beginning on the date of registration. If an 8301  
 application for renewal is filed within six months prior to the 8302  
 expiration of the ten-year period on a form prescribed by the 8303  
 secretary of state, the registration may be renewed at the end of 8304  
 each ten-year period for an additional ten-year period. A The 8305  
renewal fee specified in division (U)(2) of ~~ten dollars~~ section 8306  
111.16 of the Revised Code shall accompany the application for 8307  
 renewal. The secretary of state shall notify a registrant within 8308  
 the six months next preceding the expiration of ten years from the 8309  
 date of registration of the necessity of renewal by writing to the 8310

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last known address of the registrant. 8311

**Sec. 1329.421.** The registrant of a name, mark, or device used 8312  
to indicate ownership shall record all changes of the registrant's 8313  
business address by filing with the secretary of state a written 8314  
statement, on a form prescribed by the secretary of state, of the 8315  
new address. ~~A~~ The filing fee of three dollars specified in 8316  
division (U)(2) of section 111.16 of the Revised Code shall 8317  
accompany the statement. 8318

**Sec. 1329.45.** The certificate of the filing of any name, 8319  
mark, or device under sections 1329.41 to 1329.53 of the Revised 8320  
Code and the benefits obtained ~~thereunder~~ under it shall be 8321  
assignable with the sale of the articles or supplies on which the 8322  
same are produced and used. Assignments shall be by instruments in 8323  
writing duly executed and may be recorded upon the payment of a 8324  
the fee specified in division (U)(2) of ten dollars section 111.16 8325  
of the Revised Code, payable to the secretary of state, who, after 8326  
recording the assignment, upon request of the assignee, may issue 8327  
in the assignee's name a new certificate. The instrument shall be 8328  
on a form prescribed by the secretary of state. 8329

**Sec. 1329.56.** (A) Subject to the limitations set forth in 8330  
sections 1329.54 to 1329.67 of the Revised Code, any person who 8331  
adopts and uses a trademark or service mark in this state may file 8332  
in the office of the secretary of state, on a form to be 8333  
prescribed by the secretary of state, an application for 8334  
registration of that trademark or service mark that sets forth, 8335  
but is not limited to, the following information: 8336

(1) The name and business address of the person applying for 8337  
the registration; if the person is a corporation, the state of its 8338  
incorporation; if the person is a partnership or limited liability 8339  
partnership, the state in which the partnership is organized and 8340

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the names of the general partners; and, if the person is a limited  
liability company, the state of its organization;

(2) The goods or services on or in connection with which the  
mark is used, the mode or manner in which the mark is used on or  
in connection with the goods or services, and the class in which  
the goods or services fall;

(3) The date when the mark was first used anywhere and the  
date when it was first used in this state by the applicant or the  
applicant's predecessor in interest;

(4) A statement that the applicant is the owner of the mark,  
that the mark is in use, and that, to the knowledge of the person  
verifying the application, no other person has the right to use  
the mark in the state either in the identical form of the mark, or  
in near resemblance to the mark, as to be likely, when used on or  
in connection with the goods or services of another person, to  
cause confusion or mistake or to deceive;

(5) A statement that, to the knowledge of the person  
verifying the application, no other person has a registration or a  
pending intent to use application of the same or a confusingly  
similar mark in the United States patent and trademark office for  
the same or similar goods or services or a statement that the  
applicant is the owner of a concurrent registration in the United  
States patent and trademark office of the applicant's mark  
covering an area including this state.

(B) The application shall be signed and verified by the  
applicant, by an authorized representative, or by an officer of  
the firm, limited liability company, limited liability  
partnership, general partnership, or limited partnership,  
corporation, union, association, or other organization that is the  
applicant.

(C) The application shall be accompanied by a specimen of the

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mark as actually used and shall contain a brief description of the 8372  
 mark as it appears on the specimen. 8373

(D) The application shall be accompanied by ~~a~~ the filing fee 8374  
specified in division (U)(1) of twenty dollars that is section 8375  
111.16 of the Revised Code, payable to the secretary of state. 8376

**Sec. 1329.58.** Registration of a trademark or service mark 8377  
 under sections 1329.54 to 1329.67 of the Revised Code shall be 8378  
 effective for a term of ten years from the date of registration. 8379  
 Upon the filing of an application within six months prior to the 8380  
 expiration of that term on a form furnished by the secretary of 8381  
 state, the registrant may renew the registration at the end of 8382  
 each ten-year period for a similar term. ~~A~~ The renewal fee 8383  
specified in division (U)(2) of ten dollars that is section 111.16 8384  
of the Revised Code, payable to the secretary of state, shall 8385  
 accompany the renewal application. The renewal application shall 8386  
 require the applicant to state that the mark still is in use in 8387  
 this state. 8388

**Sec. 1329.60.** Any trademark or service mark and its 8389  
 registration shall be assignable with the good will of the 8390  
 business in which the trademark or service mark is used, or with 8391  
 that part of the good will of the business connected with the use 8392  
 of and symbolized by the trademark or service mark. Assignment 8393  
 shall be by instruments in writing duly executed and may be 8394  
 recorded with the secretary of state upon the payment of ~~a~~ the fee 8395  
specified in division (U)(2) of ten dollars section 111.16 of the 8396  
Revised Code, payable to the secretary of state, who, after 8397  
 recording the assignment, shall issue in the name of the assignee 8398  
 a new certificate for the remainder of the term of the 8399  
 registration or of the last renewal thereof. The instrument shall 8400  
 be on a form prescribed by the secretary of state. An assignment 8401  
 of any registration shall be void as against any subsequent 8402

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purchaser for valuable consideration without notice unless it is 8403  
 recorded with the secretary of state within three months after the 8404  
 date thereof or prior to such subsequent purchase. 8405

**Sec. 1329.601.** The registrant of a trademark or service mark 8406  
 shall record all changes of the registrant's business address by 8407  
 filing a written statement, on a form prescribed by the secretary 8408  
 of state, of the new address with the secretary of state. ~~A~~ The 8409  
filing fee of three dollars specified in division (U)(2) of 8410  
section 111.16 of the Revised Code shall accompany the statement. 8411

**Sec. 1345.21.** As used in sections 1345.21 to 1345.28 of the 8412  
 Revised Code: 8413

(A) "Home solicitation sale" means a sale of consumer goods 8414  
 or services in which the seller or a person acting for the seller 8415  
 engages in a personal solicitation of the sale at a residence of 8416  
 the buyer, including solicitations in response to or following an 8417  
 invitation by the buyer, and the buyer's agreement or offer to 8418  
 purchase is there given to the seller or a person acting for the 8419  
 seller, or in which the buyer's agreement or offer to purchase is 8420  
 made at a place other than the seller's place of business. It does 8421  
 not include a transaction or transactions in which: 8422

(1) The total purchase price to be paid by the buyer, whether 8423  
 under single or multiple contracts, is less than twenty-five 8424  
 dollars; 8425

(2) The transaction was conducted and consummated entirely by 8426  
 mail or by telephone if initiated by the buyer, and without any 8427  
 other contact between the seller or the seller's representative 8428  
 prior to the delivery of goods or performance of the service; 8429

(3) The final agreement is made pursuant to prior 8430  
 negotiations in the course of a visit by the buyer to a retail 8431  
 business establishment having a fixed permanent location where the 8432



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goods are exhibited or the services are offered for sale on a 8433  
continuing basis; 8434

(4) The buyer initiates the contact between the parties for 8435  
the purpose of negotiating a purchase and the seller has a 8436  
business establishment at a fixed location in this state where the 8437  
goods or services involved in the transaction are regularly 8438  
offered or exhibited for sale. 8439

Advertisements by such a seller in newspapers, magazines, 8440  
catalogues, radio, or television do not constitute the seller 8441  
initiation of the contact. 8442

(5) The buyer initiates the contact between the parties, the 8443  
goods or services are needed to meet a bona fide immediate 8444  
personal emergency of the buyer which will jeopardize the welfare, 8445  
health, or safety of natural persons, or endanger property which 8446  
the buyer owns or for which the buyer is responsible, and the 8447  
buyer furnishes the seller with a separate, dated, and signed 8448  
statement in the buyer's handwriting describing the situation 8449  
requiring immediate remedy and expressly acknowledging and waiving 8450  
the right to cancel the sale within three business days; 8451

(6) The buyer has initiated the contact between the parties 8452  
and specifically requested the seller to visit the buyer's home 8453  
for the purpose of repairing or performing maintenance upon the 8454  
buyer's personal property. If, in the course of such a visit, the 8455  
seller sells the buyer additional services or goods other than 8456  
replacement parts necessarily used in performing the maintenance 8457  
or in making the repairs, the sale of those additional goods or 8458  
services does not fall within this exclusion. 8459

(7) The buyer is accorded the right of rescission by the 8460  
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 8461  
1635, or regulations adopted pursuant to it. 8462

(B) "Sale" includes a lease or rental. 8463

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(C) "Seller" includes a lessor or anyone offering goods for rent.	8464 8465
(D) "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods.	8466 8467
(E) "Consumer goods or services" means goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses or instruction or training regardless of the purpose for which they are taken.	8468 8469 8470 8471
(F) "Consumer goods or services" does not include goods or services pertaining to any of the following:	8472 8473
(1) Sales or rentals of real property by a real estate broker or salesperson, or by a foreign real estate dealer or salesperson, who is licensed by the Ohio real estate commission under Chapter 4735. of the Revised Code;	8474 8475 8476 8477
(2) The sale of securities or commodities by a broker-dealer registered with the securities and exchange commission;	8478 8479
(3) The sale of securities or commodities by a securities dealer or salesperson licensed by the division of securities under Chapter 1707. of the Revised Code;	8480 8481 8482
(4) The sale of insurance by a person licensed by the superintendent of insurance;	8483 8484
(5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;	8485 8486 8487
(6) The sale of property at an auction by an auctioneer licensed by the department of <del>commerce</del> <u>agriculture</u> under Chapter 4707. of the Revised Code.	8488 8489 8490
(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.	8491 8492 8493

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(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller. 8494  
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(I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, Presidents' day, Memorial day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day. 8496  
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**Sec. 1501.01.** Except where otherwise expressly provided, the director of natural resources shall formulate and institute all the policies and programs of the department of natural resources. The chief of any division of the department shall not enter into any contract, agreement, or understanding unless it is approved by the director. No appointee or employee of the director, other than the assistant director, may bind the director in a contract except when given general or special authority to do so by the director. 8500  
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The director shall correlate and coordinate the work and activities of the divisions in the department to eliminate unnecessary duplications of effort and overlapping of functions. The chiefs of the various divisions of the department shall meet with the director at least once each month at a time and place designated by the director. 8509  
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The director may create advisory boards to any of those divisions in conformity with section 121.13 of the Revised Code. 8515  
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The director may accept and expend gifts, devises, and bequests of money, lands, and other properties on behalf of the department or any division thereof under the terms set forth in section 9.20 of the Revised Code. Any political subdivision of this state may make contributions to the department for the use of the department or any division therein according to the terms of the contribution. 8517  
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The director may publish and sell or otherwise distribute 8524  
data, reports, and information. 8525

The director shall adopt rules in accordance with Chapter 8526  
119. of the Revised Code to permit the department to accept by 8527  
means of a credit card the payment of fees, charges, and rentals 8528  
at those facilities described in section 1501.07 of the Revised 8529  
Code that are operated by the department, for any data, reports, 8530  
or information sold by the department, and for any other goods or 8531  
services provided by the department. 8532

Whenever authorized by the governor to do so, the director 8533  
may appropriate property for the uses and purposes authorized to 8534  
be performed by the department and on behalf of any division 8535  
within the department. This authority shall be exercised in the 8536  
manner provided in sections 163.01 to 163.22 of the Revised Code 8537  
for the appropriation of property by the director of 8538  
administrative services. This authority to appropriate property is 8539  
in addition to the authority provided by law for the appropriation 8540  
of property by divisions of the department. The director of 8541  
natural resources also may acquire by purchase, lease, or 8542  
otherwise such real and personal property rights or privileges in 8543  
the name of the state as are necessary for the purposes of the 8544  
department or any division therein. The director, with the 8545  
approval of the governor and the attorney general, may sell, 8546  
lease, or exchange portions of lands or property, real or 8547  
personal, of any division of the department or grant easements or 8548  
licenses for the use thereof, or enter into agreements for the 8549  
sale of water from lands and waters under the administration or 8550  
care of the department or any of its divisions, when the sale, 8551  
lease, exchange, easement, agreement, or license for use is 8552  
advantageous to the state, provided that such approval is not 8553  
required for leases and contracts made under ~~section 1507.12, if~~ 8554  
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of 8555

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the Revised Code. Water may be sold from a reservoir only to the 8556  
extent that the reservoir was designed to yield a supply of water 8557  
for a purpose other than recreation or wildlife, and the water 8558  
sold is in excess of that needed to maintain the reservoir for 8559  
purposes of recreation or wildlife. 8560

Money received from such sales, leases, easements, exchanges, 8561  
agreements, or licenses for use, except revenues required to be 8562  
set aside or paid into depositories or trust funds for the payment 8563  
of bonds issued under sections 1501.12 to 1501.15 of the Revised 8564  
Code, and to maintain the required reserves therefor as provided 8565  
in the orders authorizing the issuance of such bonds or the trust 8566  
agreements securing such bonds, revenues required to be paid and 8567  
credited pursuant to the bond proceeding applicable to obligations 8568  
issued pursuant to section 154.22, and revenues generated under 8569  
section 1520.05 of the Revised Code, shall be deposited in the 8570  
state treasury to the credit of the fund of the division of the 8571  
department having prior jurisdiction over the lands or property. 8572  
If no such fund exists, the money shall be credited to the general 8573  
revenue fund. All such money received from lands or properties 8574  
administered by the division of wildlife shall be credited to the 8575  
wildlife fund. 8576

The director shall provide for the custody, safekeeping, and 8577  
deposit of all moneys, checks, and drafts received by the 8578  
department or its employees prior to paying them to the treasurer 8579  
of state under section 113.08 of the Revised Code. 8580

The director shall cooperate with the nature conservancy, 8581  
other nonprofit organizations, and the United States fish and 8582  
wildlife service in order to secure protection of islands in the 8583  
Ohio river and the wildlife and wildlife habitat of those islands. 8584

Any instrument by which real property is acquired pursuant to 8585  
this section shall identify the agency of the state that has the 8586  
use and benefit of the real property as specified in section 8587

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5301.012 of the Revised Code.

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**Sec. 1501.04.** There is hereby created in the department of natural resources a recreation and resources commission composed of the ~~chairman~~ chairperson of the wildlife council created under section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of the parks and recreation council created under section 1541.40 of the Revised Code, the ~~chairman~~ chairperson of the waterways safety council created under section 1547.73 of the Revised Code, the ~~chairman~~ chairperson of the technical advisory council on oil and gas created under section 1509.38 of the Revised Code, the chairman of the forestry advisory council created under section 1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio soil and water conservation commission created under section 1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio natural areas council created under section 1517.03 of the Revised Code, the ~~chairman~~ chairperson of the Ohio water advisory council created under section 1521.031 of the Revised Code, the chairperson of the recycling and litter prevention advisory council created under section 1502.04 of the Revised Code, the chairperson of the civilian conservation advisory council created under section 1553.10 of the Revised Code, the ~~chairman~~ chairperson of the Ohio geology advisory council created under section 1505.11 of the Revised Code, and five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall belong to the same political party. The director of natural resources shall be an ex officio member of the commission, with a voice in its deliberations, but without the power to vote.

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Terms of office of members of the commission appointed by the governor shall be for five years, commencing on the second day of February and ending on the first day of February. Each member shall hold office from the date of ~~his~~ appointment until the end

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of the term for which ~~he~~ the member was appointed. 8620

In the event of the death, removal, resignation, or 8621  
incapacity of a member of the commission, the governor, with the 8622  
advice and consent of the senate, shall appoint a successor who 8623  
shall hold office for the remainder of the term for which ~~his~~ the 8624  
member's predecessor was appointed. Any member shall continue in 8625  
office subsequent to the expiration date of ~~his~~ the member's term 8626  
until ~~his~~ the member's successor takes office, or until a period 8627  
of sixty days has elapsed, whichever occurs first. 8628

The governor may remove any appointed member of the 8629  
commission for misfeasance, nonfeasance, or malfeasance in office. 8630

The commission shall exercise no administrative function, but 8631  
may: 8632

(A) Advise with and recommend to the director of natural 8633  
resources as to plans and programs for the management, 8634  
development, utilization, and conservation of the natural 8635  
resources of the state; 8636

(B) Advise with and recommend to the director as to methods 8637  
of coordinating the work of the divisions of the department; 8638

(C) Consider and make recommendations upon any matter which 8639  
the director may submit to it; 8640

(D) Submit to the governor biennially recommendations for 8641  
amendments to the conservation laws of the state. 8642

~~Before~~ Each member of the commission, before entering upon 8643  
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 8644  
~~commission~~ shall take and subscribe to an oath of office, which 8645  
oath, in writing, shall be filed in the office of the secretary of 8646  
state. 8647

The members of the commission shall serve without 8648  
compensation, but shall be entitled to receive their actual and 8649

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necessary expenses incurred in the performance of their official 8650  
duties. 8651

The commission, by a majority vote of all its members, shall 8652  
adopt and amend bylaws. 8653

To be eligible for appointment, a person shall be a citizen 8654  
of the United States and an elector of the state and shall possess 8655  
a knowledge of and have an interest in the natural resources of 8656  
this state. 8657

The commission shall hold at least four regular quarterly 8658  
meetings each year. Special meetings shall be held at such times 8659  
as the bylaws of the commission provide. Notices of all meetings 8660  
shall be given in such manner as the bylaws provide. The 8661  
commission shall choose annually from among its members a ~~chairman~~ 8662  
chairperson to preside over its meetings and a secretary to keep a 8663  
record of its proceedings. A majority of the members of the 8664  
commission constitutes a quorum. No advice shall be given or 8665  
recommendation made without a majority of the members of the 8666  
commission concurring therein. 8667

**Sec. 1501.23.** The department of natural resources may utilize 8668  
the services of volunteers to implement clean-up and 8669  
beautification programs or any other programs that accomplish any 8670  
of the purposes of the department. The director of natural 8671  
resources shall approve all volunteer programs and may recruit, 8672  
train, and supervise the services of community volunteers or 8673  
volunteer groups for volunteer programs. The director may 8674  
designate volunteers in a volunteer program as state employees for 8675  
the purpose of motor vehicle accident liability insurance under 8676  
section 9.83 of the Revised Code, for the purpose of immunity 8677  
under section 9.86 of the Revised Code, and for the purpose of 8678  
indemnification from liability incurred in the performance of 8679  
their duties under section 9.87 of the Revised Code. 8680



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**Sec. 1501.40.** The department of natural resources is the 8681  
designated state agency responsible for the coordination and 8682  
administration of sections 120 to 136 of the "National and 8683  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 8684  
12401 to 12456, ~~and amendments thereto as amended~~. With the 8685  
assistance of the ~~state~~ Ohio community service ~~advisory committee~~ 8686  
council created in section 121.40 of the Revised Code, the 8687  
director of natural resources shall coordinate with other state 8688  
agencies to apply for funding under the act when appropriate and 8689  
shall administer any federal funds the state receives under 8690  
sections 120 to 136 of the act. 8691

**Sec. 1502.12.** (A) There is hereby created in the state 8692  
treasury the scrap tire grant fund, consisting of moneys 8693  
transferred to the fund under section 3734.82 of the Revised Code. 8694  
The chief of the division of recycling and litter prevention, with 8695  
the approval of the director of natural resources, may make grants 8696  
from the fund for the purpose of supporting market development 8697  
activities for scrap tires. The grants may be awarded to 8698  
individuals, businesses, and entities certified under division (B) 8699  
of section 1502.04 of the Revised Code. 8700

(B) Projects and activities that are eligible for grants 8701  
under this section shall be evaluated for funding using, at a 8702  
minimum, the following criteria: 8703

(1) The degree to which a proposed project contributes to the 8704  
increased use of scrap tires generated in this state; 8705

(2) The degree of local financial support for a proposed 8706  
project; 8707

(3) The technical merit and quality of a proposed project. 8708

**Sec. 1503.011.** The chief of the division of forestry shall be 8709

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responsible for the conservation and development of forests within 8710  
 this state. ~~He~~ The chief shall be concerned with silvicultural 8711  
 practices, including the proper planting, growing, protecting, 8712  
 harvesting, and managing of trees for such purposes as watershed 8713  
 and soil protection, timber production and utilization, 8714  
 recreation, aesthetics, wildlife habitat development, and urban 8715  
 enhancement and for all benefits that forests provide. 8716

The chief may do any or all of the following: 8717

(A) Provide rural forestry assistance to nonindustrial 8718  
 private forest landowners, including advice in tree planting, 8719  
 forest improvement, harvesting, and all aspects of conservation; 8720

(B) Provide urban forestry assistance to individuals, 8721  
 nonprofit organizations, and political subdivisions to manage 8722  
 their urban forest resource and develop comprehensive tree care 8723  
 programs; 8724

(C) Provide wood utilization, marketing, and rural forestry 8725  
 development assistance to forest industries, political 8726  
 subdivisions and agencies thereof, and state and federal agencies 8727  
 for the purpose of establishing and maintaining a viable, 8728  
 economically sound wood-based industry while expanding the forest 8729  
 resource of this state; 8730

(D) Provide forest pest protection assistance to forest 8731  
 landowners, political subdivisions and agencies thereof, and state 8732  
 and federal agencies on assessing and evaluating the health and 8733  
 vigor of the forest resource; 8734

(E) Provide technical assistance to landowners in developing 8735  
 forest windbreaks, filter strips, and other forest management 8736  
 practices that provide conservation benefits; 8737

(F) Provide awareness of and education concerning the 8738  
 programs provided for under divisions (A) to (E) of this section; 8739

(G) Enter into agreements with political subdivisions and 8740

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agencies thereof, state and federal agencies, firefighting 8741  
agencies and private fire companies, as those terms are defined in 8742  
section 9.60 of the Revised Code, nonprofit organizations, and 8743  
individuals to meet the needs of forestry assistance in this state 8744  
and, in accordance with ~~sections~~ section 1503.01 and ~~1503.35~~ of 8745  
the Revised Code, develop and administer grant programs for any of 8746  
those entities requesting assistance. The chief shall adopt, and 8747  
may amend and rescind, rules in accordance with Chapter 119. of 8748  
the Revised Code establishing such requirements and procedures as 8749  
are necessary to implement this division. 8750

As used in this section, "nonprofit organization" has the 8751  
same meaning as in section 4141.01 of the Revised Code. 8752

**Sec. 1507.01.** There is hereby created in the department of 8753  
natural resources the division of engineering to be administered 8754  
by the chief engineer of the department, who shall be a 8755  
professional engineer registered under Chapter 4733. of the 8756  
Revised Code. The chief engineer shall do all of the following: 8757

(A) Administer this chapter; 8758

(B) Provide engineering, architectural, land surveying, and 8759  
related administrative and maintenance support services to the 8760  
other divisions in the department; 8761

(C) Upon request of the director of natural resources, 8762  
implement the department's capital improvement program and 8763  
facility maintenance projects, including all associated 8764  
engineering, architectural, design, contracting, surveying, 8765  
inspection, and management responsibilities and requirements; 8766

(D) With the approval of the director, act as contracting 8767  
officer in departmental engineering, architectural, surveying, and 8768  
construction matters regarding capital improvements except for 8769  
those matters otherwise specifically provided for in law; 8770

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~~(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;~~ 8771  
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~~(F)~~ Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code; 8775  
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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; 8777  
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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;~~ 8781  
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~~(I)~~(G) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers; 8784  
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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. 8787  
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**Sec. 1509.06.** An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of mineral resources management upon such form as the chief prescribes and shall contain each of the following that is 8795  
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applicable:	8801
(A) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	8802 8803
(B) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.	8804 8805 8806
(C) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;	8807 8808 8809
(D) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;	8810 8811 8812
(E) Designation of the well by name and number;	8813
(F) The geological formation to be tested or used and the proposed total depth of the well;	8814 8815
(G) The type of drilling equipment to be used;	8816
(H) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected;	8817 8818 8819
(I) A sworn statement that all requirements of any municipal corporation, county, or township having jurisdiction over any activity related to the drilling or operation of an oil or gas well that have been filed with the division of mineral resources management and are in effect at the time the application is filed, including, but not limited to, zoning ordinances and resolutions and the requirements of section 4513.34 of the Revised Code, will be complied with until abandonment of the well;	8820 8821 8822 8823 8824 8825 8826 8827
(J) A plan for restoration of the land surface disturbed by drilling operations. The plan shall provide for compliance with the restoration requirements of division (A) of section 1509.072	8828 8829 8830

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of the Revised Code and any rules adopted by the chief pertaining 8831  
to that restoration. 8832

(K) A description by name or number of the county, township, 8833  
and municipal corporation roads, streets, and highways that the 8834  
applicant anticipates will be used for access to and egress from 8835  
the well site; 8836

(L) Such other relevant information as the chief prescribes 8837  
by rule. 8838

Each application shall be accompanied by a map, on a scale 8839  
not smaller than four hundred feet to the inch, prepared by an 8840  
Ohio registered surveyor, showing the location of the well and 8841  
containing such other data as may be prescribed by the chief. If 8842  
the well is or is to be located within the excavations and 8843  
workings of a mine, the map also shall include the location of the 8844  
mine, the name of the mine, and the name of the person operating 8845  
the mine. 8846

The chief shall cause a copy of the weekly circular prepared 8847  
by the division to be provided to the county engineer of each 8848  
county that contains active or proposed drilling activity. The 8849  
weekly circular shall contain, in the manner prescribed by the 8850  
chief, the names of all applicants for permits, the location of 8851  
each well or proposed well, the information required by division 8852  
(K) of this section, and any additional information the chief 8853  
prescribes. 8854

The chief shall not issue a permit for at least ten days 8855  
after the date of filing of the application for the permit unless, 8856  
upon reasonable cause shown, the chief waives that period or a 8857  
request for expedited review is filed under this section. However, 8858  
the chief shall issue a permit within twenty-one days of the 8859  
filing of the application unless the chief denies the application 8860  
by order. 8861

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An applicant may file a request with the chief for expedited review of a permit application if the well is not or is not to be located in a gas storage reservoir or reservoir protective area, as "reservoir protective area" is defined in section 1571.01 of the Revised Code. If the well is or is to be located in a coal bearing township, the application shall be accompanied by the affidavit of the landowner prescribed in section 1509.08 of the Revised Code.

In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, a request for expedited review shall be accompanied by a separate nonrefundable filing fee of five hundred dollars. Upon the filing of a request for expedited review, the chief shall cause the county engineer of the county in which the well is or is to be located to be notified of the filing of the permit application and the request for expedited review by telephone or other means that in the judgment of the chief will provide timely notice of the application and request. The chief shall issue a permit within seven days of the filing of the request unless the chief denies the application by order. Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or

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damage to the environment, provided that where the chief finds 8894  
that terms or conditions to the permit can reasonably be expected 8895  
to prevent such violations, the chief shall issue the permit 8896  
subject to those terms or conditions. 8897

Each application for a permit required by section 1509.05 of 8898  
the Revised Code, except an application for a well drilled or 8899  
reopened for purposes of section 1509.22 of the Revised Code, also 8900  
shall be accompanied by a nonrefundable fee of two hundred fifty 8901  
dollars. 8902

The chief may order the immediate suspension of drilling, 8903  
operating, or plugging activities after finding that any person is 8904  
causing, engaging in, or maintaining a condition or activity that 8905  
in the chief's judgment presents an imminent danger to public 8906  
health or safety or results in or is likely to result in immediate 8907  
substantial damage to natural resources or for nonpayment of the 8908  
fee required by this section. The chief may order the immediate 8909  
suspension of the drilling or reopening of a well in a coal 8910  
bearing township after determining that the drilling or reopening 8911  
activities present an imminent and substantial threat to public 8912  
health or safety or to miners' health or safety. Before issuing 8913  
any such order, the chief shall notify the owner in such manner as 8914  
in the chief's judgment would provide reasonable notification that 8915  
the chief intends to issue a suspension order. The chief may issue 8916  
such an order without prior notification if reasonable attempts to 8917  
notify the owner have failed, but in such an event notification 8918  
shall be given as soon thereafter as practical. Within five 8919  
calendar days after the issuance of the order, the chief shall 8920  
provide the owner an opportunity to be heard and to present 8921  
evidence that the condition or activity is not likely to result in 8922  
immediate substantial damage to natural resources or does not 8923  
present an imminent danger to public health or safety or to 8924  
miners' health or safety, if applicable. In the case of activities 8925



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in a coal bearing township, if the chief, after considering 8926  
evidence presented by the owner, determines that the activities do 8927  
not present such a threat, the chief shall revoke the suspension 8928  
order. Notwithstanding any provision of this chapter, the owner 8929  
may appeal a suspension order directly to the court of common 8930  
pleas of the county in which the activity is located or, if in a 8931  
coal bearing township, to the ~~mine-examining-board~~ reclamation 8932  
commission under section 1513.13 of the Revised Code. 8933  
8934

**Sec. 1509.071.** (A) When the chief of the division of mineral 8935  
resources management finds that an owner has failed to comply with 8936  
the restoration requirements of section 1509.072, plugging 8937  
requirements of section 1509.12, or permit provisions of section 8938  
1509.13 of the Revised Code, or rules and orders relating thereto, 8939  
the chief shall make a finding of that fact and declare any surety 8940  
bond filed to ensure compliance with those sections and rules 8941  
forfeited in the amount set by rule of the chief. The chief 8942  
thereupon shall certify the total forfeiture to the attorney 8943  
general, who shall proceed to collect the amount of the 8944  
forfeiture. 8945

In lieu of total forfeiture, the surety, at its option, may 8946  
cause the well to be properly plugged and abandoned and the area 8947  
properly restored or pay to the treasurer of state the cost of 8948  
plugging and abandonment. 8949

(B) All moneys collected because of forfeitures of bonds as 8950  
provided in this section shall be deposited in the state treasury 8951  
to the credit of the oil and gas well fund created in section 8952  
1509.02 of the Revised Code. The fund shall be expended by the 8953  
chief for the following purposes in addition to the other purposes 8954  
specified in that section: 8955

(1) In accordance with division (D) of this section, to plug 8956

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wells or to restore the land surface properly as required in 8957  
section 1509.072 of the Revised Code for which the bonds have been 8958  
forfeited, for abandoned wells for which no funds are available to 8959  
plug the wells in accordance with this chapter, or to use 8960  
abandoned wells for the injection of oil or gas production wastes; 8961

(2) In accordance with division (E) of this section, to 8962  
correct conditions that the chief reasonably has determined are 8963  
causing imminent health or safety risks. 8964

Expenditures from the fund shall be made only for lawful 8965  
purposes. 8966

(C)(1) Upon determining that the owner of a well has failed 8967  
to properly plug and abandon it or to properly restore the land 8968  
surface at the well site in compliance with the applicable 8969  
requirements of this chapter and applicable rules adopted and 8970  
orders issued under it or that a well is an abandoned well for 8971  
which no funds are available to plug the well in accordance with 8972  
this chapter, the chief shall do all of the following: 8973

(a) Determine from the records in the office of the county 8974  
recorder of the county in which the well is located the identity 8975  
of the owner of the land on which the well is located, the 8976  
identity of the owner of the oil or gas lease under which the well 8977  
was drilled or the identity of each person owning an interest in 8978  
the lease, and the identities of the persons having legal title 8979  
to, or a lien upon, any of the equipment appurtenant to the well; 8980

(b) Mail notice to the owner of the land on which the well is 8981  
located informing the landowner that the well is to be plugged. If 8982  
the owner of the oil or gas lease under which the well was drilled 8983  
is different from the owner of the well or if any persons other 8984  
than the owner of the well own interests in the lease, the chief 8985  
also shall mail notice that the well is to be plugged to the owner 8986  
of the lease or to each person owning an interest in the lease, as 8987

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appropriate. 8988

(c) Mail notice to each person having legal title to, or a 8989  
lien upon, any equipment appurtenant to the well, informing the 8990  
person that the well is to be plugged and offering the person the 8991  
opportunity to plug the well and restore the land surface at the 8992  
well site at the person's own expense in order to avoid forfeiture 8993  
of the equipment to this state. 8994

(2) If none of the persons described in division (C)(1)(c) of 8995  
this section plugs the well within sixty days after the mailing of 8996  
the notice required by that division, all equipment appurtenant to 8997  
the well is hereby declared to be forfeited to this state without 8998  
compensation and without the necessity for any action by the state 8999  
for use to defray the cost of plugging and abandoning the well and 9000  
restoring the land surface at the well site. 9001

(D) Expenditures from the fund for the purpose of division 9002  
(B)(1) of this section shall be made in accordance with either of 9003  
the following: 9004

(1) The expenditures may be made pursuant to contracts 9005  
entered into by the chief with persons who agree to furnish all of 9006  
the materials, equipment, work, and labor as specified and 9007  
provided in such a contract. Agents or employees of persons 9008  
contracting with the chief for the restoration, plugging, and 9009  
injection projects may enter upon any land, public or private, ~~for~~ 9010  
~~which a project has been approved by the controlling board and on~~ 9011  
which the well is located, for the purpose of performing the work. 9012  
Prior to such entry, the chief shall give to the following persons 9013  
written notice of the existence of a contract for a project to 9014  
restore, plug, or inject oil or gas production wastes into a well, 9015  
the names of the persons with whom the contract is made, and the 9016  
date that the project will commence: the owner of the well, the 9017  
owner of the land upon which the well is located, the owner or 9018  
agents of adjoining land, and, if the well is located in the same 9019

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township as or in a township adjacent to the excavations and 9020  
workings of a mine and the owner or lessee of that mine has 9021  
provided written notice identifying those townships to the chief 9022  
at any time during the immediately preceding three years, the 9023  
owner or lessee of the mine. 9024

~~The chief periodically shall submit project proposals under 9025  
division (D)(1) of this section to the controlling board, together 9026  
with benefit and cost data and other pertinent information. 9027  
Expenditures from the fund for the purpose of division (D)(1) of 9028  
this section may be made only for restoration, plugging, or 9029  
injection projects that are approved by the controlling board, and 9030  
expenditures for a particular project may not exceed any limits 9031  
set by the board. 9032~~

(2)(a) The owner of the land on which a well is located who 9033  
has received notice under division (C)(1)(b) of this section may 9034  
plug the well and be reimbursed by the division for the reasonable 9035  
cost of plugging the well. In order to plug the well, the 9036  
landowner shall submit an application to the chief on a form 9037  
prescribed by the chief and approved by the technical advisory 9038  
council on oil and gas created in section 1509.38 of the Revised 9039  
Code. The application, at a minimum, shall require the landowner 9040  
to provide the same information as is required to be included in 9041  
the application for a permit to plug and abandon under section 9042  
1509.13 of the Revised Code. The application shall be accompanied 9043  
by a copy of a proposed contract to plug the well prepared by a 9044  
contractor regularly engaged in the business of plugging oil and 9045  
gas wells. The proposed contract shall require the contractor to 9046  
furnish all of the materials, equipment, work, and labor necessary 9047  
to plug the well properly and shall specify the price for doing 9048  
the work, including a credit for the equipment appurtenant to the 9049  
well that was forfeited to the state through the operation of 9050  
division (C)(2) of this section. The application also shall be 9051

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accompanied by the permit fee required by section 1509.13 of the Revised Code unless the chief, in the chief's discretion, waives payment of the permit fee. The application constitutes an application for a permit to plug and abandon the well for the purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and accompanying proposed contract under division (D)(2)(a) of this section, the chief shall determine whether the plugging would comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it and whether the cost of the plugging under the proposed contract is reasonable. If the chief determines that the proposed plugging would comply with those requirements and that the proposed cost of the plugging is reasonable, the chief shall notify the landowner of that determination and issue to the landowner a permit to plug and abandon the well under section 1509.13 of the Revised Code. Upon approval of the application and proposed contract, the chief shall transfer ownership of the equipment appurtenant to the well to the landowner. The chief may disapprove an application submitted under division (D)(2)(a) of this section if the chief determines that the proposed plugging would not comply with the applicable requirements of this chapter and applicable rules adopted and orders issued under it, that the cost of the plugging under the proposed contract is unreasonable, or that the proposed contract is not a bona fide, arms length contract.

(c) After receiving the chief's notice of the approval of the application and permit to plug and abandon a well under division (D)(2)(b) of this section, the landowner shall enter into the proposed contract to plug the well. The plugging shall be completed within one hundred eight days after the landowner receives the notice of approval and permit.

(d) Upon determining that the plugging has been completed

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within the time required by division (D)(2)(c) of this section and 9084  
has been completed in compliance with the applicable requirements 9085  
of this chapter and applicable rules adopted and orders issued 9086  
under it, the chief shall reimburse the landowner for the cost of 9087  
the plugging as set forth in the proposed contract approved by the 9088  
chief. The reimbursement shall be paid from the oil and gas well 9089  
fund. If the chief determines that the plugging was not completed 9090  
within the required time or was not completed in accordance with 9091  
the applicable requirements, the chief shall not reimburse the 9092  
landowner for the cost of the plugging, and the landowner or the 9093  
contractor, as applicable, promptly shall transfer back to this 9094  
state title to and possession of the equipment appurtenant to the 9095  
well that previously was transferred to the landowner under 9096  
division (D)(2)(b) of this section. If any such equipment was 9097  
removed from the well during the plugging and sold, the landowner 9098  
shall pay to the chief the proceeds from the sale of the 9099  
equipment, and the chief promptly shall pay the moneys so received 9100  
to the treasurer of state for deposit into the oil and gas well 9101  
fund. 9102

The chief may establish an annual limit on the number of 9103  
wells that may be plugged under division (D)(2) of this section or 9104  
an annual limit on the expenditures to be made under that 9105  
division. 9106

As used in division (D)(2) of this section, "plug" and 9107  
"plugging" include the plugging of the well and the restoration of 9108  
the land surface disturbed by the plugging. 9109

(E) Expenditures from the oil and gas well fund for the 9110  
purpose of division (B)(2) of this section may be made pursuant to 9111  
contracts entered into by the chief with persons who agree to 9112  
furnish all of the materials, equipment, work, and labor as 9113  
specified and provided in such a contract. The competitive bidding 9114  
requirements of Chapter 153. of the Revised Code do not apply if 9115

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the chief reasonably determines that correction of the applicable health or safety risk requires immediate action. The chief, designated representatives of the chief, and agents or employees of persons contracting with the chief under this division may enter upon any land, public or private, for the purpose of performing the work.

(F) Contracts entered into by the chief under this section are not subject to either of the following:

(1) Chapter 4115. of the Revised Code;

(2) Section 153.54 of the Revised Code, except that the contractor shall obtain and provide to the chief as a bid guaranty a surety bond or letter of credit in an amount equal to ten per cent of the amount of the contract.

(G) The owner of land on which a well is located who has received notice under division (C)(1)(b) of this section, in lieu of plugging the well in accordance with division (D)(2) of this section, may cause ownership of the well to be transferred to an owner who is lawfully doing business in this state and who has met the financial responsibility requirements established under section 1509.07 of the Revised Code, subject to the approval of the chief. The transfer of ownership also shall be subject to the landowner's filing the appropriate forms required under this chapter and providing to the chief sufficient information to demonstrate the landowner's or owner's right to produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

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(1) Filing an application with the chief under section 9147  
 1509.06 of the Revised Code if the owner intends to drill deeper 9148  
 or produce a formation that is not listed in the records of the 9149  
 division for that well; 9150

(2) Taking title to and possession of the equipment 9151  
 appurtenant to the well that has been identified by the chief as 9152  
 having been abandoned by the former owner; 9153

(3) Complying with all applicable requirements that are 9154  
 necessary to drill deeper, plug the well, or plug back the well. 9155

**Sec. 1509.08.** Upon receipt of an application for a permit 9156  
 required by section 1509.05 of the Revised Code, or upon receipt 9157  
 of an application for a permit to plug and abandon under section 9158  
 1509.13 of the Revised Code, the chief of the division of mineral 9159  
 resources management shall determine whether the well is or is to 9160  
 be located in a coal bearing township. 9161

Whether or not the well is or is to be located in a coal 9162  
 bearing township, the chief, by order, may refuse to issue a 9163  
 permit required by section 1509.05 of the Revised Code to any 9164  
 applicant who at the time of applying for the permit is in 9165  
 material or substantial violation of this chapter or rules adopted 9166  
 or orders issued under it. The chief shall refuse to issue a 9167  
 permit to any applicant who at the time of applying for the permit 9168  
 has been found liable by a final nonappealable order of a court of 9169  
 competent jurisdiction for damage to streets, roads, highways, 9170  
 bridges, culverts, or drainways pursuant to section 4513.34 or 9171  
 5577.12 of the Revised Code until the applicant provides the chief 9172  
 with evidence of compliance with the order. No applicant shall 9173  
 attempt to circumvent this provision by applying for a permit 9174  
 under a different name or business organization name, by 9175  
 transferring responsibility to another person or entity, by 9176  
 abandoning the well or lease, or by any other similar act. 9177



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If the well is not or is not to be located in a coal bearing township, or if it is to be located in a coal bearing township, but the landowner submits an affidavit attesting to ownership of the property in fee simple, including the coal, and has no objection to the well, the chief shall issue the permit.

If the application to drill, reopen, or convert concerns a well that is or is to be located in a coal bearing township, the chief immediately shall notify the owner or lessee of any affected mine that the application has been filed and send to the owner or lessee two copies of the map accompanying the application setting forth the location of the well.

If the owner or lessee objects to the location of the well or objects to any location within fifty feet of the original location as a possible site for relocation of the well, the owner or lessee shall notify the chief of the objection, giving the reasons for the objection and, if applicable, indicating on a copy of the map the particular location or locations within fifty feet of the original location to which the owner or lessee objects as a site for possible relocation of the well, within six days after the receipt of the notice. If the chief receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief the objections offered by the owner or lessee are not sufficiently well founded, the chief immediately shall notify the owner or lessee of those findings. The owner or lessee may appeal the decision of the chief to the ~~mine examining board created~~ reclamation commission under section ~~1561.10~~ 1513.13 of the Revised Code. The appeal shall be filed within fifteen days, notwithstanding provisions in divisions (A)(1) of section 1513.13 of the Revised Code, to the contrary, from the date on which the owner or lessee receives the notice. If the appeal is not filed within that time, the chief immediately shall approve the

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application and issue the permit if the provisions of this chapter 9210  
pertaining to the issuance of such a permit have been complied 9211  
with. 9212

If the chief receives an objection from the owner or lessee 9213  
of the mine as to the location of the well within ten days after 9214  
receipt of the notice by the owner or lessee, and if in the 9215  
opinion of the chief the objection is well founded, the chief 9216  
shall disapprove the application and suggest a new location for 9217  
the well, provided that the suggested new location shall not be a 9218  
location within fifty feet of the original location to which the 9219  
owner or lessee has objected as a site for possible relocation of 9220  
the well if the chief has determined that the objection is well 9221  
founded. The chief immediately shall notify the applicant for the 9222  
permit of the disapproval and any suggestion as to a new location 9223  
for the well. The applicant may withdraw the application or amend 9224  
the application to drill the well at the location suggested by the 9225  
chief, or the applicant may appeal the disapproval of the 9226  
application by the chief to the ~~mine examining board~~ reclamation 9227  
commission. 9228

If the chief receives no objection from the owner or lessee 9229  
of a mine as to the location of the well, but does receive an 9230  
objection from the owner or lessee as to one or more locations 9231  
within fifty feet of the original location as possible sites for 9232  
relocation of the well within ten days after receipt of the notice 9233  
by the owner or lessee, and if in the opinion of the chief the 9234  
objection is well founded, the chief nevertheless shall approve 9235  
the application and issue a permit if the provisions of this 9236  
chapter pertaining to the issuance of such a permit have been 9237  
complied with, incorporating as a term or condition of the permit 9238  
that the applicant is prohibited from commencing drilling at any 9239  
location within fifty feet of the original location that has been 9240  
disapproved by the chief. The applicant may appeal to the ~~mine~~ 9241

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~~examining board~~ reclamation commission the terms and conditions of 9242  
the permit prohibiting the commencement of drilling at any such 9243  
location disapproved by the chief. 9244

Any such appeal shall be filed within fifteen days, 9245  
notwithstanding provisions in division (A)(1) of section 1513.13 9246  
of the Revised Code to the contrary, from the date the applicant 9247  
receives notice of the disapproval of the application, any other 9248  
location within fifty feet of the original location, or terms or 9249  
conditions of the permit, or the owner or lessee receives notice 9250  
of the chief's decision. No approval or disapproval of an 9251  
application shall be delayed by the chief for more than fifteen 9252  
days from the date of sending the notice of the application to the 9253  
mine owner or lessee as required by this section. 9254

All appeals provided for in this section shall be treated as 9255  
expedited appeals. The ~~mine examining board~~ reclamation commission 9256  
shall hear any such appeal in accordance with section ~~1561.53~~ 9257  
1513.13 of the Revised Code and ~~render~~ issue a decision within 9258  
thirty days of the filing of the notice of appeal. 9259

The chief shall not issue a permit to drill a new well or 9260  
reopen a well that is or is to be located within three hundred 9261  
feet of any opening of any mine used as a means of ingress, 9262  
egress, or ventilation for persons employed in the mine, nor 9263  
within one hundred feet of any building or inflammable structure 9264  
connected with the mine and actually used as a part of the 9265  
operating equipment of the mine, unless the chief determines that 9266  
life or property will not be endangered by drilling and operating 9267  
the well in that location. 9268

**Sec. 1509.11.** The owner of any well producing or capable of 9269  
producing oil or gas shall file with the chief of the division of 9270  
mineral resources management, on or before the ~~fifteenth~~ first day 9271  
of ~~April~~ March, a statement of production of oil, gas, and brine 9272

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for the last preceding calendar year in such form as the chief may 9273  
 prescribe. The chief shall include on the form, at the minimum, a 9274  
request for the submittal of the information that a person who is 9275  
regulated under this chapter is required to submit under the 9276  
"Emergency Planning and Community Right-To-Know Act of 1986," 100 9277  
Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it, 9278  
and that the division does not obtain through other reporting 9279  
mechanisms. 9280

**Sec. 1509.23.** (A) Rules of the chief of the division of 9281  
 mineral resources management may specify practices to be followed 9282  
 in the drilling of wells and production of oil and gas for 9283  
 protection of public health or safety or to prevent damage to 9284  
 natural resources, including specification of devices, minimum 9285  
 distances that wells and other excavations, structures, and 9286  
 equipment shall be located from water wells, streets, roads, 9287  
 highways, railroad tracks, and buildings, other methods of 9288  
 operation, and procedures, methods, and equipment and other 9289  
 requirements for equipment to prevent and contain discharges of 9290  
 oil from oil production facilities and oil drilling and workover 9291  
 facilities consistent with and equivalent in scope, content, and 9292  
 coverage to section 311(j)(1)(c) of the "Federal Water Pollution 9293  
 Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 9294  
 as amended, and regulations adopted under it. 9295

(B) The chief, in consultation with the emergency response 9296  
commission created in section 3750.02 of the Revised Code, shall 9297  
adopt rules in accordance with Chapter 119. of the Revised Code 9298  
that specify the information that shall be included in an 9299  
electronic database that the chief shall create and maintain. The 9300  
information shall be that which the chief considers to be 9301  
appropriate for the purpose of responding to emergency situations 9302  
that pose a threat to public health or safety or the environment. 9303  
At the minimum, the information shall include that which a person 9304

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who is regulated under this chapter is required to submit under 9305  
the "Emergency Planning and Community Right-To-Know Act of 1986," 9306  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 9307  
it. 9308

In addition, the rules shall specify whether and to what 9309  
extent the database and the information that it contains will be 9310  
made accessible to the public. The rules shall ensure that the 9311  
database will be made available via the internet or a system of 9312  
computer disks to the emergency response commission and to every 9313  
local emergency planning committee and fire department in this 9314  
state. 9315

**Sec. 1513.05.** There is hereby created a reclamation 9316  
commission consisting of seven members appointed by the governor 9317  
with the advice and consent of the senate. For the purposes of 9318  
hearing appeals under section 1513.13 of the Revised Code that 9319  
involve mine safety issues, the reclamation commission shall 9320  
consist of two additional members appointed specifically for that 9321  
function by the governor with the advice and consent of the 9322  
senate. All terms of office shall be for five years, commencing on 9323  
the twenty-ninth day of June and ending on the twenty-eighth day 9324  
of June. Each member shall hold office from the date of 9325  
appointment until the end of the term for which the appointment 9326  
was made. Each vacancy occurring on the commission shall be filled 9327  
by appointment within sixty days after the vacancy occurs. Any 9328  
member appointed to fill a vacancy occurring prior to the 9329  
expiration of the term for which the member's predecessor was 9330  
appointed shall hold office for the remainder of such term. Any 9331  
member shall continue in office subsequent to the expiration date 9332  
of the member's term until the member's successor takes office, or 9333  
until a period of sixty days has elapsed, whichever occurs first. 9334

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Two of the appointees to the commission shall be persons who, 9336  
at the time of their appointment, own and operate a farm or are 9337  
retired farmers. Notwithstanding section 1513.04 of the Revised 9338  
Code, one of the appointees to the commission shall be a person 9339  
who, at the time of appointment, is the representative of an 9340  
operator of a coal mine. One of the appointees to the commission 9341  
shall be a person who, by reason of the person's previous 9342  
vocation, employment, or affiliations, can be classed as a 9343  
representative of the public. One of the appointees to the 9344  
commission shall be a person who, by reason of previous training 9345  
and experience, can be classed as one learned and experienced in 9346  
modern forestry practices. One of the appointees to the commission 9347  
shall be a person who, by reason of previous training and 9348  
experience, can be classed as one learned and experienced in 9349  
agronomy. One of the appointees to the commission shall be either 9350  
a person who, by reason of previous training and experience, can 9351  
be classed as one capable and experienced in earth-grading 9352  
problems, or a civil engineer. Not more than four members shall be 9353  
members of the same political party. 9354

The two additional members of the commission who are 9355  
appointed specifically to hear appeals that involve mine safety 9356  
issues shall be individuals who, because of previous vocation, 9357  
employment, or affiliation, can be classified as representatives 9358  
of employees currently engaged in mining operations. One shall be 9359  
a representative of coal miners, and one shall be a representative 9360  
of aggregates miners. Prior to making the appointment, the 9361  
governor shall request the highest ranking officer in the major 9362  
employee organization representing coal miners in this state to 9363  
submit to the governor the names and qualifications of three 9364  
nominees and shall request the highest ranking officer in the 9365  
major employee organization representing aggregates miners in this 9366  
state to do the same. The governor shall appoint one person 9367

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nominated by each organization to the commission. The nominees 9368  
shall have not less than five years of practical experience in 9369  
dealing with mine health and safety issues and at the time of the 9370  
nomination shall be employed in positions that involve the 9371  
protection of the health and safety of miners. The major employee 9372  
organization representing coal miners and the major employee 9373  
organization representing aggregates miners shall represent a 9374  
membership consisting of the largest number of coal miners and 9375  
aggregates miners, respectively, in this state compared to other 9376  
employee organizations in the year prior to the year in which the 9377  
appointments are made. 9378

When the commission hears an appeal that involves a coal 9379  
mining safety issue, one of the commission members who owns and 9380  
operates a farm or is a retired farmer shall be replaced by the 9381  
additional member who is a representative of coal miners. When the 9382  
commission hears an appeal that involves an aggregates mining 9383  
safety issue, one of the commission members who owns and operates 9384  
a farm or is a retired farmer shall be replaced by the additional 9385  
member who is a representative of aggregates miners. Neither of 9386  
the additional members who are appointed specifically to hear 9387  
appeals that involve mine safety issues shall be considered to be 9388  
members of the commission for any other purpose, and they shall 9389  
not participate in any other matters that come before the 9390  
commission. 9391

The commission may appoint a secretary to hold office at its 9392  
pleasure. A commission member may serve as secretary. The 9393  
secretary shall perform such duties as the commission prescribes, 9394  
and shall receive such compensation as the commission fixes in 9395  
accordance with such schedules as are provided by law for the 9396  
compensation of state employees. 9397

The commission shall appoint one or more hearing officers who 9398  
shall be attorneys at law admitted to practice in this state to 9399

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conduct hearings under this chapter. 9400

Four members constitute a quorum, and no action of the 9401  
commission shall be valid unless it has the concurrence of at 9402  
least four members. The commission shall keep a record of its 9403  
proceedings. 9404

Each member shall be paid as compensation for work as a 9405  
member one hundred fifty dollars per day when actually engaged in 9406  
the performance of work as a member and when engaged in travel 9407  
necessary in connection with such work. In addition to such 9408  
compensation each member shall be reimbursed for all traveling, 9409  
hotel, and other expenses, in accordance with the current travel 9410  
rules of the office of budget and management, necessarily incurred 9411  
in the performance of the member's work as a member. 9412

Annually one member shall be elected as chairperson and 9413  
another member shall be elected as vice-chairperson for terms of 9414  
one year. 9415

The governor may remove any member of the commission from 9416  
office for inefficiency, neglect of duty, malfeasance, 9417  
misfeasance, or nonfeasance, after delivering to the member the 9418  
charges against the member in writing with at least ten days' 9419  
written notice of the time and place at which the governor will 9420  
publicly hear the member, either in person or by counsel, in 9421  
defense of the charges against the member. If the member is 9422  
removed from office, the governor shall file in the office of the 9423  
secretary of state a complete statement of the charges made 9424  
against the member and a complete report of the proceedings. The 9425  
action of the governor removing a member from office is final. 9426

The commission shall adopt rules governing procedure of 9427  
appeals under section 1513.13 of the Revised Code and may, for its 9428  
own internal management, adopt rules ~~which~~ that do not affect 9429  
private rights. 9430



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Sec. 1513.10. If, at the end of a coal mining operation's permit or renewal period, the number of acres of land affected by the operation proves to be smaller than the number of acres of land for which the operator paid a permit fee for the operation under section 1513.07 of the Revised Code, the operator is entitled to a refund of the excess permit fee. The refund shall be in an amount equal to the amount paid per acre as a permit fee multiplied by the difference between the number of acres in the area of land affected as verified by the division of mineral resources management and the number of acres of land for which the operator paid a permit fee.

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.

Sec. 1513.13. (A)(1) A person having an interest that is or may be adversely affected by a finding or determination of the chief of the division of mineral resources management made under section 1509.08, 1561.35, 1561.351, 1563.13, or 6111.044 of the Revised Code or an investigation made by the chief under section 1561.51 of the Revised Code may appeal to the mine examining board in accordance with those sections. Any other person having an interest that is or may be adversely affected by a notice of violation, order, or decision of the chief of the division of

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mineral resources management, other than a show cause order or an order that adopts a rule, or by any modification, vacation, or termination of such a notice, order, or decision, may appeal by filing a notice of appeal with the reclamation commission for review of the notice, order, or decision within thirty days after the notice, order, or decision is served upon the person or within thirty days after its modification, vacation, or termination and by filing a copy of the notice of appeal with the chief within three days after filing the notice of appeal with the commission. The notice of appeal shall contain a copy of the notice of violation, order, or decision complained of and the grounds upon which the appeal is based. The commission has exclusive original jurisdiction to hear and decide such appeals. The filing of a notice of appeal under division (A)(1) of this section does not operate as a stay of any order, notice of violation, or decision of the chief.

(2) The permittee, the chief, and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. The hearing shall be of record.

(3) Any person authorized under this section to appeal to the commission may request an informal review by the chief or the chief's designee by filing a written request with the chief within thirty days after a notice, order, decision, modification, vacation, or termination is served upon the person. Filing of the written request shall toll the time for appeal before the commission, but shall not operate as a stay of any order, notice of violation, or decision of the chief. The chief's determination of an informal review is appealable to the commission under this section.

(B) The commission shall affirm the notice of violation, order, or decision of the chief unless the commission determines that it is arbitrary, capricious, or otherwise inconsistent with

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law; in that case the commission may modify the notice of 9494  
violation, order, or decision or vacate it and remand it to the 9495  
chief for further proceedings that the commission may direct. 9496

The commission shall conduct hearings and render decisions in 9497  
a timely fashion, except that all of the following apply: 9498

(1) When the appeal concerns an order for the cessation of 9499  
coal mining and reclamation operations issued pursuant to division 9500  
(D)(1) or (2) of section 1513.02 of the Revised Code, the 9501  
commission shall issue its written decision within thirty days 9502  
after the receipt of the appeal unless temporary relief has been 9503  
granted by the chairperson pursuant to division (C) of this 9504  
section. 9505

(2) When the appeal concerns an application for a permit 9506  
under division (I) of section 1513.07 of the Revised Code, the 9507  
commission shall hold a hearing within thirty days after receipt 9508  
of the notice of appeal and issue its decision within thirty days 9509  
after the hearing. 9510

(3) When the appeal concerns a decision of the chief 9511  
regarding release of bond under division (F) of section 1513.16 of 9512  
the Revised Code, the commission shall hold a hearing within 9513  
thirty days after receipt of the notice of appeal and issue its 9514  
decision within sixty days after the hearing. 9515

(4) When the appeal concerns a decision of the chief 9516  
regarding the location of a well in a coal bearing township under 9517  
section 1509.08 of the Revised Code, the commission shall hold a 9518  
hearing and issue its decision within thirty days after receipt of 9519  
the notice of appeal. 9520

(C) The chairperson of the commission, under conditions the 9521  
chairperson prescribes, may grant temporary relief the chairperson 9522  
considers appropriate pending final determination of an appeal if 9523  
all of the following conditions are met: 9524

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(1) All parties to the appeal have been notified and given an opportunity for a hearing to be held in the locality of the subject site on the request for temporary relief and the opportunity to be heard on the request.

(2) The person requesting relief shows that there is a substantial likelihood that the person will prevail on the merits.

(3) The relief will not adversely affect public health or safety or cause significant imminent environmental harm to land, air, or water resources.

The chairperson shall issue a decision expeditiously, except that when the applicant requests relief from an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the decision shall be issued within five days after its receipt.

Any party to an appeal filed with the commission who is aggrieved or adversely affected by a decision of the chairperson to grant or deny temporary relief under this section may appeal that decision to the commission. The commission may confine its review to the record developed at the hearing before the chairperson.

The appeal shall be filed with the commission within thirty days after the chairperson issues the decision on the request for temporary relief. The commission shall issue a decision as expeditiously as possible, except that when the appellant requests relief from an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the decision of the commission shall be issued within five days after receipt of the notice of appeal.

The commission shall affirm the decision of the chairperson

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granting or denying temporary relief unless it determines that the  
decision is arbitrary, capricious, or otherwise inconsistent with  
law.

(D) Following the issuance of an order to show cause as to  
why a permit should not be suspended or revoked pursuant to  
division (D)(3) of section 1513.02 of the Revised Code, the chief  
or a representative of the chief shall hold a public adjudicatory  
hearing after giving written notice of the time, place, and date  
thereof. The hearing shall be of record.

Within sixty days following the public hearing, the chief  
shall issue and furnish to the permittee and all other parties to  
the hearing a written decision, and the reasons therefor,  
concerning suspension or revocation of the permit. If the chief  
revokes the permit, the permittee immediately shall cease coal  
mining operations on the permit area and shall complete  
reclamation within a period specified by the chief, or the chief  
shall declare as forfeited the performance bonds for the  
operation.

(E)(1) Whenever an enforcement order or permit decision is  
appealed under this section or any action is filed under division  
(B) of section 1513.15 or 1513.39 of the Revised Code, at the  
request of a prevailing party, a sum equal to the aggregate amount  
of all costs and expenses, including attorney's fees, as  
determined to have been necessary and reasonably incurred by the  
prevailing party for or in connection with participation in the  
enforcement proceedings before the commission, the court under  
section 1513.15 of the Revised Code, or the chief under section  
1513.39 of the Revised Code, may be awarded, as considered proper,  
in accordance with divisions (E)(1)(a) to (c) of this section. In  
no event shall attorney's fees awarded under this section exceed,  
for the kind and quality of services, the prevailing market rates  
at the time the services were furnished under division (A) of this

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section. A party may be entitled to costs and expenses related 9588  
solely to the preparation, defense, and appeal of a petition for 9589  
costs and expenses, provided that the costs and expenses are 9590  
limited and proportionate to costs and expenses otherwise allowed 9591  
under division (E) of this section. 9592

(a) A party, other than the permittee or the division of 9593  
mineral resources management, shall file a petition, if any, for 9594  
an award of costs and expenses, including attorney's fees, with 9595  
the chief, who shall review the petition. If the chief finds that 9596  
the party, other than the permittee or the division, prevailed in 9597  
whole or in part, made a substantial contribution to a full and 9598  
fair determination of the issues, and made a contribution separate 9599  
and distinct from the contribution made by any other party, the 9600  
chief may award to that party the party's costs and expenses, 9601  
including attorney's fees that were necessary and reasonably 9602  
incurred by the party for, or in connection with, participation in 9603  
the proceeding before the commission. 9604

(b) If a permittee who made a request under division (E)(1) 9605  
of this section demonstrates that a party other than a permittee 9606  
who initiated an appeal under this section or participated in such 9607  
an appeal initiated or participated in the appeal in bad faith and 9608  
for the purpose of harassing or embarrassing the permittee, the 9609  
permittee may file a petition with the chief. The chief may award 9610  
to the permittee the costs and expenses reasonably incurred by the 9611  
permittee in connection with participation in the appeal and 9612  
assess those costs and expenses against the party who initiated 9613  
the appeal. 9614

(c) The division may file, with the commission, a request for 9615  
an award to the division of the costs and expenses reasonably 9616  
incurred by the division in connection with an appeal initiated 9617  
under this section. The commission may assess those costs and 9618  
expenses against the party who initiated the appeal if the 9619

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division demonstrates that the party initiated or participated in 9620  
the appeal in bad faith and for the purpose of harassing or 9621  
embarrassing the division. 9622

(2) Whenever an order issued under this section or as a 9623  
result of any administrative proceeding under this chapter is the 9624  
subject of judicial review, at the request of any party, a sum 9625  
equal to the aggregate amount of all costs and expenses, including 9626  
attorney's fees, as determined by the court to have been necessary 9627  
and reasonably incurred by the party for or in connection with 9628  
participation in the proceedings, may be awarded to either party, 9629  
in accordance with division (E)(1) of this section, as the court, 9630  
on the basis of judicial review, considers proper. 9631

**Sec. 1513.14.** (A) Any party aggrieved or adversely affected 9632  
by a decision of the reclamation commission may appeal to the 9633  
court of appeals for the county in which the activity addressed by 9634  
the decision of the commission occurred, is occurring, or will 9635  
occur, which court has exclusive jurisdiction over the appeal. The 9636  
appeal shall be filed within thirty days of issuance of the 9637  
decision of the commission. The court shall confine its review to 9638  
the record certified by the commission. The court may, upon 9639  
motion, grant such temporary relief as it ~~deems~~ considers 9640  
appropriate pending final disposition of the appeal if all of the 9641  
following apply: 9642

(1) All parties to the appeal have been notified and given an 9643  
opportunity to be heard on a request for temporary relief~~+~~. 9644

(2) The person requesting the relief shows that there is a 9645  
substantial likelihood that the person will prevail on the merits~~+~~ 9646  
and. 9647

(3) The relief will not adversely affect public health or 9648  
safety or the health or safety of miners or cause significant 9649  
imminent environmental harm to land, air, or water resources. 9650

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The court shall affirm the decision of the commission unless 9651  
the court determines that it is arbitrary, capricious, or 9652  
otherwise inconsistent with law, in which case the court shall 9653  
vacate the decision and remand to the commission for such further 9654  
proceedings as it may direct. 9655

(B) Any order of the chief of the division of mineral 9656  
resources management adopting a rule shall be subject to judicial 9657  
review in the Franklin county court of appeals, which court has 9658  
exclusive original jurisdiction to review the order. A petition 9659  
for review of the order shall be filed within thirty days from the 9660  
date of such order. The petition may be made by any person who 9661  
participated in the rule-making proceedings and who is aggrieved 9662  
by the order. The court shall confine its review to the record of 9663  
the rule-making proceedings. The order shall be affirmed unless 9664  
the court concludes that the order is arbitrary, capricious, or 9665  
otherwise inconsistent with law, in which case the court shall 9666  
vacate the order or portion thereof and remand to the chief for 9667  
such further proceedings as it may direct. 9668

**Sec. 1514.11.** In addition to the purposes authorized in 9669  
section 1514.06 of the Revised Code, the chief of the division of 9670  
mineral resources management may use moneys in the surface mining 9671  
fund created under that section for the administration and 9672  
enforcement of this chapter, for the reclamation of land affected 9673  
by surface mining under a permit issued under this chapter that 9674  
the operator failed to reclaim and for which the performance bond 9675  
filed by the operator is insufficient to complete the reclamation, 9676  
~~and~~ for the reclamation of land affected by surface mining that 9677  
was abandoned and left unreclaimed and for which no permit was 9678  
issued or bond filed under this chapter, and for the mine safety 9679  
and first aid classes provided under division (C) of section 9680  
1561.26 of the Revised Code. The chief, with the approval of the 9681  
director of natural resources, annually shall determine the 9682



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amounts to be expended for the mine safety and first aid classes. 9683

For purposes of this section, the chief shall expend moneys in the 9684

fund in accordance with the procedures and requirements 9685

established in section 1514.06 of the Revised Code and may enter 9686

into contracts and perform work in accordance with that section. 9687

Fees collected under sections 1514.02 and 1514.03 of the 9688

Revised Code, one-half of the moneys collected from the severance 9689

taxes levied under divisions (A)(3) and (4) of section 5749.02 of 9690

the Revised Code, and all of the moneys collected from the 9691

severance tax levied under division (A)(7) of section 5749.02 of 9692

the Revised Code shall be credited to the fund in accordance with 9693

those sections. Notwithstanding any section of the Revised Code 9694

relating to the distribution or crediting of fines for violations 9695

of the Revised Code, all fines imposed under section 1514.99 of 9696

the Revised Code shall be credited to the fund. 9697

**Sec. 1521.04.** The chief of the division of water, with the 9698

approval of the director of natural resources, may make loans and 9699

grants from the water management fund created in section 1501.32 9700

of the Revised Code to governmental agencies for water management, 9701

water supply improvements, and planning and may administer grants 9702

from the federal government and from other public or private 9703

sources for carrying out those functions and for the performance 9704

of any acts that may be required by the United States or by any 9705

agency or department thereof as a condition for the participation 9706

by any governmental agency in any federal financial or technical 9707

assistance program. Direct and indirect costs of administration 9708

may be paid from the water management fund. 9709

The chief may use the water management fund to acquire, 9710

construct, reconstruct, improve, equip, maintain, operate, and 9711

dispose of water management improvements. The chief may fix, 9712

alter, charge, and collect rates, fees, rentals, and other charges 9713

to be paid into the water management fund by governmental agencies 9714

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and persons who are supplied with water by facilities constructed 9715  
 or operated by the department of natural resources in order to 9716  
 amortize and defray the cost of the construction, maintenance, and 9717  
 operation of those facilities. ~~This section does not apply to the~~ 9718  
~~Burr Oak water system administered by the chief engineer of the~~ 9719  
~~department of natural resources under sections 1507.01 and 1507.12~~ 9720  
~~of the Revised Code.~~ 9721

Sec. 1521.19. (A) There is hereby created the Ohio water 9722  
resources council consisting of the directors of agriculture, 9723  
development, environmental protection, health, natural resources, 9724  
transportation, and the Ohio public works commission, the 9725  
chairperson of the public utilities commission of Ohio, the 9726  
executive directors of the state and local government commission 9727  
of Ohio and the Ohio water development authority, and an executive 9728  
assistant in the office of the governor appointed by the governor. 9729  
The governor shall appoint one of the members of the council to 9730  
serve as its chairperson. The council may adopt bylaws that are 9731  
necessary for the implementation of this section. The council 9732  
shall provide a forum for policy development, collaboration and 9733  
coordination among state agencies, and strategic direction with 9734  
respect to state water resource programs. The council shall be 9735  
assisted in its functions by a state agency coordinating group and 9736  
an advisory group as provided in this section. 9737

(B) The state agency coordinating group shall consist of the 9738  
executive director of the Ohio Lake Erie commission and a member 9739  
or members from each state agency, commission, and authority 9740  
represented on the council, to be appointed by the applicable 9741  
director, chairperson, or executive director. However, the 9742  
environmental protection agency shall be represented on the group 9743  
by the chiefs of the divisions within that agency having 9744  
responsibility for surface water programs and drinking and ground 9745  
water programs, and the department of natural resources shall be 9746

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represented on the group by the chief of the division of water and 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.

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(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.

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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.

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(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

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utilities commission of Ohio, Ohio public works commission, state and local government commission of Ohio, and Ohio water development authority may transfer moneys to the fund. If a voluntary transfer of moneys is made to the fund, the portion that is required to be transferred by the departments of agriculture, development, environmental protection, health, natural resources, and transportation may be equally reduced. Moneys in the fund shall be used to pay the operating expenses of the Ohio water resources council, including those specified in division (E) of this section.

(E) The Ohio water resources council may hire staff to support its activities. The council may enter into contracts and agreements with state agencies, political subdivisions, and private entities to assist in accomplishing its objectives. Advisory group members shall be reimbursed for expenses necessarily incurred in the performance of their duties pursuant to section 126.31 of the Revised Code and any applicable rules pertaining to travel reimbursement adopted by the office of budget and management.

**Sec. 1531.35.** The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund ~~may~~ shall be used for boating access construction, capital improvements, grant programs for boating and fishing access, maintenance, and development on lakes on which the operation of gasoline-powered watercraft is permissible.

**Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat stamps, deer and wild turkey permits, and fur taker permits shall be issued by the clerk of the court of common pleas, village and

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township clerks, and other authorized agents designated by the 9810  
chief of the division of wildlife. When required by the chief, a 9811  
clerk or agent shall give bond in the manner provided by the 9812  
chief. All bonds, reports, except records prescribed by the 9813  
auditor of state, and moneys received by those persons shall be 9814  
handled under rules adopted by the director of natural resources. 9815

The premium of ~~any fidelity bond prescribed under section~~ 9816  
~~9.832 of the Revised Code~~ or of any bond prescribed by the chief 9817  
under this section may be paid by the chief. Any person who is 9818  
designated and authorized by the chief to issue licenses, stamps, 9819  
and permits as provided in this section, except the clerk of the 9820  
court of common pleas and the village and township clerks, shall 9821  
pay to the chief a premium in an amount that represents the 9822  
person's portion of the premium paid by the chief under this 9823  
section, which amount shall be established by the chief and 9824  
approved by the wildlife council created under section 1531.03 of 9825  
the Revised Code. The chief shall pay all moneys that the chief 9826  
receives as premiums under this section into the state treasury to 9827  
the credit of the wildlife fund created under section 1531.17 of 9828  
the Revised Code. 9829

Every authorized agent, for the purpose of issuing hunting 9830  
and fishing licenses, deer and wild turkey permits, and fur taker 9831  
permits, may administer oaths to and take affidavits from 9832  
applicants for the licenses or permits when required. An 9833  
authorized agent may appoint deputies to perform any acts that the 9834  
agent is authorized to perform, consistent with division rules. 9835

Every applicant for a hunting or fishing license, deer or 9836  
wild turkey permit, or fur taker permit, unless otherwise provided 9837  
by division rule, shall make and subscribe an affidavit setting 9838  
forth the applicant's name, age, weight, height, occupation, place 9839  
of residence, personal description, and citizenship. The clerk or 9840  
other agent authorized to issue licenses and permits shall charge 9841

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each applicant a fee of one dollar for taking the affidavit and 9842  
issuing the license or permit. The application, license, permit, 9843  
and other blanks required by this section shall be prepared and 9844  
furnished by the chief, in such form as the chief provides, to the 9845  
clerk or other agent authorized to issue them. The licenses and 9846  
permits shall be issued to applicants by the clerk or other agent. 9847  
The record of licenses and permits kept by the clerk and other 9848  
authorized agents shall be uniform throughout the state and in 9849  
such form or manner as the auditor of state prescribes and shall 9850  
be open at all reasonable hours to the inspection of any person. 9851  
Unless otherwise provided by division rule, each hunting license, 9852  
deer or wild turkey permit, and fur taker permit issued shall 9853  
remain in force until midnight of the thirty-first day of August 9854  
next ensuing. Application for any such license or permit may be 9855  
made and a license or permit issued prior to the date upon which 9856  
it becomes effective. 9857

The chief may require an applicant who wishes to purchase a 9858  
license, stamp, or permit by mail or telephone to pay a nominal 9859  
fee for postage and handling. 9860

The court before whom a violator of any laws or division 9861  
rules for the protection of wild animals is tried, as a part of 9862  
the punishment, shall revoke the license, stamp, or permit of any 9863  
person convicted. The license, stamp, or permit fee paid by that 9864  
person shall not be returned to the person. The person shall not 9865  
procure or use any other license, stamp, or permit or engage in 9866  
hunting wild animals or trapping fur-bearing animals during the 9867  
period of revocation as ordered by the court. 9868

No person under sixteen years of age shall engage in hunting 9869  
unless accompanied by the person's parent or another adult person. 9870

**Sec. 1547.67.** The division of watercraft, with the approval 9871  
of the director of natural resources, may expend, for the purpose 9872

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of assisting political subdivisions, conservancy districts, and 9873  
state departments to establish or maintain and operate a marine 9874  
patrol for the purpose of enforcing this chapter and Chapter 1548. 9875  
of the Revised Code and rules adopted under them and to provide 9876  
emergency response to boating accidents on the water, such funds 9877  
as are appropriated by the general assembly for that purpose and, 9878  
in addition, such moneys from the waterways safety fund 9879  
established in section 1547.75 of the Revised Code as determined 9880  
to be necessary by the division not to exceed ten per cent of all 9881  
moneys accruing to the fund. In no case shall the grant to a 9882  
political subdivision, conservancy district, or state department, 9883  
not including the department of natural resources, total more than 9884  
~~thirty~~ thirty-five thousand dollars in a calendar year. Moneys so 9885  
allocated may be used for the purchase, maintenance, and operation 9886  
of vessels and marine equipment, educational materials, and 9887  
personnel salaries that are necessary for enforcement of this 9888  
chapter and Chapter 1548. of the Revised Code and rules adopted 9889  
under them and to provide emergency response to boating accidents 9890  
on the water. 9891

The division shall disburse the moneys as provided in this 9892  
section in accordance with its determination of need in the 9893  
enforcement of this chapter and Chapter 1548. of the Revised Code 9894  
and rules adopted under them and shall disburse those moneys only 9895  
on a cost share basis to supplement funds allocated by a political 9896  
subdivision, conservancy district, or state department for that 9897  
purpose. A grantee shall provide at least twenty-five per cent of 9898  
the total program cost. 9899

**Sec. 1561.05.** The laws relating to mines and mining and 9900  
duties and functions of the division of mineral resources 9901  
management shall be administered by the chief of the division of 9902  
mineral resources management, and through and by deputy mine 9903  
inspectors. If a vacancy occurs in the office of a deputy mine 9904

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inspector, it may be filled by the chief, who shall select a 9905  
qualified person from the eligible list ~~certified to the chief by~~ 9906  
~~the mine examining board~~ for deputy mine inspectors that is 9907  
prepared under section 124.24 of the Revised Code. 9908

The chief shall adopt, in accordance with Chapter 119. of the 9909  
Revised Code, all necessary rules for conducting examinations and 9910  
for governing all other matters requisite to the exercise of the 9911  
chief's powers and the performance of the chief's duties under 9912  
this chapter and Chapters 1509., 1563., 1565., and 1567. of the 9913  
Revised Code relating to mines and mining. 9914

**Sec. 1561.07.** The mining laws of this state shall extend to 9915  
and govern the operation of clay mines and clay stripping pits in 9916  
so far as such laws are applicable thereto. The chief of the 9917  
division of mineral resources management shall adopt, publish, and 9918  
enforce specific rules particularly applicable to clay mining 9919  
operations to safeguard life and property in the clay mining 9920  
industry and to secure safe and sanitary working conditions in 9921  
such clay mines and clay stripping pits. 9922

Such rules adopted by the chief shall provide that: 9923

(A) Distances between break-throughs in clay mines shall not 9924  
exceed one hundred feet, unless permission in special cases is 9925  
granted by the chief, after maps have been filed with the chief 9926  
showing the method of working and ventilating the same, if such 9927  
distances would add to increased safety. 9928

(B) When, in the opinion of the mine foreperson or deputy 9929  
mine inspector, line brattices or other approved methods of 9930  
circulation are necessary to deliver sufficient air to the working 9931  
face, they shall be provided by the owner, operator, or lessee. 9932

(C) Not more than a two days' supply of explosives shall be 9933  
stored in a clay mine at any one time, and not more than one 9934  
hundred pounds of explosives shall be stored in any one place at 9935



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any one time. 9936

(D) Charges of explosives shall be made up at least one 9937  
hundred feet away from any storage place for explosives. 9938

(E) There shall be no less than two persons in each working 9939  
place when shots are being lighted. 9940

(F) Misfired shots in clay mines shall be posted on the 9941  
bulletin board or other conspicuous place available for 9942  
examination by the workers when shots are fired by other than the 9943  
loaders. 9944

(G) The use of electric blasting caps shall be encouraged as 9945  
a safety measure. 9946

The chief, in assigning deputy mine inspectors, shall 9947  
designate inspectors who have had experience and are especially 9948  
qualified in clay mining operations, to examine and inspect clay 9949  
mining operations and enforce the law relating to such operations. 9950

The ~~mine examining board~~ chief, in conducting examinations 9951  
and issuing certificates for mine forepersons, shall ~~in its rules~~ 9952  
provide by rules adopted under section 1561.05 of the Revised Code 9953  
for the examination of applicants for certificates as mine 9954  
forepersons in a clay mine or clay stripping pits to test the 9955  
applicant on experience and fitness on the problems and duties 9956  
peculiar to the clay mining industry. An applicant for a 9957  
certificate as a clay mine foreperson shall have at least three 9958  
years' experience in mining operations. 9959

**Sec. 1561.11.** The ~~mine examining board~~ chief of the division 9960  
of mineral resources management, for the purpose of conducting the 9961  
examinations for mine ~~foremen~~ forepersons and fire bosses, may 9962  
designate one or more examining boards of three members, selected 9963  
from among the deputy mine inspectors, superintendent and 9964  
assistant superintendents of rescue stations, and electrical 9965

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inspectors. The examinations shall be conducted in the district of 9966  
 the applicant's residence or as near thereto as practicable. 9967  
 Grading and issuance of certificates shall be done by the ~~board~~ 9968  
chief. 9969

**Sec. 1561.12.** An applicant for any examination or certificate 9970  
 under this section shall, before being examined, register ~~his~~ the 9971  
applicant's name with the ~~mine examining board chief of the~~ 9972  
division of mineral resources management and file with the ~~board~~ 9973  
chief an affidavit as to all matters of fact establishing ~~his~~ the 9974  
applicant's right to receive the examination, a certificate of 9975  
 good character and temperate habits signed by at least three 9976  
 reputable citizens of the community in which ~~he~~ the applicant 9977  
 resides, and a certificate from a reputable and disinterested 9978  
 physician as to the physical condition of such applicant showing 9979  
 that ~~he~~ the applicant is physically capable of performing the 9980  
 duties of the office or position. 9981

Each applicant for examination for any of the following 9982  
 positions shall present evidence satisfactory to the ~~board~~ chief 9983  
 that ~~he~~ the applicant has been a resident and citizen of this 9984  
 state for two years next preceding the date of application: 9985

(A) An applicant for the position of deputy mine inspector of 9986  
 underground mines shall have had actual practical experience of 9987  
 not less than six years, at least two of which shall have been in 9988  
 the underground workings of ~~coal~~ mines in this state. In the case 9989  
of an applicant who would inspect underground coal mines, the two 9990  
years shall consist of actual practical experience in underground 9991  
coal mines. In the case of an applicant who would inspect noncoal 9992  
mines, the two years shall consist of actual practical experience 9993  
in noncoal mines. In lieu of two years of the actual practical 9994  
 experience required, the ~~board~~ chief may accept as the equivalent 9995  
 thereof a certificate evidencing graduation from an accredited 9996  
 school of mines or mining, after a four-year course of study, but 9997

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such credit shall not apply as to the two years' actual practical 9998  
 experience required in the ~~coal~~ mines in this state. 9999

~~He~~ The applicant shall pass an examination as to ~~his~~ the 10000  
applicant's practical and technological knowledge of mine 10001  
 surveying, mining machinery, and appliances; the proper 10002  
 development and operation of mines; the best methods of working 10003  
 and ventilating mines; the nature, properties, and powers of 10004  
 noxious, poisonous, and explosive gases, particularly methane; the 10005  
 best means and methods of detecting, preventing, and removing the 10006  
 accumulation of such gases; the use and operation of gas detecting 10007  
 devices and appliances; first aid to the injured; and the uses and 10008  
 dangers of electricity as applied and used in, at, and around 10009  
 mines. Such applicant shall also hold a certificate for ~~foreman~~ 10010  
foreperson of gaseous mines issued by the ~~mine-examining board~~ 10011  
chief. 10012

(B) An applicant for the position of deputy mine inspector of 10013  
 surface mines shall have had actual practical mining experience of 10014  
 not less than six years, at least two of which shall have been in 10015  
 surface coal mines in this state. In lieu of two years of the 10016  
 actual practical experience required, the ~~board~~ chief may accept 10017  
 as the equivalent thereof a certificate evidencing graduation from 10018  
 an accredited school of mines or mining, after a four-year course 10019  
 of study, but that credit shall not apply as to the two years' 10020  
 actual practical experience required in the coal mines in this 10021  
 state. The applicant shall pass an examination as to ~~his~~ the 10022  
applicant's practical and technological knowledge of surface mine 10023  
 surveying, machinery, and appliances; the proper development and 10024  
 operations of surface mines; first aid to the injured; and the use 10025  
 and dangers of explosives and electricity as applied and used in, 10026  
 at, and around surface mines. The applicant shall also hold a 10027  
 surface mine ~~foreman~~ foreperson certificate issued by the ~~mine~~ 10028  
~~examining board~~ chief. 10029

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(C) An applicant for the position of electrical inspector shall have had at least five years' practical experience in the installation and maintenance of electrical circuits and equipment in mines, and ~~he the applicant~~ shall be thoroughly familiar with the principles underlying the safety features of permissible and approved equipment as authorized and used in mines.

~~He~~ The applicant shall be required to pass the examination required for deputy mine inspectors and an examination testing and determining ~~his the applicant's~~ qualification and ability to competently inspect and administer the mining law ~~which that~~ relates to electricity used in and around mines and mining in this state.

(D) An applicant for the position of superintendent or assistant superintendent of rescue stations shall possess the same qualifications as those required for a deputy mine inspector. In addition, ~~he the applicant~~ shall present evidence satisfactory to the ~~board chief~~ that ~~he the applicant~~ is sufficiently qualified and trained to organize, supervise, and conduct group training classes in first aid, safety, and rescue work.

~~He~~ The applicant shall pass the examination required for deputy mine inspectors and shall be tested as to ~~his the applicant's~~ practical and technological experience and training in first aid, safety, and mine rescue work.

(E) An applicant for the position of mine chemist shall have such educational training as is represented by the degree MS in chemistry from a university of recognized standing, and at least five years of actual practical experience in research work in chemistry or as an assistant chemist. The ~~board chief~~ may provide that an equivalent combination of education and experience together with a wide knowledge of the methods of and skill in chemical analysis and research may be accepted in lieu of the above qualifications. It is preferred that such chemist shall have

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had actual experience in mineralogy and metallurgy. 10062

(F) An applicant for the position of gas storage well 10063  
 inspector shall possess the same qualifications as an applicant 10064  
 for the position of deputy mine inspector and shall have a 10065  
 practical knowledge and experience of and in the operation, 10066  
 location, drilling, maintenance, and abandonment of oil and gas 10067  
 wells, especially in coal or mineral bearing townships, and shall 10068  
 have a thorough knowledge of the latest and best method of 10069  
 plugging and sealing abandoned oil and gas wells. 10070

Such applicant for gas storage well inspector shall pass an 10071  
 examination conducted by the ~~board~~ chief to determine ~~his~~ the 10072  
applicant's fitness to act as a gas storage well inspector before 10073  
 being eligible for appointment. 10074

**Sec. 1561.13.** The ~~mine examining board~~ chief of the division 10075  
of mineral resources management shall conduct examinations for 10076  
 offices and positions in the division of mineral resources 10077  
 management, and for mine forepersons, mine electricians, shot 10078  
 firers, surface mine blasters, and fire bosses, as follows: 10079

(A) Division of mineral resources management: 10080

(1) Deputy mine inspectors of underground mines; 10081

(2) Deputy mine inspectors of surface mines; 10082

(3) Electrical inspectors; 10083

(4) Superintendent of rescue stations; 10084

(5) Assistant superintendents of rescue stations; 10085

(6) Mine chemists at a division laboratory if the chief ~~of~~ 10086  
~~the division of mineral resources management~~ chooses to operate a 10087  
 laboratory; 10088

(7) Gas storage well inspector. 10089

(B) Mine forepersons: 10090

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(1) Mine foreperson of gaseous mines;	10091
(2) Mine foreperson of nongaseous mines;	10092
(3) Mine foreperson of surface mines.	10093
(C) Forepersons:	10094
(1) Foreperson of gaseous mines;	10095
(2) Foreperson of nongaseous mines;	10096
(3) Foreperson of surface maintenance facilities at underground or surface mines;	10097 10098
(4) Foreperson of surface mines.	10099
(D) Fire bosses.	10100
(E) Mine electricians.	10101
(F) Surface mine blasters.	10102
(G) Shot firers.	10103
<del>The board shall hold such meetings as are necessary for the proper discharge of its duties.</del>	10104 10105
<del>The board <u>chief annually</u> shall <del>meet annually at the capitol,</del> <del>as prescribed by its rules, provide</del> for the examination of</del>	10106 10107
candidates for appointment or promotion as deputy mine inspectors	10108
and such other positions and offices set forth in division (A) of	10109
this section as are necessary. Special examinations may be held	10110
whenever it becomes necessary to make appointments to any of those	10111
positions.	10112
<del>For <u>The chief shall provide for</u> the examination of persons</del>	10113
seeking certificates of competency as mine forepersons,	10114
forepersons, mine electricians, shot firers, surface mine	10115
blasters, and fire bosses, <del>the board shall hold meetings,</del>	10116
quarterly or more often as required, at such times and places	10117
within the state as shall, in the judgment of the <del>members</del> <u>chief,</u>	10118

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afford the best facilities to the greatest number of applicants. 10119  
 Public notice shall be given through the press or otherwise, not 10120  
 less than ten days in advance, announcing the time and place at 10121  
 which examinations under this section are to be held. 10122

The examinations provided for in this section shall be 10123  
 conducted under rules adopted under section 1561.05 of the Revised 10124  
Code and conditions prescribed by the ~~board chief~~. ~~Such rules~~ 10125  
~~shall be made a part of the permanent record of the board, and~~ 10126  
~~such of them as~~ Any rules that relate to particular candidates 10127  
 shall, upon application of any candidate, be furnished to the 10128  
 candidate by the ~~board chief~~; they shall also be of uniform 10129  
 application to all candidates in the several groups. 10130

**Sec. 1561.14.** A person who applies for a certificate as a 10131  
 mine electrician shall be able to read and write the English 10132  
 language, and prior to the date of the application for examination 10133  
 either shall have had at least one year's experience in performing 10134  
 electrical work underground in a coal mine, in the surface work 10135  
 area of an underground coal mine, in a surface coal mine, or in a 10136  
 noncoal mine, or shall have had such experience as the ~~mine~~ 10137  
~~examining board chief of the division of mineral resources~~ 10138  
~~management~~ determines to be equivalent. Each applicant for 10139  
 examination shall pay a fee of ten dollars to the ~~board chief~~ on 10140  
 the first day of the examination. Any moneys collected under this 10141  
 section shall be paid into the state treasury to the credit of the 10142  
 mining regulation fund created in section 1561.48 of the Revised 10143  
 Code. 10144

**Sec. 1561.15.** An applicant for a certificate as mine ~~foreman~~ 10145  
~~foreperson~~, ~~foreman~~ foreperson, mine electrician, shot firer, 10146  
 surface mine blaster, or fire boss shall apply to the ~~mine~~ 10147  
~~examining board chief of the division of mineral resources~~ 10148  
~~management~~ for examination and shall be examined by the ~~board~~ 10149

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chief. This shall be a practical examination, a substantial part 10150  
of which shall be oral, to determine the competency of the 10151  
applicant, based on experience and practical knowledge of the 10152  
dangers incident to coal mining, and not upon technical education, 10153  
but consideration shall be given such technical education as the 10154  
applicant possesses. This examination shall be held as soon after 10155  
application is made as practicable in the district from which the 10156  
applicant makes application. 10157

**Sec. 1561.16.** (A) As used in this section and sections 10158  
1561.17 to 1561.21 of the Revised Code, "actual practical 10159  
experience" means previous employment that involved a person's 10160  
regular presence in the type of mining operation in which the 10161  
experience is required to exist; participation in functions 10162  
relating to the hazards involved in and the utilization of 10163  
equipment, tools, and work crews and individuals for that type of 10164  
mining; and regular exposure to the methods, procedures, and 10165  
safety laws applicable to that type of mining. Credit of up to one 10166  
year for a portion of the required experience time may be given 10167  
upon documentation to the ~~mine examining board~~ chief of the 10168  
division of mineral resources management of an educational degree 10169  
in a field related to mining. Credit of up to two years of the 10170  
required experience time may be given upon presentation to the 10171  
~~mine examining board~~ chief of proof of graduation from an 10172  
accredited school of mines or mining after a four-year course of 10173  
study with employment in the mining industry during interim breaks 10174  
during the school years. 10175

(B) A person who applies for a certificate as a mine ~~foreman~~ 10176  
foreperson of gaseous mines shall be able to read and write the 10177  
English language; shall have had at least five years' actual 10178  
practical experience in the underground workings of a gaseous mine 10179  
or the equivalent thereof in the judgment of the ~~mine examining~~ 10180  
~~board~~ chief; and shall have had practical experience obtained by 10181



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actual contact with gas in mines and have knowledge of the dangers 10182  
 and nature of noxious and explosive gases and ventilation of 10183  
 gaseous mines. An applicant for a certificate as a ~~foreman~~ 10184  
foreperson of gaseous mines shall meet the same requirements, 10185  
 except that the applicant shall have had at least three years' 10186  
 actual practical experience in the underground workings of a 10187  
 gaseous mine or the equivalent thereof in the judgment of the ~~mine~~ 10188  
~~examining board~~ chief. Each applicant for examination shall pay a 10189  
 fee of ten dollars to the ~~board~~ chief on the first day of such 10190  
 examination. Any moneys collected under this section shall be paid 10191  
 into the state treasury to the credit of the mining regulation 10192  
 fund created in section 1561.48 of the Revised Code. 10193

**Sec. 1561.17.** A person who applies for a certificate as mine 10194  
~~foreman~~ foreperson or ~~foreman~~ foreperson of nongaseous mines shall 10195  
 be able to read and write the English language; shall have had at 10196  
 least three years' actual practical experience in mines, or the 10197  
 equivalent thereof in the judgment of the ~~mine-examining board~~ 10198  
chief of the division of mineral resources management; and shall 10199  
 have knowledge of the dangers and nature of noxious gases. Each 10200  
 applicant for examination shall pay a fee of ten dollars to the 10201  
~~board~~ chief on the first day of the examination. Any moneys 10202  
 collected under this section shall be paid into the state treasury 10203  
 to the credit of the mining regulation fund created in section 10204  
 1561.48 of the Revised Code. 10205

**Sec. 1561.18.** A person who applies for a certificate as a 10206  
~~foreman~~ foreperson of surface maintenance facilities at 10207  
 underground or surface mines shall be able to read and write the 10208  
 English language and shall have had at least three years' actual 10209  
 practical experience in or around the surface maintenance 10210  
 facilities of underground or surface mines or the equivalent 10211  
 thereof in the judgment of the ~~mine-examining board~~ chief of the 10212

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division of mineral resources management. Each applicant for 10213  
 examination shall pay a fee of ten dollars to the ~~board~~ chief on 10214  
 the first day of the examination. Any moneys collected under this 10215  
 section shall be paid into the state treasury to the credit of the 10216  
 mining regulation fund created in section 1561.48 of the Revised 10217  
 Code. 10218

**Sec. 1561.19.** A person who applies for a certificate as a 10219  
 mine ~~foreman~~ foreperson of surface mines shall be able to read and 10220  
 write the English language and shall have had at least five years' 10221  
 actual practical experience in surface mines. An applicant for a 10222  
 certificate as a ~~foreman~~ foreperson of surface mines shall meet 10223  
 the same requirements, except that the applicant shall have had at 10224  
 least three years' actual practical experience in surface mines or 10225  
 the equivalent thereof in the judgment of the ~~mine-examining board~~ 10226  
~~chief of the division of mineral resources management~~. Each 10227  
 applicant for examination shall pay a fee of ten dollars to the 10228  
~~board~~ chief on the first day of the examination. Any moneys 10229  
 collected under this section shall be paid into the state treasury 10230  
 to the credit of the mining regulation fund created in section 10231  
 1561.48 of the Revised Code. 10232

**Sec. 1561.20.** A person who applies for a certificate as a 10233  
 surface mine blaster shall be able to read and write the English 10234  
 language; shall have had at least one year's actual practical 10235  
 experience in surface mines or the equivalent thereof in the 10236  
 judgment of the ~~mine-examining board~~ chief of the division of 10237  
mineral resources management; shall have knowledge of the dangers 10238  
 and nature of the use of explosives, related equipment, and 10239  
 blasting techniques; and shall have knowledge of safety laws and 10240  
 rules, including those related to the storage, use, and 10241  
 transportation of explosives. Each applicant for examination shall 10242  
 pay a fee of ten dollars to the ~~board~~ chief on the first day of 10243

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the examination. Any moneys collected under this section shall be 10244  
 paid into the state treasury to the credit of the mining 10245  
 regulation fund created in section 1561.48 of the Revised Code. 10246

**Sec. 1561.21.** A person who applies for a certificate as a 10247  
 shot firer shall be able to read and write the English language; 10248  
 shall have had at least one year's actual practical experience in 10249  
 the underground workings of mines or the equivalent thereof in the 10250  
 judgment of the ~~mine-examining board~~ chief of the division of 10251  
mineral resources management; shall have knowledge of the dangers 10252  
 and nature of noxious and explosive gases; shall have knowledge of 10253  
 the dangers and nature of the use of explosives, related 10254  
 equipment, and blasting techniques; and shall have knowledge of 10255  
 safety laws and rules, including those related to the underground 10256  
 storage, use, and transportation of explosives. Each applicant for 10257  
 examination shall pay a fee of ten dollars to the ~~board~~ chief on 10258  
 the first day of the examination. Any moneys collected under this 10259  
 section shall be paid into the state treasury to the credit of the 10260  
 mining regulation fund created in section 1561.48 of the Revised 10261  
 Code. 10262

Any person who possesses a mine ~~foreman~~ foreperson or ~~foreman~~ 10263  
foreperson certificate issued by the ~~mine-examining board~~ chief 10264  
 shall be considered certified as a shot firer. 10265

**Sec. 1561.22.** A person who applies for a certificate as fire 10266  
 boss shall be able to read and write the English language; shall 10267  
 have had at least three years' actual practical experience in the 10268  
 underground workings of a gaseous mine or the equivalent thereof 10269  
 in the judgment of the ~~mine-examining board~~ chief of the division 10270  
of mineral resources management; and shall have knowledge of the 10271  
 dangers and nature of noxious and explosive gases gained by actual 10272  
 contact with gas in mines and ventilation of gaseous mines. Each 10273  
 applicant for examination shall pay a fee of ten dollars to the 10274

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~~board chief~~ on the first day of the examination. Any moneys 10275  
collected under this section shall be paid into the state treasury 10276  
to the credit of the mining regulation fund created in section 10277  
1561.48 of the Revised Code. 10278

**Sec. 1561.23.** The ~~mine examining board chief~~ of the division 10279  
of mineral resources management shall issue the following 10280  
certificates to those applicants who pass their examination: 10281

(A) Certificates for mine ~~foremen~~ forepersons of gaseous 10282  
mines; 10283

(B) Certificates for mine ~~foremen~~ forepersons of nongaseous 10284  
mines; 10285

(C) Certificates for ~~foremen~~ forepersons of gaseous mines; 10286

(D) Certificates for ~~foremen~~ forepersons of nongaseous mines; 10287

(E) Certificates for ~~foremen~~ forepersons of surface 10289  
maintenance facilities of underground or surface mines; 10290

(F) Certificates for mine ~~foremen~~ forepersons of surface 10291  
mines; 10292

(G) Certificates for ~~foremen~~ forepersons of surface mines; 10293

(H) Certificates for fire bosses; 10294

(I) Certificates for mine electricians; 10295

(J) Certificates for surface mine blasters; 10296

(K) Certificates for shot firers. 10297

Applicants for certificates shall make application to the 10298  
~~board chief~~, on a form provided by ~~it~~ the chief, for examination. 10299

All applicants shall be able to read and write the English 10300

language intelligently, and shall furnish the ~~board chief~~ with a 10301

certificate as to their character, length and description of their 10302

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practical experience, and satisfactory evidence of their ability 10303  
to perform the duties of the position for which they make 10304  
application for examination. 10305

Any certificate issued by the former mine examining board 10306  
prior to ~~the effective date of this amendment~~ October 29, 1995, 10307  
shall remain in effect notwithstanding the new classifications of 10308  
certificates established by this ~~amendment~~ section. 10309

**Sec. 1561.26.** (A) As used in this section, "EMT-basic," 10310  
"EMT-I," and "paramedic" have the same meanings as in section 10311  
4765.01 of the Revised Code. 10312

(B) The superintendent of rescue stations, with the approval 10313  
of the chief of the division of mineral resources management, 10314  
shall, at each rescue station provided for in section 1561.25 of 10315  
the Revised Code, train and employ rescue crews of six members 10316  
each, one of whom shall hold a mine foreperson or fire boss 10317  
certificate and be designated captain, and train and employ any 10318  
number of such rescue crews as the superintendent believes 10319  
necessary. One member of a rescue crew shall be certified as an 10320  
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall 10321  
devote the time specified by the chief each month for training 10322  
purposes and shall be available at all times to assist in rescue 10323  
work at explosions, mine fires, and other emergencies. 10324

A captain of mine rescue crews shall receive for service as 10325  
captain the sum of twenty-four dollars per month, and each member 10326  
shall receive the sum of twenty dollars per month, all payable on 10327  
requisition approved by the chief. When engaged in rescue work at 10328  
explosions, mine fires, or other emergencies away from their 10329  
station, the members of the rescue crews and captains of the same 10330  
shall be paid the sum of six dollars per hour for work on the 10331  
surface, which includes the time consumed by ~~such~~ those members in 10332  
traveling to and from the scene of ~~such~~ the emergency when ~~such~~ 10333

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the scene is away from the station of ~~such~~ the members, and the 10334  
sum of seven dollars per hour for all work underground at ~~such~~ the 10335  
emergency, and in addition thereto, the necessary living expenses 10336  
of ~~such~~ the members when ~~such~~ the emergency is away from their 10337  
home station, all payable on requisition approved by the chief. 10338

Each member of a mine rescue crew shall undergo an annual 10339  
medical examination by a doctor designated by the chief. In 10340  
designating ~~such~~ the doctor, the chief shall choose one near the 10341  
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor 10342  
shall report the doctor's findings to the chief and if, in the 10343  
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the 10344  
member is physically unfit for further services, the chief shall 10345  
relieve the member from further duty. The fee charged by ~~such~~ the 10346  
doctor for ~~such~~ the examination shall be paid in the same manner 10347  
as fees are paid to doctors employed by the industrial commission 10348  
for special medical examinations. 10349

The chief may remove any member of a rescue crew for any 10350  
reason. Such crews shall be subject to the orders of the chief, 10351  
the superintendent, and the deputy mine inspectors when engaged in 10352  
actual mine rescue work. Mine rescue crews shall, in case of death 10353  
or injury when engaged in rescue work, wherever the same may 10354  
occur, be paid compensation, or their dependents shall be paid 10355  
death benefits, from the workers' compensation fund, in the same 10356  
manner as other employees of the state. 10357

(C) In addition to the training of rescue crews, each 10358  
assistant superintendent of rescue stations, with the approval of 10359  
the superintendent, shall provide for and conduct safety, first 10360  
aid, and rescue classes at any mine or for any group of miners who 10361  
make application for the conducting of such classes. The chief may 10362  
assess a fee for safety and first aid classes for the purpose of 10363  
covering the costs associated with providing those classes. The 10364  
chief shall establish a fee schedule for safety and first aid 10365

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classes by rule adopted in accordance with Chapter 119. of the 10366  
Revised Code. Fees collected under this section shall be deposited 10367  
in the surface mining fund created in section 1514.06 of the 10368  
Revised Code. 10369

The superintendent shall prescribe and provide for a uniform 10370  
 schedule of conducting such safety and rescue classes as will 10371  
 provide a competent knowledge of modern safety and rescue methods 10372  
 in, at, and about mines. 10373

**Sec. 1561.35.** If the deputy mine inspector finds that any 10374  
 matter, thing, or practice connected with any mine and not 10375  
 prohibited specifically by law is dangerous or hazardous, or that 10376  
 from a rigid enforcement of this chapter and Chapters 1509., 10377  
 1563., 1565., and 1567. of the Revised Code, the matter, thing, or 10378  
 practice would become dangerous and hazardous so as to tend to the 10379  
 bodily injury of any person, the deputy mine inspector forthwith 10380  
 shall give notice in writing to the owner, lessee, or agent of the 10381  
 mine of the particulars in which the deputy mine inspector 10382  
 considers the mine or any matter, thing, or practice connected 10383  
 therewith is dangerous or hazardous and recommend changes that the 10384  
 conditions require, and forthwith shall mail a copy of the report 10385  
 and the deputy mine inspector's recommendations to the chief of 10386  
 the division of mineral resources management. Upon receipt of the 10387  
 report and recommendations, the chief forthwith shall make a 10388  
 finding thereon and mail a copy to the owner, operator, lessee, or 10389  
 agent of the mine, and to the deputy mine inspector; a copy of the 10390  
 finding of the chief shall be posted upon the bulletin board of 10391  
 the mine. Where the miners have a mine safety committee, one 10392  
 additional copy shall be posted on the bulletin board for the use 10393  
 and possession of the committee. 10394

The owner, operator, lessee, or agent of the mine, or the 10395  
 authorized representative of the workers of the mine, within ten 10396  
 days may appeal to the ~~mine-examining board~~ reclamation commission 10397

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for a review and redetermination of the finding of the chief in 10398  
the matter in accordance with section ~~1561.53~~ 1513.13 of the 10399  
Revised Code, notwithstanding division (A)(1) of that section, 10400  
which provides for appeals within thirty days. A copy of the 10401  
decision of the ~~board~~ commission shall be mailed as required by 10402  
this section for the mailing of the finding by the chief on the 10403  
deputy mine inspector's report. 10404

**Sec. 1561.351.** A deputy mine inspector who makes a finding 10405  
concerning a violation of this chapter or Chapter 1563., 1565., or 10406  
1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 10407  
1509.17, or 1509.18 of the Revised Code that involves mining 10408  
safety shall notify the chief of the division of mineral resources 10409  
management of the finding. The chief shall review the inspector's 10410  
finding, make a written determination regarding it, and provide a 10411  
copy of the written determination to the owner, operator, lessee, 10412  
or agent of the mine involved. The chief shall provide a copy of 10413  
the written determination to any other interested party upon 10414  
request. 10415

A person, such as an owner, operator, lessee, or agent of the 10416  
mine or the authorized representative of the workers of the mine, 10417  
who has an interest that is or may be adversely affected by the 10418  
chief's determination may appeal the determination, not later than 10419  
ten days after receiving notice of the determination, to the ~~mine~~ 10420  
~~examining board~~ reclamation commission by filing a copy of the 10421  
chief's written determination with the ~~board~~ commission, 10422  
notwithstanding division (A)(1) of section 1513.13 of the Revised 10423  
Code, which provides for appeals within thirty days. The ~~board~~ 10424  
commission shall hear the appeal in accordance with section 10425  
~~1561.53~~ 1513.13 of the Revised Code. 10426

**Sec. 1561.46.** Fees received by the ~~mine examining board~~ chief 10427  
of the division of mineral resources management under sections 10428



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1561.16 to 1561.22 of the Revised Code shall be paid by the 10429  
~~secretary of the board~~ chief into the state treasury to the credit 10430  
of the mining regulation fund created in section 1561.48 of the 10431  
Revised Code. 10432

**Sec. 1561.51.** When written charges of neglect of duty, 10433  
incompetency, or malfeasance in office against the deputy mine 10434  
inspector are filed with the chief of the division of mineral 10435  
resources management, signed by not less than fifteen employees, 10436  
or otherwise as provided in section 1561.50 of the Revised Code, 10437  
or the owner, lessee, or agent of a mine, and the signers of the 10438  
charges are dissatisfied with the result of the investigation made 10439  
by the chief, they may appeal to the ~~mine examining board~~ 10440  
reclamation commission by filing the same charges against the 10441  
deputy mine inspector and a copy of the report of the 10442  
investigation made by the chief in the matter with the ~~board~~ 10443  
commission, and the ~~board~~ commission shall hear the appeal in 10444  
accordance with section ~~1561.53~~ 1513.13 of the Revised Code. The 10445  
~~board~~ commission shall mail a copy of its decision to the 10446  
complainant whose name appears first in the charges. 10447

**Sec. 1561.52.** On receipt of a notice pursuant to section 10448  
3123.43 of the Revised Code, the ~~mine examining board~~ chief of the 10449  
division of mineral resources management shall comply with 10450  
sections 3123.41 to 3123.50 of the Revised Code and any applicable 10451  
rules adopted under section 3123.63 of the Revised Code with 10452  
respect to a certificate issued pursuant to this chapter. 10453

**Sec. 1563.13.** When a deputy mine inspector considers that the 10454  
ways and means of egress in any underground mine from the interior 10455  
working places to the surface are inadequate as a safe and ready 10456  
means of escape in case of emergency, from danger of fire at any 10457  
point, or any other cause that may result in the entombment of 10458

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persons working in the mine, the deputy mine inspector shall give 10459  
 notice in writing to the owner, lessee, or agent of the mine of 10460  
 the particular in which the deputy mine inspector considers the 10461  
 conditions dangerous, recommending any changes that the conditions 10462  
 require, and forthwith shall mail a copy of the deputy mine 10463  
 inspector's recommendations to the chief of the division of 10464  
 mineral resources management. Upon receipt of the recommendations, 10465  
 the chief forthwith shall make a finding concerning them and mail 10466  
 a copy to the operator of the mine and to the deputy mine 10467  
 inspector. A copy of the finding of the chief shall be posted upon 10468  
 the bulletin board at the time. 10469

The operator of the mine, or the authorized representative of 10470  
 the workers of the mine, within ten days may appeal to the ~~mine~~ 10471  
~~examining board~~ reclamation commission for a review and 10472  
 redetermination of the finding of the chief in the matter in 10473  
 accordance with section ~~1561.53~~ 1513.13 of the Revised Code, 10474  
notwithstanding division (A)(1) of that section, which provides 10475  
for appeals within thirty days. A copy of the decision of the 10476  
~~board~~ commission shall be mailed as required by this section for 10477  
 the mailing of the finding by the chief on the deputy mine 10478  
 inspector's report. 10479

No operator of a mine shall refuse or neglect to comply with 10480  
 this section. 10481

**Sec. 1565.04.** The operator of each mine who is an employer as 10482  
 defined in section 4123.01 of the Revised Code, or any mine 10483  
~~working with~~ three or more men workers, shall employ a certified 10484  
~~mine foreman~~ foreperson. In gaseous mines, only a holder of a mine 10485  
~~foreman~~ foreperson of gaseous mines certificate ~~which that~~ 10486  
contains a notation by the ~~mine-examining board~~ chief of the 10487  
division of mineral resources management showing the holder to be 10488  
 at least twenty-three years of age and have at least five years' 10489  
 actual practical experience in gaseous mines shall be employed as 10490

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the mine ~~foreman~~ foreperson. In other mines, the mine ~~foreman~~ 10491  
foreperson shall be a holder of a mine ~~foreman~~ foreperson of 10492  
nongaseous mines certificate ~~which~~ that contains a notation by the 10493  
~~mine examining board~~ chief showing the holder to be at least 10494  
twenty-one years of age and have at least three years' actual 10495  
practical experience in mines. All such mines shall have at least 10496  
one certified ~~foreman~~ foreperson on duty at all times when ~~men~~ 10497  
workers are employed in the loading or mining of coal. 10498

No operator of a mine shall refuse or neglect to comply with 10499  
this section. 10500

**Sec. 1565.06.** (A) In emergencies arising at a mine because of 10501  
accident, death, illness, or any other cause, an operator may 10502  
appoint noncertificate persons as forepersons and fire bosses to 10503  
act until certified forepersons and fire bosses satisfactory to 10504  
the operator can be secured. Such appointee may not serve in such 10505  
capacity for a period longer than six months or until such time 10506  
thereafter as an examination is held for such certified persons 10507  
under section 1561.13 of the Revised Code. The employer of such 10508  
noncertificate person shall, upon appointment of such 10509  
noncertificate person in this capacity, forward the name of such 10510  
noncertificate person to the chief of the division of mineral 10511  
resources management. 10512

(B) An operator may appoint as a temporary foreperson or fire 10513  
boss a noncertificate person who is within six months of 10514  
possessing the necessary actual practical experience to qualify to 10515  
take the examination for certification for the position to which 10516  
the person is temporarily appointed. Upon appointment of a 10517  
noncertificate person, the operator shall forward the name, social 10518  
security number, and brief summary of the person's actual 10519  
practical experience to the ~~mine examining board~~ chief, and the 10520  
~~board~~ chief shall issue the person a temporary certificate for the 10521  
position to which the person has been temporarily appointed. A 10522

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temporary certificate issued under this division is valid for six 10523  
months or until such time thereafter as an examination is held 10524  
under section 1561.13 of the Revised Code for the position to 10525  
which the person has been temporarily appointed. 10526

(C) A person who possesses a valid certificate issued by 10527  
another state for a position for which the ~~mine examining board~~ 10528  
chief issues a certificate shall be eligible for a temporary 10529  
certificate from the ~~board~~ chief upon presentation to the ~~board~~ 10530  
chief of a copy of the certificate from that other state. A 10531  
temporary certificate issued under this division shall be valid 10532  
for six months. 10533

No operator of a mine shall violate or fail to comply with 10534  
this section. 10535

**Sec. 1565.07.** The superintendent in charge of a mine shall 10536  
direct the mine foreperson in such manner as is necessary to 10537  
secure compliance with this chapter and Chapters 1561., 1563., and 10538  
1567. and sections 1509.18 and 1509.19 of the Revised Code. The 10539  
superintendent may act as mine foreperson, but if the 10540  
superintendent does so act regularly, the superintendent shall 10541  
obtain a certificate from the ~~mine examining board~~ chief of the 10542  
division of mineral resources management in the same manner as the 10543  
certification of mine foreperson is obtained. 10544

A person designated as a superintendent of an underground 10545  
coal mine after January 1, 1977, shall, within six months after 10546  
being so designated, demonstrate to the chief ~~of the division of~~ 10547  
~~mineral resources management~~ that the person has knowledge of the 10548  
mining laws of this state governing the operation of underground 10549  
coal mines either by presenting evidence that the person has 10550  
passed a mine foreperson examination given by the ~~mine examining~~ 10551  
~~board~~ chief or an examination given by the chief concerning the 10552  
laws of this state governing the operation of underground coal 10553

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mines.	10554
No person shall refuse or neglect to comply with this	10555
section.	10556
<b>Sec. 1565.08.</b> If a person certified by the <del>mine-examining</del>	10557
<del>board</del> <u>chief of the division of mineral resources management</u>	10558
purposely violates the mining laws, the person's certificate may	10559
be revoked <u>by the chief</u> after investigation and a hearing in	10560
accordance with Chapter 119. of the Revised Code, <del>by the chief of</del>	10561
<del>the division of mineral resources management, with the approval of</del>	10562
<del>the mine-examining board.</del>	10563
No person whose license, certificate, or similar authority to	10564
perform any certifiable mining duties in another state is	10565
suspended or revoked by that state shall be certified for an	10566
equivalent mining certificate in this state during the period of	10567
the suspension or revocation in the other state.	10568
<b>Sec. 1565.25.</b> On receipt of a notice pursuant to section	10569
3123.43 of the Revised Code, the <del>mine-examining board</del> <u>chief of the</u>	10570
<u>division of mineral resources management</u> shall comply with	10571
sections 3123.41 to 3123.50 of the Revised Code and any applicable	10572
rules adopted under section 3123.63 of the Revised Code with	10573
respect to a certificate issued pursuant to this chapter.	10574
<b>Sec. 1701.05.</b> (A) Except as provided in this section, and in	10575
sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which	10576
sections relate to the reorganization, merger, and consolidation	10577
of corporations, the corporate name of a domestic corporation	10578
shall comply with all of the following:	10579
(1) It shall end with or include the word or abbreviation	10580
"company," "co.," "corporation," "corp.," "incorporated," or	10581
"inc."	10582

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(2) It shall be distinguishable upon the records in the office of the secretary of state from all of the following:	10583 10584
(a) The name of any other corporation, whether nonprofit or for profit and whether that of a domestic or of a foreign corporation authorized to do business in this state;	10585 10586 10587
(b) The name of any limited liability company registered in the office of the secretary of state pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign;	10588 10589 10590
(c) The name of any limited liability partnership registered in the office of the secretary of state pursuant to Chapter 1775. of the Revised Code, whether domestic or foreign;	10591 10592 10593
(d) The name of any limited partnership registered in the office of the secretary of state pursuant to Chapter 1782. of the Revised Code, whether domestic or foreign;	10594 10595 10596
(e) Any trade name the exclusive right to which is at the time in question registered in the office of the secretary of state pursuant to Chapter 1329. of the Revised Code.	10597 10598 10599
(3) It shall not contain any language that indicates or implies that the corporation is connected with a government agency of this state, another state, or the United States.	10600 10601 10602
(B) The secretary of state shall determine for purposes of this section whether a name is "distinguishable" from another name upon the secretary of state's records. Without excluding other names that may not constitute distinguishable names in this state, a name is not considered distinguishable from another name for purposes of this section solely because it differs from the other name in only one or more of the following manners:	10603 10604 10605 10606 10607 10608 10609
(1) The use of the word "corporation," "company," "incorporated," "limited," or any abbreviation of any of those words;	10610 10611 10612

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(2) The use of any article, conjunction, contraction, abbreviation, or punctuation; 10613  
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(3) The use of a different tense or number of the same word. 10615

(C) A corporation may apply to the secretary of state for authorization to use a name that is not distinguishable upon the secretary of state's records from the name of any other corporation, limited liability company, limited liability partnership, or limited partnership, or from a registered trade name, if there also is filed in the office of the secretary of state, on a form prescribed by the secretary of state, the consent of the other entity or, in the case of a registered trade name, the person in whose name is registered the exclusive right to use the name, which consent is evidenced in a writing signed by any authorized officer or any authorized representative of the other entity or person. 10616  
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(D) In case of judicial sale or judicial transfer, by sale or transfer of good will or otherwise, of the right to use the name of a corporation, whether nonprofit or for profit, and whether that of a domestic corporation or of a foreign corporation authorized to exercise its corporate privileges in this state or to do business in this state, the secretary of state, at the instance of the purchaser or transferee of such right, shall accept for filing articles of a corporation with a name the same as or similar to the name of such other corporation, if there also is filed in the office of the secretary of state a certified copy of the decree or order of court confirming or otherwise evidencing the purchase or transfer. 10628  
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(E) Any person who wishes to reserve a name for a proposed new corporation, or any corporation intending to change its name, may submit to the secretary of state a written application, on a form prescribed by the secretary of state, for the exclusive right to use a specified name as the name of a corporation. If the 10640  
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secretary of state finds that, under this section, the specified  
name is available for such use, the secretary of state shall file  
the application and, from the date of the filing, the 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 ~~sixty~~ one hundred eighty  
days. The right so obtained may be transferred by the applicant or  
other holder thereof 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. 1701.07.** (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 corporation or a foreign 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 that is signed by the incorporators of the  
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



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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

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that a copy of the notice has been sent to the corporation within 10708  
the time and in the manner prescribed by this division. Upon the 10709  
expiration of thirty days after the filing, the authority of the 10710  
agent shall terminate. 10711

(G) A corporation may revoke the appointment of an agent by 10712  
filing with the secretary of state, on a form prescribed by the 10713  
secretary of state, a written appointment of another agent and a 10714  
statement that the appointment of the former agent is revoked. 10715

(H) Any process, notice, or demand required or permitted by 10716  
statute to be served upon a corporation may be served upon the 10717  
corporation by delivering a copy of it to its agent, if a natural 10718  
person, or by delivering a copy of it at the address of its agent 10719  
in this state, as the address appears upon the record in the 10720  
office of the secretary of state. If (1) the agent cannot be 10721  
found, or (2) the agent no longer has that address, or (3) the 10722  
corporation has failed to maintain an agent as required by this 10723  
section, and if in any such case the party desiring that the 10724  
process, notice, or demand be served, or the agent or 10725  
representative of the party, shall have filed with the secretary 10726  
of state an affidavit stating that one of the foregoing conditions 10727  
exists and stating the most recent address of the corporation that 10728  
the party after diligent search has been able to ascertain, then 10729  
service of process, notice, or demand upon the secretary of state, 10730  
as the agent of the corporation, may be initiated by delivering to 10731  
the secretary of state or at the secretary of state's office 10732  
quadruplicate copies of such process, notice, or demand and by 10733  
paying to the secretary of state a fee of five dollars. The 10734  
secretary of state shall forthwith give notice of the delivery to 10735  
the corporation at its principal office as shown upon the record 10736  
in the secretary of state's office and at any different address 10737  
shown on its last franchise tax report filed in this state, or to 10738  
the corporation at any different address set forth in the above 10739

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mentioned affidavit, and shall forward to the corporation at said 10740  
addresses, by certified mail, with request for return receipt, a 10741  
copy of the process, notice, or demand; and thereupon service upon 10742  
the corporation shall be deemed to have been made. 10743

(I) The secretary of state shall keep a record of each 10744  
process, notice, and demand delivered to the secretary of state or 10745  
at the secretary of state's office under this section or any other 10746  
law of this state that authorizes service upon the secretary of 10747  
state, and shall record the time of the delivery and the action 10748  
thereafter with respect thereto. 10749

(J) This section does not limit or affect the right to serve 10750  
any process, notice, or demand upon a corporation in any other 10751  
manner permitted by law. 10752

(K) Every corporation shall state in each annual report filed 10753  
by it with the department of taxation the name and address of its 10754  
statutory agent. 10755

(L) Except when an original appointment of an agent is filed 10756  
with the original articles, a written appointment of an agent or a 10757  
written statement filed by a corporation with the secretary of 10758  
state shall be signed by any authorized officer of the corporation 10759  
or by the incorporators of the corporation or a majority of them 10760  
if no directors have been elected. 10761

(M) For filing a written appointment of an agent other than 10762  
one filed with original articles, and for filing a statement of 10763  
change of address of an agent, the secretary of state shall charge 10764  
and collect ~~a~~ the fee specified in division (R) of three dollars 10765  
section 111.16 of the Revised Code. 10766

(N) Upon the failure of a corporation to appoint another 10767  
agent or to file a statement of change of address of an agent, the 10768  
secretary of state shall give notice thereof by certified mail to 10769  
the corporation at the address set forth in the notice of 10770

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resignation or on the last franchise tax return filed in this state by the corporation. Unless the default is cured within thirty days after the mailing by the secretary of state of the notice or within any further period of time that the secretary of state grants, upon the expiration of that period of time from the date of the mailing, the articles of the corporation shall be canceled without further notice or action by the secretary of state. The secretary of state shall make a notation of the cancellation on the secretary of state's records.

A corporation whose articles have been canceled may be reinstated by filing, on a form prescribed by the secretary of state, an application for reinstatement and the required appointment of agent or required statement, and by paying ~~a~~ the filing fee specified in division (O) of ~~ten dollars~~ section 111.16 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1701.922 of the Revised Code. The secretary of state shall furnish the tax commissioner a monthly list of all corporations canceled and reinstated under this division.

(O) This section does not apply to banks, trust companies, insurance companies, or any corporation defined under the laws of this state as a public utility for taxation purposes.

**Sec. 1701.81.** (A) Upon adoption by each constituent entity of an agreement of merger or consolidation pursuant to section 1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the Revised Code, a certificate of merger or consolidation shall be filed with the secretary of state that is signed by any authorized representative of each constituent corporation, partnership, or other 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 forth all of the following:
- (a) The name and the form of entity of each constituent entity and the state under the laws of which each constituent entity exists;
  - (b) A statement that each constituent entity has complied with all of the laws under which it exists and that the laws permit the merger or consolidation;
  - (c) The name and mailing address of the person or entity that is to provide, in response to any written request made by a shareholder, partner, or other equity holder of a constituent entity, a copy of the agreement of merger or consolidation;
  - (d) The effective date of the merger or consolidation, which date may be on or after the date of the filing of the certificate;
  - (e) The signature of each representative authorized to sign the certificate on behalf of each constituent entity and the office held or the capacity in which the representative is acting;
  - (f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that each person who signed the certificate on behalf of each entity is authorized to do so;
  - (g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;
  - (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;

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(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 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.

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(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.

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(D) Upon the filing of a certificate of merger or consolidation and other filings as described in division (C) of this section or at such later date as the certificate of merger or consolidation specifies, the merger or consolidation is effective.

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(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 the 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 and collect the same fee as in the case of deeds.

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**Sec. 1702.05.** (A) Except as provided in this section and in sections 1702.41 and 1702.45 of the Revised Code, the secretary of

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state shall not accept for filing in the secretary of state's 10895  
 office any articles if the corporate name set forth in the 10896  
 articles is not distinguishable upon the secretary of state's 10897  
 records from any of the following: 10898

(1) The name of any other corporation, whether a nonprofit 10899  
 corporation or a business corporation and whether that of a 10900  
 domestic or of a foreign corporation authorized to do business in 10901  
 this state; 10902

(2) The name of any limited liability company registered in 10903  
 the office of the secretary of state pursuant to Chapter 1705. of 10904  
 the Revised Code, whether domestic or foreign; 10905

(3) The name of any limited liability partnership registered 10906  
 in the office of the secretary of state pursuant to Chapter 1775. 10907  
 of the Revised Code, whether domestic or foreign; 10908

(4) The name of any limited partnership registered in the 10909  
 office of the secretary of state pursuant to Chapter 1782. of the 10910  
 Revised Code, whether domestic or foreign; 10911

(5) Any trade name, the exclusive right to which is at the 10912  
 time in question registered in the office of the secretary of 10913  
 state pursuant to Chapter 1329. of the Revised Code. 10914

(B) The secretary of state shall determine for purposes of 10915  
 this section whether a name is "distinguishable" from another name 10916  
 upon the secretary of state's records. Without excluding other 10917  
 names that may not constitute distinguishable names in this state, 10918  
 a name is not considered distinguishable from another name for 10919  
 purposes of this section solely because it differs from the other 10920  
 name in only one or more of the following manners: 10921

(1) The use of the word "corporation," "company," 10922  
 "incorporated," "limited," or any abbreviation of any of those 10923  
 words; 10924

(2) The use of any article, conjunction, contraction, 10925



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abbreviation, or punctuation; 10926

(3) The use of a different tense or number of the same word. 10927

(C) A corporation may apply to the secretary of state for 10928  
authorization to use a name that is not distinguishable upon the 10929  
secretary of state's records from the name of any other 10930  
corporation, any limited liability company, limited liability 10931  
partnership, or limited partnership, or from a registered trade 10932  
name, if there also is filed in the office of the secretary of 10933  
state, on a form prescribed by the secretary of state, the consent 10934  
of the other entity, or, in the case of a registered trade name, 10935  
the person in whose name is registered the exclusive right to use 10936  
the name, which consent is evidenced in a writing signed by any 10937  
authorized officer or authorized representative of the other 10938  
entity or person. 10939

(D) In case of judicial sale or judicial transfer, by sale or 10940  
transfer of good will or otherwise, of the right to use the name 10941  
of a nonprofit corporation or business corporation, whether that 10942  
of a domestic corporation or of a foreign corporation authorized 10943  
to exercise its corporate privileges in this state or to do 10944  
business in this state, the secretary of state, at the instance of 10945  
the purchaser or transferee of such right, shall accept for filing 10946  
articles of a corporation with a name the same as or similar to 10947  
the name of such other corporation, if there also is filed in the 10948  
office of the secretary of state a certified copy of the decree or 10949  
order of court confirming or otherwise evidencing the purchase or 10950  
transfer. 10951

(E) Any person who wishes to reserve a name for a proposed 10952  
new corporation, or any corporation intending to change its name, 10953  
may submit to the secretary of state a written application, on a 10954  
form prescribed by the secretary of state, for the exclusive right 10955  
to use a specified name as the name of a corporation. If the 10956  
secretary of state finds that, under this section, the specified 10957

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name is available for such use, the secretary of state shall file 10958  
such application, and, from the date of such filing, such 10959  
applicant shall have the exclusive right for ~~sixty~~ one hundred 10960  
eighty days to use the specified name as the name of a 10961  
corporation, counting the date of such filing as the first of the 10962  
~~sixty~~ one hundred eighty days. The right so obtained may be 10963  
transferred by the applicant or other holder of the right by the 10964  
filing in the office of the secretary of state of a written 10965  
transfer, on a form prescribed by the secretary of state, stating 10966  
the name and address of the transferee. 10967

~~(F) For filing under this section any application or other 10968  
document, other than articles or a consent to the use of a name, 10969  
the secretary of state shall charge and collect a fee of five 10970  
dollars. 10971~~

**Sec. 1702.06.** (A) Every corporation shall have and maintain 10972  
an agent, sometimes referred to as the "statutory agent," upon 10973  
whom any process, notice, or demand required or permitted by 10974  
statute to be served upon a corporation may be served. The agent 10975  
may be a natural person who is a resident of this state, or may be 10976  
a domestic or foreign business corporation holding a license as 10977  
such under the laws of this state that is authorized by its 10978  
articles of incorporation to act as such agent, and that has a 10979  
business address in this state. 10980

(B) The secretary of state shall not accept original articles 10981  
for filing unless there is filed with the articles a written 10982  
appointment of an agent signed by the incorporators of the 10983  
corporation or a majority of them and a written acceptance of the 10984  
appointment signed by the agent. In all other cases, the 10985  
corporation shall appoint the agent and shall file in the office 10986  
of the secretary of state a written appointment of the agent that 10987  
is signed by any authorized officer of the corporation and a 10988

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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 that agent.

(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.

(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  
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

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agent shall terminate. 11021

(G) A corporation may revoke the appointment of an agent by 11022  
filing with the secretary of state, on a form prescribed by the 11023  
secretary of state, a written appointment of another agent and a 11024  
statement that the appointment of the former agent is revoked. 11025

(H) Any process, notice, or demand required or permitted by 11026  
statute to be served upon a corporation may be served upon the 11027  
corporation by delivering a copy of it to its agent, if a natural 11028  
person, or by delivering a copy of it at the address of its agent 11029  
in this state, as such address appears upon the record in the 11030  
office of the secretary of state. If (1) the agent cannot be 11031  
found, or (2) the agent no longer has that address, or (3) the 11032  
corporation has failed to maintain an agent as required by this 11033  
section, and if in any such case the party desiring that such 11034  
process, notice, or demand be served, or the agent or 11035  
representative of the party, shall have filed with the secretary 11036  
of state an affidavit stating that one of the foregoing conditions 11037  
exists and stating the most recent address of the corporation that 11038  
the party after diligent search has been able to ascertain, then 11039  
service of process, notice, or demand upon the secretary of state, 11040  
as the agent of the corporation, may be initiated by delivering to 11041  
the secretary of state or at the secretary of state's office 11042  
triplicate copies of such process, notice, or demand and by paying 11043  
to the secretary of state a fee of five dollars. The secretary of 11044  
state shall forthwith give notice of such delivery to the 11045  
corporation at its principal office as shown upon the record in 11046  
the secretary of state's office and also to the corporation at any 11047  
different address set forth in the above mentioned affidavit, and 11048  
shall forward to the corporation at each of those addresses, by 11049  
certified mail, with request for return receipt, a copy of such 11050  
process, notice, or demand; and thereupon service upon the 11051  
corporation shall be deemed to have been made. 11052

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(I) The secretary of state shall keep a record of each process, notice, and demand delivered to the secretary of state or at the secretary of state's office under this section or any other law of this state that authorizes service upon the secretary of state, and shall record the time of such delivery and the secretary of state's action thereafter with respect thereto.

(J) This section does not limit or affect the right to serve any process, notice, or demand upon a corporation in any other manner permitted by law.

(K) Except when an original appointment of an agent is filed with the original articles, a written appointment of an agent or a written statement filed by a corporation with the secretary of state shall be signed by any authorized officer of the corporation or by the incorporators of the corporation or a majority of them if no directors have been elected.

(L) For filing a written appointment of an agent other than one filed with original articles, and for filing a statement of change of address of an agent, the secretary of state shall charge and collect ~~a the fee specified in division (R) of three dollars~~ section 111.16 of the Revised Code.

(M) Upon the failure of any corporation to appoint another agent or to file a statement of change of address of an agent, the secretary of state shall give notice thereof by certified mail to the corporation at the address set forth in the notice of resignation or on the most recent statement of continued existence 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.

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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;

(b) A statement that each constituent entity has complied with all of the laws under which it exists and that the laws permit the merger or consolidation;

(c) The name and mailing address of the person or entity that is to provide, in response to any written request made by a member

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or other person, a copy of the agreement of merger or  
consolidation; 11115  
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(d) The effective date of the merger or consolidation, which  
date may be on or after the date of the filing of the certificate; 11117  
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(e) The signature of each representative authorized to sign  
the certificate on behalf of each constituent entity and the  
office each representative authorized to sign holds or the  
capacity in which the representative is acting; 11119  
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(f) A statement that the agreement of merger or consolidation  
is authorized on behalf of each constituent entity and that each  
person who signed the certificate on behalf of each entity is  
authorized to do so; 11123  
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(g) In the case of a merger, a statement that one or more  
specified constituent entities will be merged into a specified  
surviving entity or, in the case of a consolidation, a statement  
that the constituent entities will be consolidated into a new  
entity; 11127  
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(h) In the case of a merger, if the surviving entity is a  
foreign entity not licensed to transact business in this state,  
the name and address of the statutory agent upon whom any process,  
notice, or demand may be served; 11132  
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(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. 11136  
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(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. 11139  
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(3) In the case of a merger into a domestic corporation, the  
certificate of merger shall be accompanied by a copy of any 11143  
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amendments to the articles of incorporation of the surviving 11145  
domestic corporation. 11146

(4) If the surviving or new entity is a foreign entity that 11147  
desires to transact business in this state as a foreign 11148  
corporation, the certificate of merger or consolidation shall 11149  
contain a statement to that effect and a statement with respect to 11150  
the appointment of the statutory agent and with respect to the 11151  
consent to service of any process, notice, or demand upon that 11152  
statutory agent or the secretary of state, as required when a 11153  
foreign corporation applies for a certificate authorizing it to 11154  
transact business in this state. 11155

(5) If a domestic or foreign corporation licensed to transact 11156  
business in this state is a constituent entity and the surviving 11157  
or new entity resulting from the merger or consolidation is not a 11158  
domestic or foreign corporation that is to be licensed to transact 11159  
business in this state, the certificate of merger or consolidation 11160  
shall be accompanied by the affidavits, receipts, certificates, or 11161  
other evidence required by division (G) of section 1702.47 of the 11162  
Revised Code, with respect to each domestic corporation, and by 11163  
the affidavits, receipts, certificates, or other evidence required 11164  
by division (C) or (D) of section 1703.17 of the Revised Code, 11165  
with respect to each foreign constituent corporation licensed to 11166  
transact business in this state. 11167

(B) If any constituent entity in a merger or consolidation is 11168  
organized or formed under the laws of a state other than this 11169  
state or under any chapter of the Revised Code other than this 11170  
chapter, there also shall be filed in the proper office all 11171  
documents that are required to be filed in connection with the 11172  
merger or consolidation by the laws of that state or by that 11173  
chapter. 11174

(C) Upon the filing of a certificate of merger or 11175  
consolidation and other filings as described in division (B) of 11176



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this section, or at such later date as the certificate of merger  
 or consolidation specifies, the merger or consolidation shall  
 become effective.

(D) 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, a certificate setting forth  
 the name of each constituent entity and the state under whose laws  
 each constituent entity existed prior to the merger or  
 consolidation, the name of the surviving or new entity and the  
 state under whose laws 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 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 and collect the  
 same fee as in the case of deeds.

**Sec. 1702.59.** (A) Every nonprofit corporation, incorporated  
 under the general corporation laws of this state, or previous  
 laws, or under special provisions of the Revised Code, or created  
 before September 1, 1851, which corporation has expressly or  
 impliedly elected to be governed by the laws passed since that  
 date, and whose articles or other documents are filed with the  
 secretary of state, shall file with the secretary of state a  
 verified statement of continued existence, signed by a director,  
 officer, or three members in good standing, setting forth the  
 corporate name, the place where the principal office of the  
 corporation is located, the date of incorporation, the fact that  
 the corporation is still actively engaged in exercising its  
 corporate privileges, and the name and address of its agent

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appointed pursuant to section 1702.06 of the Revised Code. 11209

(B) Each corporation required to file a statement of 11210  
continued existence shall file it with the secretary of state 11211  
within each five years after the date of incorporation or of the 11212  
last corporate filing. ~~For filing such statements of continued 11213  
existence, the secretary of state shall charge and collect a fee 11214  
of five dollars.~~ 11215

(C) Corporations specifically exempted by division (N) of 11216  
section 1702.06 of the Revised Code, or whose activities are 11217  
regulated or supervised by another state official, agency, bureau, 11218  
department, or commission are exempted from this section. 11219

(D) The secretary of state shall give notice in writing and 11220  
provide a form for compliance with this section to each 11221  
corporation required by this section to file the statement of 11222  
continued existence, such notice and form to be mailed to the last 11223  
known address of the corporation as it appears on the records of 11224  
the secretary of state or which the secretary of state may 11225  
ascertain upon a reasonable search. 11226

(E) ~~In the event~~ If any nonprofit corporation required by 11227  
this section to file a statement of continued existence fails to 11228  
file the statement required every fifth year, then the secretary 11229  
of state shall cancel the articles of such corporation, make a 11230  
notation of the cancellation on the records, and mail to the 11231  
corporation a certificate of the action so taken. 11232

(F) A corporation whose articles have been canceled may be 11233  
reinstated by filing an application for reinstatement and paying 11234  
to the secretary of state ~~a~~ the fee specified in division (Q) of 11235  
~~ten dollars~~ section 111.16 of the Revised Code. The name of a 11236  
corporation whose articles have been canceled shall be reserved 11237  
for a period of one year after the date of cancellation. If the 11238  
reinstatement is not made within one year from the date of the 11239  
cancellation of its articles of incorporation and it appears that 11240

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a corporate name, limited liability company name, limited  
 liability partnership name, limited partnership name, or trade  
 name has been filed, the name of which is not distinguishable upon  
 the record as provided in section 1702.06 of the Revised Code, the  
 applicant for reinstatement shall be required by the secretary of  
 state, as a condition prerequisite to such reinstatement, to amend  
 its articles by changing its name. A certificate of reinstatement  
 may be filed in the recorder's office of any county in the state,  
 for which the recorder shall charge and collect a fee of one  
 dollar. The rights, privileges, and franchises of a corporation  
 whose articles have been reinstated are subject to section 1702.60  
 of the Revised Code.

(G) The secretary of state shall furnish the tax commissioner  
 a list of all corporations failing to file the required statement  
 of continued existence.

**Sec. 1703.04.** (A) To procure a license to transact business  
 in this state, a foreign corporation for profit shall file with  
 the secretary of state a certificate of good standing or  
 subsistence, dated not earlier than ninety days prior to the  
 filing of the application, under the seal of the secretary of  
 state, or other proper official, of the state under the laws of  
 which said corporation was incorporated, setting forth:

(1) The exact corporate title;

(2) The date of incorporation;

(3) The fact that the corporation is in good standing or is a  
 subsisting corporation.

(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:

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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; 11272  
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- (2) The name of the state under the laws of which it was incorporated; 11275  
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- (3) The location and complete address of its principal office; 11277  
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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; 11279  
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11281
- (5) The appointment of a designated agent and the complete address of such agent; 11282  
11283
- (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; 11284  
11285  
11286  
11287
- (7) A brief summary of the corporate purposes to be exercised within this state. 11288  
11289
- ~~(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.~~ 11290  
11291  
11292  
11293
- ~~(D)~~(1) No such application for a license shall be accepted for filing if it appears that the name of the foreign corporation is prohibited by law or is not distinguishable upon the records in the office of the secretary of state from the name of any other corporation, whether nonprofit or for profit and whether that of a domestic corporation or of a foreign corporation authorized to transact business in this state, the name of a limited liability company registered in the office of the secretary of state 11294  
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11301

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pursuant to Chapter 1705. of the Revised Code, whether domestic or 11302  
foreign, the name of any limited liability partnership registered 11303  
in the office of the secretary of state pursuant to Chapter 1775. 11304  
of the Revised Code, whether domestic or foreign, the name of any 11305  
limited partnership registered in the office of the secretary of 11306  
state pursuant to Chapter 1782. of the Revised Code, whether 11307  
domestic or foreign, or a trade name to which the exclusive right 11308  
at the time in question is registered in the manner provided in 11309  
Chapter 1329. of the Revised Code, unless there also is filed with 11310  
the secretary of state, on a form prescribed by the secretary of 11311  
state, the consent of the other entity or person to the use of the 11312  
name, evidenced in a writing signed by any authorized officer of 11313  
the other entity or authorized representative of the other person 11314  
owning the exclusive right to the registered trade name. 11315

(2) Notwithstanding division ~~(D)~~(C)(1) of this section, if an 11316  
application for a license is not acceptable for filing solely 11317  
because the name of the foreign corporation is not distinguishable 11318  
from the name of another entity or registered trade name, the 11319  
foreign corporation may be authorized to transact business in this 11320  
state by filing with the secretary of state, in addition to those 11321  
items otherwise prescribed by this section, a statement signed by 11322  
an authorized officer directing the foreign corporation to make 11323  
application for a license to transact business in this state under 11324  
an assumed business name or names that comply with the 11325  
requirements of this division and stating that the foreign 11326  
corporation will transact business in this state only under the 11327  
assumed name or names. The application for a license shall be on a 11328  
form prescribed by the secretary of state. 11329

**Sec. 1703.041.** (A) Every foreign corporation for profit that 11330  
is licensed to transact business in this state, and every foreign 11331  
nonprofit corporation that is licensed to exercise its corporate 11332  
privileges in this state, shall have and maintain an agent, 11333

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sometimes referred to as the "designated agent," upon whom process 11334  
against the corporation may be served within this state. The agent 11335  
may be a natural person who is a resident of this state, or may be 11336  
a domestic corporation for profit or a foreign corporation for 11337  
profit holding a license under the laws of this state that is 11338  
authorized by its articles of incorporation to act as an agent and 11339  
that has a business address in this state. 11340

(B) The written appointment of a designated agent shall set 11341  
forth the name and address of the agent, including the street and 11342  
number or other particular description, and shall otherwise be in 11343  
such form as the secretary of state prescribes. The secretary of 11344  
state shall keep a record of the names of such foreign 11345  
corporations and the names and addresses of their respective 11346  
agents. 11347

(C) If the designated agent dies, removes from the state, or 11348  
resigns, the foreign corporation shall forthwith appoint another 11349  
agent and file in the office of the secretary of state ~~an~~ 11350  
~~amendment to the corporation's application for a foreign license~~ 11351  
~~indicating the name and address, on a form prescribed by the~~ 11352  
~~secretary of state, a written appointment~~ of the new agent. 11353

(D) If the designated agent changes the agent's address from 11354  
that appearing upon the record in the office of the secretary of 11355  
state, the foreign corporation or the designated agent in its 11356  
behalf shall forthwith file with the secretary of state ~~an~~ 11357  
~~amendment to the corporation's application for a foreign license~~ 11358  
~~setting forth the new address unless the change is reported on the~~ 11359  
~~annual report filed with the department of taxation, on a form~~ 11360  
~~prescribed by the secretary of state, a written statement setting~~ 11361  
~~forth the agent's new address.~~ 11362

(E) A designated agent may resign by filing with the 11363  
secretary of state, on a form prescribed by the secretary of 11364  
state, a signed statement to that effect. The secretary of state 11365

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shall forthwith mail a copy of ~~such~~ the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state ~~an amendment to its application for a foreign license appointing another agent that includes, 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.

(G) Process may be served upon a foreign corporation by delivering a copy of it to its designated 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.

(H) This section does not limit or affect the right to serve process upon a foreign corporation in any other manner permitted by law.

(I) Every foreign corporation for profit shall state in each annual report filed by it with the department of taxation the name and address of its designated agent in this state.

**Sec. 1703.15.** No foreign corporation shall transact in this state any business that could not be lawfully transacted by a domestic corporation. Whenever the secretary of state finds that a foreign corporation licensed to transact business in this state is transacting in this state a business that a domestic corporation could not lawfully transact, is transacting business in this state in a corporate name that is not readily distinguishable from the name of every other corporation, limited liability company, limited liability partnership, or limited partnership, domestic or foreign, or every trade name, registered in the office of the

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secretary of state, theretofore authorized to transact business in 11397  
 this state, without the consent of the other corporation, limited 11398  
 liability company, limited liability partnership, limited 11399  
 partnership, or trade name registrant, evidenced in writing filed 11400  
 with the secretary of state pursuant to section 1703.04 of the 11401  
 Revised Code, or has failed, after the death or resignation of its 11402  
 designated agent or the designated agent's removal from this 11403  
 state, to designate another agent as required by section 1703.041 11404  
 of the Revised Code, the secretary of state shall give notice 11405  
 thereof by certified mail to the corporation. Unless that failure 11406  
 is cured within thirty days after the mailing by the secretary of 11407  
 state of the notice or within such further period as the secretary 11408  
 of state grants, the secretary of state, upon the expiration of 11409  
 such period, shall cancel the license of the foreign corporation 11410  
 to transact business in this state, give notice of the 11411  
 cancellation to the corporation by mail, and make a notation of 11412  
 the cancellation on the secretary of state's records. 11413

11414  
 A foreign corporation whose license has been canceled may be 11415  
 reinstated upon its filing with the secretary of state, on a form 11416  
 prescribed by the secretary of state, an application for 11417  
 reinstatement accompanied by ~~a~~ the fee specified in division (O) 11418  
~~of ten dollars~~ section 111.16 of the Revised Code. If the 11419  
 application for reinstatement is submitted in a tax year or 11420  
 calendar year other than that in which the cancellation occurred, 11421  
 the application also shall be accompanied by a certificate of 11422  
 reinstatement issued by the department of taxation. The name of a 11423  
 corporation whose license has been canceled pursuant to this 11424  
 section shall be reserved for a period of one year after the date 11425  
 of cancellation. If the reinstatement is not made within one year 11426  
 after the date of cancellation of the foreign license and it 11427  
 appears that a corporate name, limited liability company name, 11428  
 limited liability partnership name, limited partnership name, or 11429



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trade name has been filed, the name of which is not 11430  
distinguishable upon the record as provided in division (D) of 11431  
section 1703.04 of the Revised Code, the secretary of state shall 11432  
require the applicant for the reinstatement, as a condition 11433  
prerequisite to such reinstatement, to apply for authorization to 11434  
transact business in this state under an assumed name. 11435

**Sec. 1703.17.** (A) A foreign corporation may surrender its 11436  
license to transact business in this state in the manner provided 11437  
in this section. 11438

(B) A certificate of surrender signed by any authorized 11439  
officer, or by the receiver, trustee in bankruptcy, or other 11440  
liquidator of such corporation, shall be filed with the secretary 11441  
of state, on a form prescribed by the secretary of state, setting 11442  
forth: 11443

(1) The name of the corporation and of the state under the 11444  
laws of which it is incorporated; 11445

(2) That it surrenders its license; 11446

(3) The address to which the secretary of state may mail any 11447  
process against such corporation that may be served upon the 11448  
secretary of state, and may mail any other notices, certificates, 11449  
or statements. 11450

(C) A certificate of surrender, filed with the secretary of 11451  
state, on a form prescribed by the secretary of state, shall be 11452  
accompanied by: 11453

(1) A receipt, certificate, or other evidence showing the 11454  
payment of all franchise, sales, use, and highway use taxes 11455  
accruing up to the date of such filing, or that such payment has 11456  
been adequately guaranteed; 11457

(2) A receipt, certificate, or other evidence showing the 11458  
payment of all personal property taxes accruing up to the date of 11459

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such filing; 11460

(3) A receipt, certificate, or other evidence from the 11461  
director of job and family services showing that all contributions 11462  
due from the corporation as an employer have been paid, or that 11463  
such payment has been adequately guaranteed, or that the 11464  
corporation is not subject to such contributions; 11465

(4) An affidavit of the officer, or other person permitted by 11466  
law, executing the certificate of surrender, containing a 11467  
statement of the counties, if any, in this state in which the 11468  
corporation has personal property or a statement that the 11469  
corporation is of a type required to pay personal property taxes 11470  
to state authorities only. 11471

(D) In lieu of the receipt, certificate, or other evidence 11472  
described in divisions (C)(1), (2), and (3) of this section, a 11473  
certificate of surrender may be accompanied by an affidavit of the 11474  
person executing the certificate of surrender, or of an officer of 11475  
the corporation, that contains a statement of the date upon which 11476  
the particular department, agency, or authority was advised in 11477  
writing of the scheduled date of filing the certificate of 11478  
surrender and was advised in writing of the acknowledgement by the 11479  
corporation that the surrender of its license does not relieve it 11480  
of liability, if any, for payment of the taxes and contributions 11481  
described in divisions (C)(1), (2), and (3) of this section. 11482

(E) In lieu of filing such certificate of surrender there may 11483  
be filed a certificate of the secretary of state, or other proper 11484  
official, of the state under the laws of which the corporation is 11485  
incorporated, certifying that said corporation has been dissolved 11486  
or its corporate existence otherwise terminated, or a certified 11487  
copy of an order of court terminating the existence of such 11488  
corporation; but such certificate or certified copy shall be 11489  
accompanied by the information required by division (B)(3) of this 11490  
section. 11491

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(F) ~~For~~ After the payment of the fee specified in division 11492  
(N)(2) of section 111.16 of the Revised Code and the filing of any 11493  
such certificate or certified copy under this section, ~~there shall~~ 11494  
~~be paid to the secretary of state a filing fee of twenty-five~~ 11495  
~~dollars. The~~ the secretary of state shall ~~thereupon~~ cancel the 11496  
license of such corporation, make a notation of such cancellation 11497  
upon the secretary of state's records, and mail to the corporation 11498  
a certificate of the action so taken. 11499

(G) The mere retirement from business of a foreign 11500  
corporation without filing a certificate of surrender shall not 11501  
exempt such corporation from the requirements of filing the 11502  
reports and paying the fees required by sections 1703.01 to 11503  
1703.31 of the Revised Code, or from making reports and paying 11504  
excise or franchise fees or taxes. 11505

**Sec. 1703.27.** No foreign nonprofit corporation shall exercise 11506  
its corporate privileges in this state in a continual course of 11507  
transactions until it has first procured from the secretary of 11508  
state a certificate authorizing it to do so. 11509

Before issuing such certificate, the secretary of state shall 11510  
require such foreign corporation to file in the secretary of 11511  
state's office a certificate of good standing or subsistence, 11512  
setting forth the exact corporate title, the date of 11513  
incorporation, and the fact that the corporation is in good 11514  
standing or is a subsisting corporation, certified by the 11515  
secretary of state, or other proper official, of the state under 11516  
the laws of which the corporation was incorporated, and a 11517  
statement, on a form prescribed by the secretary of state, 11518  
verified by the oath of one of its officers, setting forth, but 11519  
not limited to, the following: 11520

(A) The name of the corporation; 11521

(B) The state under the laws of which it is incorporated; 11522

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(C) The location of its principal office;	11523
(D) The corporate privileges it proposes to exercise in this state;	11524 11525
(E) The location of its principal office in this state;	11526
(F) The appointment of a designated agent and the complete address of such agent;	11527 11528
(G) Its irrevocable consent to service of process on such agent so long as the authority of the 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.	11529 11530 11531 11532
For the filing of <del>such that</del> statement, the secretary of state shall charge and collect <del>a</del> <u>the fee specified in division (I)(1) of thirty-five dollars section 111.16 of the Revised Code.</u>	11533 11534 11535
A foreign nonprofit corporation shall file an amendment with the secretary of state if there is a modification of any of the information required to be included in its statement, <u>except for changes in information required by division (F) of this section, which shall be corrected in the same manner as described in section 1702.06 of the Revised Code.</u> For the filing of <del>such amendment those amendments and corrections,</del> the secretary of state shall charge and collect <del>a</del> <u>the fee specified in division (B) or (R) of fifty dollars section 111.16 of the Revised Code.</u>	11536 11537 11538 11539 11540 11541 11542 11543 11544
Sections 1703.01 to 1703.31 of the Revised Code, governing foreign corporations for profit in respect to exemption from attachment, change of location of principal office, change of its designated agent or of the designated agent's address, service on the secretary of state, license certificate as prima-facie evidence, proof of due incorporation, filing of amendments evidencing changes of corporate name, merger, or consolidation, filing of certificate of surrender, service on retired corporation, and penalties or forfeitures for transacting business	11545 11546 11547 11548 11549 11550 11551 11552 11553

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without license, for false reports, and for failure to comply with 11554  
other applicable provisions of such sections, shall also apply to 11555  
foreign nonprofit corporations. 11556

The secretary of state may require further reports, 11557  
certificates, or information from a foreign nonprofit corporation, 11558  
including verification of the continued existence of the 11559  
corporation. Upon the failure of any corporation to provide the 11560  
information, the secretary of state shall give notice of the 11561  
failure by certified mail and, if the report is not filed within 11562  
thirty days after the mailing of the notice, the license of the 11563  
corporation to exercise its corporate privileges in this state 11564  
shall expire and the secretary of state shall make a notation to 11565  
that effect on the secretary of state's records. 11566

**Sec. 1703.31.** (A) Any foreign corporation may register its 11567  
corporate name, if its corporate name is available for use under 11568  
division (D) of section 1703.04 of the Revised Code, by filing in 11569  
the office of the secretary of state an application, on a form 11570  
prescribed by the secretary of state, that contains the following 11571  
information: 11572

- (1) The exact corporate name to be registered; 11573
- (2) The complete address of the principal office of the 11574  
corporation; 11575
- (3) The jurisdiction of its incorporation; 11576
- (4) The date of its incorporation; 11577
- (5) A statement that it is carrying on or doing business; 11578
- (6) The general nature of the business in which it is 11579  
engaged; 11580
- (7) Any other information required by the secretary of state. 11581

11582

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The application shall be signed and verified by an officer of the applicant. 11583  
11584

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. 11585  
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A 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 shall accompany the application. 11591  
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11593

(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. 11594  
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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 current registration in effect. 11603  
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A The renewal fee specified in division (S)(3) of twenty-five dollars section 111.16 of the Revised Code, payable to the secretary of state, shall accompany the application for renewal of the registration. 11608  
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**Sec. 1705.05.** (A) The name of a limited liability company 11612

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shall include the words, "limited liability company," without 11613  
abbreviation or shall include one of the following abbreviations: 11614  
"LLC," "L.L.C.," "limited," "ltd.," or "ltd". 11615

(B)(1) Except as provided in this section and in sections 11616  
1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised 11617  
Code, the secretary of state shall not accept for filing in the 11618  
secretary of state's office the articles of organization of a 11619  
limited liability company if the company name set forth in the 11620  
articles is not distinguishable on the records of the secretary of 11621  
state from the name of any of the following: 11622

(a) Any other limited liability company, whether the name is 11623  
of a domestic limited liability company or of a foreign limited 11624  
liability company registered as a foreign limited liability 11625  
company under this chapter; 11626

(b) Any corporation, whether the name is of a domestic 11627  
corporation or of a foreign corporation holding a license as a 11628  
foreign corporation under the laws of this state pursuant to 11629  
Chapter 1701., 1702., or 1703. of the Revised Code; 11630

(c) Any limited liability partnership, whether the name is of 11631  
a domestic limited liability partnership or a foreign limited 11632  
liability partnership registered pursuant to Chapter 1775. of the 11633  
Revised Code; 11634

(d) Any limited partnership, whether the name is of a 11635  
domestic limited partnership or a foreign limited partnership 11636  
registered pursuant to Chapter 1782. of the Revised Code; 11637

(e) Any trade name to which the exclusive right, at the time 11638  
in question, is registered in the office of the secretary of state 11639  
pursuant to Chapter 1329. of the Revised Code. 11640

(2) The secretary of state may accept for filing in the 11641  
secretary of state's office the articles of organization of a 11642  
limited liability company whose name set forth in the articles is 11643

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not distinguishable on the records of the secretary of state from 11644  
any trade name or the name of another limited liability company, 11645  
corporation, limited liability partnership, or limited partnership 11646  
if there also is filed in the secretary of state's office the 11647  
consent of the other entity or, in the case of a registered trade 11648  
name, the person in whose name is registered the exclusive right 11649  
to the use of the particular name. 11650

(C) A consent given by an entity or person in whose name is 11651  
registered the exclusive right to use a trade name, to the use of 11652  
a name by a limited liability company, shall be in the form of an 11653  
instrument, prescribed by the secretary of state, that is signed 11654  
by an authorized officer or other authorized representative of the 11655  
consenting entity or person in whose name the trade name is 11656  
registered. 11657

(D) If a judicial sale or a judicial transfer by sale, 11658  
transfer of good will, or otherwise involves the right to use the 11659  
name of a domestic limited liability company or of a foreign 11660  
limited liability company registered as a foreign limited 11661  
liability company under this chapter, then, at the request of the 11662  
purchaser or transferee of that right, the secretary of state 11663  
shall accept for filing articles of organization of a limited 11664  
liability company with a name that is the same as or similar to 11665  
the name of the other limited liability company if there also is 11666  
filed in the secretary of state's office a certified copy of the 11667  
court order or decree that confirms or otherwise evidences the 11668  
purchase or transfer. 11669

(E) Any person that wishes to reserve a name for a proposed 11670  
new limited liability company or any limited liability company 11671  
that intends to change its name may submit to the secretary of 11672  
state, on a form prescribed by the secretary of state, a written 11673  
application for the exclusive right to use a specified name as the 11674  
name of the company. If the secretary of state finds, consistent 11675



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with this section, that the specified name is available for use, 11676  
the secretary of state shall file the application. From the date 11677  
of the filing, the applicant has the exclusive right for ~~sixty one~~ 11678  
hundred eighty days to use the specified name as the name of the 11679  
limited liability company, counting the date of the filing as the 11680  
first of the ~~sixty one hundred eighty~~ days. The right so obtained 11681  
may be transferred by the applicant or other holder of the right 11682  
by filing in the office of the secretary of state a written 11683  
transfer, on a form prescribed by the secretary of state, that 11684  
states the name and address of the transferee. 11685

~~(F) The secretary of state shall charge and collect a fee of 11686  
five dollars for filing under this section any application or 11687  
document other than articles of organization or a consent to the 11688  
use of a name. 11689~~

**Sec. 1705.06.** (A) Each limited liability company shall 11690  
maintain continuously in this state an agent for service of 11691  
process on the company. The agent shall be an individual who is a 11692  
resident of this state, a domestic corporation, or a foreign 11693  
corporation holding a license as a foreign corporation under the 11694  
laws of this state. 11695

(B)(1) The secretary of state shall not accept original 11696  
articles of organization of a limited liability company for filing 11697  
unless the articles are accompanied by both of the following: 11698

(a) A written appointment of an agent as described in 11699  
division (A) of this section that is signed by an authorized 11700  
member, manager, or other representative of the limited liability 11701  
company; 11702

(b) A written acceptance of the appointment that is signed by 11703  
the designated agent on a form prescribed by the secretary of 11704  
state. 11705

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(2) In cases not covered by division (B)(1) of this section, the limited liability company shall appoint the agent described in division (A) of this section and shall file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of that agent that is signed as described in division (K) of this section and a written acceptance of the appointment that is signed by the designated agent.

(3) For purposes of divisions (B)(1) and (2) of this section, the filed written acceptance of an agent's appointment shall be a signed original document or a photocopy, facsimile, or similar reproduction of a signed original document.

(C) The written appointment of an agent described in division (A) of this section shall set forth the name of the agent and the agent's address in this state, including the street and number or other particular description of that address. It otherwise shall be in the form that the secretary of state prescribes. The secretary of state shall keep a record of the names of limited liability companies and the names and addresses of their agents.

(D) If any agent described in division (A) of this section dies, resigns, or moves outside of this state, the limited liability company shall appoint forthwith another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of the agent and acceptance of appointment as described in division (B)(2) of this section.

(E) If the agent described in division (A) of this section changes the agent's address from the address stated in the records of the secretary of state, the agent or the limited liability company shall file forthwith with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

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(F) An agent described in division (A) of this section may 11737  
resign by filing with the secretary of state, on a form prescribed 11738  
by the secretary of state, a written notice of resignation that is 11739  
signed by the agent and by mailing a copy of that notice to the 11740  
limited liability company at the current or last known address of 11741  
its principal office. The notice shall be mailed to the company on 11742  
or prior to the date that the notice is filed with the secretary 11743  
of state and shall set forth the name of the company, the name and 11744  
current address of the agent, the current or last known address, 11745  
including the street and number or other particular description, 11746  
of the company's principal office, a statement of the resignation 11747  
of the agent, and a statement that a copy of the notice has been 11748  
sent to the company within the time and in the manner specified in 11749  
this division. The authority of the resigning agent terminates 11750  
thirty days after the filing of the notice with the secretary of 11751  
state. 11752

(G) A limited liability company may revoke the appointment of 11753  
its agent described in division (A) of this section by filing with 11754  
the secretary of state, on a form prescribed by the secretary of 11755  
state, a written appointment of another agent and an acceptance of 11756  
appointment in the manner described in division (B)(2) of this 11757  
section and a statement indicating that the appointment of the 11758  
former agent is revoked. 11759

(H)(1) Any legal process, notice, or demand required or 11760  
permitted by law to be served upon a limited liability company may 11761  
be served upon the company as follows: 11762

(a) If the agent described in division (A) of this section is 11763  
an individual, by delivering a copy of the process, notice, or 11764  
demand to the agent; 11765

(b) If the agent is a corporation, by delivering a copy of 11766  
the process, notice, or demand to the address of the agent in this 11767  
state as contained in the records of the secretary of state. 11768

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(2) If the agent described in division (A) of this section cannot be found or no longer has the address that is stated in the records of the secretary of state or the limited liability company has failed to maintain an agent as required by this section and if the party or the agent or representative of the party that desires service of the process, notice, or demand files with the secretary of state an affidavit that states that one of those circumstances exists and states the most recent address of the company that the party who desires service has been able to ascertain after a diligent search, then the service of the process, notice, or demand upon the secretary of state as the agent of the company may be initiated by delivering to the secretary of state four copies of the process, notice, or demand accompanied by a fee of five dollars. The secretary of state shall give forthwith notice of that delivery to the company at either its principal office as shown upon the secretary of state's records or at any different address specified in the affidavit of the party desiring service and shall forward to the company at either address by certified mail, return receipt requested, a copy of the process, notice, or demand. Service upon the company is made when the secretary of state gives the notice and forwards the process, notice, or demand as set forth in division (H)(2) of this section.

(I) The secretary of state shall keep a record of each process, notice, and demand that pertains to a limited liability company and that is delivered to the secretary of state's office under this section or another law of this state that authorizes service upon the secretary of state in connection with a limited liability company. In that record, the secretary of state shall record the time of each delivery of that type and the secretary of state's subsequent action with respect to the process, notice, or demand.

(J) This section does not limit or affect the right to serve

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any process, notice, or demand upon a limited liability company in 11801  
any other manner permitted by law. 11802

(K) The written appointment of an agent or a written 11803  
statement filed by the company with the secretary of state shall 11804  
be signed by an authorized member, manager, or other 11805  
representative of the company. 11806

~~(L) For filing a written appointment of an agent described in 11807  
division (A) of this section that is not filed with the original 11808  
articles of organization of a limited liability company and for 11809  
filing a statement of change of address of an agent, the secretary 11810  
of state shall charge and collect a fee of three dollars. 11811  
11812~~

**Sec. 1705.38.** (A) Upon the adoption by each constituent 11813  
entity of an agreement of merger or consolidation pursuant to 11814  
section 1705.36 or 1705.37 of the Revised Code, a certificate of 11815  
merger or consolidation shall be filed with the secretary of state 11816  
that is signed by a manager of each constituent limited liability 11817  
company in which the management is not reserved to its members, by 11818  
at least one member of each other constituent limited liability 11819  
company, by at least one general partner of each constituent 11820  
partnership, and by an authorized representative of each other 11821  
constituent entity. The certificate shall be on a form prescribed 11822  
by the secretary of state and shall set forth only the information 11823  
required by this section. 11824

(B)(1) The certificate of merger or consolidation shall set 11825  
forth all of the following: 11826

(a) The name and the form of entity of each constituent 11827  
entity and the state under the laws of which each constituent 11828  
entity exists; 11829

(b) A statement that each constituent entity has complied 11830

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- with all of the laws under which it exists and that the laws  
permit the merger or consolidation; 11831  
11832
- (c) The name and mailing address of the person or entity that  
is to provide, in response to any written request made by a  
shareholder, partner, or other equity holder of a constituent  
entity, a copy of the agreement of merger or consolidation; 11833  
11834  
11835  
11836
- (d) The effective date of the merger or consolidation, which  
date may be on or after the date of the filing of the certificate; 11837  
11838
- (e) The signature of the representative or representatives  
authorized to sign the certificate on behalf of each constituent  
entity and the office held or the capacity in which the  
representative is acting; 11839  
11840  
11841  
11842
- (f) A statement that the agreement of merger or consolidation  
is authorized on behalf of each constituent entity and that the  
persons who signed the certificate on behalf of each entity are  
authorized to do so; 11843  
11844  
11845  
11846
- (g) In the case of a merger, a statement that one or more  
specified constituent entities will be merged into a specified  
surviving entity or, in the case of a consolidation, a statement  
that the constituent entities will be consolidated into a new  
entity; 11847  
11848  
11849  
11850  
11851
- (h) In the case of a merger, if the surviving entity is a  
foreign entity not licensed to transact business in this state,  
the name and address of the statutory agent upon whom any process,  
notice, or demand may be served; 11852  
11853  
11854  
11855
- (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. 11856  
11857  
11858
- (2) In the case of a consolidation into a new domestic  
corporation, limited liability company, or limited partnership, 11859  
11860

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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 1705.37 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  
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

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documents that are required to be filed in connection with the 11893  
merger or consolidation by the laws of that state or by that 11894  
chapter. 11895

(D) Upon the filing of a certificate of merger or 11896  
consolidation and other filings as described in division (C) of 11897  
this section or at any later date that the certificate of merger 11898  
or consolidation specifies, the merger or consolidation is 11899  
effective. 11900

(E)(1) Upon request and payment of ~~a~~ the fee specified in 11901  
division (D) of ~~ten dollars~~ section 111.16 of the Revised Code, 11902  
the secretary of state shall furnish the secretary of state's 11903  
certificate setting forth all of the following: 11904

(a) The name and form of entity of each constituent entity 11905  
and the states under the laws of which each constituent entity 11906  
existed prior to a merger or consolidation; 11907

(b) The name and the form of entity of the surviving or new 11908  
entity and the state under the laws of which the surviving entity 11909  
exists or the new entity is to exist; 11910

(c) The date of the filing of the certificate of merger or 11911  
consolidation in the secretary of state's office; 11912

(d) The effective date of the merger or consolidation. 11913

(2) The certificate of the secretary of state or a copy of a 11914  
certificate of merger or consolidation that has been certified by 11915  
the secretary of state may be filed for record in the office of 11916  
the recorder of any county in this state and, if filed, shall be 11917  
recorded in the record of deeds for that county. For that 11918  
recording, the county recorder shall charge and collect the same 11919  
fees as for recording a deed. 11920

**Sec. 1705.55. (A)** If any statement in an application for 11921  
registration as a foreign limited liability company is materially 11922



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false when made or if any facts described in the application have 11923  
 changed making it inaccurate in any material respect, the foreign 11924  
 limited liability company shall file promptly with the secretary 11925  
 of state a certificate correcting the application that shall be on 11926  
 a form that is prescribed by the secretary of state and be signed 11927  
 by an authorized representative of the company. If 11928

(B) If the application for registration or a subsequent 11929  
certificate of correction becomes inaccurate because the 11930  
designated agent ~~resigns or~~ changes the agent's address from that 11931  
appearing in the registration application or any subsequent 11932  
certificate of correction of the registration application, the 11933  
foreign limited liability company, or the designated agent on its 11934  
behalf, shall file a notice of that resignation or change promptly 11935  
with the secretary of state ~~a new certificate of correction~~ 11936  
setting forth the new address. 11937

(C) A foreign limited liability company may revoke the 11938  
appointment of its designated agent described in division (A) of 11939  
section 1705.54 of the Revised Code by filing with the secretary 11940  
of state, on a form prescribed by the secretary of state, a 11941  
written appointment of another agent and an acceptance of 11942  
appointment in the manner described in division (B)(2) of section 11943  
1705.06 of the Revised Code and a statement indicating that the 11944  
appointment of the former agent is revoked. 11945

(D) The fee specified in division (R) of section 111.16 of 11946  
the Revised Code shall accompany a filing under division (B) or 11947  
(C) of this section. 11948

**Sec. 1746.04.** (A) Except as set forth in section 1746.03 of 11949  
 the Revised Code, before transacting business in this state, a 11950  
 business trust shall file ~~a report~~ in the office of the secretary 11951  
 of state, on forms prescribed by the secretary of state, a report 11952  
 containing the following information: 11953

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- (1) A list of the names and addresses of its trustees; 11954
- (2) The address of its principal office; 11955
- (3) In the case of a foreign business trust, the address of 11956  
its principal office within this state, if any; 11957
- (4) The business names of the business trust, including any 11958  
fictitious or assumed names; 11959
- (5) The name and address within this state of a designated 11960  
agent upon whom process against the business trust may be served; 11961
- (6) The irrevocable consent of the business trust to service 11962  
of process upon its designated agent and to service of process 11963  
upon the secretary of state if, without the registration of 11964  
another agent with the secretary of state, its designated agent 11965  
has died, resigned, lost authority, dissolved, become 11966  
disqualified, or has removed from this state, or if its designated 11967  
agent cannot, with due diligence, be found. 11968
- Such report shall have attached as an exhibit an executed 11969  
copy of the trust instrument or a true and correct copy of it, 11970  
certified to be such by a trustee before an official authorized to 11971  
administer oaths or by a public official in another state in whose 11972  
office an executed copy is on file. 11973
- (B) Not more than ninety days after the occurrence of any 11974  
event causing any filing, including exhibits, made pursuant to 11975  
division (A) of this section, or any previous filing made pursuant 11976  
to this division, to be inaccurate or incomplete, there shall be 11977  
filed in the office of the secretary of state all information 11978  
necessary to maintain the accuracy and completeness of such 11979  
filing. 11980
- (C) The secretary of state shall charge and collect ~~a fee~~ the 11981  
fees specified in division (T) of ~~seventy-five dollars~~ section 11982  
111.16 of the Revised Code for each filing made under division (A) 11983

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~~of this section and fifteen dollars for each filing under division 11984~~  
~~or (B) of this section, except for filings under division (B) of 11985~~  
~~this section pertaining solely to division (A)(5) of this section, 11986~~  
~~for which the secretary of state shall charge and collect the fee 11987~~  
~~specified in division (R) of section 111.16 of the Revised Code. 11988~~

(D) The trust instrument and other information filed in the 11989  
office of the secretary of state are matters of public record, and 11990  
persons dealing with a business trust are charged with 11991  
constructive notice of the contents of any such instrument or 11992  
information by reason of such filing. 11993

(E) A copy of a trust instrument or other information filed 11994  
in the office of the secretary of state shall be accepted as 11995  
prima-facie evidence of the existence of the instrument or other 11996  
information and of its contents, and conclusive evidence of the 11997  
existence of such record. 11998

**Sec. 1746.06.** (A) No business trust that has made a filing 11999  
pursuant to section 1746.04 of the Revised Code may use the words 12000  
"Incorporated," "Corporation," "Inc.," "Co.," "Partnership," 12001  
"Ltd.," or derivatives thereof in its name. 12002

(B) No business trust formed after the effective date of this 12003  
chapter that has made a filing pursuant to section 1746.04 of the 12004  
Revised Code shall assume the name of any corporation established 12005  
under the laws of this state, or of a corporation, firm, or 12006  
association, or trust whether or not as defined in section 1746.01 12007  
of the Revised Code, or of an individual, carrying on business in 12008  
this state at the time when the business trust is created, or 12009  
assume a name so similar thereto as to be likely to be mistaken 12010  
for it, except with the written consent of such existing 12011  
corporation, firm, association, or trust, or of such individual, 12012  
previously or concurrently filed with the secretary of state. 12013

(C) The secretary of state shall refuse to receive for filing 12014

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the trust instrument of a business trust if it appears to ~~him~~ the 12015  
secretary of state to have violated any provision of this section. 12016  
The courts of common pleas of this state shall have jurisdiction, 12017  
upon the application of any person interested or affected, to 12018  
enjoin a business trust from transacting business under any name 12019  
in violation of any provision of this section, notwithstanding 12020  
that the trust instrument of such business trust has been received 12021  
for filing under section 1746.04 of the Revised Code. 12022  
12023

(D) Any person who wishes to reserve a name for a proposed 12024  
new business trust, or any business trust intending to change its 12025  
name, may submit to the secretary of state a written application 12026  
for the exclusive right to use a specified name as the name of a 12027  
business trust. If the secretary of state finds that, under this 12028  
section, the specified name is available for such use, ~~he~~ the 12029  
secretary of state shall indorse ~~his~~ the secretary of state's 12030  
approval upon and file such application and, from the date of such 12031  
indorsement, such applicant shall have the exclusive right for 12032  
~~sixty~~ one hundred eighty days to use the specified name as the 12033  
name of a business trust, counting the date of such indorsement as 12034  
the first of the ~~sixty~~ one hundred eighty days. The right so 12035  
obtained may be transferred by the applicant or other holder 12036  
thereof by the filing in the office of the secretary of state of a 12037  
written transfer stating the name and address of the transferee. 12038  
For filing any application for the exclusive right to use a 12039  
specified name under this division, the secretary of state shall 12040  
charge and collect ~~a~~ the fee specified in division (S)(1) of five 12041  
~~dollars~~ section 111.16 of the Revised Code. For each filing of a 12042  
transfer of the right to an exclusive name under this division, 12043  
the secretary of state shall charge and collect the fee specified 12044  
in division (S)(4) of section 111.16 of the Revised Code. 12045

(E) Any business trust that has not made the filings 12046

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described under section 1746.04 of the Revised Code may submit to  
the secretary of state a written application for the exclusive  
right to use a specified name as the name of such business trust.  
If the secretary of state finds that, under this section, the  
specified name is available for such use, ~~he~~ the secretary of  
state shall indorse ~~his~~ the secretary of state's approval upon and  
file such application and, from the date of such indorsement, such  
applicant has the exclusive right to use the specified name for  
the period that it transacts business. The right so obtained may  
be transferred by the applicant or other holder thereof by the  
filing in the office of the secretary of state of a written  
transfer stating the name and address of the transferee. For  
filing ~~any~~ an application for the exclusive right to use a  
specified name under this division, the secretary of state shall  
charge and collect ~~a~~ the fee specified in division (S)(1) of five  
dollars section 111.16 of the Revised Code.

**Sec. 1746.15.** Any business trust that has made the filings  
described in section 1746.04 of the Revised Code may withdraw from  
this state at any time by filing in the office of the secretary of  
state a verified copy of a resolution duly adopted by its trustees  
declaring its intention to withdraw and surrender its authority,  
accompanied by ~~a~~ the fee of fifteen dollars specified in division  
(T) of section 111.16 of the Revised Code.

**Sec. 1747.03.** (A) Before transacting real estate business in  
this state, a real estate investment trust shall file the  
following report in the office of the secretary of state, on forms  
prescribed by the secretary of state:

(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;

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- (2) A list of the names and addresses of its trustees; 12078
- (3) The address of its principal office; 12079
- (4) In the case of a foreign real estate investment trust, 12080  
the address of its principal office within this state, if any; 12081
- (5) The business name of the trust; 12082
- (6) The name and address within this state of a designated 12083  
agent upon whom process against the trust may be served; 12084
- (7) The irrevocable consent of the trust to service of 12085  
process on its designated agent and to service of process upon the 12086  
secretary of state if, without the registration of another agent 12087  
with the secretary of state, its designated agent has died, 12088  
resigned, lost authority, dissolved, become disqualified, or has 12089  
removed from this state, or if its designated agent cannot, with 12090  
due diligence, be found; 12091
- (8) Not more than ninety days after the occurrence of any 12092  
event causing any filing made pursuant to divisions (A)(2) to (6) 12093  
of this section, or any previous filing made pursuant to this 12094  
division, to be inaccurate or incomplete, all information 12095  
necessary to maintain the accuracy and completeness of such 12096  
filing. 12097
- (B) For ~~filing~~ filings under this section, the secretary of 12098  
state shall charge and collect ~~a~~ the fee specified in division (T) 12099  
~~of fifty dollars, except that for filing under division (A)(8) of~~ 12100  
~~this section, the secretary of state shall charge and collect a~~ 12101  
~~fee of ten dollars~~ section 111.16 of the Revised Code, except for 12102  
filings under division (A)(8) of this section pertaining solely to 12103  
division (A)(6) of this section, for which the secretary of state 12104  
shall charge and collect the fee specified in division (R) of 12105  
section 111.16 of the Revised Code. 12106
- (C) All persons shall be given the opportunity to acquire 12107

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knowledge of the contents of the trust instrument and other 12108  
 information filed in the office of the secretary of state, but no 12109  
 person dealing with a real estate investment trust shall be 12110  
 charged with constructive notice of the contents of any such 12111  
 instrument or information by reason of such filing. 12112

(D) A copy of a trust instrument or other information filed 12113  
 in the office of the secretary of state ~~shall be~~ is prima-facie 12114  
 evidence of the existence of the instrument or other information 12115  
 and of its contents, and ~~as~~ is conclusive evidence of the 12116  
 existence of such record. 12117

**Sec. 1747.04.** A trust instrument may be amended in the manner 12118  
 specified in it or in any manner that is valid under the common or 12119  
 statutory law applicable to the trust created ~~thereunder~~ under it. 12120  
 However, no amendment adopted subsequent to the initial filings 12121  
 required by section 1747.03 of the Revised Code is legally 12122  
 effective in this state until an executed or certified true and 12123  
 correct copy of the amendment has been filed in the office of the 12124  
 secretary of state accompanied by a the fee specified in division 12125  
(T) of ~~twenty-five dollars~~ section 111.16 of the Revised Code. 12126

**Sec. 1747.10.** Any domestic or foreign real estate investment 12127  
 trust authorized to transact real estate business in this state 12128  
 may surrender its authority at any time by filing in the office of 12129  
 the secretary of state a verified copy of a resolution duly 12130  
 adopted by its trustees declaring its intention to withdraw, 12131  
 accompanied by a the fee specified in division (T) of ~~ten dollars~~ 12132  
section 111.16 of the Revised Code. Such real estate investment 12133  
 trust then ceases and is without authority to transact real estate 12134  
 business in this state, except as necessary for ~~the concluding~~ 12135  
~~thereof~~ its conclusion. 12136

**Sec. 1775.63.** (A) A domestic limited liability partnership or 12137

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foreign registered limited liability partnership shall, ~~annually~~ 12138  
~~biennially~~ during the month of July in odd-numbered years, file a 12139  
 report with the office of the secretary of state verifying and, if 12140  
 necessary, updating, as of the thirtieth day of June of that year, 12141  
 the information contained in the registration application required 12142  
 by division (A) of sections 1775.61 and 1775.64 of the Revised 12143  
 Code. The ~~annual~~ report shall be made on a form prescribed and 12144  
 furnished by the secretary of state and shall be signed by a 12145  
 majority in interest of the partners or by one or more partners 12146  
 authorized by the partnership to execute the report. 12147

(B) If a domestic limited liability partnership or foreign 12148  
 registered limited liability partnership fails to file the ~~annual~~ 12149  
 report in accordance with division (A) of this section, the 12150  
 secretary of state shall give notice of the failure by certified 12151  
 mail to the last known address of the partnership or its statutory 12152  
 agent. If the report is not filed within thirty days after the 12153  
 mailing of the notice, the secretary of state shall, upon the 12154  
 expiration of that period, cancel the registration of the 12155  
 partnership, give notice of the cancellation to the partnership by 12156  
 regular mail to the last known address of the partnership or its 12157  
 statutory agent, and make a notation of the cancellation on the 12158  
 secretary of state's records. 12159

(C) A domestic limited liability partnership or foreign 12160  
 registered limited liability partnership whose registration has 12161  
 been canceled pursuant to division (B) of this section may be 12162  
 reinstated by filing an application for reinstatement, together 12163  
 with the required ~~annual~~ report or reports, and by paying a the 12164  
 reinstatement fee specified in division (O) of ten dollars section 12165  
111.16 of the Revised Code. The secretary of state shall inform 12166  
 the tax commissioner of all cancellations and reinstatements under 12167  
 this section. 12168

**Sec. 1775.64.** (A) Before transacting business in this state, 12169



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a foreign limited liability partnership shall file a registration application with the secretary of state. The application shall be on a form prescribed by the secretary of state and shall set forth only the following information:

- (1) The name of the partnership;
- (2) The jurisdiction pursuant to the laws of which it was organized as a limited liability partnership;
- (3) The address of its principal office or, if the partnership's principal office is not located in this state, the address of a registered office;
- (4) The name and address of its agent for service of process in this state;
- (5) A brief statement of the business in which the partnership engages.

(B) A registration application shall be accompanied by the application fee specified in division (F) of section 111.16 of the Revised Code.

(C) A foreign limited liability partnership transacting business in this state shall comply with the name, correction, and annual reporting requirements set forth in division (G) of section 1775.61, divisions (B) and (C) of section 1775.62, and section 1775.63 of the Revised Code and shall comply with any statutory or administrative registration or filing requirements governing the specific type of business in which the partnership engages.

(D) The secretary of state shall register as a foreign limited liability partnership, any foreign limited liability partnership that submits a completed registration application with the required fee.

(E) Registration as a foreign limited liability partnership ceases if ~~either of the following occurs:~~

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~~(1) The registration is voluntarily withdrawn by filing with the secretary of state, on a form prescribed by the secretary of state, a written withdrawal notice signed by one or more partners authorized by the partnership to execute a withdrawal notice.~~

~~(2) The registration is canceled by the secretary of state pursuant to section 1775.63 of the Revised Code.~~

**Sec. 1782.04.** (A) Each limited partnership shall maintain continuously in this state an agent for service of process on the limited partnership. The agent shall be a natural person who is a resident of this state, a domestic corporation, or a foreign corporation holding a license as such under the laws of this state.

(B) The secretary of state shall not accept a certificate of limited partnership for filing unless there is filed with the certificate a written appointment of an agent that is signed by the general partners of the limited partnership and a written acceptance of the appointment that is signed by the agent, or unless there is filed a written appointment of an agent that is signed by any authorized officer of the limited partnership and a written acceptance of the appointment that is either the original acceptance signed by the agent or a photocopy, facsimile, or similar reproduction of the original acceptance signed by the agent.

In the discretion of the secretary of state, an original appointment of statutory agent may be submitted on the same form as the certificate of limited partnership but shall not be considered a part of the certificate.

(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

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state shall keep a record of the names of limited partnerships, 12231  
and the names and addresses of their respective agents. 12232

(D) If any agent dies, removes from the state, or resigns, 12233  
the limited partnership shall forthwith appoint another agent and 12234  
file with the secretary of state, on a form prescribed by the 12235  
secretary of state, a written appointment of the new agent. 12236

(E) If the agent changes the agent's address from that 12237  
appearing upon the record in the office of the secretary of state, 12238  
the limited partnership or the agent forthwith shall file with the 12239  
secretary of state, on a form prescribed by the secretary of 12240  
state, a written statement setting forth the new address. 12241

(F) An agent may resign by filing with the secretary of 12242  
state, on a form prescribed by the secretary of state, a written 12243  
notice to that effect that is signed by the agent and by sending a 12244  
copy of the notice to the limited partnership at its current or 12245  
last known address or its principal office on or prior to the date 12246  
the notice is filed with the secretary of state. The notice shall 12247  
set forth the name of the limited partnership, the name and 12248  
current address of the agent, the current or last known address, 12249  
including the street and number or other particular description, 12250  
of the limited partnership's principal office, the resignation of 12251  
the agent, and a statement that a copy of the notice has been sent 12252  
to the limited partnership within the time and in the manner 12253  
prescribed by this division. Upon the expiration of thirty days 12254  
after the filing, the authority of the agent shall terminate. 12255

(G) A limited partnership may revoke the appointment of an 12256  
agent by filing with the secretary of state, on a form prescribed 12257  
by the secretary of state, a written appointment of another agent 12258  
and a statement that the appointment of the former agent is 12259  
revoked. 12260

(H) Except when an original appointment of an agent is filed 12261

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with the certificate of limited partnership, a written appointment of an agent or a written statement filed by a limited partnership with the secretary of state shall be signed by any authorized officer of the limited partnership, or the general partners of the limited partnership, or a majority of them.

**Sec. 1782.08.** (A) To form a limited partnership, a certificate of limited partnership shall be executed and filed with the secretary of state, as provided in section 1782.13 of the Revised Code. The certificate shall be on a form prescribed by the secretary of state and shall set forth all of the following:

(1) The name of the limited partnership;

(2) The address of the principal place of business of the limited partnership ~~and the name and address, including the street and number or other particular description, of the agent for service of process maintained pursuant to section 1782.04 of the Revised Code;~~

(3) The name and business or residence address of each general partner;

(4) Any other matters that the general partners determine to include in the certificate.

(B) A written appointment of a statutory agent for the purpose set forth in section 1782.04 of the Revised Code shall be filed with the certificate of limited partnership.

(C) A limited partnership is an entity formed at the time of filing the certificate of limited partnership pursuant to section 1782.13 of the Revised Code or at any later time specified in the certificate if, in either case, there has been substantial compliance with the requirements of ~~division~~ divisions (A) and (B) of this section.

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<b>Sec. 1782.09.</b> (A) A certificate of limited partnership shall	12291
be amended by filing a certificate of amendment with the secretary	12292
of state. The certificate of amendment shall be on a form	12293
prescribed by the secretary of state and shall state all of the	12294
following:	12295
(1) The name of the limited partnership and the file number	12296
assigned to it by the secretary of state;	12297
(2) The date of the first filing of the certificate of	12298
limited partnership and, if different, the date of the first	12299
filing by the partnership with the secretary of state pursuant to	12300
section 1782.63 of the Revised Code;	12301
(3) The amendment to the certificate of limited partnership.	12302
(B) Within thirty days after the occurrence of any of the	12303
following events, an amendment to a certificate of limited	12304
partnership reflecting the occurrence of the event shall be filed	12305
pursuant to division (A) of this section:	12306
(1) A new general partner is admitted;	12307
(2) A general partner withdraws;	12308
(3) The business is continued pursuant to section 1782.44 of	12309
the Revised Code after an event of withdrawal of a general	12310
partner;	12311
(4) The address of the principal place of business of the	12312
limited partnership changes;	12313
(5) <del>The name or identity of the statutory agent changes;</del>	12314
(6) <del>The address of the statutory agent changes;</del>	12315
(7) <del>The name of the limited partnership is</del> changes.	12316
(C) A general partner who becomes aware that any statement in	12317
the certificate of limited partnership was materially false when	12318

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made or that any arrangements or other facts described have 12319  
changed, thereby making the certificate materially inaccurate, 12320  
promptly shall amend the certificate. 12321

~~If the certificate becomes inaccurate because the designated 12322  
agent changes the agent's address from that appearing in the 12323  
certificate of limited partnership or any subsequent amendment 12324  
thereto, the limited partnership, or the designated agent on its 12325  
behalf, shall file promptly with the secretary of state, on a form 12326  
prescribed by the secretary of state, an amendment setting forth 12327  
the new address. 12328~~

(D) A certificate of limited partnership may be amended at 12329  
any time for any other proper purpose the general partners 12330  
determine. 12331

(E) A person is not liable because an amendment to a 12332  
certificate of limited partnership has not been filed to reflect 12333  
the occurrence of an event referred to in division (B) of this 12334  
section if the amendment is filed within the thirty-day period 12335  
specified in that division. 12336

(F) A certificate of limited partnership may be restated at 12337  
any time by filing a restatement of the certificate of limited 12338  
partnership with the secretary of state. 12339

**Sec. 1782.433.** (A) Upon the adoption by each constituent 12340  
entity of an agreement of merger or consolidation pursuant to 12341  
section 1782.431 or 1782.432 of the Revised Code, a certificate of 12342  
merger or consolidation shall be filed with the secretary of state 12343  
that is signed by an authorized representative of each constituent 12344  
entity. The certificate shall be on a form prescribed by the 12345  
secretary of state and shall set forth only the information 12346  
required by this section. 12347

(B)(1) The certificate of merger or consolidation shall set 12348

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- forth all of the following: 12349
- (a) The name and the form of entity of each constituent 12350  
entity and the state under the laws of which each constituent 12351  
entity exists; 12352
- (b) A statement that each constituent entity has complied 12353  
with all of the laws under which it exists and that the laws 12354  
permit the merger or consolidation; 12355
- (c) The name and mailing address of the person or entity that 12356  
is to provide, in response to any written request made by a 12357  
shareholder, partner, or other equity holder of a constituent 12358  
entity, a copy of the agreement of merger or consolidation; 12359
- (d) The effective date of the merger or consolidation, which 12360  
date may be on or after the date of the filing of the certificate; 12361
- (e) The signature of the representative or representatives 12362  
authorized to sign the certificate on behalf of each constituent 12363  
entity and the office held or the capacity in which the 12364  
representative is acting; 12365
- (f) A statement that the agreement of merger or consolidation 12366  
is authorized on behalf of each constituent entity and that the 12367  
persons who signed the certificate on behalf of each entity are 12368  
authorized to do so; 12369
- (g) In the case of a merger, a statement that one or more 12370  
specified constituent entities will be merged into a specified 12371  
surviving entity or, in the case of a consolidation, a statement 12372  
that the constituent entities will be consolidated into a new 12373  
entity; 12374
- (h) In the case of a merger, if the surviving entity is a 12375  
foreign entity not licensed to transact business in this state, 12376  
the name and address of the statutory agent upon whom any process, 12377  
notice, or demand may be served; 12378

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(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.	12379 12380 12381
(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.	12382 12383 12384 12385 12386
(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.	12387 12388 12389 12390 12391 12392
(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)(7), (8), or (9) of section 1782.432 of the Revised Code.	12393 12394 12395 12396 12397 12398
(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 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.	12399 12400 12401 12402 12403 12404 12405 12406 12407 12408 12409 12410



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12411

(C) If any constituent entity in a merger or consolidation is 12412  
organized or formed under the laws of a state other than this 12413  
state or under any chapter of the Revised Code other than this 12414  
chapter, there also shall be filed in the proper office all 12415  
documents that are required to be filed in connection with the 12416  
merger or consolidation by the laws of that state or by that 12417  
chapter. 12418

(D) Upon the filing of a certificate of merger or 12419  
consolidation and other filings as described in division (C) of 12420  
this section or at any later date that the certificate of merger 12421  
or consolidation specifies, the merger or consolidation is 12422  
effective. 12423

(E) The secretary of state shall furnish, upon request and 12424  
payment of ~~a the fee specified in division (D) of ten dollars~~ 12425  
section 111.16 of the Revised Code, the secretary of state's 12426  
certificate setting forth: the name and form of entity of each 12427  
constituent entity and the states under the laws of which each 12428  
constituent entity existed prior to the merger or consolidation; 12429  
the name and the form of entity of the surviving or new entity and 12430  
the state under the laws of which the surviving entity exists or 12431  
the new entity is to exist; the date of filing of the certificate 12432  
of merger or consolidation with the secretary of state; and the 12433  
effective date of the merger or consolidation. The certificate of 12434  
the secretary of state, or a copy of the certificate of merger or 12435  
consolidation certified by the secretary of state, may be filed 12436  
for record in the office of the recorder of any county in this 12437  
state and, if filed, shall be recorded in the records of deeds for 12438  
that county. For that recording, the county recorder shall charge 12439  
and collect the same fee as in the case of deeds. 12440

**Sec. 1785.06.** A professional association, within thirty days 12441

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after the thirtieth day of June in each year, shall furnish a 12442  
statement to the secretary of state showing the names and 12443  
post-office addresses of all of the shareholders in the 12444  
association and certifying that all of the shareholders are duly 12445  
licensed, certificated, or otherwise legally authorized to render 12446  
within this state the same professional service for which the 12447  
association was organized or, in the case of a combination of 12448  
professional services described in division (B) of section 1785.01 12449  
of the Revised Code, to render within this state any of the 12450  
applicable types of professional services for which the 12451  
association was organized. This statement shall be made on a form 12452  
that the secretary of state shall prescribe, shall be signed by an 12453  
officer of the association, and shall be filed in the office of 12454  
the secretary of state. 12455

If any professional association fails to file the annual 12456  
statement within the time required by this section, the secretary 12457  
of state shall give notice of the failure by certified mail, 12458  
return receipt requested, to the last known address of the 12459  
association or its agent. If the annual statement is not filed 12460  
within thirty days after the mailing of the notice, the secretary 12461  
of state, upon the expiration of that period, shall cancel the 12462  
association's articles of incorporation, give notice of the 12463  
cancellation to the association by mail sent to the last known 12464  
address of the association or its agent, and make a notation of 12465  
the cancellation on the records of the secretary of state. 12466

A professional association whose articles have been canceled 12467  
pursuant to this section may be reinstated by filing an 12468  
application for reinstatement and the required annual statement or 12469  
statements and by paying ~~a~~ the reinstatement fee specified in 12470  
division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 12471  
The rights, privileges, and franchises of a professional 12472  
association whose articles have been reinstated are subject to 12473

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section 1701.922 of the Revised Code. The secretary of state shall 12474  
inform the tax commissioner of all cancellations and 12475  
reinstatements under this section. 12476

**Sec. 1901.26.** (A) Subject to division (E) of this section, 12477  
costs in a municipal court shall be fixed and taxed as follows: 12478

(1) The municipal court shall require an advance deposit for 12479  
the filing of any new civil action or proceeding when required by 12480  
division (A)(9) of this section, and in all other cases, by rule, 12481  
shall establish a schedule of fees and costs to be taxed in any 12482  
civil or criminal action or proceeding. 12483

(2) The municipal court, by rule, may require an advance 12484  
deposit for the filing of any civil action or proceeding and 12485  
publication fees as provided in section 2701.09 of the Revised 12486  
Code. The court may waive the requirement for advance deposit upon 12487  
affidavit or other evidence that a party is unable to make the 12488  
required deposit. 12489

(3) When a jury trial is demanded in any civil action or 12490  
proceeding, the party making the demand may be required to make an 12491  
advance deposit as fixed by rule of court, unless, upon affidavit 12492  
or other evidence, the court concludes that the party is unable to 12493  
make the required deposit. If a jury is called, the fees of a jury 12494  
shall be taxed as costs. 12495

(4) In any civil or criminal action or proceeding, witnesses' 12496  
fees shall be fixed in accordance with sections 2335.06 and 12497  
2335.08 of the Revised Code. 12498

(5) A reasonable charge for driving, towing, carting, 12499  
storing, keeping, and preserving motor vehicles and other personal 12500  
property recovered or seized in any proceeding may be taxed as 12501  
part of the costs in a trial of the cause, in an amount that shall 12502  
be fixed by rule of court. 12503

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(6) Chattel property seized under any writ or process issued 12504  
by the court shall be preserved pending final disposition for the 12505  
benefit of all persons interested and may be placed in storage 12506  
when necessary or proper for that preservation. The custodian of 12507  
any chattel property so stored shall not be required to part with 12508  
the possession of the property until a reasonable charge, to be 12509  
fixed by the court, is paid. 12510

(7) The municipal court, as it determines, may refund all 12511  
deposits and advance payments of fees and costs, including those 12512  
for jurors and summoning jurors, when they have been paid by the 12513  
losing party. 12514

(8) Charges for the publication of legal notices required by 12515  
statute or order of court may be taxed as part of the costs, as 12516  
provided by section 7.13 of the Revised Code. 12517

(B)(1) The municipal court may determine that, for the 12518  
efficient operation of the court, additional funds are necessary 12519  
to acquire and pay for special projects of the court including, 12520  
but not limited to, the acquisition of additional facilities or 12521  
the rehabilitation of existing facilities, the acquisition of 12522  
equipment, the hiring and training of staff, community service 12523  
programs, mediation or dispute resolution services, the employment 12524  
of magistrates, the training and education of judges, acting 12525  
judges, and magistrates, and other related services. Upon that 12526  
determination, the court by rule may charge a fee, in addition to 12527  
all other court costs, on the filing of each criminal cause, civil 12528  
action or proceeding, or judgment by confession. 12529

If the municipal court offers a special program or service in 12530  
cases of a specific type, the municipal court by rule may assess 12531  
an additional charge in a case of that type, over and above court 12532  
costs, to cover the special program or service. The municipal 12533  
court shall adjust the special assessment periodically, but not 12534  
retroactively, so that the amount assessed in those cases does not 12535

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exceed the actual cost of providing the service or program. 12536

All moneys collected under division (B) of this section shall 12537  
be paid to the county treasurer if the court is a county-operated 12538  
municipal court or to the city treasurer if the court is not a 12539  
county-operated municipal court for deposit into either a general 12540  
special projects fund or a fund established for a specific special 12541  
project. Moneys from a fund of that nature shall be disbursed upon 12542  
an order of the court in an amount no greater than the actual cost 12543  
to the court of a project. If a specific fund is terminated 12544  
because of the discontinuance of a program or service established 12545  
under division (B) of this section, the municipal court may order 12546  
that moneys remaining in the fund be transferred to an account 12547  
established under this division for a similar purpose. 12548

(2) As used in division (B) of this section: 12549

(a) "Criminal cause" means a charge alleging the violation of 12550  
a statute or ordinance, or subsection of a statute or ordinance, 12551  
that requires a separate finding of fact or a separate plea before 12552  
disposition and of which the defendant may be found guilty, 12553  
whether filed as part of a multiple charge on a single summons, 12554  
citation, or complaint or as a separate charge on a single 12555  
summons, citation, or complaint. "Criminal cause" does not include 12556  
separate violations of the same statute or ordinance, or 12557  
subsection of the same statute or ordinance, unless each charge is 12558  
filed on a separate summons, citation, or complaint. 12559

(b) "Civil action or proceeding" means any civil litigation 12560  
that must be determined by judgment entry. 12561

~~(C) Prior to January 1, 1993, and on and after January 1, 12562  
2003, the municipal court shall collect the sum of four dollars as 12563  
additional filing fees in each new civil action or proceeding for 12564  
the charitable public purpose of providing financial assistance to 12565  
legal aid societies that operate within the state. From January 1, 12566~~

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~~1993, through December 31, 2002, the~~ The municipal court shall 12567  
 collect in all its divisions except the small claims division the 12568  
 sum of fifteen dollars as additional filing fees in each new civil 12569  
 action or proceeding for the charitable public purpose of 12570  
 providing financial assistance to legal aid societies that operate 12571  
 within the state. ~~From January 1, 1993, through December 31, 2002,~~ 12572  
~~the~~ The municipal court shall collect in its small claims division 12573  
 the sum of seven dollars as additional filing fees in each new 12574  
 civil action or proceeding for the charitable public purpose of 12575  
 providing financial assistance to legal aid societies that operate 12576  
 within the state. This division does not apply to any execution on 12577  
 a judgment, proceeding in aid of execution, or other post-judgment 12578  
 proceeding arising out of a civil action. The filing fees required 12579  
 to be collected under this division shall be in addition to any 12580  
 other court costs imposed in the action or proceeding and shall be 12581  
 collected at the time of the filing of the action or proceeding. 12582  
 The court shall not waive the payment of the additional filing 12583  
 fees in a new civil action or proceeding unless the court waives 12584  
 the advanced payment of all filing fees in the action or 12585  
 proceeding. All such moneys shall be transmitted on the first 12586  
 business day of each month by the clerk of the court to the 12587  
 treasurer of state. The moneys then shall be deposited by the 12588  
 treasurer of state to the credit of the legal aid fund established 12589  
 under section 120.52 of the Revised Code. 12590

The court may retain up to one per cent of the moneys it 12591  
 collects under this division to cover administrative costs, 12592  
 including the hiring of any additional personnel necessary to 12593  
 implement this division. 12594

(D) In the Cleveland municipal court, reasonable charges for 12595  
 investigating titles of real estate to be sold or disposed of 12596  
 under any writ or process of the court may be taxed as part of the 12597  
 costs. 12598

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(E) Under the circumstances described in sections 2969.21 to 12599  
2969.27 of the Revised Code, the clerk of the municipal court 12600  
shall charge the fees and perform the other duties specified in 12601  
those sections. 12602

**Sec. 1907.24.** (A) Subject to division (C) of this section, a 12603  
county court shall fix and tax fees and costs as follows: 12604

(1) The county court shall require an advance deposit for the 12605  
filing of any new civil action or proceeding when required by 12606  
division (C) of this section and, in all other cases, shall 12607  
establish a schedule of fees and costs to be taxed in any civil or 12608  
criminal action or proceeding. 12609

(2) The county court by rule may require an advance deposit 12610  
for the filing of a civil action or proceeding and publication 12611  
fees as provided in section 2701.09 of the Revised Code. The court 12612  
may waive an advance deposit requirement upon the presentation of 12613  
an affidavit or other evidence that establishes that a party is 12614  
unable to make the requisite deposit. 12615

(3) When a party demands a jury trial in a civil action or 12616  
proceeding, the county court may require the party to make an 12617  
advance deposit as fixed by rule of court, unless the court 12618  
concludes, on the basis of an affidavit or other evidence 12619  
presented by the party, that the party is unable to make the 12620  
requisite deposit. If a jury is called, the county court shall tax 12621  
the fees of a jury as costs. 12622

(4) In a civil or criminal action or proceeding, the county 12623  
court shall fix the fees of witnesses in accordance with sections 12624  
2335.06 and 2335.08 of the Revised Code. 12625

(5) A county court may tax as part of the costs in a trial of 12626  
the cause, in an amount fixed by rule of court, a reasonable 12627  
charge for driving, towing, carting, storing, keeping, and 12628

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preserving motor vehicles and other personal property recovered or 12629  
seized in a proceeding. 12630

(6) The court shall preserve chattel property seized under a 12631  
writ or process issued by the court pending final disposition for 12632  
the benefit of all interested persons. The court may place the 12633  
chattel property in storage when necessary or proper for its 12634  
preservation. The custodian of chattel property so stored shall 12635  
not be required to part with the possession of the property until 12636  
a reasonable charge, to be fixed by the court, is paid. 12637

(7) The county court, as it determines, may refund all 12638  
deposits and advance payments of fees and costs, including those 12639  
for jurors and summoning jurors, when they have been paid by the 12640  
losing party. 12641

(8) The court may tax as part of costs charges for the 12642  
publication of legal notices required by statute or order of 12643  
court, as provided by section 7.13 of the Revised Code. 12644

(B)(1) The county court may determine that, for the efficient 12645  
operation of the court, additional funds are necessary to acquire 12646  
and pay for special projects of the court including, but not 12647  
limited to, the acquisition of additional facilities or the 12648  
rehabilitation of existing facilities, the acquisition of 12649  
equipment, the hiring and training of staff, community service 12650  
programs, mediation or dispute resolution services, the employment 12651  
of magistrates, the training and education of judges, acting 12652  
judges, and magistrates, and other related services. Upon that 12653  
determination, the court by rule may charge a fee, in addition to 12654  
all other court costs, on the filing of each criminal cause, civil 12655  
action or proceeding, or judgment by confession. 12656

If the county court offers a special program or service in 12657  
cases of a specific type, the county court by rule may assess an 12658  
additional charge in a case of that type, over and above court 12659



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costs, to cover the special program or service. The county court 12660  
 shall adjust the special assessment periodically, but not 12661  
 retroactively, so that the amount assessed in those cases does not 12662  
 exceed the actual cost of providing the service or program. 12663

All moneys collected under division (B) of this section shall 12664  
 be paid to the county treasurer for deposit into either a general 12665  
 special projects fund or a fund established for a specific special 12666  
 project. Moneys from a fund of that nature shall be disbursed upon 12667  
 an order of the court in an amount no greater than the actual cost 12668  
 to the court of a project. If a specific fund is terminated 12669  
 because of the discontinuance of a program or service established 12670  
 under division (B) of this section, the county court may order 12671  
 that moneys remaining in the fund be transferred to an account 12672  
 established under this division for a similar purpose. 12673

(2) As used in division (B) of this section: 12674

(a) "Criminal cause" means a charge alleging the violation of 12675  
 a statute or ordinance, or subsection of a statute or ordinance, 12676  
 that requires a separate finding of fact or a separate plea before 12677  
 disposition and of which the defendant may be found guilty, 12678  
 whether filed as part of a multiple charge on a single summons, 12679  
 citation, or complaint or as a separate charge on a single 12680  
 summons, citation, or complaint. "Criminal cause" does not include 12681  
 separate violations of the same statute or ordinance, or 12682  
 subsection of the same statute or ordinance, unless each charge is 12683  
 filed on a separate summons, citation, or complaint. 12684

(b) "Civil action or proceeding" means any civil litigation 12685  
 that must be determined by judgment entry. 12686

(C) Subject to division (E) of this section, ~~prior to January~~ 12687  
~~1, 1993, and on and after January 1, 2003, the county court shall~~ 12688  
~~collect the sum of four dollars as additional filing fees in each~~ 12689  
~~new civil action or proceeding for the charitable public purpose~~ 12690

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~~of providing financial assistance to legal aid societies that~~ 12691  
~~operate within the state. Subject to division (E) of this section,~~ 12692  
~~from January 1, 1993, through December 31, 2002,~~ the county court 12693  
shall collect in all its divisions except the small claims 12694  
division the sum of fifteen dollars as additional filing fees in 12695  
each new civil action or proceeding for the charitable public 12696  
purpose of providing financial assistance to legal aid societies 12697  
that operate within the state. Subject to division (E) of this 12698  
section, ~~from January 1, 1993, through December 31, 2002,~~ the 12699  
county court shall collect in its small claims division the sum of 12700  
seven dollars as additional filing fees in each new civil action 12701  
or proceeding for the charitable public purpose of providing 12702  
financial assistance to legal aid societies that operate within 12703  
the state. This division does not apply to any execution on a 12704  
judgment, proceeding in aid of execution, or other post-judgment 12705  
proceeding arising out of a civil action. The filing fees required 12706  
to be collected under this division shall be in addition to any 12707  
other court costs imposed in the action or proceeding and shall be 12708  
collected at the time of the filing of the action or proceeding. 12709  
The court shall not waive the payment of the additional filing 12710  
fees in a new civil action or proceeding unless the court waives 12711  
the advanced payment of all filing fees in the action or 12712  
proceeding. All such moneys collected during a month shall be 12713  
transmitted on or before the twentieth day of the following month 12714  
by the clerk of the court to the treasurer of state. The moneys 12715  
then shall be deposited by the treasurer of state to the credit of 12716  
the legal aid fund established under section 120.52 of the Revised 12717  
Code. 12718

The court may retain up to one per cent of the moneys it 12719  
collects under this division to cover administrative costs, 12720  
including the hiring of any additional personnel necessary to 12721  
implement this division. 12722

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(D) The county court shall establish by rule a schedule of fees for miscellaneous services performed by the county court or any of its judges in accordance with law. If judges of the court of common pleas perform similar services, the fees prescribed in the schedule shall not exceed the fees for those services prescribed by the court of common pleas.

(E) Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the county court shall charge the fees and perform the other duties specified in those sections.

**Sec. 2303.201.** (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed three dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.

(2) All fees collected under division (A)(1) of this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed, upon an order of the court, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and expend those surplus

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funds for other appropriate technological expenses of the court. 12754

(B)(1) The court of common pleas of any county may determine 12755  
that, for the efficient operation of the court, additional funds 12756  
are required to computerize the office of the clerk of the court 12757  
of common pleas and, upon that determination, authorize and direct 12758  
the clerk of the court of common pleas to charge an additional 12759  
fee, not to exceed ten dollars, on the filing of each cause of 12760  
action or appeal, on the filing, docketing, and endorsing of each 12761  
certificate of judgment, or on the docketing and indexing of each 12762  
aid in execution or petition to vacate, revive, or modify a 12763  
judgment under divisions (A), (P), (Q), (T), and (U) of section 12764  
2303.20 of the Revised Code. Subject to division (B)(2) of this 12765  
section, all moneys collected under division (B)(1) of this 12766  
section shall be paid to the county treasurer to be disbursed, 12767  
upon an order of the court of common pleas and subject to 12768  
appropriation by the board of county commissioners, in an amount 12769  
no greater than the actual cost to the court of procuring and 12770  
maintaining computer systems for the office of the clerk of the 12771  
court of common pleas. 12772

(2) If the court of common pleas of a county makes the 12773  
determination described in division (B)(1) of this section, the 12774  
board of county commissioners of that county may issue one or more 12775  
general obligation bonds for the purpose of procuring and 12776  
maintaining the computer systems for the office of the clerk of 12777  
the court of common pleas. In addition to the purposes stated in 12778  
division (B)(1) of this section for which the moneys collected 12779  
under that division may be expended, the moneys additionally may 12780  
be expended to pay debt charges on and financing costs related to 12781  
any general obligation bonds issued pursuant to division (B)(2) of 12782  
this section as they become due. General obligation bonds issued 12783  
pursuant to division (B)(2) of this section are Chapter 133. 12784  
securities. 12785

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~~(C) Prior to January 1, 1993, and on and after January 1, 2003, the court of common pleas shall collect the sum of four dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. From January 1, 1993, through December 31, 2002, the~~

The court of common pleas shall collect the sum of fifteen dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state. This division does not apply to proceedings concerning annulments, dissolutions of marriage, divorces, legal separation, spousal support, marital property or separate property distribution, support, or other domestic relations matters; to a juvenile division of a court of common pleas; to a probate division of a court of common pleas, except that the additional filing fees shall apply to name change, guardianship, and adoption proceedings; or to an execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives the advanced payment of all filing fees in the action or proceeding. 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. The moneys then shall be deposited by the treasurer of state to the credit of the legal aid fund established under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it

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collects under this division to cover administrative costs, 12818  
including the hiring of any additional personnel necessary to 12819  
implement this division. 12820

(D) On and after the thirtieth day after December 9, 1994, 12821  
the court of common pleas shall collect the sum of thirty-two 12822  
dollars as additional filing fees in each new action or proceeding 12823  
for annulment, divorce, or dissolution of marriage for the purpose 12824  
of funding shelters for victims of domestic violence pursuant to 12825  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 12826  
required to be collected under this division shall be in addition 12827  
to any other filing fees imposed in the action or proceeding and 12828  
shall be collected at the time of the filing of the action or 12829  
proceeding. The court shall not waive the payment of the 12830  
additional filing fees in a new action or proceeding for 12831  
annulment, divorce, or dissolution of marriage unless the court 12832  
waives the advanced payment of all filing fees in the action or 12833  
proceeding. On or before the twentieth day of each month, all 12834  
moneys collected during the immediately preceding month pursuant 12835  
to this division shall be deposited by the clerk of the court into 12836  
the county treasury in the special fund used for deposit of 12837  
additional marriage license fees as described in section 3113.34 12838  
of the Revised Code. Upon their deposit into the fund, the moneys 12839  
shall be retained in the fund and expended only as described in 12840  
section 3113.34 of the Revised Code. 12841

(E)(1) The court of common pleas may determine that, for the 12842  
efficient operation of the court, additional funds are necessary 12843  
to acquire and pay for special projects of the court, including, 12844  
but not limited to, the acquisition of additional facilities or 12845  
the rehabilitation of existing facilities, the acquisition of 12846  
equipment, the hiring and training of staff, community service 12847  
programs, mediation or dispute resolution services, the employment 12848  
of magistrates, the training and education of judges, acting 12849

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judges, and magistrates, and other related services. Upon that  
determination, the court by rule may charge a fee, in addition to  
all other court costs, on the filing of each criminal cause, civil  
action or proceeding, or judgment by confession.

If the court of common pleas offers a special program or  
service in cases of a specific type, the court by rule may assess  
an additional charge in a case of that type, over and above court  
costs, to cover the special program or service. The court shall  
adjust the special assessment periodically, but not retroactively,  
so that the amount assessed in those cases does not exceed the  
actual cost of providing the service or program.

All moneys collected under division (E) 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 (E) of this section, the 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 (E) 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.

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(b) "Civil action or proceeding" means any civil litigation 12882  
that must be determined by judgment entry. 12883

**Sec. 2317.02.** The following persons shall not testify in 12884  
certain respects: 12885

(A) An attorney, concerning a communication made to the 12886  
attorney by a client in that relation or the attorney's advice to 12887  
a client, except that the attorney may testify by express consent 12888  
of the client or, if the client is deceased, by the express 12889  
consent of the surviving spouse or the executor or administrator 12890  
of the estate of the deceased client and except that, if the 12891  
client voluntarily testifies or is deemed by section 2151.421 of 12892  
the Revised Code to have waived any testimonial privilege under 12893  
this division, the attorney may be compelled to testify on the 12894  
same subject; 12895

(B)(1) A physician or a dentist concerning a communication 12896  
made to the physician or dentist by a patient in that relation or 12897  
the physician's or dentist's advice to a patient, except as 12898  
otherwise provided in this division, division (B)(2), and division 12899  
(B)(3) of this section, and except that, if the patient is deemed 12900  
by section 2151.421 of the Revised Code to have waived any 12901  
testimonial privilege under this division, the physician may be 12902  
compelled to testify on the same subject. 12903

The testimonial privilege established under this division 12904  
does not apply, and a physician or dentist may testify or may be 12905  
compelled to testify, in any of the following circumstances: 12906

(a) In any civil action, in accordance with the discovery 12907  
provisions of the Rules of Civil Procedure in connection with a 12908  
civil action, or in connection with a claim under Chapter 4123. of 12909  
the Revised Code, under any of the following circumstances: 12910

(i) If the patient or the guardian or other legal 12911



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representative of the patient gives express consent;	12912
(ii) If the patient is deceased, the spouse of the patient or	12913
the executor or administrator of the patient's estate gives	12914
express consent;	12915
(iii) If a medical claim, dental claim, chiropractic claim,	12916
or optometric claim, as defined in section 2305.11 of the Revised	12917
Code, an action for wrongful death, any other type of civil	12918
action, or a claim under Chapter 4123. of the Revised Code is	12919
filed by the patient, the personal representative of the estate of	12920
the patient if deceased, or the patient's guardian or other legal	12921
representative.	12922
(b) In any civil action concerning court-ordered treatment or	12923
services received by a patient, if the court-ordered treatment or	12924
services were ordered as part of a case plan journalized under	12925
section 2151.412 of the Revised Code or the court-ordered	12926
treatment or services are necessary or relevant to dependency,	12927
neglect, or abuse or temporary or permanent custody proceedings	12928
under Chapter 2151. of the Revised Code.	12929
(c) In any criminal action concerning any test or the results	12930
of any test that determines the presence or concentration of	12931
alcohol, a drug of abuse, or alcohol and a drug of abuse in the	12932
patient's blood, breath, urine, or other bodily substance at any	12933
time relevant to the criminal offense in question.	12934
(d) In any criminal action against a physician or dentist. In	12935
such an action, the testimonial privilege established under this	12936
division does not prohibit the admission into evidence, in	12937
accordance with the Rules of Evidence, of a patient's medical or	12938
dental records or other communications between a patient and the	12939
physician or dentist that are related to the action and obtained	12940
by subpoena, search warrant, or other lawful means. A court that	12941
permits or compels a physician or dentist to testify in such an	12942

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action or permits the introduction into evidence of patient 12943  
records or other communications in such an action shall require 12944  
that appropriate measures be taken to ensure that the 12945  
confidentiality of any patient named or otherwise identified in 12946  
the records is maintained. Measures to ensure confidentiality that 12947  
may be taken by the court include sealing its records or deleting 12948  
specific information from its records. 12949

(2)(a) If any law enforcement officer submits a written 12950  
statement to a health care provider that states that an official 12951  
criminal investigation has begun regarding a specified person or 12952  
that a criminal action or proceeding has been commenced against a 12953  
specified person, that requests the provider to supply to the 12954  
officer copies of any records the provider possesses that pertain 12955  
to any test or the results of any test administered to the 12956  
specified person to determine the presence or concentration of 12957  
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 12958  
person's blood, breath, or urine at any time relevant to the 12959  
criminal offense in question, and that conforms to section 12960  
2317.022 of the Revised Code, the provider, except to the extent 12961  
specifically prohibited by any law of this state or of the United 12962  
States, shall supply to the officer a copy of any of the requested 12963  
records the provider possesses. If the health care provider does 12964  
not possess any of the requested records, the provider shall give 12965  
the officer a written statement that indicates that the provider 12966  
does not possess any of the requested records. 12967

(b) If a health care provider possesses any records of the 12968  
type described in division (B)(2)(a) of this section regarding the 12969  
person in question at any time relevant to the criminal offense in 12970  
question, in lieu of personally testifying as to the results of 12971  
the test in question, the custodian of the records may submit a 12972  
certified copy of the records, and, upon its submission, the 12973  
certified copy is qualified as authentic evidence and may be 12974

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admitted as evidence in accordance with the Rules of Evidence. 12975  
Division (A) of section 2317.422 of the Revised Code does not 12976  
apply to any certified copy of records submitted in accordance 12977  
with this division. Nothing in this division shall be construed to 12978  
limit the right of any party to call as a witness the person who 12979  
administered the test to which the records pertain, the person 12980  
under whose supervision the test was administered, the custodian 12981  
of the records, the person who made the records, or the person 12982  
under whose supervision the records were made. 12983

(3)(a) If the testimonial privilege described in division 12984  
(B)(1) of this section does not apply as provided in division 12985  
(B)(1)(a)(iii) of this section, a physician or dentist may be 12986  
compelled to testify or to submit to discovery under the Rules of 12987  
Civil Procedure only as to a communication made to the physician 12988  
or dentist by the patient in question in that relation, or the 12989  
physician's or dentist's advice to the patient in question, that 12990  
related causally or historically to physical or mental injuries 12991  
that are relevant to issues in the medical claim, dental claim, 12992  
chiropractic claim, or optometric claim, action for wrongful 12993  
death, other civil action, or claim under Chapter 4123. of the 12994  
Revised Code. 12995

(b) If the testimonial privilege described in division (B)(1) 12996  
of this section does not apply to a physician or dentist as 12997  
provided in division (B)(1)(c) of this section, the physician or 12998  
dentist, in lieu of personally testifying as to the results of the 12999  
test in question, may submit a certified copy of those results, 13000  
and, upon its submission, the certified copy is qualified as 13001  
authentic evidence and may be admitted as evidence in accordance 13002  
with the Rules of Evidence. Division (A) of section 2317.422 of 13003  
the Revised Code does not apply to any certified copy of results 13004  
submitted in accordance with this division. Nothing in this 13005  
division shall be construed to limit the right of any party to 13006

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call as a witness the person who administered the test in 13007  
question, the person under whose supervision the test was 13008  
administered, the custodian of the results of the test, the person 13009  
who compiled the results, or the person under whose supervision 13010  
the results were compiled. 13011

(4) The testimonial privilege described in division (B)(1) of 13012  
this section is not waived when a communication is made by a 13013  
physician to a pharmacist or when there is communication between a 13014  
patient and a pharmacist in furtherance of the physician-patient 13015  
relation. 13016

(5)(a) As used in divisions (B)(1) to (4) of this section, 13017  
"communication" means acquiring, recording, or transmitting any 13018  
information, in any manner, concerning any facts, opinions, or 13019  
statements necessary to enable a physician or dentist to diagnose, 13020  
treat, prescribe, or act for a patient. A "communication" may 13021  
include, but is not limited to, any medical or dental, office, or 13022  
hospital communication such as a record, chart, letter, 13023  
memorandum, laboratory test and results, x-ray, photograph, 13024  
financial statement, diagnosis, or prognosis. 13025

(b) As used in division (B)(2) of this section, "health care 13026  
provider" ~~has the same meaning as in section 3729.01 of the~~ 13027  
~~Revised Code means a hospital, ambulatory care facility, long-term~~ 13028  
~~care facility, pharmacy, emergency facility, or health care~~ 13029  
~~practitioner.~~ 13030

(c) As used in division (B)(5)(b) of this section: 13031

(i) "Ambulatory care facility" means a facility that provides 13032  
medical, diagnostic, or surgical treatment to patients who do not 13033  
require hospitalization, including a dialysis center, ambulatory 13034  
surgical facility, cardiac catheterization facility, diagnostic 13035  
imaging center, extracorporeal shock wave lithotripsy center, home 13036  
health agency, inpatient hospice, birthing center, radiation 13037

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therapy center, emergency facility, and an urgent care center. 13038  
"Ambulatory health care facility" does not include the private 13039  
office of a physician or dentist, whether the office is for an 13040  
individual or group practice. 13041

(ii) "Emergency facility" means a hospital emergency 13042  
department or any other facility that provides emergency medical 13043  
services. 13044

(iii) "Health care practitioner" has the same meaning as in 13045  
section 4769.01 of the Revised Code. 13046

(iv) "Hospital" has the same meaning as in section 3727.01 of 13047  
the Revised Code. 13048

(v) "Long-term care facility" means a nursing home, 13049  
residential care facility, or home for the aging, as those terms 13050  
are defined in section 3721.01 of the Revised Code; an adult care 13051  
facility, as defined in section 3722.01 of the Revised Code; a 13052  
nursing facility or intermediate care facility for the mentally 13053  
retarded, as those terms are defined in section 5111.20 of the 13054  
Revised Code; a facility or portion of a facility certified as a 13055  
skilled nursing facility under Title XVIII of the "Social Security 13056  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 13057

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 13058  
the Revised Code. 13059

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 13060  
 apply to doctors of medicine, doctors of osteopathic medicine, 13061  
 doctors of podiatry, and dentists. 13062

(7) Nothing in divisions (B)(1) to (6) of this section 13063  
 affects, or shall be construed as affecting, the immunity from 13064  
 civil liability conferred by section 307.628 or 2305.33 of the 13065  
 Revised Code upon physicians who report an employee's use of a 13066  
 drug of abuse, or a condition of an employee other than one 13067  
 involving the use of a drug of abuse, to the employer of the 13068

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employee in accordance with division (B) of that section. As used 13069  
in division (B)(7) of this section, "employee," "employer," and 13070  
"physician" have the same meanings as in section 2305.33 of the 13071  
Revised Code. 13072

(C) A member of the clergy, rabbi, priest, or regularly 13073  
ordained, accredited, or licensed minister of an established and 13074  
legally cognizable church, denomination, or sect, when the member 13075  
of the clergy, rabbi, priest, or minister remains accountable to 13076  
the authority of that church, denomination, or sect, concerning a 13077  
confession made, or any information confidentially communicated, 13078  
to the member of the clergy, rabbi, priest, or minister for a 13079  
religious counseling purpose in the member of the clergy's, 13080  
rabbi's, priest's, or minister's professional character; however, 13081  
the member of the clergy, rabbi, priest, or minister may testify 13082  
by express consent of the person making the communication, except 13083  
when the disclosure of the information is in violation of a sacred 13084  
trust; 13085

(D) Husband or wife, concerning any communication made by one 13086  
to the other, or an act done by either in the presence of the 13087  
other, during coverture, unless the communication was made, or act 13088  
done, in the known presence or hearing of a third person competent 13089  
to be a witness; and such rule is the same if the marital relation 13090  
has ceased to exist; 13091

(E) A person who assigns a claim or interest, concerning any 13092  
matter in respect to which the person would not, if a party, be 13093  
permitted to testify; 13094

(F) A person who, if a party, would be restricted under 13095  
section 2317.03 of the Revised Code, when the property or thing is 13096  
sold or transferred by an executor, administrator, guardian, 13097  
trustee, heir, devisee, or legatee, shall be restricted in the 13098  
same manner in any action or proceeding concerning the property or 13099  
thing. 13100

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(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, or independent social worker, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies:

(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

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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.

(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;

(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. 13164  
13165

(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 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: 13166  
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(a) If the patient or the guardian or other legal representative of the patient gives express consent. 13176  
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(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent. 13178  
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(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. 13181  
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(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 13188  
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physical or mental injuries that are relevant to issues in the 13195  
 medical claim, dental claim, chiropractic claim, or optometric 13196  
 claim, action for wrongful death, other civil action, or claim 13197  
 under Chapter 4123. of the Revised Code. 13198

(3) The testimonial privilege established under this division 13199  
 does not apply, and a chiropractor may testify or be compelled to 13200  
 testify, in any criminal action or administrative proceeding. 13201  
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(4) As used in this division, "communication" means 13203  
 acquiring, recording, or transmitting any information, in any 13204  
 manner, concerning any facts, opinions, or statements necessary to 13205  
 enable a chiropractor to diagnosis, treat, or act for a patient. A 13206  
 communication may include, but is not limited to, any 13207  
 chiropractic, office, or hospital communication such as a record, 13208  
 chart, letter, memorandum, laboratory test and results, x-ray, 13209  
 photograph, financial statement, diagnosis, or prognosis. 13210

**Sec. 2317.022.** (A) As used in this section, "health care 13211  
 provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 13212  
 the Revised Code. 13213

(B) If an official criminal investigation has begun regarding 13214  
 a person or if a criminal action or proceeding is commenced 13215  
 against a person, any law enforcement officer who wishes to obtain 13216  
 from any health care provider a copy of any records the provider 13217  
 possesses that pertain to any test or the result of any test 13218  
 administered to the person to determine the presence or 13219  
 concentration of alcohol, a drug of abuse, or alcohol and a drug 13220  
 of abuse in the person's blood, breath, or urine at any time 13221  
 relevant to the criminal offense in question shall submit to the 13222  
 health care facility a written statement in the following form: 13223

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 13224

To: ..... (insert name of the health care 13225

provider in question). 13226

I hereby state that an official criminal investigation has 13227  
begun regarding, or a criminal action or proceeding has been 13228  
commenced against, ..... (insert the name of the 13229  
person in question), and that I believe that one or more tests has 13230  
been administered to ~~him~~ that person by this health care provider 13231  
to determine the presence or concentration of alcohol, a drug of 13232  
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 13233  
breath, or urine at a time relevant to the criminal offense in 13234  
question. Therefore, I hereby request that, pursuant to division 13235  
(B)(2) of section 2317.02 of the Revised Code, this health care 13236  
provider supply me with copies of any records the provider 13237  
possesses that pertain to any test or the results of any test 13238  
administered to the person specified above to determine the 13239  
presence or concentration of alcohol, a drug of abuse, or alcohol 13240  
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 13241  
at any time relevant to the criminal offense in question. 13242

..... 13243

(Name of officer) 13244

..... 13245

(Officer's title) 13246

..... 13247

(Officer's employing agency) 13248

..... 13249

(Officer's telephone number) 13250

..... 13251

..... 13252

..... 13253

(Agency's address) 13254

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..... 13255

(Date written statement submitted)" 13256

(C) A health care provider that receives a written statement 13257  
of the type described in division (B) of this section shall comply 13258  
with division (B)(2) of section 2317.02 of the Revised Code 13259  
relative to the written statement. 13260

**Sec. 2329.66.** (A) Every person who is domiciled in this state 13261  
may hold property exempt from execution, garnishment, attachment, 13262  
or sale to satisfy a judgment or order, as follows: 13263

(1)(a) In the case of a judgment or order regarding money 13264  
owed for health care services rendered or health care supplies 13265  
provided to the person or a dependent of the person, one parcel or 13266  
item of real or personal property that the person or a dependent 13267  
of the person uses as a residence. Division (A)(1)(a) of this 13268  
section does not preclude, affect, or invalidate the creation 13269  
under this chapter of a judgment lien upon the exempted property 13270  
but only delays the enforcement of the lien until the property is 13271  
sold or otherwise transferred by the owner or in accordance with 13272  
other applicable laws to a person or entity other than the 13273  
surviving spouse or surviving minor children of the judgment 13274  
debtor. Every person who is domiciled in this state may hold 13275  
exempt from a judgment lien created pursuant to division (A)(1)(a) 13276  
of this section the person's interest, not to exceed five thousand 13277  
dollars, in the exempted property. 13278

(b) In the case of all other judgments and orders, the 13279  
person's interest, not to exceed five thousand dollars, in one 13280  
parcel or item of real or personal property that the person or a 13281  
dependent of the person uses as a residence. 13282

(2) The person's interest, not to exceed one thousand 13283  
dollars, in one motor vehicle; 13284

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(3) The person's interest, not to exceed two hundred dollars 13285  
in any particular item, in wearing apparel, beds, and bedding, and 13286  
the person's interest, not to exceed three hundred dollars in each 13287  
item, in one cooking unit and one refrigerator or other food 13288  
preservation unit; 13289

(4)(a) The person's interest, not to exceed four hundred 13290  
dollars, in cash on hand, money due and payable, money to become 13291  
due within ninety days, tax refunds, and money on deposit with a 13292  
bank, savings and loan association, credit union, public utility, 13293  
landlord, or other person. Division (A)(4)(a) of this section 13294  
applies only in bankruptcy proceedings. This exemption may include 13295  
the portion of personal earnings that is not exempt under division 13296  
(A)(13) of this section. 13297

(b) Subject to division (A)(4)(d) of this section, the 13298  
person's interest, not to exceed two hundred dollars in any 13299  
particular item, in household furnishings, household goods, 13300  
appliances, books, animals, crops, musical instruments, firearms, 13301  
and hunting and fishing equipment, that are held primarily for the 13302  
personal, family, or household use of the person; 13303

(c) Subject to division (A)(4)(d) of this section, the 13304  
person's interest in one or more items of jewelry, not to exceed 13305  
four hundred dollars in one item of jewelry and not to exceed two 13306  
hundred dollars in every other item of jewelry; 13307

(d) Divisions (A)(4)(b) and (c) of this section do not 13308  
include items of personal property listed in division (A)(3) of 13309  
this section. 13310

If the person does not claim an exemption under division 13311  
(A)(1) of this section, the total exemption claimed under division 13312  
(A)(4)(b) of this section shall be added to the total exemption 13313  
claimed under division (A)(4)(c) of this section, and the total 13314  
shall not exceed two thousand dollars. If the person claims an 13315

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- 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. 13316  
 13317  
 13318  
 13319  
 13320
- (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; 13321  
 13322  
 13323  
 13324
- (6)(a) The person's interest in a beneficiary fund set apart,  
 appropriated, or paid by a benevolent association or society, as  
 exempted by section 2329.63 of the Revised Code; 13325  
 13326  
 13327
- (b) The person's interest in contracts of life or endowment  
 insurance or annuities, as exempted by section 3911.10 of the  
 Revised Code; 13328  
 13329  
 13330
- (c) The person's interest in a policy of group insurance or  
 the proceeds of a policy of group insurance, as exempted by  
 section 3917.05 of the Revised Code; 13331  
 13332  
 13333
- (d) The person's interest in money, benefits, charity,  
 relief, or aid to be paid, provided, or rendered by a fraternal  
 benefit society, as exempted by section 3921.18 of the Revised  
 Code; 13334  
 13335  
 13336  
 13337
- (e) The person's interest in the portion of benefits under  
 policies of sickness and accident insurance and in ~~lump-sum~~ lump  
sum payments for dismemberment and other losses insured under  
 those policies, as exempted by section 3923.19 of the Revised  
 Code. 13338  
 13339  
 13340  
 13341  
 13342
- (7) The person's professionally prescribed or medically  
 necessary health aids; 13343  
 13344
- (8) The person's interest in a burial lot, including, but not 13345

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limited to, exemptions under section 517.09 or 1721.07 of the	13346
Revised Code;	13347
(9) The person's interest in the following:	13348
(a) Moneys paid or payable for living maintenance or rights,	13349
as exempted by section 3304.19 of the Revised Code;	13350
(b) Workers' compensation, as exempted by section 4123.67 of	13351
the Revised Code;	13352
(c) Unemployment compensation benefits, as exempted by	13353
section 4141.32 of the Revised Code;	13354
(d) Cash assistance payments under the Ohio works first	13355
program, as exempted by section 5107.75 of the Revised Code;	13356
(e) <u>Benefits and services under the prevention, retention,</u>	13357
<u>and contingency program, as exempted by section 5108.08 of the</u>	13358
<u>Revised Code;</u>	13359
(f) Disability assistance payments, as exempted by section	13360
5115.07 of the Revised Code.	13361
(10)(a) Except in cases in which the person was convicted of	13362
or pleaded guilty to a violation of section 2921.41 of the Revised	13363
Code and in which an order for the withholding of restitution from	13364
payments was issued under division (C)(2)(b) of that section or in	13365
cases in which an order for withholding was issued under section	13366
2907.15 of the Revised Code, and only to the extent provided in	13367
the order, and except as provided in sections 3105.171, 3105.63,	13368
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised	13369
Code, the person's right to a pension, benefit, annuity,	13370
retirement allowance, or accumulated contributions, the person's	13371
right to a participant account in any deferred compensation	13372
program offered by the Ohio public employees deferred compensation	13373
board, a government unit, or a municipal corporation, or the	13374
person's other accrued or accruing rights, as exempted by section	13375

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145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 13376  
the Revised Code, and the person's right to benefits from the Ohio 13377  
public safety officers death benefit fund; 13378

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 13379  
3121.03, and 3123.06 of the Revised Code, the person's right to 13380  
receive a payment under any pension, annuity, or similar plan or 13381  
contract, not including a payment from a stock bonus or 13382  
profit-sharing plan or a payment included in division (A)(6)(b) or 13383  
(10)(a) of this section, on account of illness, disability, death, 13384  
age, or length of service, to the extent reasonably necessary for 13385  
the support of the person and any of the person's dependents, 13386  
except if all the following apply: 13387

(i) The plan or contract was established by or under the 13388  
auspices of an insider that employed the person at the time the 13389  
person's rights under the plan or contract arose. 13390

(ii) The payment is on account of age or length of service. 13391

(iii) The plan or contract is not qualified under the 13392  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 13393  
amended. 13394

(c) Except for any portion of the assets that were deposited 13395  
for the purpose of evading the payment of any debt and except as 13396  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 13397  
3123.06 of the Revised Code, the person's right in the assets held 13398  
in, or to receive any payment under, any individual retirement 13399  
account, individual retirement annuity, "Roth IRA," or education 13400  
individual retirement account that provides benefits by reason of 13401  
illness, disability, death, or age, to the extent that the assets, 13402  
payments, or benefits described in division (A)(10)(c) of this 13403  
section are attributable to any of the following: 13404

(i) Contributions of the person that were less than or equal 13405  
to the applicable limits on deductible contributions to an 13406



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individual retirement account or individual retirement annuity in 13407  
the year that the contributions were made, whether or not the 13408  
person was eligible to deduct the contributions on the person's 13409  
federal tax return for the year in which the contributions were 13410  
made; 13411

(ii) Contributions of the person that were less than or equal 13412  
to the applicable limits on contributions to a Roth IRA or 13413  
education individual retirement account in the year that the 13414  
contributions were made; 13415

(iii) Contributions of the person that are within the 13416  
applicable limits on rollover contributions under subsections 219, 13417  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 13418  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 13419  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 13420

(d) Except for any portion of the assets that were deposited 13421  
for the purpose of evading the payment of any debt and except as 13422  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 13423  
3123.06 of the Revised Code, the person's right in the assets held 13424  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 13425  
that provides benefits by reason of illness, disability, death, or 13426  
age, to the extent reasonably necessary for the support of the 13427  
person and any of the person's dependents. 13428

(11) The person's right to receive spousal support, child 13429  
support, an allowance, or other maintenance to the extent 13430  
reasonably necessary for the support of the person and any of the 13431  
person's dependents; 13432

(12) The person's right to receive, or moneys received during 13433  
the preceding twelve calendar months from, any of the following: 13434  
13435

(a) An award of reparations under sections 2743.51 to 2743.72 13436  
of the Revised Code, to the extent exempted by division (D) of 13437

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section 2743.66 of the Revised Code;	13438
(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;	13439 13440 13441 13442
(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed five thousand dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;	13443 13444 13445 13446 13447 13448 13449 13450 13451
(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.	13452 13453 13454 13455
(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:	13456 13457 13458 13459
(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;	13460 13461 13462 13463 13464 13465 13466 13467
(b) Seventy-five per cent of the disposable earnings owed to	13468

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the person.	13469
(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;	13470 13471 13472
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	13473 13474
(16) The person's interest in a tuition credit or a payment under section 3334.09 of the Revised Code pursuant to a tuition credit contract, as exempted by section 3334.15 of the Revised Code;	13475 13476 13477 13478
(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;	13479 13480 13481 13482
(18) The person's interest, not to exceed four hundred dollars, in any property, except that division (A)(18) of this section applies only in bankruptcy proceedings.	13483 13484 13485
(B) As used in this section:	13486
(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.	13487 13488 13489 13490
(2) "Insider" means:	13491
(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;	13492 13493 13494 13495 13496
(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the	13497 13498

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corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation; 13499  
13500  
13501  
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(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership; 13503  
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(d) An entity or person to which or whom any of the following applies: 13508  
13509

(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. 13510  
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(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. 13517  
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(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. 13522  
13523  
13524  
13525

(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. 13526  
13527  
13528

(e) An insider, as otherwise defined in this section, of a 13529

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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; 13530 13531 13532

(f) A managing agent of the person who claims an exemption. 13533

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 13534 13535

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 13536 13537

(C) For purposes of this section, "interest" shall be determined as follows: 13538 13539

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code; 13540 13541 13542

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution. 13543 13544 13545

An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code. 13546 13547 13548

Sec. 2715.041. (A) Upon the filing of a motion for an order of attachment pursuant to section 2715.03 of the Revised Code, the plaintiff shall file with the clerk of the court a praecipe instructing the clerk to issue to the defendant against whom the motion was filed a notice of the proceeding. Upon receipt of the praecipe, the clerk shall issue the notice which shall be in substantially the following form: 13549 13550 13551 13552 13553 13554 13555

"(Name and Address of Court) 13556

Case No..... 13557

(Case Caption) 13558

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NOTICE

13559

You are hereby notified that (name and address of plaintiff), the plaintiff in this proceeding, has applied to this court for the attachment of property in your possession. The basis for this application is indicated in the documents that are enclosed with this notice.

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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 on by a creditor are:

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13566  
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13568

(1) Workers' compensation benefits;

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(2) Unemployment compensation payments;

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(3) Cash assistance payments under the Ohio works first program;

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13572

(4) Benefits and services under the prevention, retention, and contingency program;

13573  
13574

(5) Disability assistance administered by the Ohio department of job and family services;

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~~(5)~~(6) Social security benefits;

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~~(6)~~(7) Supplemental security income (S.S.I.);

13578

~~(7)~~(8) Veteran's benefits;

13579

~~(8)~~(9) Black lung benefits;

13580

~~(9)~~(10) Certain pensions.

13581

Additionally, your wages never can be taken to pay a debt until a judgment has been obtained against you. There may be other benefits not included in this list that apply in your case.

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If you dispute the plaintiff's claim and believe that you are entitled to retain possession of the property because it is exempt or for any other reason, you may request a hearing before this

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court by disputing the claim in the request for hearing form 13588  
 appearing below, or in a substantially similar form, and 13589  
 delivering the request for the hearing to this court, at the 13590  
 office of the clerk of this court, not later than the end of the 13591  
 fifth business day after you receive this notice. You may state 13592  
 your reasons for disputing the claim in the space provided on the 13593  
 form, but you are not required to do so. If you do state your 13594  
 reasons for disputing the claim in the space provided on the form, 13595  
 you are not prohibited from stating any other reasons at the 13596  
 hearing, and if you do not state your reasons, it will not be held 13597  
 against you by the court and you can state your reasons at the 13598  
 hearing. 13599

If you request a hearing, it will be conducted in 13600  
 ..... courtroom ....., (address of court), at 13601  
 .....m. on ....., ..... 13602

You may avoid having a hearing but retain possession of the 13603  
 property until the entry of final judgment in the action by filing 13604  
 with the court, at the office of the clerk of this court, not 13605  
 later than the end of the fifth business day after you receive 13606  
 this notice, a bond executed by an acceptable surety in the amount 13607  
 of \$..... 13608

If you do not request a hearing or file a bond on or before 13609  
 the end of the fifth business day after you receive this notice, 13610  
 the court, without further notice to you, may order a law 13611  
 enforcement officer or bailiff to take possession of the property. 13612  
 Notice of the dates, times, places, and purposes of any subsequent 13613  
 hearings and of the date, time, and place of the trial of the 13614  
 action will be sent to you. 13615

..... 13616  
 Clerk of Court 13617  
 Date: ..... " 13618

(B) Along with the notice required by division (A) of this 13619

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section, the clerk of the court also shall deliver to the defendant, in accordance with division (C) of this section, a request for hearing form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form:

"\_Name and Address of Court)

Case Number ..... Date .....

REQUEST FOR HEARING

I dispute the claim for the attachment of property in the above case and request that a hearing in this matter be held at the time and place set forth in the notice that I previously received.

I dispute the claim for the following reasons:

.....

(Optional)

.....

.....

.....

(Name of Defendant)

.....

(Signature)

.....

(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING."

(C) The notice required by division (A) of this section shall



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be served on the defendant in duplicate not less than seven  
business days prior to the date on which the hearing is scheduled,  
together with a copy of the complaint and summons, if not  
previously served, and a copy of the motion for the attachment of  
property and the affidavit attached to the motion, in the same  
manner as provided in the Rules of Civil Procedure for the service  
of process. Service may be effected by publication as provided in  
the Rules of Civil Procedure except that the number of weeks for  
publication may be reduced by the court to the extent appropriate.

**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

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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)

(Case Caption) Case No. ....

NOTICE

You are hereby notified that this court has issued an order  
in the above case in favor of (name and address of plaintiff), the  
plaintiff in this proceeding, directing that property now in your  
possession, be taken from you. This order was issued on the basis  
of the plaintiff's claim against you as indicated in the documents  
that are enclosed with this notice.

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 on by a  
creditor are:

- (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;

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- ~~+5)~~(6) Social security benefits; 13711
- ~~+6)~~(7) Supplemental security income (S.S.I.); 13712
- ~~+7)~~(8) Veteran's benefits; 13713
- ~~+8)~~(9) Black lung benefits; 13714
- ~~+9)~~(10) Certain pensions. 13715

Additionally, your wages never can be taken to pay a debt 13716  
 until a judgment has been obtained against you. There may be other 13717  
 benefits not included in this list that apply in your case. 13718

If you dispute the plaintiff's claim and believe that you are 13719  
 entitled to possession of the property because it is exempt or for 13720  
 any other reason, you may request a hearing before this court by 13721  
 disputing the claim in the request for hearing form, appearing 13722  
 below, or in a substantially similar form, and delivering the 13723  
 request for hearing to this court at the above address, at the 13724  
 office of the clerk of this court, no later than the end of the 13725  
 fifth business day after you receive this notice. You may state 13726  
 your reasons for disputing the claim in the space provided on the 13727  
 form; however, you are not required to do so. If you do state your 13728  
 reasons for disputing the claim, you are not prohibited from 13729  
 stating any other reasons at the hearing, and if you do not state 13730  
 your reasons, it will not be held against you by the court and you 13731  
 can state your reasons at the hearing. If you request a hearing, 13732  
 it will be held within three business days after delivery of your 13733  
 request for hearing and notice of the date, time, and place of the 13734  
 hearing will be sent to you. 13735

You may avoid a hearing but recover and retain possession of 13736  
 the property until the entry of final judgment in the action by 13737  
 filing with the court, at the office of the clerk of this court, 13738  
 not later than the end of the fifth business day after you receive 13739  
 this notice, a bond executed by an acceptable surety in the amount 13740  
 of \$..... 13741

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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"

(2) Along with the notice required by division (C)(1) of this section, the clerk of the court also shall deliver to the defendant a request for hearing form together with a postage-paid, self-addressed envelope or a request for hearing form on a postage-paid, self-addressed postcard. The request for hearing shall be in substantially the following form:

"(Name and Address of Court)  
 Case Number ..... Date .....  
 REQUEST FOR HEARING

I dispute the claim for possession of property in the above case and request that a hearing in this matter be held within three business days after delivery of this request to the court.

I dispute the claim for the following reasons:  
 .....

(Optional)  
 .....

.....  
 (Name of Defendant)  
 .....  
 (Signature)

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..... 13773

(Date) 13774

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 13775  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 13776  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 13777  
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 13778  
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 13779

(D) The defendant may receive a hearing in accordance with 13780  
section 2715.043 of the Revised Code by delivering a written 13781  
request for hearing to the court within five business days after 13782  
receipt of the notice provided pursuant to division (C) of this 13783  
section. The request may set forth the defendant's reasons for 13784  
disputing the plaintiff's claim for possession of property. 13785  
However, neither the defendant's inclusion of nor failure to 13786  
include such reasons upon the request constitutes a waiver of any 13787  
defense of the defendant or affects the defendant's right to 13788  
produce evidence at any hearing or at the trial of the action. If 13789  
the request is made by the defendant, the court shall schedule a 13790  
hearing within three business days after the request is made, send 13791  
notice to the parties of the date, time, and place of the hearing, 13792  
and hold the hearing accordingly. 13793

(E) If, after hearing, the court finds that there is not 13794  
probable cause to support the motion, it shall order that the 13795  
property be redelivered to the defendant without the condition of 13796  
bond. 13797

**Sec. 2716.13.** (A) Upon the filing of a proceeding in 13798  
garnishment of property, other than personal earnings, under 13799  
section 2716.11 of the Revised Code, the court shall cause the 13800  
matter to be set for hearing within twelve days after that filing. 13801

(B) Upon the scheduling of a hearing relative to a proceeding 13802  
in garnishment of property, other than personal earnings, under 13803

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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  
on which the hearing is scheduled. The order shall bind the  
property, other than personal earnings, of the judgment debtor in  
the possession of the garnishee at the time of service.

The order of garnishment of property, other than personal  
earnings, and notice to answer shall be in substantially the  
following form:

"ORDER AND NOTICE OF GARNISHMENT  
OF PROPERTY OTHER THAN PERSONAL EARNINGS  
AND ANSWER OF GARNISHEE

Docket No. ....  
Case No. ....  
In the ..... Court  
....., Ohio

The State of Ohio

County of ....., ss

....., Judgment Creditor

vs.

....., Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To: ....., Garnishee

The judgment creditor in the above case has filed an  
affidavit, satisfactory to the undersigned, in this Court stating

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that you have money, property, or credits, other than personal 13835  
earnings, in your hands or under your control that belong to the 13836  
judgment debtor, and that some of the money, property, or credits 13837  
may not be exempt from garnishment under the laws of the State of 13838  
Ohio or the laws of the United States. 13839

You are therefore ordered to complete the "ANSWER OF 13840  
GARNISHEE" in section (B) of this form. Return one completed and 13841  
signed copy of this form to the clerk of this court together with 13842  
the amount determined in accordance with the "ANSWER OF GARNISHEE" 13843  
by the following date on which a hearing is tentatively scheduled 13844  
relative to this order of garnishment: ..... Deliver one 13845  
completed and signed copy of this form to the judgment debtor 13846  
prior to that date. Keep the other completed and signed copy of 13847  
this form for your files. 13848

The total probable amount now due on this judgment is 13849  
\$...... The total probable amount now due includes the unpaid 13850  
portion of the judgment in favor of the judgment creditor, which 13851  
is \$......; interest on that judgment and, if applicable, 13852  
prejudgment interest relative to that judgment at the rate of 13853  
.....% per annum payable until that judgment is satisfied in full; 13854  
and court costs in the amount of \$...... 13855

You also are ordered to hold safely anything of value that 13856  
belongs to the judgment debtor and that has to be paid to the 13857  
court, as determined under the "ANSWER OF GARNISHEE" in section 13858  
(B) of this form, but that is of such a nature that it cannot be 13859  
so delivered, until further order of the court. 13860

Witness my hand and the seal of this court this ..... 13861  
day of ....., ..... 13862

..... 13863

Judge 13864

SECTION B. ANSWER OF GARNISHEE 13865

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Now comes ..... the garnishee, who says: 13866

1. That the garnishee has money, property, or credits, other 13867  
than personal earnings, of the judgment debtor under the 13868  
garnishee's control and in the garnishee's possession. 13869  
..... 13870  
yes no if yes, amount 13871

2. That property is described as: 13872

3. If the answer to line 1 is "yes" and the amount is less 13873  
than the probable amount now due on the judgment, as indicated in 13874  
section (A) of this form, sign and return this form and pay the 13875  
amount of line 1 to the clerk of this court. 13876

4. If the answer to line 1 is "yes" and the amount is greater 13877  
than that probable amount now due on the judgment, as indicated in 13878  
section (A) of this form, sign and return this form and pay that 13879  
probable amount now due to the clerk of this court. 13880

5. If the answer to line 1 is "yes" but the money, property, 13881  
or credits are of such a nature that they cannot be delivered to 13882  
the clerk of the court, indicate that by placing an "X" in this 13883  
space: ..... Do not dispose of that money, property, or credits 13884  
or give them to anyone else until further order of the court. 13885

6. If the answer to line 1 is "no," sign and return this form 13886  
to the clerk of this court. 13887

I certify that the statements above are true. 13888  
..... 13889  
(Print Name of Garnishee) 13890  
..... 13891  
(Print Name and Title of 13892  
Person Who Completed Form) 13893

Signed ..... 13894  
(Signature of Person Completing Form) 13895



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Dated this ..... day of ....., ....." 13896

Section A of the form described in this division shall be 13897
completed before service. Section B of the form shall be completed 13898
by the garnishee, and the garnishee shall file one completed and 13899
signed copy of the form with the clerk of the court as the 13900
garnishee's answer. The garnishee may keep one completed and 13901
signed copy of the form and shall deliver the other completed and 13902
signed copy of the form to the judgment debtor. 13903

If several affidavits seeking orders of garnishment of 13904
property, other than personal earnings, are filed against the same 13905
judgment debtor in accordance with section 2716.11 of the Revised 13906
Code, the court involved shall issue the requested orders in the 13907
same order in which the clerk received the associated affidavits. 13908

(C)(1) At the time of the filing of a proceeding in 13909
garnishment of property, other than personal earnings, under 13910
section 2716.11 of the Revised Code, the judgment creditor also 13911
shall file with the clerk of the court a praecipe instructing the 13912
clerk to issue to the judgment debtor a notice to the judgment 13913
debtor form and a request for hearing form. Upon receipt of the 13914
praecipe and the scheduling of a hearing relative to an action in 13915
garnishment of property, other than personal earnings, under 13916
division (A) of this section, the clerk of the court immediately 13917
shall serve upon the judgment debtor, in accordance with division 13918
(D) of this section, two copies of the notice to the judgment 13919
debtor form and of the request for hearing form. The copies of the 13920
notice to the judgment debtor form and of the request for hearing 13921
form shall not be served later than seven days prior to the date 13922
on which the hearing is scheduled. 13923

(a) The notice to the judgment debtor that must be served 13924
upon the judgment debtor shall be in substantially the following 13925
form: 13926

"(Name and Address of the Court) 13927

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(Case Caption) ..... Case No. .... 13928

NOTICE TO THE JUDGMENT DEBTOR 13929

You are hereby notified that this court has issued an order 13930
in the above case in favor of (name and address of judgment 13931
creditor), the judgment creditor in this proceeding, directing 13932
that some of your money, property, or credits, other than personal 13933
earnings, now in the possession of (name and address of 13934
garnishee), the garnishee in this proceeding, be used to satisfy 13935
your debt to the judgment creditor. This order was issued on the 13936
basis of the judgment creditor's judgment against you that was 13937
obtained in (name of court) in (case number) on (date). Upon your 13938
receipt of this notice, you are prohibited from removing or 13939
attempting to remove the money, property, or credits until 13940
expressly permitted by the court. Any violation of this 13941
prohibition subjects you to punishment for contempt of court. 13942

The law of Ohio and the United States provides that certain 13943
benefit payments cannot be taken from you to pay a debt. Typical 13944
among the benefits that cannot be attached or executed upon by a 13945
creditor are the following: 13946

(1) Workers' compensation benefits; 13947

(2) Unemployment compensation payments; 13948

(3) Cash assistance payments under the Ohio works first 13949
program; 13950

(4) Benefits and services under the prevention, retention, 13951
and contingency program; 13952

(5) Disability assistance administered by the Ohio department 13953
of job and family services; 13954

~~(5)~~(6) Social security benefits; 13955

~~(6)~~(7) Supplemental security income (S.S.I.); 13956

~~(7)~~(8) Veteran's benefits; 13957

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+8)+(9) Black lung benefits; 13958

+9)+(10) Certain pensions. 13959

There may be other benefits not included in the above list 13960  
that apply in your case. 13961

If you dispute the judgment creditor's right to garnish your 13962  
property and believe that the judgment creditor should not be 13963  
given your money, property, or credits, other than personal 13964  
earnings, now in the possession of the garnishee because they are 13965  
exempt or if you feel that this order is improper for any other 13966  
reason, you may request a hearing before this court by disputing 13967  
the claim in the request for hearing form, appearing below, or in 13968  
a substantially similar form, and delivering the request for 13969  
hearing to this court at the above address, at the office of the 13970  
clerk of this court no later than the end of the fifth business 13971  
day after you receive this notice. You may state your reasons for 13972  
disputing the judgment creditor's right to garnish your property 13973  
in the space provided on the form; however, you are not required 13974  
to do so. If you do state your reasons for disputing the judgment 13975  
creditor's right, you are not prohibited from stating any other 13976  
reason at the hearing. If you do not state your reasons, it will 13977  
not be held against you by the court, and you can state your 13978  
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 13979  
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 13980  
the hearing will be limited to a consideration of the amount of 13981  
your money, property, or credits, other than personal earnings, in 13982  
the possession or control of the garnishee, if any, that can be 13983  
used to satisfy all or part of the judgment you owe to the 13984  
judgment creditor. 13985

If you request a hearing by delivering your request for 13986  
hearing no later than the end of the fifth business day after you 13987  
receive this notice, it will be conducted in ..... courtroom 13988  
....., (address of court), at ..... m. on ....., 13989

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..... You may request the court to conduct the hearing before  
 this date by indicating your request in the space provided on the  
 form; the court then will send you notice of any change in the  
 date, time, or place of the hearing. If you do not request a  
 hearing by delivering your request for a hearing no later than the  
 end of the fifth business day after you receive this notice, some  
 of your money, property, or credits, other than personal earnings,  
 will be paid to the judgment creditor.

If you have any questions concerning this matter, you may  
 contact the office of the clerk of this court. If you want legal  
 representation, you should contact your lawyer immediately. If you  
 need the name of a lawyer, contact the local bar association.

.....  
 Clerk of the Court  
 .....  
 Date"

(b) The request for hearing form that must be served upon the  
 judgment debtor shall have attached to it a postage-paid,  
 self-addressed envelope or shall be on a postage-paid  
 self-addressed postcard, and shall be in substantially the  
 following form:

"(Name and Address of Court)

Case Number ..... Date .....

REQUEST FOR HEARING

I dispute the judgment creditor's right to garnish my money,  
 property, or credits, other than personal earnings, in the above  
 case and request that a hearing in this matter be held

.....  
 (Insert "on" or "earlier than")

the date and time set forth in the document entitled "NOTICE TO

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THE JUDGMENT DEBTOR" that I received with this request form. 14021

I dispute the judgment creditor's right to garnish my 14022

property for the following reasons: 14023

..... 14024

(Optional) 14025

..... 14026

..... 14027

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 14028

BE HEARD OR CONSIDERED AT THE HEARING. 14029

..... 14030

(Name of Judgment Debtor) 14031

..... 14032

(Signature) 14033

..... 14034

(Date) 14035

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 14036

REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 14037

OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 14038

YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, 14039

PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE 14040

POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT 14041

CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT 14042

CREDITOR'S NAME)." 14043

(2) The judgment debtor may receive a hearing in accordance 14044

with this division by delivering a written request for hearing to 14045

the court within five business days after receipt of the notice 14046

provided pursuant to division (C)(1) of this section. The request 14047

may set forth the judgment debtor's reasons for disputing the 14048

judgment creditor's right to garnish the money, property, or 14049

credits, other than personal earnings; however, neither the 14050

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judgment debtor's inclusion of nor failure to include those 14051  
reasons upon the request constitutes a waiver of any defense of 14052  
the judgment debtor or affects the judgment debtor's right to 14053  
produce evidence at the hearing. If the request is made by the 14054  
judgment debtor within the prescribed time, the hearing shall be 14055  
limited to a consideration of the amount of money, property, or 14056  
credits, other than personal earnings, of the judgment debtor in 14057  
the hands of the garnishee, if any, that can be used to satisfy 14058  
all or part of the debt owed by the judgment debtor to the 14059  
judgment creditor. If a request for a hearing is not received by 14060  
the court within the prescribed time, the hearing scheduled 14061  
pursuant to division (A) of this section shall be canceled unless 14062  
the court grants the judgment debtor a continuance in accordance 14063  
with division (C)(3) of this section. 14064

(3) If the judgment debtor does not request a hearing in the 14065  
action within the prescribed time pursuant to division (C)(2) of 14066  
this section, the court nevertheless may grant a continuance of 14067  
the scheduled hearing if the judgment debtor, prior to the time at 14068  
which the hearing was scheduled, as indicated on the notice to the 14069  
judgment debtor required by division (C)(1) of this section, 14070  
establishes a reasonable justification for failure to request the 14071  
hearing within the prescribed time. If the court grants a 14072  
continuance of the hearing, it shall cause the matter to be set 14073  
for hearing as soon as practicable thereafter. The continued 14074  
hearing shall be conducted in accordance with division (C)(2) of 14075  
this section. 14076

(4) The court may conduct the hearing on the matter prior to 14077  
the time at which the hearing was scheduled, as indicated on the 14078  
notice to the judgment debtor required by division (C)(1) of this 14079  
section, upon the request of the judgment debtor. The parties 14080  
shall be sent notice, by the clerk of the court, by regular mail, 14081  
of any change in the date, time, or place of the hearing. 14082

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(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 the amount 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, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and the request for hearing form described in division (C) of this section shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the forms shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.

**Sec. 2921.13.** (A) No person shall knowingly make a false

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statement, or knowingly swear or affirm the truth of a false	14115
statement previously made, when any of the following applies:	14116
(1) The statement is made in any official proceeding.	14117
(2) The statement is made with purpose to incriminate another.	14118 14119
(3) The statement is made with purpose to mislead a public official in performing the public official's official function.	14120 14121
(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency <del>assistance</del> <u>benefits and services</u> ; disability assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.	14122 14123 14124 14125 14126 14127 14128
(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.	14129 14130 14131 14132
(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.	14133 14134
(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.	14135 14136
(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.	14137 14138 14139 14140 14141 14142 14143
(9) The statement is made with purpose to commit or	14144



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- facilitate the commission of a theft offense. 14145
- (10) The statement is knowingly made to a probate court in 14146  
connection with any action, proceeding, or other matter within its 14147  
jurisdiction, either orally or in a written document, including, 14148  
but not limited to, an application, petition, complaint, or other 14149  
pleading, or an inventory, account, or report. 14150
- (11) The statement is made on an account, form, record, 14151  
stamp, label, or other writing that is required by law. 14152
- (12) The statement is made in connection with the purchase of 14153  
a firearm, as defined in section 2923.11 of the Revised Code, and 14154  
in conjunction with the furnishing to the seller of the firearm of 14155  
a fictitious or altered driver's or commercial driver's license or 14156  
permit, a fictitious or altered identification card, or any other 14157  
document that contains false information about the purchaser's 14158  
identity. 14159
- (13) The statement is made in a document or instrument of 14160  
writing that purports to be a judgment, lien, or claim of 14161  
indebtedness and is filed or recorded with the secretary of state, 14162  
a county recorder, or the clerk of a court of record. 14163
- (B) No person, in connection with the purchase of a firearm, 14164  
as defined in section 2923.11 of the Revised Code, shall knowingly 14165  
furnish to the seller of the firearm a fictitious or altered 14166  
driver's or commercial driver's license or permit, a fictitious or 14167  
altered identification card, or any other document that contains 14168  
false information about the purchaser's identity. 14169
- (C) It is no defense to a charge under division (A)(4) of 14170  
this section that the oath or affirmation was administered or 14171  
taken in an irregular manner. 14172
- (D) If contradictory statements relating to the same fact are 14173  
made by the offender within the period of the statute of 14174  
limitations for falsification, it is not necessary for the 14175

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prosecution to prove which statement was false but only that one 14176  
or the other was false. 14177

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 14178  
(6), (7), (8), (10), (11), or (13) of this section is guilty of 14179  
falsification, a misdemeanor of the first degree. 14180

(2) Whoever violates division (A)(9) of this section is 14181  
guilty of falsification in a theft offense. Except as otherwise 14182  
provided in this division, falsification in a theft offense is a 14183  
misdemeanor of the first degree. If the value of the property or 14184  
services stolen is five hundred dollars or more and is less than 14185  
five thousand dollars, falsification in a theft offense is a 14186  
felony of the fifth degree. If the value of the property or 14187  
services stolen is five thousand dollars or more and is less than 14188  
one hundred thousand dollars, falsification in a theft offense is 14189  
a felony of the fourth degree. If the value of the property or 14190  
services stolen is one hundred thousand dollars or more, 14191  
falsification in a theft offense is a felony of the third degree. 14192

(3) Whoever violates division (A)(12) or (B) of this section 14193  
is guilty of falsification to purchase a firearm, a felony of the 14194  
fifth degree. 14195

(F) A person who violates this section is liable in a civil 14196  
action to any person harmed by the violation for injury, death, or 14197  
loss to person or property incurred as a result of the commission 14198  
of the offense and for reasonable attorney's fees, court costs, 14199  
and other expenses incurred as a result of prosecuting the civil 14200  
action commenced under this division. A civil action under this 14201  
division is not the exclusive remedy of a person who incurs 14202  
injury, death, or loss to person or property as a result of a 14203  
violation of this section. 14204

**Sec. 2953.21.** (A)(1) Any person who has been convicted of a 14205  
criminal offense or adjudicated a delinquent child and who claims 14206

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that there was such a denial or infringement of the person's 14207  
rights as to render the judgment void or voidable under the Ohio 14208  
Constitution or the Constitution of the United States may file a 14209  
petition in the court that imposed sentence, stating the grounds 14210  
for relief relied upon, and asking the court to vacate or set 14211  
aside the judgment or sentence or to grant other appropriate 14212  
relief. The petitioner may file a supporting affidavit and other 14213  
documentary evidence in support of the claim for relief. 14214

(2) A petition under division (A)(1) of this section shall be 14215  
filed no later than one hundred eighty days after the date on 14216  
which the trial transcript is filed in the court of appeals in the 14217  
direct appeal of the judgment of conviction or adjudication or, if 14218  
the direct appeal involves a sentence of death, the date on which 14219  
the trial transcript is filed in the supreme court. If no appeal 14220  
is taken, the petition shall be filed no later than one hundred 14221  
eighty days after the expiration of the time for filing the 14222  
appeal. 14223

(3) In a petition filed under division (A) of this section, a 14224  
person upon whom a sentence of death has been imposed may ask the 14225  
court to render void or voidable the judgment with respect to the 14226  
conviction of aggravated murder or the specification of an 14227  
aggravating circumstance. 14228

(4) A petitioner shall state in the original or amended 14229  
petition filed under division (A) of this section all grounds for 14230  
relief claimed by the petitioner. Except as provided in section 14231  
2953.23 of the Revised Code, any ground for relief that is not so 14232  
stated in the petition is waived. 14233

(5) If the petitioner in a petition filed under division (A) 14234  
of this section was convicted of or pleaded guilty to a felony, 14235  
the petition may include a claim that the petitioner was denied 14236  
the equal protection of the laws in violation of the Ohio 14237  
Constitution or the United States Constitution because the 14238

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sentence imposed upon the petitioner for the felony was part of a  
consistent pattern of disparity in sentencing by the judge who  
imposed the sentence, with regard to the petitioner's race,  
gender, ethnic background, or religion. If the supreme court  
adopts a rule requiring a court of common pleas to maintain  
information with regard to an offender's race, gender, ethnic  
background, or religion, the supporting evidence for the petition  
shall include, but shall not be limited to, a copy of that type of  
information relative to the petitioner's sentence and copies of  
that type of information relative to sentences that the same judge  
imposed upon other persons.

(B) The clerk of the court in which the petition is filed  
shall docket the petition and bring it promptly to the attention  
of the court. The petitioner need not serve a copy of the petition  
on the prosecuting attorney. The clerk of the court in which the  
petition is filed immediately shall forward a copy of the petition  
to the prosecuting attorney of that county.

(C) The court shall consider a petition that is timely filed  
under division (A)(2) of this section even if a direct appeal of  
the judgment is pending. Before granting a hearing on a petition  
filed under division (A) of this section, the court shall  
determine whether there are substantive grounds for relief. In  
making such a determination, the court shall consider, in addition  
to the petition, the supporting affidavits, and the documentary  
evidence, all the files and records pertaining to the proceedings  
against the petitioner, including, but not limited to, the  
indictment, the court's journal entries, the journalized records  
of the clerk of the court, and the court reporter's transcript.  
The court reporter's transcript, if ordered and certified by the  
court, shall be taxed as court costs. If the court dismisses the  
petition, it shall make and file findings of fact and conclusions  
of law with respect to such dismissal.

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(D) Within ten days after the docketing of the petition, or 14271  
within any further time that the court may fix for good cause 14272  
shown, the prosecuting attorney shall respond by answer or motion. 14273  
Within twenty days from the date the issues are made up, either 14274  
party may move for summary judgment. The right to summary judgment 14275  
shall appear on the face of the record. 14276

(E) Unless the petition and the files and records of the case 14277  
show the petitioner is not entitled to relief, the court shall 14278  
proceed to a prompt hearing on the issues even if a direct appeal 14279  
of the case is pending. If the court notifies the parties that it 14280  
has found grounds for granting relief, either party may request an 14281  
appellate court in which a direct appeal of the judgment is 14282  
pending to remand the pending case to the court. 14283

(F) At any time before the answer or motion is filed, the 14284  
petitioner may amend the petition with or without leave or 14285  
prejudice to the proceedings. The petitioner may amend the 14286  
petition with leave of court at any time thereafter. 14287

(G) If the court does not find grounds for granting relief, 14288  
it shall make and file findings of fact and conclusions of law and 14289  
shall enter judgment denying relief on the petition. If no direct 14290  
appeal of the case is pending and the court finds grounds for 14291  
relief or if a pending direct appeal of the case has been remanded 14292  
to the court pursuant to a request made pursuant to division (E) 14293  
of this section and the court finds grounds for granting relief, 14294  
it shall make and file findings of fact and conclusions of law and 14295  
shall enter a judgment that vacates and sets aside the judgment in 14296  
question, and, in the case of a petitioner who is a prisoner in 14297  
custody, shall discharge or resentence the petitioner or grant a 14298  
new trial as the court determines appropriate. The court also may 14299  
make supplementary orders to the relief granted, concerning such 14300  
matters as arraignment, retrial, custody, and bail. If the trial 14301  
court's order granting the petition is reversed on appeal and if 14302

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the direct appeal of the case has been remanded from an appellate court pursuant to a request under division (E) of this section, the appellate court reversing the order granting the petition shall notify the appellate court in which the direct appeal of the case was pending at the time of the remand of the reversal and remand of the trial court's order. Upon the reversal and remand of the trial court's order granting the petition, regardless of whether notice is sent or received, the direct appeal of the case that was remanded is reinstated.

(H) Upon the filing of a petition pursuant to division (A) of this section by a prisoner in a state correctional institution who has received the death penalty, the court may stay execution of the judgment challenged by the petition.

(I)(1) If a person who has received the death penalty intends to file a petition under this section, the court shall appoint counsel to represent the person upon a finding that the person is indigent and that the person either accepts the appointment of counsel or is unable to make a competent decision whether to accept or reject the appointment of counsel. The court may decline to appoint counsel for the person only upon a finding, after a hearing if necessary, that the person rejects the appointment of counsel and understands the legal consequences of that decision or upon a finding that the person is not indigent.

(2) The court shall not appoint as counsel under division (I)(1) of this section an attorney who represented the petitioner at trial in the case to which the petition relates unless the person and the attorney expressly request the appointment. The court shall appoint as counsel under division (I)(1) of this section only an attorney who is certified under Rule ~~65~~ 20 of the Rules of Superintendence for the Courts of ~~Common Pleas~~ Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

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The ineffectiveness or incompetence of counsel during proceedings 14335  
 under this section does not constitute grounds for relief in a 14336  
 proceeding under this section, in an appeal of any action under 14337  
 this section, or in an application to reopen a direct appeal. 14338

(3) Division (I) of this section does not preclude attorneys 14339  
 who represent the state of Ohio from invoking the provisions of 28 14340  
 U.S.C. 154 with respect to capital cases that were pending in 14341  
 federal habeas corpus proceedings prior to the effective date of 14342  
 this amendment insofar as the petitioners in those cases were 14343  
 represented in proceedings under this section by one or more 14344  
 counsel appointed by the court under this section or section 14345  
 120.06, 120.16, 120.26, or 120.33 of the Revised Code and those 14346  
 appointed counsel meet the requirements of division (I)(2) of this 14347  
 section. 14348

(J) Subject to the appeal of a sentence for a felony that is 14349  
 authorized by section 2953.08 of the Revised Code, the remedy set 14350  
 forth in this section is the exclusive remedy by which a person 14351  
 may bring a collateral challenge to the validity of a conviction 14352  
 or sentence in a criminal case or to the validity of an 14353  
 adjudication of a child as a delinquent child for the commission 14354  
 of an act that would be a criminal offense if committed by an 14355  
 adult or the validity of a related order of disposition. 14356

**Sec. 3109.14.** (A) As used in this section, "birth record" and 14357  
"certification of birth" have the meanings given in section 14358  
3705.01 of the Revised Code. 14359

(B)(1) The director of health, a person authorized by the 14360  
 director, a local commissioner of health, or a local registrar of 14361  
 vital statistics shall charge and collect a fee for each certified 14362  
 copy of a birth record ~~and~~, for each certification of birth ~~a fee~~ 14363  
~~of two dollars~~, and for each copy of a death record ~~a fee of two~~ 14364  
~~dollars~~, Until October 1, 2001, the fee shall be two dollars. On 14365

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and after October 1, 2001, the fee shall be three dollars. The fee 14366  
is in addition to the fee imposed by section 3705.24 or any other 14367  
section of the Revised Code. A local commissioner of health or a 14368  
local registrar of vital statistics may retain an amount of each 14369  
additional fee collected, not to exceed three per cent of the 14370  
amount of the additional fee, to be used for costs directly 14371  
related to the collection of the fee and the forwarding of the fee 14372  
to the treasurer of state. 14373

(2) Upon the filing for a divorce decree under section 14374  
3105.10 or a decree of dissolution under section 3105.65 of the 14375  
Revised Code, a court of common pleas shall charge and collect a 14376  
fee of ten dollars. Until October 1, 2001, the fee shall be ten 14377  
dollars. On and after October 1, 2001, the fee shall be eleven 14378  
dollars. The fee is in addition to any other court costs or fees. 14379  
The county clerk of courts may retain an amount of each additional 14380  
fee collected, not to exceed three per cent of the amount of the 14381  
additional fee, to be used for costs directly related to the 14382  
collection of the fee and the forwarding of the fee to the 14383  
treasurer of state. 14384

(C) The additional fees collected, but not retained, under 14385  
this section during each month shall be forwarded not later than 14386  
the tenth day of the immediately following month to the treasurer 14387  
of state, who shall deposit the fees in the state treasury to the 14388  
credit of the children's trust fund, which is hereby created. A 14389  
person or government entity that fails to forward the fees in a 14390  
timely manner, as determined by the treasurer of state, shall 14391  
forward to the treasurer of state, in addition to the fees, a 14392  
penalty equal to ten per cent of the fees. 14393

The treasurer of state shall invest the moneys in the fund, 14394  
and all earnings resulting from investment of the fund shall be 14395  
credited to the fund, except that actual administrative costs 14396  
incurred by the treasurer of state in administering the fund may 14397



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be deducted from the earnings resulting from investments. The 14398  
amount that may be deducted shall not exceed three per cent of the 14399  
total amount of fees credited to the fund in each fiscal year, 14400  
except that the children's trust fund board may approve an amount 14401  
for actual administrative costs exceeding three per cent but not 14402  
exceeding four per cent of such amount. The balance of the 14403  
investment earnings shall be credited to the fund. Moneys credited 14404  
to the fund shall be used only for the purposes described in 14405  
sections 3109.13 to 3109.18 of the Revised Code. 14406

**Sec. 3109.17.** (A) For each fiscal biennium, the children's 14407  
trust fund board shall establish a biennial state plan for 14408  
comprehensive child abuse and child neglect prevention. The plan 14409  
shall be transmitted to the governor, the president and minority 14410  
leader of the senate, and the speaker and minority leader of the 14411  
house of representatives and shall be made available to the 14412  
general public. 14413

(B) In developing and carrying out the state plan, the 14414  
children's trust fund board shall, in accordance with Chapter 119. 14415  
of the Revised Code, do all of the following: 14416

(1) Ensure that an opportunity exists for assistance through 14417  
child abuse and child neglect prevention programs to persons 14418  
throughout the state of various social and economic backgrounds; 14419

(2) Before the thirtieth day of October of each year, notify 14420  
each child abuse and child neglect prevention advisory board of 14421  
the amount estimated to be block granted to that advisory board 14422  
for the following fiscal year. 14423

(3) Develop criteria for county or district comprehensive 14424  
allocation plans, including criteria for determining the plans' 14425  
effectiveness; 14426

(4) Review county or district comprehensive allocation plans; 14427

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(5) Make a block grant to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. The block grants shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds, a minimum of ten thousand dollars per fiscal year for each county in the district. Block grants shall be disbursed to the advisory boards twice annually. At least fifty per cent of the amount of the block grant allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the block grant allocated to the advisory board for that fiscal year shall be disbursed before the thirty-first day of March.

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If the children's trust fund board determines, based on county or district performance or on the annual report submitted by an advisory board, that the advisory board is not operating in accordance with the criteria established in division (B)(3) of this section, it may revise the allocation of funds that the advisory board receives.

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(6) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

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(7) Establish reporting requirements for advisory boards;

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(8) Collaborate with appropriate persons and government

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entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

(9) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that evaluates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

~~(D) In addition to the duties described in this section and in section 3109.16 of the Revised Code, the children's trust fund board shall perform the duties described in section 121.371 of the Revised Code with regard to the wellness block grant program.~~

Sec. 3119.022. When a court or child support enforcement agency calculates the amount of child support to be paid pursuant to a child support order in a proceeding in which one parent is the residential parent and legal custodian of all of the children who are the subject of the child support order or in which the court issues a shared parenting order, the court or agency shall use a worksheet identical in content and form to the following:

CHILD SUPPORT COMPUTATION WORKSHEET

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER

Name of parties .....
Case No. ....
Number of minor children .....

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The following parent was designated as residential parent and		14490		
legal custodian: ..... mother ..... father ..... shared		14491		
	Column I	Column II	Column III	14492
	Father	Mother	Combined	14493
INCOME				14494
1.a. Annual gross income from				14495
employment or, when				14496
determined appropriate				14497
by the court or agency,				14498
average annual gross income				14499
from employment over a				14500
reasonable period of years.				14501
(Exclude overtime, bonuses,				14502
self-employment income, or				14503
commissions).....	\$.....	\$.....		14504
b. Amount of overtime,				14505
bonuses, and commissions				14506
(year 1 representing the				14507
most recent year)				14508
Father		Mother		14509
Yr. 3 \$.....		Yr. 3 \$.....		14510
(Three years ago)		(Three years ago)		14511
Yr. 2 \$.....		Yr. 2 \$.....		14512
(Two years ago)		(Two years ago)		14513
Yr. 1 \$.....		Yr. 1 \$.....		14514
(Last calendar year)		(Last calendar year)		14515
Average \$.....		Average \$.....		14516
(Include in Col. I and/or				14517
Col. II the average of the				14518
three years or the year 1				14519
amount, whichever is less,				14520
if there exists a reasonable				14521
expectation that the total				14522

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earnings from overtime and/or			14523
bonuses during the current			14524
calendar year will meet or			14525
exceed the amount that is			14526
the lower of the average			14527
of the three years or the			14528
year 1 amount. If, however,			14529
there exists a reasonable			14530
expectation that the total			14531
earnings from overtime/			14532
bonuses during the current			14533
calendar year will be less			14534
than the lower of the average			14535
of the 3 years or the year 1			14536
amount, include only the			14537
amount reasonably expected			14538
to be earned this year.)... \$..... \$.....			14539
			14540
2. For self-employment income:			14541
a. Gross receipts from			14542
business..... \$..... \$.....			14543
b. Ordinary and necessary			14544
business expenses..... \$..... \$.....			14545
c. 5.6% of adjusted gross			14546
income or the actual			14547
marginal difference between			14548
the actual rate paid by the			14549
self-employed individual			14550
and the F.I.C.A. rate ..... \$..... \$.....			14551
d. Adjusted gross income from			14552
self-employment (subtract			14553
the sum of 2b and 2c from			14554
2a)..... \$..... \$.....			14555

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			14556
3.	Annual income from interest and dividends (whether or not taxable ).....	\$.....	\$.....
			14557
			14558
			14559
			14560
4.	Annual income from unemployment compensation...	\$.....	\$.....
			14561
			14562
			14563
5.	Annual income from workers' compensation, disability insurance benefits, or social security disability/ retirement benefits.....	\$.....	\$.....
			14564
			14565
			14566
			14567
			14568
			14569
6.	Other annual income (identify).....	\$.....	\$.....
			14570
			14571
			14572
7.	Total annual gross income (add lines 1a, 1b, 2d, and 3-6).....	\$.....	\$.....
			14573
			14574
			14575
			14576
			14577
ADJUSTMENTS TO INCOME			
8.	Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption).....	\$.....	\$.....
			14578
			14579
			14580
			14581
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			14589
9.	Annual court-ordered support		14590
	paid for other children....	\$..... \$.....	14591
			14592
10.	Annual court-ordered spousal		14593
	support paid to any spouse		14594
	or former spouse.....	\$..... \$.....	14595
			14596
11.	Amount of local income taxes		14597
	actually paid or estimated		14598
	to be paid.....	\$..... \$.....	14599
			14600
12.	Mandatory work-related		14601
	deductions such as union		14602
	dues, uniform fees, etc.		14603
	(not including taxes, social		14604
	security, or retirement)...	\$..... \$.....	14605
			14606
13.	Total gross income		14607
	adjustments (add lines		14608
	8 through 12).....	\$..... \$.....	14609
			14610
14.	Adjusted annual gross		14611
	income (subtract line 13		14612
	from line 7).....	\$..... \$.....	14613
			14614
15.	Combined annual income that		14615
	is basis for child support		14616
	order (add line 14, Col. I		14617
	and Col. II).....	\$.....	14618
			14619
16.	Percentage of parent's		14620
	income to total income		14621

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a.	Father (divide line 14,	14622
	Col. I, by line 15, Col.	14623
	III).....%	14624
b.	Mother (divide line 14,	14625
	Col. II, by line 15, Col.	14626
	III).....%	14627
		14628
17.	Basic combined child	14629
	support obligation (refer	14630
	to schedule, first column,	14631
	locate the amount nearest	14632
	to the amount on line 15,	14633
	Col. III, then refer to	14634
	column for number of	14635
	children in this family.	14636
	If the income of the	14637
	parents is more than one	14638
	sum but less than another,	14639
	you may calculate the	14640
	difference.).....	\$..... 14641
		14642
18.	Annual support obligation per parent	14643
a.	Father (multiply line 17,	14644
	Col. III, by line 16a).....	\$..... 14645
b.	Mother (multiply line 17,	14646
	Col. III, by line 16b).....	\$..... 14647
		14648
19.	Annual child care expenses	14649
	for children who are the	14650
	subject of this order that	14651
	are work-, employment	14652
	training-, or education-	14653
	related, as approved by	14654



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the court or agency			14655
(deduct tax credit from			14656
annual cost, whether or			14657
not claimed).....	\$.....	\$.....	14658
			14659
20. Marginal, out-of-pocket			14660
costs, necessary to provide			14661
for health insurance for			14662
the children who are the			14663
subject of this order.....	\$.....	\$.....	14664
			14665
21. ADJUSTMENTS TO CHILD SUPPORT			14666
Father (only if obligor	Mother (only if obligor		14667
or shared parenting)	or shared parenting)		14668
a. Additions: line 16a	b. Additions: line 16b		14669
times sum of amounts	times sum of amounts		14670
shown on line 19, Col. II	shown on line 19, Col. I		14671
and line 20, Col. II	and line 20, Col. I		14672
\$.....	\$.....		14673
c. Subtractions: line 16b	d. Subtractions: line 16a		14674
times sum of amounts	times sum of amounts		14675
shown on line 19, Col. I	shown on line 19, Col. II		14676
and line 20, Col. I	and line 20, Col. II		14677
\$.....	\$.....		14678
			14679
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT:			14680
a. Father: line 18a plus <u>or minus</u>			14681
<u>the difference between</u> line			
21a minus line 21c ( <del>if the</del>			14682
<del>amount on line 21c is</del>			14683
<del>greater than or equal to</del>			14684
<del>the amount on line 21a or</del>			14685
<del>if 21a and 21c are not</del>			14686

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applicable—enter the	14687
number on line 18a in	14688
Col. I)..... \$.....	14689
b. Mother: line 18b plus <u>or minus</u>	14690
the difference between line	
21b minus line 21d (if the	14691
amount on line 21d is	14692
greater than or equal to	14693
the amount on line 21b or	14694
if 21b and 21d are not	14695
applicable—enter the	14696
number on line 18b in	14697
Col. II)..... \$.....	14698
	14699
23. ACTUAL ANNUAL OBLIGATION:	14700
a. (Line 22a or <u>22b</u> , whichever	14701
line corresponds to the	14702
parent who is the obligor). \$.....	14703
b. Any non-means-tested	14704
benefits, including social	14705
security and veterans'	14706
benefits, paid to and	14707
received by a child or a	14708
person on behalf of the	14709
child due to death,	14710
disability, or retirement	14711
of the parent..... \$.....	14712
c. Actual annual obligation	14713
(subtract line 23b from	14714
line 23a)..... \$.....	14715
	14716
24.a. Deviation from sole residential parent support amount shown	14717
on line 23c if amount would be unjust or inappropriate: (see	14718

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section 3119.23 of the Revised Code.) (Specific facts and	14719
monetary value must be stated.)	14720
.....	14721
.....	14722
.....	14723
.....	14724
b. Deviation from shared parenting order: (see sections 3119.23	14725
and 3119.24 of the Revised Code.) (Specific facts including	14726
amount of time children spend with each parent, ability of	14727
each parent to maintain adequate housing for children, and	14728
each parent's expenses for children must be stated to justify	14729
deviation.)	14730
.....	14731
.....	14732
.....	14733
.....	14734
	14735
25. FINAL FIGURE (This amount	14736
reflects final annual child	14737
support obligation; line	14738
23c plus or minus any	14739
amounts indicated in line	14740
24a or 24b ..... \$..... Father/Mother,	14741
	OBLIGOR
	14742
26. FOR DECREE: Child support	14743
per month (divide obligor's	14744
annual share, line 25, by	14745
12) plus any processing	14746
charge..... \$.....	14747
Prepared by:	14748
Counsel: ..... Pro se: .....	14749
(For mother/father)	14750

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CSEA: ..... Other: ..... 14751

Worksheet Has Been Reviewed and Agreed To: 14752

..... 14753

Mother Date 14754

..... 14755

Father Date 14756

**Sec. 3301.075.** The state board of education shall adopt rules 14757  
governing the purchasing and leasing of data processing services 14758  
and equipment for all local, exempted village, city, and joint 14759  
vocational school districts and all educational service centers. 14760  
Such rules shall include provisions for the establishment of an 14761  
Ohio education computer network under procedures, guidelines, and 14762  
specifications of the department of education. 14763  
14764

The department shall administer funds appropriated for the 14765  
Ohio education computer network to ensure its efficient and 14766  
economical operation and shall approve no more than twenty-seven 14767  
data acquisition sites to operate concurrently. Such sites shall 14768  
be approved for funding in accordance with rules of the state 14769  
board adopted under this section that shall provide for the 14770  
superintendent of public instruction to require the membership of 14771  
each data acquisition site to be composed of combinations of 14772  
school districts and educational service centers ~~from contiguous~~ 14773  
~~counties~~ having sufficient students to support an efficient, 14774  
economical comprehensive program of computer services to member 14775  
districts and educational service centers. Each data acquisition 14776  
~~site, other than sites organized under Chapter 167. of the Revised~~ 14777  
~~Code prior to the effective date of this section,~~ shall be 14778  
organized in accordance with section 3313.92 or Chapter 167. of 14779  
the Revised Code. 14780

The department of education may contract with an independent 14781  
for profit or nonprofit entity to provide current and historical 14782

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information on Ohio government through the Ohio education computer 14783  
network to school district libraries operating in accordance with 14784  
section 3375.14 of the Revised Code in order to assist school 14785  
teachers in social studies course instruction and support student 14786  
research projects. Any such contract shall be awarded in 14787  
accordance with Chapter 125. of the Revised Code. 14788

**Sec. 3301.70.** (A) The state board of education is the 14789  
designated state agency responsible for the coordination and 14790  
administration of sections 110 to 118 of the "National and 14791  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 14792  
12401 to 12431, ~~and amendments thereto as amended~~. With the 14793  
assistance of the ~~state Ohio~~ community service ~~advisory committee~~  
council created in section 121.40 of the Revised Code, the state 14794  
board shall coordinate with other state agencies to apply for 14795  
funding under the act when appropriate. 14796  
14797

(B) With the assistance of the ~~state Ohio~~ community service 14798  
~~advisory committee~~ council, the state board of education shall 14799  
develop a plan to assist school districts in the implementation of 14800  
section 3313.605 of the Revised Code and other community service 14801  
activities of school districts. The state board shall encourage 14802  
the development of school district programs meeting the 14803  
requirements for funding under the "National and Community Service 14804  
Act of 1990." The plan shall include the investigation of funding 14805  
from all available sources for school community service education 14806  
programs, including funds available under the "National and 14807  
Community Service Act of 1990," and the provision of technical 14808  
assistance to school districts for the implementation of community 14809  
service education programs. The plan shall also provide for 14810  
technical assistance to be given to school boards to assist in 14811  
obtaining funds for community service education programs from any 14812  
source. 14813

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(C) With the assistance of the ~~state~~ Ohio community service advisory ~~committee~~ council, the state board of education shall do all of the following:

(1) Disseminate information about school district community service education programs to other school districts and to statewide organizations involved with or promoting volunteerism;

(2) Recruit additional school districts to develop community service education programs;

(3) Identify or develop model community service programs, teacher training courses, and community service curricula and teaching materials for possible use by school districts in their programs.

**Sec. 3301.80.** (A) There is hereby created the Ohio SchoolNet commission as an independent agency. The commission shall administer programs to provide financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology.

The commission is a body corporate and politic, an agency of the state performing essential governmental functions of the state.

(B)(1) The commission shall consist of eleven members, seven of whom are voting members. Of the voting members, one shall be appointed by the speaker of the house of representatives and one shall be appointed by the president of the senate. The members appointed by the speaker of the house and the president of the senate shall not be members of the general assembly. The state superintendent of public instruction or a designee of the superintendent, the director of budget and management or a designee of the director, the director of administrative services or a designee of the director, the chairperson of the public

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utilities commission or a designee of the chairperson, and the  
director of the Ohio educational telecommunications network  
commission or a designee of the director shall serve on the  
commission as ex officio voting members. Of the nonvoting members,  
two shall be members of the house of representatives appointed by  
the speaker of the house and two shall be members of the senate  
appointed by the president of the senate. The members appointed  
from each house shall not be members of the same political party.  
The superintendent of public instruction or the superintendent's  
designee shall be the chairperson of the commission.

(2) The members shall serve without compensation. The voting  
members appointed by the speaker of the house of representatives  
and the president of the senate shall be reimbursed, pursuant to  
office of budget and management guidelines, for necessary expenses  
incurred in the performance of official duties.

(3) The terms of office for the members appointed by the  
speaker of the house and the president of the senate shall be for  
two years, with each term ending on the same day of the same month  
as did the term that it succeeds. The members appointed by the  
speaker of the house and the president of the senate may be  
reappointed. Any member appointed from the house of  
representatives or senate who ceases to be a member of the  
legislative house from which the member was appointed shall cease  
to be a member of the commission. Vacancies among appointed  
members shall be filled in the manner provided for original  
appointments. Any member appointed to fill a vacancy occurring  
prior to the expiration date of the term for which a predecessor  
was appointed shall hold office as a member for the remainder of  
that term. The members appointed by the speaker of the house and  
the president of the senate shall continue in office subsequent to

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the expiration date of that member's term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C)(1) The commission shall be under the supervision of an executive director who shall be appointed by the commission. The executive director shall serve at the pleasure of the commission and shall direct commission employees in the administration of all programs for the provision of financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology.

(2) The employees of the Ohio SchoolNet commission shall be placed in the unclassified service. The commission shall fix the compensation of the executive director. The executive director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the commission. The employees shall serve at the pleasure of the executive director.

(3) The employees of the Ohio SchoolNet commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(D) The Ohio SchoolNet commission shall do all of the following:

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions to utilize educational technology;

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions



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of higher education holding certificates of authorization under 14907  
section 1713.02 of the Revised Code, and such other public or 14908  
private entities as the executive director deems necessary for the 14909  
administration and implementation of the programs under the 14910  
commission's jurisdiction; 14911

(3) Establish a reporting system to which school districts, 14912  
community schools established under Chapter 3314. of the Revised 14913  
Code, and other educational institutions receiving financial 14914  
assistance pursuant to this section for the acquisition of 14915  
educational technology report information as to the manner in 14916  
which such assistance was expended, the manner in which the 14917  
equipment or services purchased with the assistance is being 14918  
utilized, the results or outcome of this utilization, and other 14919  
information as may be required by the commission; 14920

(4) Establish necessary guidelines governing purchasing and 14921  
procurement by participants in programs administered by the 14922  
commission that facilitate the timely and effective implementation 14923  
of such programs; 14924

(5) Take into consideration the efficiency and cost savings 14925  
of statewide procurement prior to allocating and releasing funds 14926  
for any programs under its administration. 14927

(E)(1) The executive director shall implement policies and 14928  
directives issued by the Ohio SchoolNet commission. 14929

(2) The Ohio SchoolNet commission may establish a systems 14930  
support network to facilitate the timely implementation of the 14931  
programs, projects, or activities for which it provides 14932  
assistance. 14933

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 14934  
9.332, and 9.333 of the Revised Code do not apply to contracts, 14935  
programs, projects, or activities of the Ohio SchoolNet 14936  
commission. 14937

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**Sec. 3301.85.** (A) The OhioReads office is hereby established 14938  
 within the department of education. The office shall be under the 14939  
 supervision of an executive ~~director~~ administrator, who shall be 14940  
 appointed by the superintendent of public instruction, with the 14941  
 advice and consent of the OhioReads council. The executive 14942  
~~director~~ administrator shall serve at the pleasure of and report 14943  
 to the superintendent, but shall discharge the position according 14944  
 to guidelines issued by the council and shall perform any task 14945  
 designated by the council. The executive ~~director~~ administrator 14946  
 shall devote full time to the duties of that position and shall 14947  
 hold no other position within the department. The superintendent 14948  
 may hire additional staff for the office and shall fix the 14949  
compensation of such employees as necessary to facilitate the 14950  
activities and purposes of the office. All such employee positions 14951  
shall be administrative staff positions, and all persons employed 14952  
in those positions shall serve at the pleasure of the 14953  
superintendent and shall not be subject to the provisions of 14954  
Chapter 4117. of the Revised Code. The department shall provide 14955  
 the executive ~~director~~ administrator and any additional staff 14956  
 hired by the superintendent with offices within the department's 14957  
 office space. 14958

(B) Any employee of the OhioReads office who is a member of a 14959  
bargaining unit on the effective date of this amendment shall 14960  
retain that status. However, when any position encumbered by such 14961  
employee is vacated for any reason, the position shall cease to be 14962  
subject to any provision of Chapter 4117. of the Revised Code, and 14963  
any person hired to fill such position after the effective date of 14964  
this amendment shall be hired in accordance with division (A) of 14965  
this section as that division exists after the effective date of 14966  
this amendment. 14967

**Sec. 3302.041.** (A) Each school district that in 1999 was 14968

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<u>declared to be in a state of academic emergency, under an academic</u>	14969
<u>watch, or in need of continuous improvement under section 3302.03</u>	14970
<u>of the Revised Code and that is projected to receive any parity</u>	14971
<u>aid payments under section 3317.0217 of the Revised Code for</u>	14972
<u>either of the two fiscal years beginning July 1, 2001, or July 1,</u>	14973
<u>2002, shall amend its continuous improvement plan required under</u>	14974
<u>section 3302.04 of the Revised Code to include a budget for</u>	14975
<u>expending the parity aid for either of those two fiscal years that</u>	14976
<u>the district is projected to receive such aid. For each year</u>	14977
<u>included in the budget, the district shall allocate the full</u>	14978
<u>amount of projected parity aid among one or more of the following:</u>	14979
<u>(1) Upgrading, or purchasing additional classroom equipment,</u>	14980
<u>materials, textbooks, or technology;</u>	14981
<u>(2) Lowering the teacher/student ratios in additional</u>	14982
<u>classrooms;</u>	14983
<u>(3) Providing additional advanced curriculum opportunities;</u>	14984
<u>(4) Providing additional electives or required courses for</u>	14985
<u>graduation;</u>	14986
<u>(5) Increasing the number of days of professional</u>	14987
<u>development;</u>	14988
<u>(6) Providing all-day kindergarten to more students;</u>	14989
<u>(7) Providing preschool to more students;</u>	14990
<u>(8) Providing additional programming and services for special</u>	14991
<u>student populations such as gifted, disadvantaged, or disabled</u>	14992
<u>students;</u>	14993
<u>(9) Providing new programs or increasing the number of</u>	14994
<u>students served by existing programs to prevent academic failure</u>	14995
<u>or to intervene in the case of students in danger of academic</u>	14996
<u>failure, such as tutoring or summer school programs.</u>	14997

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(B) For each expenditure of parity aid allocated in the budget under division (A) of this section, the district's amended continuous improvement plan shall describe: 14998  
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(1) How the expenditure will result in new programs or opportunities, or an expanded availability of programs or opportunities to more students, and will not simply fund existing programs with parity aid instead of general revenue fund moneys or other district income. 15001  
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(2) How the proposed expenditure is expected to enhance the district's continuous improvement plan, improve the district's academic success, and promote the district's achievement of the standard unit of improvement required by the department of education under rules adopted pursuant to section 3302.04 of the Revised Code. 15006  
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(C) A copy of each amended continuous improvement plan required to contain a budget under this section shall be submitted to the department by September 1, 2001. The department, beginning July 1, 2002, shall assess a random sampling of the districts in each of fiscal years 2003 and 2004 to determine whether the district did in fact make the expenditures included in its proposed parity aid budget during the preceding fiscal year. 15012  
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(D) If in either year, the department finds that a district did not spend its preceding year's parity aid funds in the manner specified in the budget for that year, it shall notify the state board of education of its findings and shall subtract the amount of any parity aid funds not spent in the manner specified in the budget from any parity aid otherwise due to the district under section 3317.0217 of the Revised Code in the current fiscal year. 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 15019  
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district is found to be in compliance with this section. 15030

(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 a random sampling 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. 15031  
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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. 15043  
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(G) The superintendent of public instruction may authorize a school district to spend parity aid payments for a purpose not listed in division (A) of this section upon request of the district if the superintendent considers it appropriate. 15049  
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**Sec. 3303.01.** Except when utilized in Chapter 3311. of the Revised Code, whenever the term vocational education occurs anywhere in the Revised Code, it shall be deemed to refer to career-technical education, except that joint vocational school districts shall continue to be styled as and shall maintain their legal existence as either joint vocational school districts or vocational school districts pursuant to section 3311.01. 15053  
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**Sec. 3305.061.** Notwithstanding section 171.07 and division (D) of section 3305.06 of the Revised Code, the percentage of an electing employee's compensation contributed by a public institution of higher education under division (D) of section 3305.06 of the Revised Code shall not exceed the percentage of compensation transferred under section 145.87, 3307.84, or 3309.88 of the Revised Code, as appropriate, by the state retirement system that otherwise applies to the electing employee's position. A change in the percentage of compensation contributed under division (D) of section 3305.06 of the Revised Code, as required by this section, shall take effect on the same day a change in the percentage of compensation takes effect under section 145.87, 3307.84, or 3309.88 of the Revised Code, as appropriate.

**Sec. 3307.05.** The state teachers retirement board shall consist of the following nine members:

(A) The superintendent of public instruction;

(B) The auditor of state;

(C) The attorney general;

(D) Five members, known as teacher members, who shall be members of the state teachers retirement system;

(E) A former member of the system, known as the retired teacher member, who shall be a superannuate and who is not otherwise employed in a position requiring the retired teacher member to make contributions to the system.

**Sec. 3311.057.** (A) Any educational service center that is formed by merging two or more educational service centers or former county school districts after July 1, 1995, but prior to July 1, ~~1999~~ 2003, may determine the number of members of its governing board of education and whether the members are to be

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elected at large or by subdistrict, provided each board shall have 15089  
an odd number of members. 15090

(B) If an educational service center described in division 15091  
(A) of this section is formed on or after the effective date of 15092  
this section, the governing board of ~~education~~ of each service 15093  
center that is merging to form the new service center shall 15094  
include identical provisions for electing the new service center's 15095  
governing board in its resolution adopted pursuant to division (A) 15096  
of section 3311.053 of the Revised Code. If there is any 15097  
transition period between the effective date of the merger of the 15098  
service centers and the assumption of control of the new service 15099  
center by the new board, the resolutions shall include provisions 15100  
for an interim governing board which shall be appointed to govern 15101  
the service center until the time the new board is elected and 15102  
assumes control of the service center. 15103

(C) If an educational service center described in division 15104  
(A) of this section was formed prior to the effective date of this 15105  
section, the governing board of the service center may adopt at 15106  
any time prior to July 1, ~~1999~~ 2003, a resolution setting forth 15107  
provisions for changing the number of members and the manner of 15108  
electing its board and provisions for any transitional period 15109  
between the abolition of the existing board and the assumption of 15110  
control by the new board. 15111

(D) Any provisions for electing a governing board adopted 15112  
pursuant to division (B) or (C) of this section may provide for 15113  
the election of members at large, may provide for the 15114  
establishment of subdistricts within the district, or may require 15115  
some members to be elected at large and some to be elected from 15116  
subdistricts. If subdistricts are included, the resolutions shall 15117  
specify the manner in which their boundaries are to be drawn. The 15118  
provisions shall attempt to ensure that each elected member of the 15119  
board represents an equal number of residents of the service 15120

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center. To accomplish this, any subdistrict containing a multiple  
of the number of electors in another subdistrict, may elect  
at-large within that subdistrict, a number of board members equal  
to the multiple that its population is of the population of the  
other subdistrict.

(E) The provisions for selecting board members set forth in  
the latest resolution adopted pursuant to division (B) or (C) of  
this section prior to July 1, ~~1999~~ 2003, shall remain the method  
of electing ~~school~~ board members within that educational service  
center.

Sec. 3311.058. Notwithstanding anything to the contrary in  
Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly,  
146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter  
3311. of the Revised Code, no educational service center shall be  
required to merge in order to achieve any prescribed minimum  
average daily membership if such a merger will cause the territory  
of the resultant joint educational service center to comprise more  
than eight hundred square miles.

Sec. 3311.062. Notwithstanding anything prohibiting the  
existence of school districts with noncontiguous territory in  
section 3311.06 or 3311.37 of the Revised Code or in any other  
section of this chapter, a new school district may be formed under  
this chapter after the effective date of this section from the  
territory of noncontiguous school districts, provided that the  
board of education of any school district containing territory  
lying between the noncontiguous portions of such a new school  
district adopts a resolution approving the establishment of the  
new district.

Sec. 3313.21. The board of education of each city, local, and  
exempted village school district shall formulate a written policy



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detailing procedures for the identification of gifted students as 15151  
defined by rule of the state board of education. Annually, in 15152  
accordance with the policy, the school board shall identify those 15153  
students enrolled in the district who are gifted children. 15154

Each school district may offer multiple strategies, programs, 15156  
or services for identified gifted students. A district may employ 15157  
flexible instructional grouping in the delivery of educational 15158  
services for identified gifted students. Student grouping options 15159  
may be based on student interests, abilities, or needs. Grouping 15160  
alternatives may include any of the following: 15161

- (A) Cluster grouping with curriculum differentiation; 15162
- (B) Advanced placement and honors courses; 15163
- (C) Special schools; 15164
- (D) Self-contained classrooms; 15165
- (E) Cross-grade-level grouping for subject-area instruction; 15166
- (F) Resource rooms. 15167

**Sec. 3313.37.** (A)(1) The board of education of any city, 15168  
 local, or exempted village school district may build, enlarge, 15169  
 repair, and furnish the necessary schoolhouses, purchase or lease 15170  
 sites therefor, or rights-of-way thereto, or purchase or lease 15171  
 real estate to be used as playgrounds for children or rent 15172  
 suitable schoolrooms, either within or without the district, and 15173  
 provide the necessary apparatus and make all other necessary 15174  
 provisions for the schools under its control. ~~The governing board~~ 15175  
~~of any educational service center may build, enlarge, repair, and~~ 15176  
~~furnish the necessary facilities for conducting special education~~ 15177  
~~programs and driver education courses, purchase or lease sites~~ 15178  
~~therefor, or rights-of-way thereto, or purchase or lease real~~ 15179

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~~estate or rent suitable facilities to be used for such purposes 15180~~  
~~and provide the necessary apparatus and make all other necessary 15181~~  
~~provisions for such facilities as are under its control. 15182~~

(2) A governing board of an educational service center may 15183  
acquire, lease, or enter into a contract to purchase, lease, or 15184  
sell real and personal property and may construct, enlarge, 15185  
repair, renovate, furnish, or equip facilities, buildings, or 15186  
structures for the educational service center's purposes. The 15187  
board may enter into loan agreements, including mortgages, for the 15188  
acquisition of such property. If a governing board exercises any 15189  
of these powers to acquire office or classroom space, the board of 15190  
county commissioners has no obligation to provide and equip 15191  
offices and to provide heat, light, water, and janitorial services 15192  
for the use of the service center pursuant to section 3319.19 of 15193  
the Revised Code, unless there is a contract as provided by 15194  
division (D) of that section. 15195

(3) A board of county commissioners may issue securities of 15196  
the county pursuant to Chapter 133. of the Revised Code for the 15197  
acquisition of real and personal property or for the construction, 15198  
enlargement, repair, or renovation of facilities, buildings, or 15199  
structures by an educational service center, but only if the 15200  
county has a contract under division (D) of section 3319.19 of the 15201  
Revised Code with the educational service center whereby the 15202  
educational service center agrees to pay the county an amount 15203  
equal to the debt charges on the issued securities on or before 15204  
the date those charges fall due. For the purposes of this section, 15205  
"debt charges" and "securities" have the same meanings as in 15206  
section 133.01 of the Revised Code. 15207

(B)(1) Boards of education of city, local, and exempted 15208  
village school districts may acquire land by gift or devise, by 15209  
purchase, or by appropriation. Lands purchased may be purchased 15210  
for cash, by installment payments, with or without a mortgage, by 15211

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entering into lease-purchase agreements, or by lease with an option to purchase, provided that if the purchase price is to be paid over a period of time, such payments shall not extend for a period of more than five years. A special tax levy may be authorized by the voters of the school district in accordance with section 5705.21 of the Revised Code to provide a special fund to meet the future time payments.

(2) For the purposes of section 5705.21 of the Revised Code, acquisition of land under the provisions of this division shall be considered a necessary requirement of the school district.

(3) Boards of education of city, local, and exempted village school districts may acquire federal land at a discount by a lease-purchase agreement for use as a site for the construction of educational facilities or for other related purposes. External administrative and other costs pertaining to the acquisition of federal land at a discount may be paid from funds available to the school district for operating purposes. Such boards of education may also acquire federal land by lease-purchase agreements, by negotiation, or otherwise.

(4) As used in this division:

(a) "Office equipment" includes but is not limited to typewriters, copying and duplicating equipment, and computer and data processing equipment.

(b) "Software for instructional purposes" includes computer programs usable for computer assisted instruction, computer managed instruction, drill and practice, and problem simulations.

A board of education or governing board of an educational service center may acquire the necessary office equipment, and computer hardware and software for instructional purposes, for the schools under its control by purchase, by lease, by installment payments, by entering into lease-purchase agreements, or by lease

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with an option to purchase. In the case of a city, exempted  
village, or local school district, if the purchase price is to be  
paid over a period of time, the contract setting forth the terms  
of such purchase shall be considered a continuing contract  
pursuant to section 5705.41 of the Revised Code. Payments shall  
not extend for a period of more than five years. Costs relating to  
the acquisition of necessary apparatus may be paid from funds  
available to the school district or educational service center for  
operating purposes.

(5) A board of education or governing board of an educational  
service center may acquire the necessary equipment for the  
maintenance or physical upkeep of facilities and land under its  
control by entering into lease-purchase agreements. If payments  
under the lease-purchase agreement are to be made over a period of  
time, the agreement shall be considered a continuing contract  
pursuant to section 5705.41 of the Revised Code, and such payments  
shall not extend for a period of more than five years.

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D),  
~~and (F), and (G)~~ of this section, when a board of education  
decides to dispose of real or personal property that it owns in  
its corporate capacity, and that exceeds in value ten thousand  
dollars, it shall sell the property at public auction, after  
giving at least thirty days' notice of the auction by publication  
in a newspaper of general circulation or by posting notices in  
five of the most public places in the school district in which the  
property, if it is real property, is situated, or, if it is  
personal property, in the school district of the board of  
education that owns the property. The board may offer real  
property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal  
property for sale at public auction at least once pursuant to

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division (A) of this section, and the property has not been sold, 15274  
the board may sell it at a private sale. Regardless of how it was 15275  
offered at public auction, at a private sale, the board shall, as 15276  
it considers best, sell real property as an entire tract or in 15277  
parcels, and personal property in a single lot or in several lots. 15278

(C) If a board of education decides to dispose of real or 15279  
personal property that it owns in its corporate capacity and that 15280  
exceeds in value ten thousand dollars, it may sell the property to 15281  
the adjutant general; to any subdivision or taxing authority as 15282  
respectively defined in divisions (A) and (C) of section 5705.01 15283  
of the Revised Code, township park district, board of park 15284  
commissioners established under Chapter 755. of the Revised Code, 15285  
or park district established under Chapter 1545. of the Revised 15286  
Code; to a wholly or partially tax-supported university, 15287  
university branch, or college; or to the board of trustees of a 15288  
school district library, upon such terms as are agreed upon. The 15289  
sale of real or personal property to the board of trustees of a 15290  
school district library is limited, in the case of real property, 15291  
to a school district library within whose boundaries the real 15292  
property is situated, or, in the case of personal property, to a 15293  
school district library whose boundaries lie in whole or in part 15294  
within the school district of the selling board of education. 15295

(D) When a board of education decides to trade as a part or 15296  
an entire consideration, an item of personal property on the 15297  
purchase price of an item of similar personal property, it may 15298  
trade the same upon such terms as are agreed upon by the parties 15299  
to the trade. 15300

(E) The president and the treasurer of the board of education 15301  
shall execute and deliver deeds or other necessary instruments of 15302  
conveyance to complete any sale or trade under this section. 15303  
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(F) When a board of education has identified a parcel of real 15305

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property that it determines is needed for school purposes, the  
board may, upon a majority vote of the members of the board,  
acquire that property by exchanging real property that the board  
owns in its corporate capacity for the identified real property or  
by using real property that the board owns in its corporate  
capacity as part or an entire consideration for the purchase price  
of the identified real property. Any exchange or acquisition made  
pursuant to this division shall be made by a conveyance executed  
by the president and the treasurer of the board.

(G) When a school district board of education decides to  
dispose of real property suitable for use as classroom space,  
prior to disposing of such property under division (A) through (F)  
of this section, it shall first offer that property for sale to  
the governing authorities of the start-up community schools,  
established under Chapter 3314. of the Revised Code and located  
within the territory of the school district, at a price that is  
not higher than the appraised fair market value of that property.  
If more than one community school governing authority accepts the  
offer made by the school district board, the board shall sell the  
property to the governing authority that accepted the offer first  
in time. If no community school governing authority accepts the  
offer within sixty days after the offer is made by the school  
district board, the board may dispose of the property in the  
applicable manner prescribed under divisions (A) to (F) of this  
section.

**Sec. 3313.603.** (A) As used in this section: 15331

(1) "One unit" means a minimum of one hundred twenty hours of  
course instruction, except that for a laboratory course, "one  
unit" means a minimum of one hundred fifty hours of course  
instruction.

(2) "One-half unit" means a minimum of sixty hours of course 15336

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instruction, except that for physical education courses, "one-half  
unit" means a minimum of one hundred twenty hours of course  
instruction. 15337  
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(B) Beginning September 15, 2001, the requirements for  
graduation from every high school shall include ~~twenty-one~~ twenty  
units earned in grades nine through twelve and shall be  
distributed as follows: 15340  
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15342  
15343

(1) English language arts, four units; 15344

(2) Health, one-half unit; 15345

(3) Mathematics, three units; 15346

(4) Physical education, one-half unit; 15347

(5) Science, two units until September 15, 2003, and three  
units thereafter, which at all times shall include both of the  
following: 15348  
15349  
15350

(a) Biological sciences, one unit; 15351

(b) Physical sciences, one unit. 15352

(6) Social studies, three units, which shall include both of  
the following: 15353  
15354

(a) American history, one-half unit; 15355

(b) American government, one-half unit. 15356

(7) Elective units, ~~eight~~ seven units until September 15,  
2003, and ~~seven~~ six units thereafter. 15357  
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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. 15359  
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(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 15362  
15363  
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(B) of this section if the advanced work was both:	15365
(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;	15366 15367 15368
(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.	15369 15370 15371 15372 15373
(D) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and technical instruction are eligible to meet the graduation requirements of division (B) of this section.	15374 15375 15376 15377
<b>Sec. 3313.64.</b> (A) As used in this section and in section 3313.65 of the Revised Code:	15378 15379
(1) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.	15380 15381 15382 15383 15384 15385 15386 15387 15388 15389 15390 15391 15392 15393
(2) "Legal custody," "permanent custody," and "residual	15394



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parental rights, privileges, and responsibilities" have the same	15395
meanings as in section 2151.011 of the Revised Code.	15396
(3) "School district" or "district" means a city, local, or	15397
exempted village school district and excludes any school operated	15398
in an institution maintained by the department of youth services.	15399
(4) Except as used in division (C)(2) of this section, "home"	15400
means a home, institution, foster home, group home, or other	15401
residential facility in this state that receives and cares for	15402
children, to which any of the following applies:	15403
(a) The home is licensed, certified, or approved for such	15404
purpose by the state or is maintained by the department of youth	15405
services.	15406
(b) The home is operated by a person who is licensed,	15407
certified, or approved by the state to operate the home for such	15408
purpose.	15409
(c) The home accepted the child through a placement by a	15410
person licensed, certified, or approved to place a child in such a	15411
home by the state.	15412
(d) The home is a children's home created under section	15413
5153.21 or 5153.36 of the Revised Code.	15414
(5) "Agency" means all of the following:	15415
(a) A public children services agency;	15416
(b) An organization that holds a certificate issued by the	15417
Ohio department of job and family services in accordance with the	15418
requirements of section 5103.03 of the Revised Code and assumes	15419
temporary or permanent custody of children through commitment,	15420
agreement, or surrender, and places children in family homes for	15421
the purpose of adoption;	15422
(c) Comparable agencies of other states or countries that	15423
have complied with applicable requirements of section 2151.39, or	15424

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sections 5103.20 to 5103.28 of the Revised Code.	15425
(6) A child is placed for adoption if either of the following occurs:	15426
	15427
(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.	15428
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	15431
(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.	15432
	15433
	15434
(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.	15435
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	15439
(8) "Child," unless otherwise indicated, includes handicapped preschool children.	15440
	15441
(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.	15442
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	15446
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	15447
	15448
(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:	15449
	15450
	15451
	15452
(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or	15453
	15454

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adoptive parent.	15455
(b) The child resides in a home.	15456
(c) The child requires special education.	15457
(3) A child who is not entitled under division (B)(2) of this	15458
section to be admitted to the schools of the district where the	15459
child resides and who is residing with a resident of this state	15460
with whom the child has been placed for adoption shall be admitted	15461
to the schools of the district where the child resides unless	15462
either of the following applies:	15463
(a) The placement for adoption has been terminated.	15464
(b) Another school district is required to admit the child	15465
under division (B)(1) of this section.	15466
Division (B) of this section does not prohibit the board of	15467
education of a school district from placing a handicapped child	15468
who resides in the district in a special education program outside	15469
of the district or its schools in compliance with Chapter 3323. of	15470
the Revised Code.	15471
(C) A district shall not charge tuition for children admitted	15472
under division (B)(1) or (3) of this section. If the district	15473
admits a child under division (B)(2) of this section, tuition	15474
shall be paid to the district that admits the child as follows:	15475
	15476
(1) If the child receives special education in accordance	15477
with Chapter 3323. of the Revised Code, tuition shall be paid in	15478
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of	15479
the Revised Code regardless of who has custody of the child or	15480
whether the child resides in a home.	15481
(2) Except as otherwise provided in division (C)(2)(d) of	15482
this section, if the child is in the permanent or legal custody of	15483
a government agency or person other than the child's parent,	15484

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- tuition shall be paid by: 15485
- (a) The district in which the child's parent resided at the 15486  
time the court removed the child from home or at the time the 15487  
court vested legal or permanent custody of the child in the person 15488  
or government agency, whichever occurred first; 15489
- (b) If the parent's residence at the time the court removed 15490  
the child from home or placed the child in the legal or permanent 15491  
custody of the person or government agency is unknown, tuition 15492  
shall be paid by the district in which the child resided at the 15493  
time the child was removed from home or placed in legal or 15494  
permanent custody, whichever occurred first; 15495
- (c) If a school district cannot be established under division 15496  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 15497  
district determined as required by section 2151.357 of the Revised 15498  
Code by the court at the time it vests custody of the child in the 15499  
person or government agency; 15500
- (d) If at the time the court removed the child from home or 15501  
vested legal or permanent custody of the child in the person or 15502  
government agency, whichever occurred first, one parent was in a 15503  
residential or correctional facility or a juvenile residential 15504  
placement and the other parent, if living and not in such a 15505  
facility or placement, was not known to reside in this state, 15506  
tuition shall be paid by the district determined under division 15507  
(D) of section 3313.65 of the Revised Code as the district 15508  
required to pay any tuition while the parent was in such facility 15509  
or placement. 15510
- (3) If the child is not in the permanent or legal custody of 15511  
a government agency or person other than the child's parent and 15512  
the child resides in a home, tuition shall be paid by one of the 15513  
following: 15514
- (a) The school district in which the child's parent resides; 15515

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(b) If the child's parent is not a resident of this state, 15516  
the home in which the child resides. 15517

(D) Tuition required to be paid under divisions (C)(2) and 15518  
(3)(a) of this section shall be computed in accordance with 15519  
section 3317.08 of the Revised Code. Tuition required to be paid 15520  
under division (C)(3)(b) of this section shall be computed in 15521  
accordance with section 3317.081 of the Revised Code. If a home 15522  
fails to pay the tuition required by division (C)(3)(b) of this 15523  
section, the board of education providing the education may 15524  
recover in a civil action the tuition and the expenses incurred in 15525  
prosecuting the action, including court costs and reasonable 15526  
attorney's fees. If the prosecuting attorney or city director of 15527  
law represents the board in such action, costs and reasonable 15528  
attorney's fees awarded by the court, based upon the prosecuting 15529  
attorney's, director's, or one of their designee's time spent 15530  
preparing and presenting the case, shall be deposited in the 15531  
county or city general fund. 15532

(E) A board of education may enroll a child free of any 15533  
tuition obligation for a period not to exceed sixty days, on the 15534  
sworn statement of an adult resident of the district that the 15535  
resident has initiated legal proceedings for custody of the child. 15536

(F) In the case of any individual entitled to attend school 15537  
under this division, no tuition shall be charged by the school 15538  
district of attendance and no other school district shall be 15539  
required to pay tuition for the individual's attendance. 15540  
Notwithstanding division (B), (C), or (E) of this section: 15541

(1) All persons at least eighteen but under twenty-two years 15542  
of age who live apart from their parents, support themselves by 15543  
their own labor, and have not successfully completed the high 15544  
school curriculum or the individualized education program 15545  
developed for the person by the high school pursuant to section 15546  
3323.08 of the Revised Code, are entitled to attend school in the 15547

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district in which they reside. 15548

(2) Any child under eighteen years of age who is married is 15549  
entitled to attend school in the child's district of residence. 15550

(3) A child is entitled to attend school in the district in 15551  
which either of the child's parents is employed if the child has a 15552  
medical condition that may require emergency medical attention. 15553  
The parent of a child entitled to attend school under division 15554  
(F)(3) of this section shall submit to the board of education of 15555  
the district in which the parent is employed a statement from the 15556  
child's physician certifying that the child's medical condition 15557  
may require emergency medical attention. The statement shall be 15558  
supported by such other evidence as the board may require. 15559

(4) Any child residing with a person other than the child's 15560  
parent is entitled, for a period not to exceed twelve months, to 15561  
attend school in the district in which that person resides if the 15562  
child's parent files an affidavit with the superintendent of the 15563  
district in which the person with whom the child is living resides 15564  
stating all of the following: 15565

(a) That the parent is serving outside of the state in the 15566  
armed services of the United States; 15567

(b) That the parent intends to reside in the district upon 15568  
returning to this state; 15569

(c) The name and address of the person with whom the child is 15570  
living while the parent is outside the state. 15571

(5) Any child under the age of twenty-two years who, after 15572  
the death of a parent, resides in a school district other than the 15573  
district in which the child attended school at the time of the 15574  
parent's death is entitled to continue to attend school in the 15575  
district in which the child attended school at the time of the 15576  
parent's death for the remainder of the school year, subject to 15577  
approval of that district board. 15578

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(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

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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  
that school, provided the board of education of the school  
district where the student's parent resides, by a formal action,  
releases the student to participate in interscholastic athletics  
at the school where the student is attending, and provided the  
student receives any authorization required by a public agency or  
private organization of which the school district is a member  
exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city,  
local, or exempted village school district, or of an educational  
service center, may be admitted to the schools of the district  
where the child's parent is employed, or in the case of a child  
whose parent is employed by an educational service center, in the  
district that serves the location where the parent's job is  
primarily located, provided the district board of education  
establishes such an admission policy by resolution adopted by a  
majority of its members. Any such policy shall take effect on the  
first day of the school year and the effective date of any  
amendment or repeal may not be prior to the first day of the  
subsequent school year. The policy shall be uniformly applied to  
all such children and shall provide for the admission of any such  
child upon request of the parent. No child may be admitted under  
this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of  
a shelter for victims of domestic violence, as defined in section  
3113.33 of the Revised Code, is entitled to attend school free in  
the district in which the child is with the child's parent, and no  
other school district shall be required to pay tuition for the  
child's attendance in that school district.



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The enrollment of a child in a school district under this 15642  
division shall not be denied due to a delay in the school 15643  
district's receipt of any records required under section 3313.672 15644  
of the Revised Code or any other records required for enrollment. 15645  
Any days of attendance and any credits earned by a child while 15646  
enrolled in a school district under this division shall be 15647  
transferred to and accepted by any school district in which the 15648  
child subsequently enrolls. The state board of education shall 15649  
adopt rules to ensure compliance with this division. 15650

(10) Any child under the age of twenty-two years whose parent 15651  
has moved out of the school district after the commencement of 15652  
classes in the child's senior year of high school is entitled, 15653  
subject to the approval of that district board, to attend school 15654  
in the district in which the child attended school at the time of 15655  
the parental move for the remainder of the school year and for one 15656  
additional semester or equivalent term. A district board may also 15657  
adopt a policy specifying extenuating circumstances under which a 15658  
student may continue to attend school under division (F)(10) of 15659  
this section for an additional period of time in order to 15660  
successfully complete the high school curriculum for the 15661  
individualized education program developed for the student by the 15662  
high school pursuant to section 3323.08 of the Revised Code. 15663

(11) As used in this division, "grandparent" means a parent 15664  
of a parent of a child. A child under the age of twenty-two years 15665  
who is in the custody of the child's parent, resides with a 15666  
grandparent, and does not require special education is entitled to 15667  
attend the schools of the district in which the child's 15668  
grandparent resides, provided that, prior to such attendance in 15669  
any school year, the board of education of the school district in 15670  
which the child's grandparent resides and the board of education 15671  
of the school district in which the child's parent resides enter 15672  
into a written agreement specifying that good cause exists for 15673

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such attendance, describing the nature of this good cause, and  
consenting to such attendance.

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In lieu of a consent form signed by a parent, a board of  
education may request the grandparent of a child attending school  
in the district in which the grandparent resides pursuant to  
division (F)(11) of this section to complete any consent form  
required by the district, including any authorization required by  
sections 3313.712, 3313.713, and 3313.716 of the Revised Code.  
Upon request, the grandparent shall complete any consent form  
required by the district. A school district shall not incur any  
liability solely because of its receipt of a consent form from a  
grandparent in lieu of a parent.

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Division (F)(11) of this section does not create, and shall  
not be construed as creating, a new cause of action or substantive  
legal right against a school district, a member of a board of  
education, or an employee of a school district. This section does  
not affect, and shall not be construed as affecting, any  
immunities from defenses to tort liability created or recognized  
by Chapter 2744. of the Revised Code for a school district,  
member, or employee.

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(12) A child under the age of twenty-two years is entitled to  
attend school in a school district other than the district in  
which the child is entitled to attend school under division (B),  
(C), or (E) of this section provided that, prior to such  
attendance in any school year, both of the following occur:

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(a) The superintendent of the district in which the child is  
entitled to attend school under division (B), (C), or (E) of this  
section contacts the superintendent of another district for  
purposes of this division;

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(b) The superintendents of both districts enter into a  
written agreement that consents to the attendance and specifies

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that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

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) For as long as this state receives grants under the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children, each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

(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,

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3327.04, and 3327.06 of the Revised Code, a child may attend 15736  
school or participate in a special education program in a school 15737  
district other than in the district where the child is entitled to 15738  
attend school under division (B) of this section. 15739

(I) This division does not apply to a child receiving special 15740  
education. 15741

A school district required to pay tuition pursuant to 15742  
division (C)(2) or (3) of this section or section 3313.65 of the 15743  
Revised Code shall have an amount deducted under division (F) of 15744  
section 3317.023 of the Revised Code equal to its own tuition rate 15745  
for the same period of attendance. A school district entitled to 15746  
receive tuition pursuant to division (C)(2) or (3) of this section 15747  
or section 3313.65 of the Revised Code shall have an amount 15748  
credited under division (F) of section 3317.023 of the Revised 15749  
Code equal to its own tuition rate for the same period of 15750  
attendance. If the tuition rate credited to the district of 15751  
attendance exceeds the rate deducted from the district required to 15752  
pay tuition, the department of education shall pay the district of 15753  
attendance the difference from amounts deducted from all 15754  
districts' payments under division (F) of section 3317.023 of the 15755  
Revised Code but not credited to other school districts under such 15756  
division and from appropriations made for such purpose. The 15757  
treasurer of each school district shall, by the fifteenth day of 15758  
January and July, furnish the superintendent of public instruction 15759  
a report of the names of each child who attended the district's 15760  
schools under divisions (C)(2) and (3) of this section or section 15761  
3313.65 of the Revised Code during the preceding six calendar 15762  
months, the duration of the attendance of those children, the 15763  
school district responsible for tuition on behalf of the child, 15764  
and any other information that the superintendent requires. 15765

Upon receipt of the report the superintendent, pursuant to 15766  
division (F) of section 3317.023 of the Revised Code, shall deduct 15767

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each district's tuition obligations under divisions (C)(2) and (3) 15768  
of this section or section 3313.65 of the Revised Code and pay to 15769  
the district of attendance that amount plus any amount required to 15770  
be paid by the state. 15771

(J) In the event of a disagreement, the superintendent of 15772  
public instruction shall determine the school district in which 15773  
the parent resides. 15774

(K) Nothing in this section requires or authorizes, or shall 15775  
be construed to require or authorize, the admission to a public 15776  
school in this state of a pupil who has been permanently excluded 15777  
from public school attendance by the superintendent of public 15778  
instruction pursuant to sections 3301.121 and 3313.662 of the 15779  
Revised Code. 15780

**Sec. 3314.07.** (A) The expiration of the contract for a 15781  
community school between a sponsor and a school shall be the date 15782  
provided in the contract. A successor contract may be entered into 15783  
unless the contract is terminated or not renewed pursuant to this 15784  
section. 15785

(B)(1) A sponsor may choose not to renew a contract at its 15786  
expiration or may choose to terminate a contract prior to its 15787  
expiration for any of the following reasons: 15788

(a) Failure to meet student performance requirements stated 15789  
in the contract; 15790

(b) Failure to meet generally accepted standards of fiscal 15791  
management; 15792

(c) Violation of any provision of the contract or applicable 15793  
state or federal law; 15794

(d) Other good cause. 15795

~~A termination shall be effective only at the conclusion of a 15796~~

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<del>school year.</del>	15797
<u>(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.</u>	15798 15799 15800
<u>(3) At least <del>one hundred eighty</del> 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.</u>	15801 15802 15803 15804 15805 15806 15807 15808 15809 15810 15811 15812
<u><del>(3)</del>(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.</u>	15813 15814 15815 15816 15817
<u>(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following events:</u>	15818 15819 15820
<u>(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;</u>	15821 15822 15823
<u>(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</u>	15824 15825 15826 15827

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(B)(3) of this section, or if that decision is appealed to the 15828  
state board under division (B)(4) of this section and the state 15829  
board affirms that decision, the date established in the 15830  
resolution of the state board affirming the sponsor's decision. 15831

(C) A child attending a community school whose contract has 15832  
 been terminated ~~or~~, nonrenewed, or suspended or that closes for 15833  
 any reason shall be admitted to the schools of the district in 15834  
 which the child is entitled to attend under section 3313.64 or 15835  
 3313.65 of the Revised Code. Any deadlines established for the 15836  
 purpose of admitting students under section 3313.97 or 3313.98 15837  
 shall be waived for students to whom this division pertains. 15838

(D) A sponsor of a community school and the officers, 15839  
 directors, or employees of such a sponsor are not liable in 15840  
 damages in a tort or other civil action for harm allegedly arising 15841  
 from either of the following: 15842

(1) A failure of the community school or any of its officers, 15843  
 directors, or employees to perform any statutory or common law 15844  
 duty or responsibility or any other legal obligation; 15845

(2) An action or omission of the community school or any of 15846  
 its officers, directors, or employees that results in harm. 15847

(E) As used in this section: 15848

(1) "Harm" means injury, death, or loss to person or 15849  
 property. 15850

(2) "Tort action" means a civil action for damages for 15851  
 injury, death, or loss to person or property other than a civil 15852  
 action for damages for a breach of contract or another agreement 15853  
 between persons. 15854

Sec. 3314.072. The provisions of this section are enacted to 15855  
promote the public health, safety, and welfare by establishing 15856  
procedures under which the governing authorities of community 15857

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schools established under this chapter will be held accountable 15858  
for their compliance with the terms of the contracts they enter 15859  
into with their school's sponsors and the law relating to the 15860  
school's operation. Suspension of the operation of a school 15861  
imposed under this section is intended to encourage the governing 15862  
authority's compliance with the terms of the school's contract and 15863  
the law and is not intended to be an alteration of the terms of 15864  
that contract. 15865

(A) If a sponsor of a community school established under this 15866  
chapter suspends the operation of that school pursuant to 15867  
procedures set forth in this section, the governing authority 15868  
shall not operate that school while the suspension is in effect. 15869  
Any such suspension shall remain in effect until the sponsor 15870  
notifies the governing authority that it is no longer in effect. 15871  
The contract of a school of which operation is suspended under 15872  
this section also may be subject to termination or nonrenewal 15873  
under section 3314.07 of the Revised Code. 15874

(B) If at any time the sponsor of a community school 15875  
established under this chapter determines that conditions at the 15876  
school do not comply with a health and safety standard established 15877  
by law for school buildings, the sponsor shall immediately suspend 15878  
the operation of the school pursuant to procedures set forth in 15879  
division (D) of this section. 15880

(C)(1) For any of the reasons prescribed in division 15881  
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 15882  
sponsor of a community school established under this chapter may 15883  
suspend the operation of the school only if it first issues to the 15884  
governing authority notice of the sponsor's intent to suspend the 15885  
operation of the contract. Such notice shall explain the reasons 15886  
for the sponsor's intent to suspend operation of the contract and 15887  
shall provide the school's governing authority with five business 15888  
days to submit to the sponsor a proposal to remedy the conditions 15889



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<u>cited as reasons for the suspension.</u>	15890
<u>(2) The sponsor shall promptly review any proposed remedy</u>	15891
<u>timely submitted by the governing authority and either approve or</u>	15892
<u>disapprove the remedy. If the sponsor disapproves the remedy</u>	15893
<u>proposed by the governing authority, if the governing authority</u>	15894
<u>fails to submit a proposed remedy in the manner prescribed by the</u>	15895
<u>sponsor, or if the governing authority fails to implement the</u>	15896
<u>remedy as approved by the sponsor, the sponsor may suspend</u>	15897
<u>operation of the school pursuant to procedures set forth in</u>	15898
<u>division (D) of this section.</u>	15899
<u>(D)(1) If division (B) of this section applies or if the</u>	15900
<u>sponsor of a community school established under this chapter</u>	15901
<u>decides to suspend the operation of a school as permitted in</u>	15902
<u>division (C)(2) of this section, the sponsor shall promptly send</u>	15903
<u>written notice to the governing authority stating that the</u>	15904
<u>operation of the school is immediately suspended, and explaining</u>	15905
<u>the specific reasons for the suspension. The notice shall state</u>	15906
<u>that the governing authority has five business days to submit a</u>	15907
<u>proposed remedy to the conditions cited as reasons for the</u>	15908
<u>suspension or face potential contract termination.</u>	15909
<u>(2) Upon receipt of the notice of suspension prescribed under</u>	15910
<u>division (D)(1) of this section, the governing authority shall</u>	15911
<u>immediately notify the employees of the school and the parents of</u>	15912
<u>the students enrolled in the school of the suspension and the</u>	15913
<u>reasons therefore, and shall cease all school operations on the</u>	15914
<u>next business day.</u>	15915
<b>Sec. 3314.08.</b> (A) As used in this section:	15916
(1) "Base formula amount" means the amount specified as such	15917
in a community school's financial plan for a school year pursuant	15918
to division (A)(15) of section 3314.03 of the Revised Code.	15919

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(2) "Cost-of-doing-business factor" has the same meaning as	15920
in section 3317.02 of the Revised Code.	15921
(3) "IEP" means an individualized education program as	15922
defined in section 3323.01 of the Revised Code.	15923
(4) "Applicable <u>special education</u> weight" means:	15924
(a) For a student receiving special education and related	15925
services pursuant to an IEP for a handicap described in division	15926
(A) of section 3317.013 of the Revised Code, the multiple	15927
specified in that division;	15928
(b) For a student receiving special education and related	15929
services pursuant to an IEP for a handicap described in division	15930
(B) of section 3317.013 or division (F)(3) of section 3317.02 of	15931
the Revised Code, the multiple specified in division (B) of	15932
section 3317.013 of the Revised Code.	15933
(5) <del>"Total special education weight" means the sum of the</del>	15934
<del>following:</del>	15935
<del>(a) The number of students reported under division (B)(2)(c)</del>	15936
<del>of this section who are entitled to attend school in the district,</del>	15937
<del>are enrolled in grades one through twelve in a community school,</del>	15938
<del>and are receiving from their community school special education</del>	15939
<del>and related services pursuant to an IEP for a handicap described</del>	15940
<del>in division (A) of section 3317.013 of the Revised Code,</del>	15941
<del>multiplied by the multiple specified in division (A) of section</del>	15942
<del>3317.013 of the Revised Code;</del>	15943
<del>(b) One half the number of students reported under division</del>	15944
<del>(B)(2)(c) of this section who are entitled to attend school in the</del>	15945
<del>district, are enrolled in kindergarten in a community school, and</del>	15946
<del>are receiving from their community school special education and</del>	15947
<del>related services pursuant to an IEP for a handicap described in</del>	15948
<del>division (A) of section 3317.013 of the Revised Code, multiplied</del>	15949
<del>by the multiple specified in division (A) of section 3317.013 of</del>	15950

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<del>the Revised Code;</del>	15951
<del>(c) The number of students reported under division (B)(2)(c)</del>	15952
<del>of this section who are entitled to attend school in the district,</del>	15953
<del>are enrolled in grades one through twelve in a community school,</del>	15954
<del>and are receiving from their community school special education</del>	15955
<del>and related services pursuant to an IEP for a handicap described</del>	15956
<del>in division (B) of section 3317.013 or division (F)(3) of section</del>	15957
<del>3317.02 of the Revised Code, multiplied by the multiple specified</del>	15958
<del>in division (B) of section 3317.013 of the Revised Code;</del>	15959
<del>(d) One-half the number of students reported under division</del>	15960
<del>(B)(2)(c) of this section who are entitled to attend school in the</del>	15961
<del>district, are enrolled in kindergarten in a community school, and</del>	15962
<del>are receiving from their community school special education and</del>	15963
<del>related services pursuant to an IEP for a handicap described in</del>	15964
<del>division (B) of section 3317.013 or division (F)(3) of section</del>	15965
<del>3317.02 of the Revised Code, multiplied by the multiple specified</del>	15966
<del>in division (B) of section 3317.013 of the Revised Code</del>	15967
<u>"Applicable vocational education weight" means:</u>	15968
<u>(a) For a student enrolled in vocational education programs</u>	15969
<u>or classes described in division (A) of section 3317.014 of the</u>	15970
<u>Revised Code, the multiple specified in that division;</u>	15971
<u>(b) For a student enrolled in vocational education programs</u>	15972
<u>or classes described in division (B) of section 3317.014 of the</u>	15973
<u>Revised Code, the multiple specified in that division.</u>	15974
(6) "Entitled to attend school" means entitled to attend	15975
school in a district under section 3313.64 or 3313.65 of the	15976
Revised Code.	15977
(7) "DPIA reduction factor" means the percentage figure, if	15978
any, for reducing the per pupil amount of disadvantaged pupil	15979
impact aid a community school is entitled to receive pursuant to	15980
divisions (D)(4)(5) and (5)(6) of this section in any year, as	15981

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specified in the school's financial plan for the year pursuant to 15982  
division (A)(15) of section 3314.03 of the Revised Code. 15983

(8) "All-day kindergarten" has the same meaning as in section 15984  
3317.029 of the Revised Code. 15985

(B) The state board of education shall adopt rules requiring 15986  
both of the following: 15987

(1) The board of education of each city, exempted village, 15988  
and local school district to annually report the number of 15989  
students entitled to attend school in the district who are 15990  
enrolled in grades one through twelve in a community school 15991  
established under this chapter, the number of students entitled to 15992  
attend school in the district who are enrolled in kindergarten in 15993  
a community school, the number of those kindergartners who are 15994  
enrolled in all-day kindergarten in their community school, and 15995  
for each child, the community school in which the child is 15996  
enrolled. 15997

(2) The governing authority of each community school 15998  
established under this chapter to annually report all of the 15999  
following: 16000

(a) The number of students enrolled in grades one through 16001  
twelve and the number of students enrolled in kindergarten in the 16002  
school who are not receiving special education and related 16003  
services pursuant to an IEP; 16004

(b) The number of enrolled students in grades one through 16005  
twelve and the number of enrolled students in kindergarten, who 16006  
are receiving special education and related services pursuant to 16007  
an IEP; 16008

(c) The number of students reported under division (B)(2)(b) 16009  
of this section receiving special education and related services 16010  
pursuant to an IEP for a handicap described in each of divisions 16011  
(A) and (B) of section 3317.013 and division (F)(3) of section 16012

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3317.02 of the Revised Code;	16013
<u>(d) The full-time equivalent number of students reported</u>	16014
<u>under divisions (B)(2)(a) and (b) of this section who are enrolled</u>	16015
<u>in vocational education programs or classes described in each of</u>	16016
<u>divisions (A) and (B) of section 3317.014 of the Revised Code that</u>	16017
<u>are provided by the community school;</u>	16018
<u>(e)</u> The number of enrolled preschool handicapped students	16019
receiving special education services in a state-funded unit;	16020
<del>(e)</del> <u>(f)</u> The community school's base formula amount;	16021
<del>(f)</del> <u>(g)</u> For each student, the city, exempted village, or local	16022
school district in which the student is entitled to attend school;	16023
	16024
<del>(g)</del> <u>(h)</u> Any DPIA reduction factor that applies to a school	16025
year.	16026
(C) From the payments made to a city, exempted village, or	16027
local school district under Chapter 3317. of the Revised Code and,	16028
if necessary, sections 321.14 and 323.156 of the Revised Code, the	16029
department of education shall annually subtract all of the	16030
following:	16031
(1) An amount equal to the sum of the amounts obtained when,	16032
for each community school where the district's students are	16033
enrolled, the number of the district's students reported under	16034
divisions (B)(2)(a) and (b) of this section who are enrolled in	16035
grades one through twelve, and one-half the number of students	16036
reported under those divisions who are enrolled in kindergarten,	16037
in that community school is multiplied by the base formula amount	16038
of that community school as adjusted by the school district's	16039
cost-of-doing-business factor.	16040
<del>(2) The product of the number of district students reported</del>	16041
<del>under division (B)(2)(c) of this section as enrolled in grades one</del>	16042

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~~through twelve, and one-half of the number of district students~~ 16043  
~~reported under that division as enrolled in kindergarten, who are~~ 16044  
~~receiving special education and related services pursuant to an~~ 16045  
~~IEP in their respective community schools for a handicap described~~ 16046  
~~in division (A) or (B) of section 3317.013 or division (F)(3) of~~ 16047  
~~section 3317.02 of the Revised Code, multiplied by the total~~ 16048  
~~special education weight times the community school's base formula~~ 16049  
~~amount;~~ sum of the amounts calculated under divisions (C)(2)(a) 16050  
and (b) of this section: 16051

(a) For each of the district's students reported under 16052  
division (B)(2)(c) of this section as enrolled in a community 16053  
school in grades one through twelve and receiving special 16054  
education and related services pursuant to an IEP for a handicap 16055  
described in section 3317.013 or division (F)(3) of section 16056  
3317.02 of the Revised Code, the product of the applicable weight 16057  
times the community school's base formula amount; 16058

(b) For each of the district's students reported under 16059  
division (B)(2)(c) of this section as enrolled in kindergarten in 16060  
a community school and receiving special education and related 16061  
services pursuant to an IEP for a handicap described in section 16062  
3317.013 or division (F)(3) of section 3317.02 of the Revised 16063  
Code, one-half of the amount calculated as prescribed in division 16064  
(C)(2)(a) of this section. 16065

(3) For each of the district's students reported under 16066  
division (B)(2)(d) of this section for whom payment is made under 16067  
division (D)(4) of this section, the amount of that payment; 16068

(4) An amount equal to the sum of the amounts obtained when, 16069  
for each community school where the district's students are 16070  
enrolled, the number of the district's students enrolled in that 16071  
community school and residing in the district in a family 16072  
participating in Ohio works first under Chapter 5107. of the 16073  
Revised Code is multiplied by the per pupil amount of 16074

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disadvantaged pupil impact aid the school district receives that 16075  
year pursuant to division (B) or (C) of section 3317.029 of the 16076  
Revised Code, as adjusted by any DPIA reduction factor of that 16077  
community school. If the district receives disadvantaged pupil 16078  
impact aid under division (B) of that section, the per pupil 16079  
amount of that aid is the quotient of the amount the district 16080  
received under that division divided by the number of children 16081  
ages five through seventeen residing in the district and living in 16082  
a family participating in Ohio works first, as most recently 16083  
reported under section 3317.10 of the Revised Code. If the 16084  
district receives disadvantaged pupil impact aid under division 16085  
(C) of section 3317.029 of the Revised Code, the per pupil amount 16086  
of that aid is the per pupil dollar amount prescribed for the 16087  
district in division (C)(1) or (2) of that section. 16088

~~(4)~~(5) An amount equal to the sum of the amounts obtained 16089  
when, for each community school where the district's students are 16090  
enrolled, the district's per pupil amount of aid received under 16091  
division (E) of section 3317.029 of the Revised Code, as adjusted 16092  
by any DPIA reduction factor of the community school, is 16093  
multiplied by the sum of the following: 16094

(a) The number of the district's students reported under 16095  
division (B)(2)(a) of this section who are enrolled in grades one 16096  
to three in that community school and who are not receiving 16097  
special education and related services pursuant to an IEP; 16098

(b) One-half of the district's students who are enrolled in 16099  
all-day or any other kindergarten class in that community school 16100  
and who are not receiving special education and related services 16101  
pursuant to an IEP; 16102

(c) One-half of the district's students who are enrolled in 16103  
all-day kindergarten in that community school and who are not 16104  
receiving special education and related services pursuant to an 16105  
IEP. 16106

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The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.

(D) The department shall annually pay to a community school established under this chapter all of the following:

(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one-half of the kindergarten students in the school, reported under divisions (B)(2)(a) and (b) of this section who are not receiving special education and related services pursuant to an IEP for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code is multiplied by the community school's base formula amount, as adjusted by the cost-of-doing-business factor of the school district in which the student is entitled to attend school;

(2) The greater of the following:

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds;

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section:

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, the following amount:

(the community school's base formula amount X the



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cost-of-doing-business factor of the district where the student 16138  
is entitled to attend school) + (the applicable special education 16139  
weight 16140

X the community school's base formula amount); 16141

(ii) For each student reported under division (B)(2)(c) of 16142  
this section as enrolled in kindergarten and receiving special 16143  
education and related services pursuant to an IEP for a handicap 16144  
described in division (A) or (B) of section 3317.013 or division 16145  
(F)(3) of section 3317.02 of the Revised Code, one-half of the 16146  
amount calculated under the formula prescribed in division 16147  
(D)(2)(b)(i) of this section. 16148

(3) An amount received from federal funds to provide special 16149  
education and related services to students in the community 16150  
school, as determined by the superintendent of public instruction. 16151

(4) For each student reported under division (B)(2)(d) of 16152  
this section as enrolled in vocational education programs or 16153  
classes that are described in section 3317.014 of the Revised 16154  
Code, are provided by the community school, and are comparable as 16155  
determined by the superintendent of public instruction to school 16156  
district vocational education programs and classes eligible for 16157  
state weighted funding under section 3317.014 of the Revised Code, 16158  
an amount equal to the applicable vocational education weight 16159  
times the community school's base formula amount times the 16160  
percentage of time the student spends in the vocational education 16161  
programs or classes. 16162

(5) An amount equal to the sum of the amounts obtained when, 16163  
for each school district where the community school's students are 16164  
entitled to attend school, the number of that district's students 16165  
enrolled in the community school and participating in Ohio works 16166  
first is multiplied by the per pupil amount of disadvantaged pupil 16167  
impact aid that school district receives that year pursuant to 16168  
division (B) or (C) of section 3317.029 of the Revised Code, as 16169

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adjusted by any DPIA reduction factor of the community school. The 16170  
per pupil amount of aid shall be determined as described in 16171  
division (C)(3) of this section. 16172

~~(5)~~(6) An amount equal to the sum of the amounts obtained 16173  
when, for each school district where the community school's 16174  
students are entitled to attend school, the district's per pupil 16175  
amount of aid received under division (E) of section 3317.029 of 16176  
the Revised Code, as adjusted by any DPIA reduction factor of the 16177  
community school, is multiplied by the sum of the following: 16178

(a) The number of the district's students reported under 16179  
division (B)(2)(a) of this section who are enrolled in grades one 16180  
to three in that community school and who are not receiving 16181  
special education and related services pursuant to an IEP; 16182

(b) One-half of the district's students who are enrolled in 16183  
all-day or any other kindergarten class in that community school 16184  
and who are not receiving special education and related services 16185  
pursuant to an IEP; 16186

(c) One-half of the district's students who are enrolled in 16187  
all-day kindergarten in that community school and who are not 16188  
receiving special education and related services pursuant to an 16189  
IEP. 16190

The district's per pupil amount of aid under division (E) of 16191  
section 3317.029 of the Revised Code shall be determined as 16192  
described in division (C)~~(4)~~(5) of this section. 16193

(E)(1) If a community school's costs for a fiscal year for a 16194  
student receiving special education and related services pursuant 16195  
to an IEP for a handicap described in ~~division (F)(3)~~ of section 16196  
3317.02 3317.013 of the Revised Code are twenty-five thousand 16197  
dollars or more, the school may submit to the superintendent of 16198  
public instruction documentation, as prescribed by the 16199  
superintendent, of all its costs for that student. Upon submission 16200

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of documentation for a student of the type and in the manner 16201  
prescribed, the department shall pay to the community school an 16202  
amount equal to the school's costs for the student in excess of 16203  
twenty-five thousand dollars. 16204

(2) In fiscal year 2002, if a community school's costs for a 16205  
student receiving special education and related services pursuant 16206  
to an IEP for a handicap described in division (F)(3) of section 16207  
3317.013 of the Revised Code are twenty-five thousand dollars or 16208  
more, the school may submit to the superintendent of public 16209  
instruction documentation, as prescribed by the superintendent, of 16210  
all its costs for that student. Upon submission of documentation 16211  
for a student of the type and in the manner prescribed, the 16212  
department shall pay to the community school an amount equal to 16213  
the school's costs for the student in excess of twenty-five 16214  
thousand dollars. 16215

(3) In any fiscal year after fiscal year 2002, if a community 16216  
school's costs for a student receiving special education and 16217  
related services pursuant to an IEP for a handicap described in 16218  
division (F)(3) of section 3317.013 of the Revised Code are twenty 16219  
thousand dollars or more, the school may submit to the 16220  
superintendent of public instruction documentation, as prescribed 16221  
by the superintendent, of all its costs for that student. Upon 16222  
submission of documentation for a student of the type and in the 16223  
manner prescribed, the department shall pay to the community 16224  
school an amount equal to the school's costs for the student in 16225  
excess of twenty thousand dollars. 16226

(4) The community school shall only report under divisions 16227  
(E)(1) to (3) of this section, and the department shall only pay 16228  
for, the costs of educational expenses and the related services 16229  
provided to the student in accordance with the student's 16230  
individualized education program. Any legal fees, court costs, or 16231  
other costs associated with any cause of action relating to the 16232

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student may not be included in the amount. 16233

(F) A community school may apply to the department of 16234  
education for preschool handicapped or gifted unit funding the 16235  
school would receive if it were a school district. Upon request of 16236  
its governing authority, a community school that received unit 16237  
funding as a school district-operated school before it became a 16238  
community school shall retain any units awarded to it as a school 16239  
district-operated school provided the school continues to meet 16240  
eligibility standards for the unit. 16241

A community school shall be considered a school district and 16242  
its governing authority shall be considered a board of education 16243  
for the purpose of applying to any state or federal agency for 16244  
grants that a school district may receive under federal or state 16245  
law or any appropriations act of the general assembly. The 16246  
governing authority of a community school may apply to any private 16247  
entity for additional funds. 16248

(G) A board of education sponsoring a community school may 16249  
utilize local funds to make enhancement grants to the school or 16250  
may agree, either as part of the contract or separately, to 16251  
provide any specific services to the community school at no cost 16252  
to the school. 16253

(H) A community school may not levy taxes or issue bonds 16254  
secured by tax revenues. 16255

(I) No community school shall charge tuition for the 16256  
enrollment of any student. 16257

(J) A community school may borrow money to pay any necessary 16258  
and actual expenses of the school in anticipation of the receipt 16259  
of any portion of the payments to be received by the school 16260  
pursuant to division (D) of this section. The school may issue 16261  
notes to evidence such borrowing to mature no later than the end 16262  
of the fiscal year in which such money was borrowed. The proceeds 16263

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of the notes shall be used only for the purposes for which the  
anticipated receipts may be lawfully expended by the school.

(K) For purposes of determining the number of students for  
which divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section applies in  
any school year, a community school may submit to the department  
of job and family services, no later than the first day of March,  
a list of the students enrolled in the school. For each student on  
the list, the community school shall indicate the student's name,  
address, and date of birth and the school district where the  
student is entitled to attend school. Upon receipt of a list under  
this division, the department of job and family services shall  
determine, for each school district where one or more students on  
the list is entitled to attend school, the number of students  
residing in that school district who were included in the  
department's report under section 3317.10 of the Revised Code. The  
department shall make this determination on the basis of  
information readily available to it. Upon making this  
determination and no later than ninety days after submission of  
the list by the community school, the department shall report to  
the state department of education the number of students on the  
list who reside in each school district who were included in the  
department's report under section 3317.10 of the Revised Code. In  
complying with this division, the department of job and family  
services shall not report to the state department of education any  
personally identifiable information on any student.

(L) The department of education shall adjust the amounts  
subtracted and paid under divisions (C) and (D) of this section to  
reflect any enrollment of students in community schools for less  
than the equivalent of a full school year. For purposes of this  
section, a student shall be considered enrolled in the community  
school for any portion of the school year the student is  
participating at a college under Chapter 3365. of the Revised

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Code.	16296
(M) The department of education shall reduce the amounts paid under division (D) of this section to reflect payments made to colleges under division (B) of section 3365.07 of the Revised Code.	16297 16298 16299 16300
<b>Sec. 3314.09. (A)</b> As used in this section <u>and section 3314.091 of the Revised Code</u> , "native student" means a student entitled to attend school in the school district under section 3313.64 or 3313.65 of the Revised Code.	16301 16302 16303 16304
<u>The (B) Except as provided in section 3314.091 of the Revised Code</u> , the board of education of each city, local, and exempted village school district shall provide transportation to and from school for its district's native students enrolled in a community school located in that district or another district on the same basis that it provides transportation for its native students enrolled in schools to which they are assigned by the board of education at the same grade level and who live the same distance from school except when, in the judgment of the board, confirmed by the state board of education, the transportation is unnecessary or unreasonable. A board shall not be required to transport nonhandicapped students to and from a community school located in another school district if the transportation would require more than thirty minutes of direct travel time as measured by school bus from the collection point designated by the district's coordinator of school transportation.	16305 16306 16307 16308 16309 16310 16311 16312 16313 16314 16315 16316 16317 16318 16319 16320
(C) Where it is impractical to transport a pupil to and from a community school by school conveyance, a board may, in lieu of providing the transportation, pay a parent, guardian, or other person in charge of the child. The amount paid per pupil shall in no event exceed the average transportation cost per pupil, which shall be based on the cost of transportation of children by all	16321 16322 16323 16324 16325 16326

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boards of education in this state during the next preceding year. 16327

(D) The daily and annual instructional schedules of a community school are the sole responsibility of the community school's governing authority, and are subject only to the requirements of this chapter and the governing authority's contract with its sponsor. Each school district board of education that is required to provide transportation for community school students under this section shall provide the transportation in accordance with those schedules so that students may be present on time and at all times that the community school is open for instruction. 16328-16337

**Sec. 3314.091.** (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met both of the following requirements: 16338-16347

(1) It is submitted to the department of education by a deadline which shall be established by the department. 16348-16349

(2) It specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged. 16350-16352

(B)(1) A community school governing board that enters into an agreement to provide transportation under this section shall provide or arrange transportation free of any charge for each of its enrolled students in grades kindergarten through eight who live more than two miles from the school, except that the 16353-16357

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governing board may make a payment in lieu of providing 16358  
transportation to the parent, guardian, or person in charge of the 16359  
student at the same rate as specified for a school district board 16360  
in division (C) of section 3314.09 of the Revised Code if the 16361  
drive time measured by the vehicle specified by the school for 16362  
transporting the students from the student's residence to the 16363  
school is more than thirty minutes. The governing board may 16364  
provide or arrange transportation for any other enrolled student 16365  
and may charge a fee for such service. The governing board may 16366  
request the payment specified under division (C) of this section 16367  
for any student it transports, for whom it arranges 16368  
transportation, or for whom it makes a payment in lieu of 16369  
providing transportation if the student lives more than one mile 16370  
from the community school. 16371

(2) Notwithstanding anything to the contrary in division 16372  
(B)(1) of this section, a community school governing board shall 16373  
provide or arrange transportation free of any charge for any 16374  
disabled student enrolled in the school for whom the student's 16375  
individualized education program developed under Chapter 3323. of 16376  
the Revised Code specifies transportation. 16377

(C)(1) If a school district board and a community school 16378  
governing authority elect to enter into an agreement under this 16379  
section, the department of education annually shall pay the 16380  
community school the amount specified in division (C)(2) of this 16381  
section for each of the enrolled students for whom the school's 16382  
governing authority provides or arranges transportation to and 16383  
from school. The department shall deduct the payment from the 16384  
state payment under Chapter 3317. and, if necessary, sections 16385  
321.14 and 323.156 of the Revised Code that is otherwise paid to 16386  
the school district in which the student enrolled in the community 16387  
school resides. The department shall include the number of the 16388  
district's native students for whom payment is made to a community 16389



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school under this division in the calculation of the district's 16390  
transportation payment under division (D) of section 3317.022 of 16391  
the Revised Code. 16392

A community school shall be paid under this division only for 16393  
students who live more than one mile from the school and whose 16394  
transportation to and from school is actually provided or arranged 16395  
or for whom a payment in lieu of transportation is made by the 16396  
community school's governing authority. To qualify for the 16397  
payments, the community school shall report to the department, in 16398  
the form and manner required by the department, data on the number 16399  
of students transported or whose transportation is arranged, the 16400  
number of miles traveled, cost to transport, and any other 16401  
information requested by the department. 16402

A community school shall use payments received under this 16403  
division solely to pay the costs of providing or arranging for the 16404  
transportation of students who live more than one mile from the 16405  
school, which may include payments to a parent, guardian, or other 16406  
person in charge of a child in lieu of transportation. 16407

(2) The payment to a community school governing authority 16408  
under this section for each student who lives more than one mile 16409  
from the school or who is disabled and whose individualized 16410  
education program requires transportation and for whom the school 16411  
actually provides or arranges transportation or makes a payment in 16412  
lieu of providing transportation, shall be made according to the 16413  
following schedule: 16414

(a) In fiscal year 2002, four-hundred fifty dollars per 16415  
student; 16416

(b) In fiscal year 2003 and every fiscal year thereafter, the 16417  
amount specified in division (C)(2)(a) of this section multiplied 16418  
by the negative or positive percentage of change reported in the 16419  
consumer price index (all urban consumers, transportation) by the 16420

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bureau of labor statistics of the United States department of 16421  
labor from the beginning of the calendar year that ended just 16422  
prior to the beginning of the fiscal year to the end of that 16423  
calendar year. 16424

(D) Except when arranged through payment to a parent, 16425  
guardian, or person in charge of a child, transportation provided 16426  
or arranged for by a community school pursuant to an agreement 16427  
under this section is subject to all provisions of the Revised 16428  
Code, and all rules adopted under the Revised Code, pertaining to 16429  
the construction, design, equipment, and operation of school buses 16430  
and other vehicles transporting students to and from school. The 16431  
drivers and mechanics of the vehicles are subject to all 16432  
provisions of the Revised Code, and all rules adopted under the 16433  
Revised Code, pertaining to drivers and mechanics of such 16434  
vehicles. The community school also shall comply with sections 16435  
3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 16436  
of the Revised Code as if it were a school district. For purposes 16437  
of complying with section 3327.10 of the Revised Code, the 16438  
educational service center that serves the county in which the 16439  
community school is located shall be the certifying agency, unless 16440  
the agreement designates the school district as the certifying 16441  
agency. 16442

**Sec. 3316.20.** (A)(1) The school district solvency assistance 16443  
fund is hereby created in the state treasury, to consist of such 16444  
amounts designated for the purposes of the fund by the general 16445  
assembly. The fund shall be used to provide assistance and grants 16446  
to school districts to enable them to remain solvent and to pay 16447  
unforeseeable expenses of a temporary or emergency nature that they 16448  
are unable to pay from existing resources. 16449

(2) There is hereby created within the fund an account known 16450  
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as the school district shared resource account, which shall  
 consist of money appropriated to it by the general assembly. The  
 money in the account shall be used solely for solvency assistance  
 to school districts that have been declared under division (B)~~(1)~~  
~~or (5)~~ of section 3316.03 of the Revised Code to be in a state of  
 fiscal emergency ~~because of a certified operating deficit~~  
~~exceeding ten per cent.~~

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(3) There is hereby created within the fund an account known  
 as the catastrophic expenditures account, which shall consist of  
 money appropriated to the account by the general assembly plus all  
 investment earnings of the fund. Money in the account shall be  
 used solely for the following:

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(a) Solvency assistance to school districts that have been  
 declared under division (B)~~(1)~~~~or (5)~~ of section 3316.03 of the  
 Revised Code to be in a state of fiscal emergency ~~because of a~~  
~~certified operating deficit exceeding ten per cent~~, in the event  
 that all money in the shared resource account is utilized for  
 solvency assistance;

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(b) Grants to school districts under division (C) of this  
 section.

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(B) Solvency assistance payments under division (A)(2) or  
 (3)(a) of this section shall be made from the fund by the  
 superintendent of public instruction in accordance with rules  
 adopted by the director of budget and management, after consulting  
 with the superintendent, specifying approval criteria and  
 procedures necessary for administering the fund.

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The fund shall be reimbursed for any solvency assistance  
 amounts paid under division (A)(2) or (3)(a) of this section not  
 later than the end of the second fiscal year following the fiscal  
 year in which the solvency assistance payment was made. If not  
 made directly by the school district, such reimbursement shall be

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made by the director of budget and management from the amounts the 16483  
 school district would otherwise receive pursuant to sections 16484  
 3317.022 to 3317.025 of the Revised Code, or from any other funds 16485  
 appropriated for the district by the general assembly. 16486  
 Reimbursements shall be credited to the respective account from 16487  
 which the solvency assistance paid to the district was deducted. 16488

(C) The superintendent of public instruction may make 16489  
 recommendations, and the controlling board may grant money from 16490  
 the catastrophic expenditures account to any school district that 16491  
 suffers an unforeseen catastrophic event that severely depletes 16492  
 the district's financial resources. The superintendent shall make 16493  
recommendations for the grants in accordance with rules adopted by 16494  
the director of budget and management after consulting with the 16495  
superintendent. A school district shall not be required to repay 16496  
 any grant awarded to the district under this division unless the 16497  
 district receives money from a third party, including an agency of 16498  
 the government of the United States, specifically for the purpose 16499  
 of compensating the district for expenses incurred as a result of 16500  
 the unforeseen catastrophic event. 16501

**Sec. 3317.012.** (A)(1) The general assembly, having analyzed 16502  
 school district expenditure and cost data for fiscal year ~~1996~~ 16503  
~~1999~~, performed the calculation described in division (B) of this 16504  
 section, ~~and~~ adjusted the results for inflation, and added the 16505  
amounts described in division (A)(2) of this section, hereby 16506  
 determines that the base cost of an adequate education per pupil 16507  
 for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814. 16508  
 For the five following fiscal years, the base cost per pupil for 16509  
 each of those years, reflecting an annual rate of inflation of two 16510  
 and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~ 16511  
~~2003~~, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for 16512  
 fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006, 16513  
 and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007. 16514

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(2) The base cost per pupil amounts specified in division (A)(1) of this section include amounts to reflect the cost to school districts of increasing the minimum number of high school academic units required for graduation beginning September 15, 2001, under section 3313.603 of the Revised Code. Analysis of fiscal year 1999 data revealed that the school districts meeting the requirements of division (B) of this section on average required high school students to complete a minimum of nineteen and eight-tenths units to graduate. The general assembly determines that the cost of funding the additional two-tenths unit required by section 3313.603 of the Revised Code is \$12 per pupil in fiscal year 2002. This amount was added after the calculation described in division (B) of this section and the adjustment for inflation from fiscal year 1999 to fiscal year 2002. It is this total amount, the calculated base cost plus the supplement to pay for the additional partial unit, that constitutes the base cost amount specified in division (A)(1) of this section for fiscal year 2002 and that is inflated to produce the base cost amounts for fiscal years 2003 through 2007.

(B) In determining the base cost stated in division (A) of this section, capital and debt costs, costs paid for by federal funds, and costs covered by funds provided ~~pursuant to sections 3317.023 and 3317.024 of the Revised Code as they existed prior to July 1, 1998,~~ for disadvantaged pupil impact aid and transportation were excluded, as were the effects on the districts' state funds of the application of the cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and one-half per cent variance.

The base cost for fiscal year ~~1996~~ 1999 was calculated as the unweighted average cost per student, on a school district basis, of educating students who were not receiving vocational education or services pursuant to Chapter 3323. of the Revised Code and who

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were enrolled in a city, exempted village, or local school district that in fiscal year ~~1994~~ 1999 met all of the following criteria:

(1) The district met at least ~~all but one~~ twenty of the following twenty-seven performance standards:

(a) A ~~three~~ ninety per cent or ~~lower dropout~~ higher graduation rate;

(b) At least seventy-five per cent of fourth graders proficient on the mathematics test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(c) At least seventy-five per cent of fourth graders proficient on the reading test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(d) At least seventy-five per cent of fourth graders proficient on the writing test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(e) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(f) At least seventy-five per cent of fourth graders proficient on the science test prescribed under division (A)(1) of section 3301.0710 of the Revised Code;

(g) At least seventy-five per cent of sixth graders proficient on the mathematics test prescribed under division (A)(2) of section 3301.0710 of the Revised Code;

(h) At least seventy-five per cent of sixth graders proficient on the reading test prescribed under division (A)(2) of section 3301.0710 of the Revised Code;

(i) At least seventy-five per cent of sixth graders proficient on the writing test prescribed under division (A)(2) of

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<u>section 3301.0710 of the Revised Code;</u>	16577
<u>(j) At least seventy-five per cent of sixth graders</u>	16578
<u>proficient on the citizenship test prescribed under division</u>	16579
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	16580
<u>(k) At least seventy-five per cent of sixth graders</u>	16581
<u>proficient on the science test prescribed under division (A)(2) of</u>	16582
<u>section 3301.0710 of the Revised Code;</u>	16583
<u>(l) At least seventy-five per cent of ninth graders</u>	16584
<u>proficient on the mathematics test prescribed under former</u>	16585
<u>division (B) of section 3301.0710 of the Revised Code Section 4 of</u>	16586
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	16587
<u>(g)(m) At least seventy-five per cent of ninth graders</u>	16588
<u>proficient on the reading test prescribed under former division</u>	16589
<u>(B) of section 3301.0710 of the Revised Code Section 4 of Am. Sub.</u>	16590
<u>S.B. 55 of the 122nd general assembly;</u>	16591
<u>(h)(n) At least seventy-five per cent of ninth graders</u>	16592
<u>proficient on the writing test prescribed under former division</u>	16593
<u>(B) of section 3301.0710 of the Revised Code Section 4 of Am. Sub.</u>	16594
<u>S.B. 55 of the 122nd general assembly;</u>	16595
<u>(i)(o) At least seventy-five per cent of ninth graders</u>	16596
<u>proficient on the citizenship test prescribed under former</u>	16597
<u>division (B) of section 3301.0710 of the Revised Code Section 4 of</u>	16598
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	16599
<u>(j)(p) At least seventy-five per cent of ninth graders</u>	16600
<u>proficient on the science test prescribed under Section 4 of Am.</u>	16601
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	16602
<u>(q) At least eighty-five per cent of tenth graders proficient</u>	16603
<u>on the mathematics test prescribed under former division (B) of</u>	16604
<u>section 3301.0710 of the Revised Code Section 4 of Am. Sub. S.B.</u>	16605
<u>55 of the 122nd general assembly;</u>	16606

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<del>(k)</del> (r) At least eighty-five per cent of tenth graders	16607
proficient on the reading test prescribed under <del>former division</del>	16608
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	16609
<u>S.B. 55 of the 122nd general assembly;</u>	16610
<del>(l)</del> (s) At least eighty-five per cent of tenth graders	16611
proficient on the writing test prescribed under <del>former division</del>	16612
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	16613
<u>S.B. 55 of the 122nd general assembly;</u>	16614
<del>(m)</del> (t) At least eighty-five per cent of tenth graders	16615
proficient on the citizenship test prescribed under <del>former</del>	16616
<del>division (B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of</u>	16617
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	16618
<del>(n)</del> (u) <u>At least eighty-five per cent of tenth graders</u>	16619
<u>proficient on the science test prescribed under Section 4 of Am.</u>	16620
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	16621
<del>(v)</del> At least sixty per cent of twelfth graders proficient on	16622
the mathematics test prescribed under division (A)(3) of section	16623
3301.0710 of the Revised Code;	16624
<del>(o)</del> (w) At least sixty per cent of twelfth graders proficient	16625
on the reading test prescribed under division (A)(3) of section	16626
3301.0710 of the Revised Code;	16627
<del>(p)</del> (x) At least sixty per cent of twelfth graders proficient	16628
on the writing test prescribed under division (A)(3) of section	16629
3301.0710 of the Revised Code;	16630
<del>(q)</del> (y) At least sixty per cent of twelfth graders proficient	16631
on the citizenship test prescribed under division (A)(3) of	16632
section 3301.0710 of the Revised Code;	16633
<del>(r)</del> (z) <u>At least sixty per cent of twelfth graders proficient</u>	16634
<u>on the science test prescribed under division (A)(3) of section</u>	16635
<u>3301.0710 of the Revised Code;</u>	16636



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(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.

In determining whether a school district met any of the performance standards specified in divisions (B)(1)(a) to (aa) of this section, the general assembly used a rounding procedure previously recommended by the department of education. It is the same rounding procedure the general assembly used in 1998 to determine whether a district had met the standards of former divisions (B)(1)(a) to (r) of this section for purposes of constructing the previous model based on fiscal year 1996 data.

(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.

(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.

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 year 1996, the fiscal year upon which the general assembly based its model for calculating state funding to school districts for fiscal years 1999 through 2001, has increased school district base cost expenditures for fiscal year 1999, the fiscal year upon which the general assembly based its model for calculating state funding for fiscal years 2002 through 2007. In the case of school districts included in the fiscal year 1999 model that also had met the fiscal year 1996 performance criteria of former division (B)(1) of this section, the increased state funding may have

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driven the districts' expenditures beyond the expenditures that 16669  
were actually needed to maintain their educational programs at the 16670  
level necessary to maintain their ability to meet the fiscal year 16671  
1999 performance criteria of current division (B)(1) of this 16672  
section. The general assembly has determined to control for this 16673  
effect by stipulating in the later model that the fiscal year 1999 16674  
base cost expenditures of the districts that also met the 16675  
performance criteria of former division (B)(1) of this section 16676  
equals their base cost expenditures per pupil for fiscal year 16677  
1996, inflated to fiscal year 1999 using an annual rate of 16678  
inflation of two and eight-tenths per cent. However, if this 16679  
inflated amount exceeded the district's actual fiscal year 1999 16680  
base cost expenditures per pupil, the district's actual fiscal 16681  
year 1999 base cost expenditures per pupil were used in the 16682  
calculation. For districts in the 1999 model that did not also 16683  
meet the performance criteria of former division (B)(1) of this 16684  
section, the actual 1999 base cost per pupil expenditures were 16685  
used in the calculation of the average district per pupil costs of 16686  
the model districts. 16687

(C) In July of ~~2000~~ 2005, and in July of every six years 16688  
thereafter, the speaker of the house of representatives and the 16689  
president of the senate shall each appoint three members to a 16690  
committee to reexamine the cost of an adequate education. No more 16691  
than two members from any political party shall represent each 16692  
house. The director of budget and management and the 16693  
superintendent of public instruction shall serve as nonvoting ex 16694  
officio members of the committee. 16695

The committee shall select a rational methodology for 16696  
calculating the costs of an adequate education system for the 16697  
ensuing six-year period, and shall report the methodology and the 16698  
resulting costs to the general assembly. In performing its 16699  
function, the committee is not bound by any method used by 16700

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previous general assemblies to examine and calculate costs and  
instead may utilize any rational method it deems suitable and  
reasonable given the educational needs and requirements of the  
state at that time.

The methodology for determining the cost of an adequate  
education system shall take into account the basic educational  
costs that all districts incur in educating regular students, the  
unique needs of special categories of students, and significant  
special conditions encountered by certain classifications of  
school districts.

The committee also shall redetermine, for purposes of  
updating the parity aid calculation under section 3317.0217 of the  
Revised Code, the average number of effective operating mills that  
school districts in the seventieth to ninetieth percentiles of  
valuations per pupil collect above the revenues required to  
finance their attributed local shares of the calculated cost of an  
adequate education.

Any committee appointed pursuant to this section shall make  
its report to the office of budget and management and the general  
assembly within ~~six months~~ one year of its appointment so that the  
information is available for use by the office and the general  
assembly in preparing the next biennial appropriations act.

(D)(1) For purposes of this division, an "update year" is the  
first fiscal year for which the per pupil base cost of an adequate  
education is in effect after being recalculated by the general  
assembly. The first update year is fiscal year 2002. The second  
update year is fiscal year 2008.

(2) The general assembly shall recalculate the per pupil base  
cost of an adequate education every six years after considering  
the recommendations of the committee appointed under division (C)  
of this section. At the time of the recalculation, for each of the

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five fiscal years following the update year, the general assembly shall adjust the base cost recalculated for the update year using an annual rate of inflation that the general assembly determines appropriate. 16732  
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(3) The general assembly shall include, in the act appropriating state funds for education programs for a fiscal biennium that begins with an update year, a statement of its determination of the total state share percentage of base cost and parity aid funding for the update year. 16736  
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(4) During its biennial budget deliberations, the general assembly shall determine the total state share percentage of base cost and parity aid funding for each fiscal year of the upcoming biennium. This determination shall be based on the latest projections and data provided by the department of education under division (D)(6) of this section prior to the enactment of education appropriations for the upcoming biennium. If, based on those latest projections and data, the general assembly determines that the total state share percentage for either or both nonupdate fiscal years varies more than two and one-half percentage points more or less than the total state share percentage for the most recent update year, as previously stated by the general assembly under division (D)(3) of this section, the general assembly shall determine and enact a method that it considers appropriate to restrict the estimated variance for each year to within two and one-half percentage points. The general assembly's methods may include, but are not required to include and need not be limited to, reexamining the rate of millage charged off as the local share of base cost funding under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. Regardless of any changes in charge-off millage rates in years between update years, however, the charge-off millage rate for update years shall be twenty-three mills, unless the general assembly determines that a different 16741  
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millage rate is more appropriate to share the total calculated 16764  
base cost between the state and school districts. 16765

(5) The total state share percentage of base cost and parity 16766  
aid funding for any fiscal year is calculated as follows: 16767

[(Total state base cost + total state parity aid funding) - 16768  
statewide charge-off amount] / (Total state base cost + total 16769  
state parity aid funding) 16770

Where: 16771

(a) The total state base cost equals the sum of the base 16772  
costs for all school districts for the fiscal year. 16773

(b) The base cost for each school district equals: 16774

formula amount X cost-of-doing-business factor X 16775  
the greater of formula ADM or 16776  
three-year average formula ADM 16777

(c) The total state parity aid funding equals the sum of the 16778  
amounts paid to all school districts for the fiscal year under 16779  
section 3317.0217 of the Revised Code. 16780

(d) The statewide charge-off amount equals the sum of the 16781  
charge-off amounts for all school districts. 16782

(e) The charge-off amount for each school district is the 16783  
amount calculated as its local share of base cost funding and 16784  
deducted from the total calculated base cost to determine the 16785  
amount of its state payment under divisions (A)(1) and (2) of 16786  
section 3317.022 of the Revised Code. The charge-off amount for 16787  
each school district in fiscal year 2002 is the product of 16788  
twenty-three mills multiplied by the district's recognized 16789  
valuation. If however, in any fiscal year, including fiscal year 16790  
2002, a school district's calculated charge-off amount exceeds its 16791  
base cost calculated as described in division (D)(2) of this 16792  
section, the district's charge-off amount shall be deemed to equal 16793  
its calculated base cost. 16794

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(6) Whenever requested by the chairperson of the standing committee of the house or representatives or the senate having primary jurisdiction over appropriations, the legislative budget officer, or the director of budget and management, the department of education shall report its latest projections for total base cost, total parity aid funding, and the statewide charge-off amount, as those terms are defined in division (D)(5) of this section, for each year of the upcoming fiscal biennium, and all data it used to make the projections.

**Sec. 3317.013.** This section does not apply to handicapped preschool students.

Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, 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 special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, are as follows:

(A) A multiple of ~~0.22~~ 0.21 for students identified as specific learning disabled, other health handicapped, or developmentally handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of ~~3.01~~ 2.85 for students identified as hearing handicapped, orthopedically handicapped, vision impaired, multihandicapped, and severe behavior handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

Further analysis indicates that approximately one-eighth of the total costs of serving special education students consists of the furnishing of the related services specified in division (B)(3) of section 3317.022 of the Revised Code.

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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 application of the cost-of-doing-business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost-of-doing-business factor.

**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

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calculated under section 3317.012 of the Revised Code. 16857

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 application of the cost-of-doing-business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost-of-doing-business factor. 16858-16865

**Sec. 3317.02.** As used in this chapter: 16866

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts. 16867-16868

(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code, ~~except that to allow for the orderly phase-in of the increased funding specified in that section, the formula amount for fiscal year 1999 shall be \$3,851, and the formula amount for fiscal year 2000 shall be \$4,052. Thereafter, the formula amount shall be as specified in that section.~~ 16869-16875

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, or three special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM. 16876-16883

(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint 16884-16886



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vocational school district, the number reported pursuant to 16887  
division (D) of that section. 16888

(2) "Three-year average formula ADM" means the average of 16889  
formula ADMs for the current and preceding two fiscal years. 16890  
However, as applicable in fiscal years 1999 and 2000, the 16891  
three-year average for city, local, and exempted village school 16892  
districts shall be determined utilizing the FY 1997 ADM or FY 1998 16893  
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 16894  
years 2000 and 2001, the three-year average for joint vocational 16895  
school districts shall be determined utilizing the average daily 16896  
membership reported in fiscal years 1998 and 1999 under division 16897  
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 16898  
for fiscal years 1998 and 1999. 16899

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 16900  
district's average daily membership reported for the applicable 16901  
fiscal year under the version of division (A) of section 3317.03 16902  
of the Revised Code in effect during that fiscal year, adjusted as 16903  
follows: 16904

(1) Minus the average daily membership of handicapped 16905  
preschool children; 16906

(2) Minus one-half of the average daily membership attending 16907  
kindergarten; 16908

(3) Minus three-fourths of the average daily membership 16909  
attending a joint vocational school district; 16910

(4) Plus the average daily membership entitled under section 16911  
3313.64 or 3313.65 of the Revised Code to attend school in the 16912  
district but receiving educational services in approved units from 16913  
an educational service center or another school district under a 16914  
compact or a cooperative education agreement, as determined by the 16915  
department; 16916

(5) Minus the average daily membership receiving educational 16917

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services from the district in approved units but entitled under 16918  
section 3313.64 or 3313.65 of the Revised Code to attend school in 16919  
another school district, as determined by the department. 16920

(F)(1) "Category one special education ADM" means the average 16921  
daily membership of handicapped children receiving special 16922  
education services for those handicaps specified in division (A) 16923  
of section 3317.013 of the Revised Code and reported under 16924  
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 16925  
Code. 16926

(2) "Category two special education ADM" means the average 16927  
daily membership of handicapped children receiving special 16928  
education services for those handicaps specified in division (B) 16929  
of section 3317.013 of the Revised Code and reported under 16930  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 16931  
Code. 16932

(3) "Category three special education ADM" means the average 16933  
daily membership of students receiving special education services 16934  
for students identified as autistic, having traumatic brain 16935  
injuries, or as both visually and hearing disabled as these terms 16936  
are defined pursuant to Chapter 3323. of the Revised Code, and 16937  
reported under division (B)(7) or (D)(2)(d) of section 3317.03 of 16938  
the Revised Code. 16939

(4) "Category one vocational education ADM" means the average 16940  
daily membership of students receiving vocational education 16941  
services described in division (A) of section 3317.014 of the 16942  
Revised Code and reported under division (B)(8) or (D)(2)(e) of 16943  
section 3317.03 of the Revised Code. 16944

(5) "Category two vocational education ADM" means the average 16945  
daily membership of students receiving vocational education 16946  
services described in division (B) of section 3317.014 of the 16947  
Revised Code and reported under division (B)(9) or (D)(2)(f) of 16948

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- section 3317.03 of the Revised Code. 16949
- (G) "Handicapped preschool child" means a handicapped child, 16950  
as defined in section 3323.01 of the Revised Code, who is at least 16951  
age three but is not of compulsory school age, as defined in 16952  
section 3321.01 of the Revised Code, and who is not currently 16953  
enrolled in kindergarten. 16954
- (H) "County MR/DD board" means a county board of mental 16955  
retardation and developmental disabilities. 16956
- (I) "Recognized valuation" means the amount calculated for a 16957  
school district pursuant to section 3317.015 of the Revised Code. 16958
- (J) "Transportation ADM" means the number of children 16959  
reported under division (B)(10) of section 3317.03 of the Revised 16960  
Code. 16961
- (K) "Average efficient transportation use cost per student" 16962  
means a statistical representation of transportation costs as 16963  
calculated under division (D)(2) of section 3317.022 of the 16964  
Revised Code. 16965
- (L) "Taxes charged and payable" means the taxes charged and 16966  
payable against real and public utility property after making the 16967  
reduction required by section 319.301 of the Revised Code, plus 16968  
the taxes levied against tangible personal property. 16969
- (M) "Total taxable value" means the sum of the amounts 16970  
certified for a city, local, exempted village, or joint vocational 16971  
school district under divisions (A)(1) and (2) of section 3317.021 16972  
of the Revised Code. 16973
- (N)~~(I)~~ "Cost-of-doing-business factor" means the amount 16974  
indicated in this division for the county in which a city, local, 16975  
exempted village, or joint vocational school district is located, 16976  
~~adjusted in accordance with division (N)(2) of this section.~~ If a 16977  
city, local, or exempted village school district is located in 16978

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more than one county, the factor is the amount indicated for the 16979  
 county to which the district is assigned by the state department 16980  
 of education. If a joint vocational school district is located in 16981  
 more than one county, the factor is the amount indicated for the 16982  
 county in which the joint vocational school with the greatest 16983  
 formula ADM operated by the district is located. 16984

COST-OF-DOING-BUSINESS 16985

COUNTY	FACTOR	AMOUNT	
Adams	<del>1.0074</del>	<u>1.0061</u>	16987
Allen	<del>1.0217</del>	<u>1.0236</u>	16988
Ashland	<del>1.0322</del>	<u>1.0331</u>	16989
Ashtabula	<del>1.0480</del>	<u>1.0431</u>	16990
Athens	<del>1.0046</del>	<u>1.0038</u>	16991
Auglaize	<del>1.0255</del>	<u>1.0272</u>	16992
Belmont	<del>1.0078</del>	<u>1.0043</u>	16993
Brown	<del>1.0194</del>	<u>1.0207</u>	16994
Butler	<del>1.0650</del>	<u>1.0663</u>	16995
Carroll	<del>1.0166</del>	<u>1.0148</u>	16996
Champaign	<del>1.0292</del>	<u>1.0413</u>	16997
Clark	<del>1.0462</del>	<u>1.0443</u>	16998
Clermont	<del>1.0510</del>	<u>1.0532</u>	16999
Clinton	<del>1.0293</del>	<u>1.0296</u>	17000
Columbiana	<del>1.0300</del>	<u>1.0262</u>	17001
Coshocton	<del>1.0205</del>	<u>1.0200</u>	17002
Crawford	<del>1.0152</del>	<u>1.0140</u>	17003
Cuyahoga	<del>1.0697</del>	<u>1.0672</u>	17004
Darke	<del>1.0340</del>	<u>1.0343</u>	17005
Defiance	<del>1.0177</del>	<u>1.0165</u>	17006
Delaware	<del>1.0339</del>	<u>1.0479</u>	17007
Erie	<del>1.0391</del>	<u>1.0372</u>	17008
Fairfield	<del>1.0358</del>	<u>1.0354</u>	17009
Fayette	<del>1.0266</del>	<u>1.0258</u>	17010
Franklin	<del>1.0389</del>	<u>1.0519</u>	17011

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Fulton	<del>1.0355</del> <u>1.0361</u>	17012
Gallia	1.0000	17013
Geauga	<del>1.0568</del> <u>1.0528</u>	17014
Greene	<del>1.0406</del> <u>1.0407</u>	17015
Guernsey	<del>1.0072</del> <u>1.0064</u>	17016
Hamilton	1.0750	17017
Hancock	<del>1.0224</del> <u>1.0215</u>	17018
Hardin	<del>1.0219</del> <u>1.0348</u>	17019
Harrison	<del>1.0098</del> <u>1.0081</u>	17020
Henry	<del>1.0347</del> <u>1.0338</u>	17021
Highland	<del>1.0139</del> <u>1.0129</u>	17022
Hocking	<del>1.0149</del> <u>1.0151</u>	17023
Holmes	<del>1.0237</del> <u>1.0238</u>	17024
Huron	<del>1.0317</del> <u>1.0305</u>	17025
Jackson	<del>1.0132</del> <u>1.0118</u>	17026
Jefferson	<del>1.0084</del> <u>1.0067</u>	17027
Knox	<del>1.0251</del> <u>1.0258</u>	17028
Lake	<del>1.0596</del> <u>1.0556</u>	17029
Lawrence	<del>1.0128</del> <u>1.0122</u>	17030
Licking	<del>1.0381</del> <u>1.0375</u>	17031
Logan	<del>1.0188</del> <u>1.0362</u>	17032
Lorain	<del>1.0535</del> <u>1.0521</u>	17033
Lucas	<del>1.0413</del> <u>1.0406</u>	17034
Madison	<del>1.0342</del> <u>1.0437</u>	17035
Mahoning	<del>1.0426</del> <u>1.0384</u>	17036
Marion	<del>1.0121</del> <u>1.0263</u>	17037
Medina	<del>1.0608</del> <u>1.0595</u>	17038
Meigs	<del>1.0031</del> <u>1.0018</u>	17039
Mercer	<del>1.0177</del> <u>1.0199</u>	17040
Miami	<del>1.0425</del> <u>1.0415</u>	17041
Monroe	<del>1.0118</del> <u>1.0097</u>	17042
Montgomery	<del>1.0482</del> <u>1.0476</u>	17043
Morgan	<del>1.0140</del> <u>1.0128</u>	17044

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Morrow	<del>1.0268</del> <u>1.0276</u>	17045
Muskingum	<del>1.0167</del> <u>1.0145</u>	17046
Noble	<del>1.0129</del> <u>1.0103</u>	17047
Ottawa	<del>1.0510</del> <u>1.0468</u>	17048
Paulding	<del>1.0156</del> <u>1.0140</u>	17049
Perry	<del>1.0175</del> <u>1.0154</u>	17050
Pickaway	<del>1.0338</del> <u>1.0326</u>	17051
Pike	<del>1.0103</del> <u>1.0094</u>	17052
Portage	<del>1.0556</del> <u>1.0516</u>	17053
Preble	<del>1.0486</del> <u>1.0476</u>	17054
Putnam	<del>1.0253</del> <u>1.0243</u>	17055
Richland	<del>1.0205</del> <u>1.0213</u>	17056
Ross	<del>1.0089</del> <u>1.0085</u>	17057
Sandusky	<del>1.0336</del> <u>1.0307</u>	17058
Scioto	<del>1.0044</del> <u>1.0029</u>	17059
Seneca	<del>1.0240</del> <u>1.0223</u>	17060
Shelby	<del>1.0257</del> <u>1.0263</u>	17061
Stark	<del>1.0313</del> <u>1.0300</u>	17062
Summit	<del>1.0616</del> <u>1.0598</u>	17063
Trumbull	<del>1.0425</del> <u>1.0381</u>	17064
Tuscarawas	<del>1.0099</del> <u>1.0097</u>	17065
Union	<del>1.0330</del> <u>1.0446</u>	17066
Van Wert	<del>1.0126</del> <u>1.0133</u>	17067
Vinton	<del>1.0068</del> <u>1.0070</u>	17068
Warren	<del>1.0651</del> <u>1.0659</u>	17069
Washington	<del>1.0110</del> <u>1.0075</u>	17070
Wayne	<del>1.0406</del> <u>1.0404</u>	17071
Williams	<del>1.0268</del> <u>1.0284</u>	17072
Wood	<del>1.0405</del> <u>1.0382</u>	17073
Wyandot	<del>1.0191</del> <u>1.0188</u>	17074

~~(2) As used in this division, "multiplier" means the number~~ 17075  
~~for the corresponding fiscal year as follows:~~ 17076  
 FISCAL YEAR OF THE 17077

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COMPUTATION	MULTIPLIER	
1998	9.6/7.5	17078
1999	11.0/7.5	17079
2000	12.4/7.5	17080
2001	13.8/7.5	17081
2002	15.2/7.5	17082
2003	16.6/7.5	17083
2004 and thereafter	18.0/7.5	17084

~~Beginning in fiscal year 1998, the department shall annually~~ 17086  
~~adjust the cost-of-doing-business factor for each county in~~ 17087  
~~accordance with the following formula:~~ 17088

~~{(The cost of doing business factor specified under~~ 17089  
~~division (N)(1) of this section -- 1) X (the multiplier~~ 17090  
~~for the fiscal year of the calculation)} + 1~~ 17091

~~The result of such formula shall be the adjusted~~ 17092  
~~cost-of-doing-business factor for that fiscal year.~~ 17093

(O) "Tax exempt value" of a school district means the amount 17094  
 certified for a school district under division (A)(4) of section 17095  
 3317.021 of the Revised Code. 17096

(P) "Potential value" of a school district means the ~~adjusted~~ 17097  
~~total taxable value~~ recognized valuation of a school district plus 17098  
 the tax exempt value of the district. 17099

(Q) "District median income" means the median Ohio adjusted 17100  
 gross income certified for a school district. On or before the 17101  
 first day of July of each year, the tax commissioner shall certify 17102  
 to the department of education for each city, exempted village, 17103  
 and local school district the median Ohio adjusted gross income of 17104  
 the residents of the school district determined on the basis of 17105  
 tax returns filed for the second preceding tax year by the 17106  
 residents of the district. 17107

(R) "Statewide median income" means the median district 17108

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median income of all city, exempted village, and local school districts in the state.	17109 17110
(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.	17111 17112 17113
<del>(T) Except as provided in division (B)(3) of section 3317.012 of the Revised Code, "valuation per pupil" for a city, exempted village, or local school district means the district's recognized valuation divided by the greater of the district's formula ADM or three-year average formula ADM.</del>	17114 17115 17116 17117 17118
<del>(U) Except as provided in section 3317.0213 of the Revised Code, "adjusted valuation per pupil" means the amount calculated in accordance with the following formula:</del>	17119 17120 17121
<del>District valuation per pupil = [\$60,000 X (1 - district income factor)]</del>	17122 17123
<del>If the result of such formula is negative, the adjusted valuation per pupil shall be zero.</del>	17124 17125
<del>(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.</del>	17126 17127 17128 17129
<del>(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:</del>	17130 17131 17132
<del>(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:</del>	17133 17134 17135
<del>(Income adjusted valuation X multiple) + [recognized valuation X (1 - multiple)]</del>	17136 17137
<del>Where "multiple" means the number for the corresponding</del>	17138



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<del>fiscal year as follows:</del>	17139
<del>FISCAL YEAR OF THE</del>	17140
<del>COMPUTATION</del>	17141
<del>2000</del>	17142
<del>2001 and thereafter</del>	17143
<del>MULTIPLE</del>	17141
<del>1/5</del>	17142
<del>4/15</del>	17143
<del>(2) In fiscal year 1999, if a school district's income factor</del>	17144
<del>is greater than one, the amount calculated under the following</del>	17145
<del>formula:</del>	17146
<del>(Income adjusted valuation X 1/15)</del>	17147
<del>+ (recognized valuation X 14/15)</del>	17148
<del>Thereafter, the adjusted total taxable value of a district</del>	17149
<del>with an income factor greater than one shall be its recognized</del>	17150
<del>valuation.</del>	17151
<b>Sec. 3317.021.</b> (A) On or before the first day of June of each	17152
year, the tax commissioner shall certify to the department of	17153
education the following information for each city, exempted	17154
village, and local school district, and the information required	17155
by divisions (A)(1) and (2) of this section for each joint	17156
vocational school district, and it shall be used, along with the	17157
information certified under division (B) of this section, in	17158
making the computations for the district under <del>section</del> <u>sections</u>	17159
3317.022 and 3317.0217 or <u>section</u> 3317.16 of the Revised Code:	17160
(1) The taxable value of real and public utility real	17161
property in the school district subject to taxation in the	17162
preceding tax year, by class and by county of location;	17163
(2) The taxable value of tangible personal property,	17164
including public utility personal property, subject to taxation by	17165
the district for the preceding tax year;	17166
(3)(a) The total property tax rate and total taxes charged	17167
and payable for the current expenses for the preceding tax year	17168

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and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses;

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) ~~The total effective operating tax rate for the district in the tax year for which the most recent data are available~~  
federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a

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petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the

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Revised Code that are apportioned to current operating expenses of	17232
the district;	17233
(3) Divide the amount estimated under division (D)(2) of this	17234
section by the product obtained under division (D)(1) of this	17235
section.	17236
<del>(E) As used in this section:</del>	17237
<del>(1) "Class I taxes charged and payable for current expenses"</del>	17238
<del>means taxes charged and payable for current expenses on land and</del>	17239
<del>improvements classified as residential/agricultural real property</del>	17240
<del>under section 5713.041 of the Revised Code.</del>	17241
<del>(2) "Class I taxable value" means the taxable value of land</del>	17242
<del>and improvements classified as residential/agricultural real</del>	17243
<del>property under section 5713.041 of the Revised Code.</del>	17244
<del>(3) "Class I effective operating tax rate" of a school</del>	17245
<del>district means the quotient obtained by dividing the school</del>	17246
<del>district's Class I taxes charged and payable for current expenses</del>	17247
<del>by the district's Class I taxable value.</del>	17248
<del>(4) "Income tax equivalent tax rate" of a school district</del>	17249
<del>means the quotient obtained by dividing the income tax revenue</del>	17250
<del>disbursed during the current fiscal year under any tax levied</del>	17251
<del>pursuant to Chapter 5748. of the Revised Code by total taxable</del>	17252
<del>value of the district to the extent the revenue from the tax is</del>	17253
<del>allocated or apportioned to current expenses.</del>	17254
<del>(5) "Total effective operating tax rate" means the sum of the</del>	17255
<del>Class I effective operating tax rate and the income tax equivalent</del>	17256
<del>tax rate.</del>	17257
<b>Sec. 3317.022.</b> (A)(1) The department of education shall	17258
compute and distribute state base cost funding to each school	17259
district for the fiscal year in accordance with the following	17260
formula, using adjusted total taxable value as defined in section	17261

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~~3317.02 of the Revised Code or making any adjustment required by~~ 17262  
 division (A)(2) of this section and using the information obtained 17263  
 under section 3317.021 of the Revised Code in the calendar year in 17264  
 which the fiscal year begins. 17265

Compute the following for each eligible district: 17266

[cost-of-doing-business factor X 17267

the formula amount X (the greater of formula ADM 17268

or three-year average formula ADM)] - 17269

(.023 X ~~adjusted total taxable value~~ recognized valuation) 17270

If the difference obtained is a negative number, the 17271  
 district's computation shall be zero. 17272

(2)(a) For each school district for which the tax exempt 17273  
 value of the district equals or exceeds twenty-five per cent of 17274  
 the potential value of the district, the department of education 17275  
 shall calculate the difference between the district's tax exempt 17276  
 value and twenty-five per cent of the district's potential value. 17277

(b) For each school district to which division (A)(2)(a) of 17278  
 this section applies, the ~~adjusted total taxable value~~ department 17279  
~~shall adjust the recognized valuation~~ used in the calculation 17280  
 under division (A)(1) of this section ~~shall be the adjusted total~~ 17281  
~~taxable value modified~~ by subtracting from it the amount 17282  
 calculated under division (A)(2)(a) of this section. 17283

(B) As used in this section: 17284

(1) The "total special education weight" for a district means 17285  
 the sum of the following amounts: 17286

(a) The district's category one special education ADM 17287  
 multiplied by the multiple specified ~~under~~ in division (A) of 17288  
 section 3317.013 of the Revised Code; 17289

(b) The sum of the district's category two and category three 17290  
 special education ADMs multiplied by the multiple specified ~~under~~ 17291  
in division (B) of section 3317.013 of the Revised Code. 17292

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(2) "State share percentage" means the percentage calculated for a district as follows:

(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.

(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:

Cost-of-doing-business factor X
the formula amount X (the greater of formula
ADM or three-year average formula ADM)

The resultant number is the district's state share percentage.

(3) "Related services" includes:

(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;

(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

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(d) Any service included in units funded under former	17323
division (O)(1) of section 3317.023 of the Revised Code;	17324
(e) Any other related service needed by handicapped children	17325
in accordance with their individualized education plans.	17326
(4) The "total vocational education weight" for a district	17327
means the sum of the following amounts:	17328
(a) The district's category one vocational education ADM	17329
multiplied by the multiple specified in division (A) of section	17330
3317.014 of the Revised Code;	17331
(b) The district's category two vocational education ADM	17332
multiplied by the multiple specified in division (B) of section	17333
3317.014 of the Revised Code.	17334
(C)(1) The department shall compute and distribute state	17335
special education and related services additional weighted costs	17336
funds to each school district in accordance with the following	17337
formula:	17338
The district's state share percentage	17339
X the formula amount for the year	17340
for which the aid is calculated	17341
X the district's total special education weight	17342
(2) In any fiscal year, a school district receiving funds	17343
under division (C)(1) of this section shall spend on related	17344
services the lesser of the following:	17345
(a) The amount the district spent on related services in the	17346
preceding fiscal year;	17347
(b) $1/8 \times \{[\text{cost-of-doing-business factor} \times \text{the formula}$	17348
amount $\times (\text{the category one special education ADM} + \text{category two}$	17349
special education ADM $+ \text{category three special education ADM})\} +$	17350
the amount calculated for the fiscal year under division (C)(1) of	17351
this section $+ \text{the local share of special education and related}$	17352

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services additional weighted costs}. 17353

(3) The attributed local share of special education and 17354  
related services additional weighted costs equals: 17355

(1 - the district's state share percentage) X 17356  
the district's total special education weight X 17357  
the formula amount 17358

(4)(a) The department shall compute and pay in accordance 17359  
with this division additional state aid to school districts for 17360  
students in ~~category three~~ categories one and two special 17361  
education ADM. If a district's costs for the fiscal year for a 17362  
student in its ~~category three~~ categories one and two special 17363  
education ADM are twenty-five thousand dollars or more, the 17364  
district may submit to the superintendent of public instruction 17365  
documentation, as prescribed by the superintendent, of all its 17366  
costs for that student. Upon submission of documentation for a 17367  
student of the type and in the manner prescribed, the department 17368  
shall pay to the district an amount equal to the sum of the 17369  
following: 17370

(i) One-half of the district's costs for the student in 17371  
excess of twenty-five thousand dollars; 17372

(ii) The product of one-half of the district's costs for the 17373  
student in excess of twenty-five thousand dollars multiplied by 17374  
the district's state share percentage. 17375

(b) In fiscal year 2002, if a district's costs for a student 17376  
in its category three special education ADM are twenty-five 17377  
thousand dollars or more, the district may submit to the 17378  
superintendent of public instruction documentation, as prescribed 17379  
by the superintendent, of all its costs for that student. Upon 17380  
submission of documentation for a student of the type and in the 17381  
manner prescribed, the department shall pay to the district an 17382  
amount equal to the sum of the following: 17383



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- (i) One-half of the district's costs for the student in excess of twenty-five thousand dollars; 17384  
17385
- (ii) The product of one-half of the district's costs for the student in excess of twenty-five thousand dollars multiplied by the district's state share percentage. 17386  
17387  
17388
- (c) In any fiscal year after fiscal year 2002, if a district's costs for a student in its category three special education ADM are twenty thousand dollars or more, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 17389  
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17397
- (i) One-half of the district's costs for the student in excess of twenty thousand dollars; 17398  
17399
- (ii) The product of one-half of the district's costs for the student in excess of twenty thousand dollars multiplied by the district's state share percentage. 17400  
17401  
17402
- (d) The district shall only report under divisions (C)(4)(a) to (c) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 17403  
17404  
17405  
17406  
17407  
17408  
17409
- (5)(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~~ 2002 and fifty-five thousand six hundred fifty-two dollars in fiscal year 2003. 17410  
17411  
17412  
17413
- (b) For the provision of speech services to students and for 17414

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no other purpose, the department of education shall pay each 17415  
school district an amount calculated under the following formula: 17416

(formula ADM divided by 2000) X 17417

the personnel allowance X the state share percentage 17418

(6) In any fiscal year, a school district receiving funds 17419  
under division (C)(1) of this section shall spend those funds only 17420  
for the purposes that the department designates as approved for 17421  
special education expenses. 17422

(D)(1) As used in this division: 17423

(a) "Daily bus miles per student" equals the number of bus 17424  
miles traveled per day, divided by transportation base. 17425

(b) "Transportation base" equals total student count as 17426  
defined in section 3301.011 of the Revised Code, minus the number 17427  
of students enrolled in preschool handicapped units, plus the 17428  
number of nonpublic school students included in transportation 17429  
ADM. 17430

(c) "Transported student percentage" equals transportation 17431  
ADM divided by transportation base. 17432

(d) "Transportation cost per student" equals total operating 17433  
costs for board-owned or contractor-operated school buses divided 17434  
by transportation base. 17435

(2) Analysis of student transportation cost data has resulted 17436  
in a finding that an average efficient transportation use cost per 17437  
student can be calculated by means of a regression formula that 17438  
has as its two independent variables the number of daily bus miles 17439  
per student and the transported student percentage. For fiscal 17440  
year 1998 transportation cost data, the average efficient 17441  
transportation use cost per student is expressed as follows: 17442

51.79027 + (139.62626 X daily bus miles per student) + 17443  
(116.25573 X transported student percentage) 17444  
17445

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The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	<u>The greater</u> <u>of 60% or</u> <u>the</u> <u>district's</u>	

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state share  
percentage

The payments made under division (D)(3) of this section each 17475  
year shall be calculated based on all of the same prior year's 17476  
data used to update the formula. 17477

(4) In addition to funds paid under divisions (D)(2) and (3) 17478  
of this section, a school district shall receive a rough road 17479  
subsidy if both of the following apply: 17480

(a) Its county rough road percentage is higher than the 17481  
statewide rough road percentage, as those terms are defined in 17482  
division (D)(5) of this section; 17483

(b) Its district student density is lower than the statewide 17484  
student density, as those terms are defined in that division. 17485

(5) The rough road subsidy paid to each district meeting the 17486  
qualifications of division (D)(4) of this section shall be 17487  
calculated in accordance with the following formula: 17488

(per rough mile subsidy X total rough road miles) X 17489  
density multiplier 17490

where: 17491

(a) "Per rough mile subsidy" equals the amount calculated in 17492  
accordance with the following formula: 17493

0.75 - {0.75 X [(maximum rough road percentage - 17494  
county rough road percentage)/(maximum rough road percentage - 17495  
statewide rough road percentage)]} 17496  
statewide rough road percentage)]} 17497

(i) "Maximum rough road percentage" means the highest county 17498  
rough road percentage in the state. 17499

(ii) "County rough road percentage" equals the percentage of 17500  
the mileage of state, municipal, county, and township roads that 17501  
is rated by the department of transportation as type A, B, C, E2, 17502

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or F in the county in which the school district is located or, if 17503  
the district is located in more than one county, the county to 17504  
which it is assigned for purposes of determining its 17505  
cost-of-doing-business factor. 17506

(iii) "Statewide rough road percentage" means the percentage 17507  
of the statewide total mileage of state, municipal, county, and 17508  
township roads that is rated as type A, B, C, E2, or F by the 17509  
department of transportation. 17510

(b) "Total rough road miles" means a school district's total 17511  
bus miles traveled in one year times its county rough road 17512  
percentage. 17513

(c) "Density multiplier" means a figure calculated in 17514  
accordance with the following formula: 17515

$$1 - [(\text{minimum student density} - \text{district student} \quad 17516 \\
\text{density}) / (\text{minimum student density} - \quad 17517 \\
\text{statewide student density})] \quad 17518$$

(i) "Minimum student density" means the lowest district 17519  
student density in the state. 17520

(ii) "District student density" means a school district's 17521  
transportation base divided by the number of square miles in the 17522  
district. 17523

(iii) "Statewide student density" means the sum of the 17524  
transportation bases for all school districts divided by the sum 17525  
of the square miles in all school districts. 17526

(6) In addition to funds paid under divisions (D)(2) to (5) 17527  
of this section, each district shall receive in accordance with 17528  
rules adopted by the state board of education a payment for 17529  
students transported by means other than board-owned or 17530  
contractor-operated buses and whose transportation is not funded 17531  
under division (J) of section 3317.024 of the Revised Code. The 17532  
rules shall include provisions for school district reporting of 17533

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such students. 17534

~~(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.~~ 17535-17543

(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 17544-17546

state share percentage X 17547  
the formula amount X 17548  
total vocational education weight 17549

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. 17550-17553

(2) The department shall compute for each school district state funds for vocational education associated services in accordance with the following formula: 17554-17556

state share percentage X .05 X 17557  
the formula amount X the sum of categories one and two 17558  
vocational education ADM 17559

In any fiscal year, a school district receiving funds under division (E)(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 17560-17564

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services expenses, which may include such purposes as 17565  
 apprenticeship coordinators, coordinators for other vocational 17566  
 education services, vocational evaluation, and other purposes 17567  
 designated by the department. The department may deny payment 17568  
 under division (E)(2) of this section to any district that the 17569  
 department determines is not operating those services or is using 17570  
 funds paid under division (E)(2) of this section, or through a 17571  
 transfer of funds pursuant to division (L) of section 3317.023 of 17572  
 the Revised Code, for other purposes. 17573

~~In fiscal years 2000 and 2001, each school district shall 17574  
 continue to offer the same number of the vocational education 17575  
 programs that the district offered in fiscal year 1999, unless the 17576  
 department of education expressly agrees that the district may 17577  
 offer fewer programs in either fiscal year 2000 or 2001 or both. 17578~~

(F) Beginning in fiscal year 2003, the actual local share in 17579  
 any fiscal year for the combination of special education and 17580  
 related services additional weighted costs funding calculated 17581  
 under division (C)(1) of this section, transportation funding 17582  
 calculated under divisions (D)(2) and (3) of this section, and 17583  
 vocational education and associated services additional weighted 17584  
 costs funding calculated under divisions (E)(1) and (2) of this 17585  
 section shall not exceed for any school district the product of 17586  
 three mills times the district's recognized valuation. Beginning 17587  
 in fiscal year 2003, the department annually shall pay each school 17588  
 district as an excess cost supplement any amount by which the sum 17589  
 of the district's attributed local shares for that funding exceeds 17590  
 that product. For purposes of calculating the excess cost 17591  
 supplement: 17592

(1) The attributed local share for special education and 17593  
 related services additional weighted costs funding is the amount 17594  
 specified in division (C)(3) of this section. 17595

(2) The attributed local share of transportation funding 17596

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equals the difference of the total amount calculated for the 17597  
district using the formula developed under division (D)(2) of this 17598  
section minus the actual amount paid to the district after 17599  
applying the percentage specified in division (D)(3) of this 17600  
section. 17601

(3) The attributed local share of vocational education and 17602  
associated services additional weighted costs funding is the 17603  
amount determined as follows: 17604

(1 - state share percentage) X 17605  
[(total vocational education weight X the formula amount) + 17606  
the payment under division (E)(2) of this section] 17607

**Sec. 3317.023.** (A) Notwithstanding section 3317.022 of the 17608  
 Revised Code, the amounts required to be paid to a district under 17609  
 this chapter shall be adjusted by the amount of the computations 17610  
 made under divisions (B) to ~~(K)~~(L) of this section. 17611

As used in this section: 17612

(1) "Classroom teacher" means a licensed employee who 17613  
 provides direct instruction to pupils, excluding teachers funded 17614  
 from money paid to the district from federal sources; educational 17615  
 service personnel; and vocational and special education teachers. 17616

(2) "Educational service personnel" shall not include such 17617  
 specialists funded from money paid to the district from federal 17618  
 sources or assigned full-time to vocational or special education 17619  
 students and classes and may only include those persons employed 17620  
 in the eight specialist areas in a pattern approved by the 17621  
 department of education under guidelines established by the state 17622  
 board of education. 17623

(3) "Annual salary" means the annual base salary stated in 17624  
 the state minimum salary schedule for the performance of the 17625  
 teacher's regular teaching duties that the teacher earns for 17626



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services rendered for the first full week of October of the fiscal 17627  
year for which the adjustment is made under division (C) of this 17628  
section. It shall not include any salary payments for supplemental 17629  
teachers contracts. 17630

(4) "Regular student population" means the formula ADM plus 17631  
the number of students reported as enrolled in the district 17632  
pursuant to division (A)(1) of section 3313.981 of the Revised 17633  
Code; minus the number of students reported under division (A)(2) 17634  
of section 3317.03 of the Revised Code; minus the FTE of students 17635  
reported under division (B)(5), (6), (7), (8), or (9) of that 17636  
section who are enrolled in a vocational education class or 17637  
receiving special education; and minus one-fourth of the students 17638  
enrolled concurrently in a joint vocational school district. 17639

(5) "State share percentage" has the same meaning as in 17640  
section 3317.022 of the Revised Code. 17641

(6) "VEPD" means a school district or group of school 17642  
districts designated by the department of education as being 17643  
responsible for the planning for and provision of vocational 17644  
education services to students within the district or group. 17645

(7) "Lead district" means a school district, including a 17646  
joint vocational school district, designated by the department as 17647  
a VEPD, or designated to provide primary vocational education 17648  
leadership within a VEPD composed of a group of districts. 17649

(B) If the district employs less than one full-time 17650  
equivalent classroom teacher for each twenty-five pupils in the 17651  
regular student population in any school district, deduct the sum 17652  
of the amounts obtained from the following computations: 17653

(1) Divide the number of the district's full-time equivalent 17654  
classroom teachers employed by one twenty-fifth; 17655

(2) Subtract the quotient in (1) from the district's regular 17656  
student population; 17657

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(3) Multiply the difference in (2) by seven hundred fifty-two dollars. 17658  
17659

(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by: 17660  
17661  
17662

(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus; 17663  
17664  
17665

(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section. 17666  
17667  
17668

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's regular student population. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective training levels, teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order. 17669  
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(D) This division does not apply to a school district that has entered into an agreement under division (A) of section 3313.42 of the Revised Code. Deduct the amount obtained from the following computations if the district employs fewer than five full-time equivalent educational service personnel, including elementary school art, music, and physical education teachers, counselors, librarians, visiting teachers, school social workers, and school nurses for each one thousand pupils in the regular student population: 17679  
17680  
17681  
17682  
17683  
17684  
17685  
17686  
17687

(1) Divide the number of full-time equivalent educational 17688

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service personnel employed by the district by five 17689  
one-thousandths; 17690

(2) Subtract the quotient in (1) from the district's regular 17691  
student population; 17692

(3) Multiply the difference in (2) by ninety-four dollars. 17693

(E) If a local school district, or a city or exempted village 17694  
school district to which a governing board of an educational 17695  
service center provides services pursuant to section 3313.843 of 17696  
the Revised Code, deduct the amount of the payment required for 17697  
the reimbursement of the governing board under section 3317.11 of 17698  
the Revised Code. 17699

(F)(1) If the district is required to pay to or entitled to 17700  
receive tuition from another school district under division (C)(2) 17701  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 17702  
or if the superintendent of public instruction is required to 17703  
determine the correct amount of tuition and make a deduction or 17704  
credit under section 3317.08 of the Revised Code, deduct and 17705  
credit such amounts as provided in division (I) of section 3313.64 17706  
or section 3317.08 of the Revised Code. 17707

(2) For each child for whom the district is responsible for 17708  
tuition or payment under division (A)(1) of section 3317.082 or 17709  
section 3323.091 of the Revised Code, deduct the amount of tuition 17710  
or payment for which the district is responsible. 17711

(G) If the district has been certified by the superintendent 17712  
of public instruction under section 3313.90 of the Revised Code as 17713  
not in compliance with the requirements of that section, deduct an 17714  
amount equal to ten per cent of the amount computed for the 17715  
district under section 3317.022 of the Revised Code. 17716

(H) If the district has received a loan from a commercial 17717  
lending institution for which payments are made by the 17718  
superintendent of public instruction pursuant to division (E)(3) 17719

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of section 3313.483 of the Revised Code, deduct an amount equal to 17720  
such payments. 17721

(I)(1) If the district is a party to an agreement entered 17722  
into under division (D), (E), or (F) of section 3311.06 or 17723  
division (B) of section 3311.24 of the Revised Code and is 17724  
obligated to make payments to another district under such an 17725  
agreement, deduct an amount equal to such payments if the district 17726  
school board notifies the department in writing that it wishes to 17727  
have such payments deducted. 17728

(2) If the district is entitled to receive payments from 17729  
another district that has notified the department to deduct such 17730  
payments under division (I)(1) of this section, add the amount of 17731  
such payments. 17732

(J) If the district is required to pay an amount of funds to 17733  
a cooperative education district pursuant to a provision described 17734  
by division (B)(4) of section 3311.52 or division (B)(8) of 17735  
section 3311.521 of the Revised Code, deduct such amounts as 17736  
provided under that provision and credit those amounts to the 17737  
cooperative education district for payment to the district under 17738  
division (B)(1) of section 3317.19 of the Revised Code. 17739

(K)(1) If a district is educating a student entitled to 17740  
attend school in another district pursuant to a shared education 17741  
contract, compact, or cooperative education agreement other than 17742  
an agreement entered into pursuant to section 3313.842 of the 17743  
Revised Code, credit to that educating district on an FTE basis 17744  
both of the following: 17745

(a) An amount equal to the formula amount times the cost of 17746  
doing business factor of the school district where the student is 17747  
entitled to attend school pursuant to section 3313.64 or 3313.65 17748  
of the Revised Code; 17749

(b) An amount equal to the formula amount times the state 17750

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share percentage times any multiple applicable to the student 17751  
pursuant to section 3317.013 or 3317.014 of the Revised Code. 17752

(2) Deduct any amount credited pursuant to division (K)(1) of 17753  
this section from amounts paid to the school district in which the 17754  
student is entitled to attend school pursuant to section 3313.64 17755  
or 3313.65 of the Revised Code. 17756

(3) If the district is required by a shared education 17757  
contract, compact, or cooperative education agreement to make 17758  
payments to an educational service center, deduct the amounts from 17759  
payments to the district and add them to the amounts paid to the 17760  
service center pursuant to section 3317.11 of the Revised Code. 17761

(L)(1) If a district, including a joint vocational school 17762  
district, is a lead district of a VEPD, credit to that district 17763  
the amounts calculated for all the school districts within that 17764  
VEPD pursuant to division (E)(2) of section 3317.022 of the 17765  
Revised Code. 17766

(2) Deduct from each appropriate district that is not a lead 17767  
district, the amount attributable to that district that is 17768  
credited to a lead district under division (L)(1) of this section. 17769

**Sec. 3317.024.** In addition to the moneys paid to eligible 17770  
school districts pursuant to section 3317.022 of the Revised Code, 17771  
moneys appropriated for the education programs in divisions (A) to 17772  
(H), (J) to (L), (O), (P), and (R) of this section shall be 17773  
distributed to school districts meeting the requirements of 17774  
section 3317.01 of the Revised Code; in the case of divisions (J) 17775  
and (P) of this section, to educational service centers as 17776  
provided in section 3317.11 of the Revised Code; in the case of 17777  
divisions (E), (M), and (N) of this section, to county MR/DD 17778  
boards; in the case of division (R) of this section, to joint 17779  
vocational school districts; in the case of division (K) of this 17780  
section, to cooperative education school districts; and in the 17781

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case of division (Q) of this section, to the institutions defined 17782  
under section 3317.082 of the Revised Code providing elementary or 17783  
secondary education programs to children other than children 17784  
receiving special education under section 3323.091 of the Revised 17785  
Code. The following shall be distributed monthly, quarterly, or 17786  
annually as may be determined by the state board of education: 17787

(A) A per pupil amount to each school district that 17788  
establishes a summer school remediation program that complies with 17789  
rules of the state board of education. 17790

(B) An amount for each island school district and each joint 17791  
state school district for the operation of each high school and 17792  
each elementary school maintained within such district and for 17793  
capital improvements for such schools. Such amounts shall be 17794  
determined on the basis of standards adopted by the state board of 17795  
education. 17796

(C) An amount for each school district operating classes for 17797  
children of migrant workers who are unable to be in attendance in 17798  
an Ohio school during the entire regular school year. The amounts 17799  
shall be determined on the basis of standards adopted by the state 17800  
board of education, except that payment shall be made only for 17801  
subjects regularly offered by the school district providing the 17802  
classes. 17803

(D) An amount for each school district with guidance, 17804  
testing, and counseling programs approved by the state board of 17805  
education. The amount shall be determined on the basis of 17806  
standards adopted by the state board of education. 17807

(E) An amount for the emergency purchase of school buses as 17808  
provided for in section 3317.07 of the Revised Code; 17809

(F) An amount for each school district required to pay 17810  
tuition for a child in an institution maintained by the department 17811  
of youth services pursuant to section 3317.082 of the Revised 17812

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Code, provided the child was not included in the calculation of	17813
the district's average daily membership for the preceding school	17814
year.	17815
(G) In fiscal year 2000 only, an amount to each school	17816
district for supplemental salary allowances for each licensed	17817
employee except those licensees serving as superintendents,	17818
assistant superintendents, principals, or assistant principals,	17819
whose term of service in any year is extended beyond the term of	17820
service of regular classroom teachers, as described in section	17821
3301.0725 of the Revised Code;	17822
(H) An amount for adult basic literacy education for each	17823
district participating in programs approved by the state board of	17824
education. The amount shall be determined on the basis of	17825
standards adopted by the state board of education.	17826
(I) Notwithstanding section 3317.01 of the Revised Code, but	17827
only until June 30, 1999, to each city, local, and exempted	17828
village school district, an amount for conducting driver education	17829
courses at high schools for which the state board of education	17830
prescribes minimum standards and to joint vocational and	17831
cooperative education school districts and educational service	17832
centers, an amount for conducting driver education courses to	17833
pupils enrolled in a high school for which the state board	17834
prescribes minimum standards. No payments shall be made under this	17835
division after June 30, 1999.	17836
(J) An amount for the approved cost of transporting	17837
developmentally handicapped pupils whom it is impossible or	17838
impractical to transport by regular school bus in the course of	17839
regular route transportation provided by the district or service	17840
center. No district or service center is eligible to receive a	17841
payment under this division for the cost of transporting any pupil	17842
whom it transports by regular school bus and who is included in	17843
the district's transportation ADM. The state board of education	17844

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shall establish standards and guidelines for use by the department 17845  
of education in determining the approved cost of such 17846  
transportation for each district or service center. 17847

(K) An amount to each school district, including each 17848  
cooperative education school district, pursuant to section 3313.81 17849  
of the Revised Code to assist in providing free lunches to needy 17850  
children and an amount to assist needy school districts in 17851  
purchasing necessary equipment for food preparation. The amounts 17852  
shall be determined on the basis of rules adopted by the state 17853  
board of education. 17854

(L) An amount to each school district, for each pupil 17855  
attending a chartered nonpublic elementary or high school within 17856  
the district. The amount shall equal the amount appropriated for 17857  
the implementation of section 3317.06 of the Revised Code divided 17858  
by the average daily membership in grades kindergarten through 17859  
twelve in nonpublic elementary and high schools within the state 17860  
as determined during the first full week in October of each school 17861  
year. 17862

(M) An amount for each county MR/DD board, distributed on the 17863  
basis of standards adopted by the state board of education, for 17864  
the approved cost of transportation required for children 17865  
attending special education programs operated by the county MR/DD 17866  
board under section 3323.09 of the Revised Code; 17867

(N) An amount for each county MR/DD board, distributed on the 17868  
basis of standards adopted by the state board of education, for 17869  
supportive home services for preschool children; 17870

(O) An amount for each school district that establishes a 17871  
mentor teacher program that complies with rules of the state board 17872  
of education. No school district shall be required to establish or 17873  
maintain such a program in any year unless sufficient funds are 17874  
appropriated to cover the district's total costs for the program. 17875



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(P) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, plus two thousand six hundred seventy-eight dollars.

(Q) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

(R) A grant to each school district and joint vocational school district that operates a "graduation, reality, and dual-role skills" (GRADS) program for pregnant and parenting students that is approved by the department. The amount of the payment shall be the district's state share percentage, as defined in section 3317.022 or 3317.16 of the Revised Code, times the GRADS personnel allowance times the full-time-equivalent number of GRADS teachers approved by the department. The GRADS personnel allowance is ~~\$45,000 in fiscal year 2000 and \$46,260 in fiscal year 2001~~ years 2002 and 2003.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come

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directly or indirectly from the United States or any agency or  
 department thereof or through the state or any agency, department,  
 or political subdivision thereof.

**Sec. 3317.029.** (A) As used in this section: 17911

(1) "DPIA percentage" means the quotient obtained by dividing 17912  
 the five-year average number of children ages five to seventeen 17913  
 residing in the school district and living in a family receiving 17914  
 family assistance, as certified or adjusted under section 3317.10 17915  
 of the Revised Code, by the district's three-year average formula 17916  
 ADM. 17917

(2) "Family assistance" means assistance received under the 17918  
 Ohio works first program or, for the purpose of determining the 17919  
 five-year average number of recipients of family assistance in 17920  
 fiscal years 1999 through 2002, assistance received under an 17921  
 antecedent program known as TANF or ADC. 17922

(3) "Statewide DPIA percentage" means the five-year average 17923  
 of the total number of children ages five to seventeen years 17924  
 residing in the state and receiving family assistance, divided by 17925  
 the sum of the three-year average formula ADMs for all school 17926  
 districts in the state. 17927

(4) "DPIA index" means the quotient obtained by dividing the 17928  
 school district's DPIA percentage by the statewide DPIA 17929  
 percentage. 17930

(5) "Kindergarten ADM" means the number of students reported 17931  
 under section 3317.03 of the Revised Code as enrolled in 17932  
 kindergarten. 17933

(6) "Kindergarten through third grade ADM" means the amount 17934  
 calculated as follows: 17935

(a) Multiply the kindergarten ADM by the sum of one plus the 17936  
 all-day kindergarten percentage; 17937

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- (b) Add the number of students in grades one through three; 17938
- (c) Subtract from the sum calculated under division (A)(6)(b) 17939  
of this section the number of special education students in grades 17940  
kindergarten through three. 17941
- (7) "Statewide average teacher salary" means ~~forty~~ forty-two 17942  
thousand ~~one~~ four hundred ~~eighty-seven~~ sixty-nine dollars in 17943  
fiscal year ~~2000~~ 2002, and ~~forty-one~~ forty-three thousand ~~three~~ 17944  
six hundred ~~twelve~~ fifty-eight dollars in fiscal year ~~2001~~ 2003, 17945  
which includes an amount for the value of fringe benefits. 17946
- (8) "All-day kindergarten" means a kindergarten class that is 17947  
in session five days per week for not less than the same number of 17948  
clock hours each day as for pupils in grades one through six. 17949
- (9) "All-day kindergarten percentage" means the percentage of 17950  
a district's actual total number of students enrolled in 17951  
kindergarten who are enrolled in all-day kindergarten. 17952
- (10) "Buildings with the highest concentration of need" means 17953  
the school buildings in a district with percentages of students 17954  
receiving family assistance in grades kindergarten through three 17955  
at least as high as the district-wide percentage of students 17956  
receiving family assistance. If, however, the information provided 17957  
by the department of job and family services under section 3317.10 17958  
of the Revised Code is insufficient to determine the family 17959  
assistance percentage in each building, "buildings with the 17960  
highest concentration of need" has the meaning given in rules that 17961  
the department of education shall adopt. The rules shall base the 17962  
definition of "buildings with the highest concentration of need" 17963  
on family income of students in grades kindergarten through three 17964  
in a manner that, to the extent possible with available data, 17965  
approximates the intent of this division and division (G) of this 17966  
section to designate buildings where the family assistance 17967  
percentage in those grades equals or exceeds the district-wide 17968

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family assistance percentage. 17969

(B) In addition to the amounts required to be paid to a 17970  
school district under section 3317.022 of the Revised Code, a 17971  
school district shall receive the greater of the amount the 17972  
district received in fiscal year 1998 pursuant to division (B) of 17973  
section 3317.023 of the Revised Code as it existed at that time or 17974  
the sum of the computations made under divisions (C) to (E) of 17975  
this section. 17976

(C) A supplemental payment that may be utilized for measures 17977  
related to safety and security and for remediation or similar 17978  
programs, calculated as follows: 17979

(1) If the DPIA index of the school district is greater than 17980  
or equal to thirty-five-hundredths, but less than one, an amount 17981  
obtained by multiplying the five-year average number of pupils in 17982  
a district receiving family assistance by two hundred thirty 17983  
dollars; 17984

(2) If the DPIA index of the school district is greater than 17985  
or equal to one, an amount obtained by multiplying the DPIA index 17986  
by two hundred thirty dollars and multiplying that product by the 17987  
five-year average number of pupils in a district receiving family 17988  
assistance. 17989

Except as otherwise provided in division (F) of this section, 17990  
beginning with the school year that starts July 1, 2002, each 17991  
school district annually shall use at least twenty per cent of the 17992  
funds calculated for the district under this division for 17993  
intervention services required by section 3313.608 of the Revised 17994  
Code. 17995

(D) A payment for all-day kindergarten if the DPIA index of 17996  
the school district is greater than or equal to one or if the 17997  
district's three-year average formula ADM exceeded seventeen 17998  
thousand five hundred, calculated by multiplying the all-day 17999

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kindergarten percentage by the kindergarten ADM and multiplying  
that product by the formula amount. 18000  
18001

(E) A class-size reduction payment based on calculating the  
number of new teachers necessary to achieve a lower  
student-teacher ratio, as follows: 18002  
18003  
18004

(1) Determine or calculate a formula number of teachers per  
one thousand students based on the DPIA index of the school  
district as follows: 18005  
18006  
18007

(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  
number of teachers per one thousand students at a student-teacher  
ratio of twenty-three to one; 18008  
18009  
18010  
18011

(b) If the DPIA index of the school district is greater than  
or equal to six-tenths, but less than two and one-half, the  
formula number of teachers is calculated as follows: 18012  
18013  
18014

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$

18015

Where 43.478 is the number of teachers per one thousand  
students at a student-teacher ratio of twenty-three to one; 1.9 is  
the interval from a DPIA index of six-tenths to a DPIA index of  
two and one-half; and 23.188 is the difference in the number of  
teachers per one thousand students at a student-teacher ratio of  
fifteen to one and the number of teachers per one thousand  
students at a student-teacher ratio of twenty-three to one. 18016  
18017  
18018  
18019  
18020  
18021  
18022

(c) If the DPIA index of the school district is greater than  
or equal to two and one-half, the formula number of teachers is  
66.667, which is the number of teachers per one thousand students  
at a student-teacher ratio of fifteen to one. 18023  
18024  
18025  
18026

(2) Multiply the formula number of teachers determined or  
calculated in division (E)(1) of this section by the kindergarten  
through third grade ADM for the district and divide that product  
by one thousand; 18027  
18028  
18029  
18030

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- (3) Calculate the number of new teachers as follows: 18031
- (a) Multiply the kindergarten through third grade ADM by 18032  
43.478, which is the number of teachers per one thousand students 18033  
at a student-teacher ratio of twenty-three to one, and divide that 18034  
product by one thousand; 18035
- (b) Subtract the quotient obtained in division (E)(3)(a) of 18036  
this section from the product in division (E)(2) of this section. 18037
- (4) Multiply the greater of the difference obtained under 18038  
division (E)(3) of this section or zero by the statewide average 18039  
teachers salary. 18040
- (F) This division applies only to school districts whose DPIA 18041  
index is one or greater. 18042
- (1) Each school district subject to this division shall first 18043  
utilize funds received under this section so that, when combined 18044  
with other funds of the district, sufficient funds exist to 18045  
provide all-day kindergarten to at least the number of children in 18046  
the district's all-day kindergarten percentage. 18047
- (2) Up to an amount equal to the district's DPIA index 18048  
multiplied by the five-year average number of pupils in a district 18049  
receiving family assistance multiplied by two hundred thirty 18050  
dollars of the money distributed under this section may be 18051  
utilized for one or both of the following: 18052
- (a) Programs designed to ensure that schools are free of 18053  
drugs and violence and have a disciplined environment conducive to 18054  
learning; 18055
- (b) Remediation for students who have failed or are in danger 18056  
of failing any of the proficiency tests administered pursuant to 18057  
section 3301.0710 of the Revised Code. 18058
- Beginning with the school year that starts on July 1, 2002, 18059  
each school district shall use at least twenty per cent of the 18060

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funds set aside for the purposes of divisions (F)(2)(a) and (b) of 18061  
this section to provide intervention services required by section 18062  
3313.608 of the Revised Code. 18063

(3) Except as otherwise required by division (G) or permitted 18064  
under division (K) of this section, all other funds distributed 18065  
under this section to districts subject to this division shall be 18066  
utilized for the purpose of the third grade guarantee. The third 18067  
grade guarantee consists of increasing the amount of instructional 18068  
attention received per pupil in kindergarten through third grade, 18069  
either by reducing the ratio of students to instructional 18070  
personnel or by increasing the amount of instruction and 18071  
curriculum-related activities by extending the length of the 18072  
school day or the school year. 18073

School districts may implement a reduction of the ratio of 18074  
students to instructional personnel through any or all of the 18075  
following methods: 18076

(a) Reducing the number of students in a classroom taught by 18077  
a single teacher; 18078

(b) Employing full-time educational aides or educational 18079  
paraprofessionals issued a permit or license under section 18080  
3319.088 of the Revised Code; 18081

(c) Instituting a team-teaching method that will result in a 18082  
lower student-teacher ratio in a classroom. 18083

Districts may extend the school day either by increasing the 18084  
amount of time allocated for each class, increasing the number of 18085  
classes provided per day, offering optional academic-related 18086  
after-school programs, providing curriculum-related extra 18087  
curricular activities, or establishing tutoring or remedial 18088  
services for students who have demonstrated an educational need. 18089  
In accordance with section 3319.089 of the Revised Code, a 18090  
district extending the school day pursuant to this division may 18091

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utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.

Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.

(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (F)(3) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(H)(1) By the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its all-day kindergarten percentage. Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of



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education, utilizing data from the information system established 18124  
under section 3301.0714 of the Revised Code and after consultation 18125  
with the legislative office of education oversight, shall 18126  
determine for each school district subject to division (F) of this 18127  
section whether in the preceding fiscal year the district's ratio 18128  
of instructional personnel to students and its number of 18129  
kindergarten students receiving all-day kindergarten appear 18130  
reasonable, given the amounts of money the district received for 18131  
that fiscal year pursuant to divisions (D) and (E) of this 18132  
section. If the department is unable to verify from the data 18133  
available that students are receiving reasonable amounts of 18134  
instructional attention and all-day kindergarten, given the funds 18135  
the district has received under this section and that class-size 18136  
reduction funds are being used in school buildings with the 18137  
highest concentration of need as required by division (G) of this 18138  
section, the department shall conduct a more intensive 18139  
investigation to ensure that funds have been expended as required 18140  
by this section. The department shall file an annual report of its 18141  
findings under this division with the chairpersons of the 18142  
committees in each house of the general assembly dealing with 18143  
finance and education. 18144

(I) Any school district with a DPIA index less than one and a 18145  
three-year average formula ADM exceeding seventeen thousand five 18146  
hundred shall first utilize funds received under this section so 18147  
that, when combined with other funds of the district, sufficient 18148  
funds exist to provide all-day kindergarten to at least the number 18149  
of children in the district's all-day kindergarten percentage. 18150  
Such a district shall expend at least seventy per cent of the 18151  
remaining funds received under this section, and any other 18152  
district with a DPIA index less than one shall expend at least 18153  
seventy per cent of all funds received under this section, for any 18154  
of the following purposes: 18155

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(1) The purchase of technology for instructional purposes;	18156
(2) All-day kindergarten;	18157
(3) Reduction of class sizes;	18158
(4) Summer school remediation;	18159
(5) Dropout prevention programs;	18160
(6) Guaranteeing that all third graders are ready to progress to more advanced work;	18161 18162
(7) Summer education and work programs;	18163
(8) Adolescent pregnancy programs;	18164
(9) Head start or preschool programs;	18165
(10) Reading improvement programs described by the department of education;	18166 18167
(11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	18168 18169 18170
(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;	18171 18172 18173 18174 18175 18176
(13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	18177 18178
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.	18179 18180 18181
(J) If at any time the superintendent of public instruction determines that a school district receiving funds under division	18182 18183

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(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.

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.

(K)(1) A district may use a portion of the funds calculated 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 (B) and (C) of this section do not apply to a school district with a formula ADM of one hundred fifty or less.

(A) As used in this section:

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(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998	18214
state aid" for a district means the total amount of state money	18215
received by the district for the applicable fiscal year as	18216
reported on the department of education's form "SF-12," adjusted	18217
as follows:	18218
(a) Minus the amount for transportation;	18219
(b) Minus any amounts for approved preschool handicapped	18220
units;	18221
(c) Minus any additional amount attributable to the	18222
reappraisal guarantee of division (C) of section 3317.04 of the	18223
Revised Code;	18224
(d) Plus the amount deducted for payments to an educational	18225
service center;	18226
(e) Plus an estimated portion of the state money distributed	18227
in the applicable fiscal year to other school districts or	18228
educational service centers for approved units, other than	18229
preschool handicapped or gifted education units, attributable to	18230
the costs of providing services in those units to students	18231
entitled to attend school in the district;	18232
(f) Minus an estimated portion of the state money distributed	18233
to the school district in the applicable fiscal year for approved	18234
units, other than preschool handicapped units or gifted education	18235
units, attributable to the costs of providing services in those	18236
units to students entitled to attend school in another school	18237
district;	18238
(g) Plus any additional amount paid in the applicable fiscal	18239
year pursuant to the vocational education recomputation required	18240
by Section 45.12 of Amended Substitute House Bill No. 117 of the	18241
121st general assembly or former Section 50.22 of Amended	18242
Substitute House Bill No. 215 of the 122nd general assembly;	18243

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(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;	18244 18245 18246
(i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;	18247 18248
(j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;	18249 18250
(k) Plus any amount received for the applicable fiscal year resulting from a recomputation made under division (B) of section 3317.022 of the Revised Code, as that section existed in the applicable fiscal year.	18251 18252 18253 18254
(2) "State basic aid" for a district for any fiscal year after fiscal year 1999 means the sum of the following:	18255 18256
(a) The amount computed for the district for base cost funding, special education funding, and vocational education funding under divisions (A), (C)(1) and (5), 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;	18257 18258 18259 18260 18261 18262 18263 18264 18265
(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;	18266 18267 18268 18269 18270
(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code.	18271 18272
<del>(3) "Adjusted FY 1999 actual aid" has the same meaning as in</del>	18273

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~~Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as amended.~~ 18274  
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~~(4) "Vocational education set-aside" means the up to \$24,193,118 earmarked for additional school district vocational education grants under appropriation item 200-545, vocational education enhancements, in Am. Sub. H.B. 770 of the 122nd general assembly.~~ 18276  
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(B) Upon request of the department of education, the treasurer of any school district or educational service center shall furnish data needed to calculate the amounts specified in divisions (A)(1)(e) and (f) of this section. The department shall compute and pay the state basic aid guarantee for each school district for the fiscal year as follows: 18281  
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(1) Subtract the amount of state basic aid from the amount of fundamental FY 1998 state aid. If a negative number, this computation shall be deemed to be zero. 18287  
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(2) Pay the district any positive amount calculated under division (B)(1) of this section. 18290  
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(C) ~~In fiscal year 2000, the department shall calculate for each district the sum of the district's state basic aid for that fiscal year, plus any amount calculated under division (B)(1) of this section, plus the transportation portion of state aid computed for the district for that fiscal year under division (D) of the version of section 3317.022 of the Revised Code in effect that fiscal year. If a district's adjusted FY 1999 actual aid is greater than that sum, then the department shall pay the district in that fiscal year one hundred per cent of the difference 2002, if a school district's composite state funding for that fiscal year is less than its composite state funding for fiscal year 2001, the department shall pay the district the difference as transitional aid. For purposes of this division:~~ 18292  
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(1) A district's composite state funding for fiscal year 2001 equals its state basic aid for that year plus the amounts calculated for the district that year under this section, division (D) of section 3317.022, sections 3317.0215 and 3317.0216, and division (C) of section 3317.04 of the Revised Code, after any adjustment made pursuant to Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as subsequently amended.

(2) A district's composite state funding for fiscal year 2002 equals its state basic aid for that year plus the amounts calculated for the district that year under this section, division (D) of section 3317.022, sections 3317.0216 and 3317.0217, and division (C) of section 3317.04 of the Revised Code.

(D)(1) The state basic aid guarantee in any fiscal year for a school district with a formula ADM of one hundred fifty or less shall be the greatest of the following amounts:

- (a) The district's state basic aid for the fiscal year;
- (b) The district's fundamental FY 1998 state aid;
- (c) The district's fundamental FY 1997 state aid.

(2) If in any fiscal year the state basic aid for a school district with a formula ADM of one hundred fifty or less is less than the guarantee amount determined for the district under division (D)(1) of this section, the department of education shall pay the district the amount of the difference.

**Sec. 3317.0213.** No money shall be distributed under this section after fiscal year ~~2002~~ 2005.

- (A) As used in this section:
  - (1) "ADM" for any school district means:
    - (a) In fiscal year 1999, the FY 1998 ADM;
    - (b) In fiscal years 2000 through ~~2002~~ 2005, the formula ADM

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reported for the previous fiscal year.	18334
(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.	18335 18336 18337 18338
(3) "Valuation per pupil" for a district means:	18339
(a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;	18340 18341
(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.	18342 18343 18344
(4) "Threshold valuation" means:	18345
(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;	18346 18347 18348 18349 18350
(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;	18351 18352 18353
(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;	18354 18355 18356
(d) In fiscal <del>year</del> <u>years</u> 2002 <u>through</u> 2005, the adjusted valuation per pupil of the district with the one-hundred-eighteenth lowest such valuation in the state.	18357 18358 18359
(5) "Adjusted valuation per pupil" for a district means an amount calculated in accordance with the following formula:	18360 18361
The district's valuation per pupil -	18362
(\$30,000 X (one minus the	18363



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district's income factor)) 18364

(6) "Millage rate" means .012 in fiscal year 1999, .011 in 18365  
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal 18366  
year years 2002 through 2005. 18367

(7) "Payment percentage" equals 100% prior to fiscal year 18368  
2003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in 18369  
fiscal year 2005, and zero after fiscal year 2005. 18370

(B) Beginning in fiscal year 1993, during August of each 18371  
fiscal year, the department of education shall distribute to each 18372  
school district meeting the requirements of section 3317.01 of the 18373  
Revised Code whose adjusted valuation per pupil is less than the 18374  
threshold valuation, an amount calculated in accordance with the 18375  
following formula: 18376

(The threshold valuation - 18377  
the district's adjusted valuation per pupil) X 18378  
millage rate X ADM X the payment percentage 18379

**Sec. 3317.0216.** (A) As used in this section: 18380

(1) "Total taxes charged and payable for current expenses" 18381  
means the sum of the taxes charged and payable as certified under 18382  
division (A)(3)(a) of section 3317.021 of the Revised Code less 18383  
any amounts reported under division (A)(3)(b) of that section, and 18384  
the tax distribution for the preceding year under any school 18385  
district income tax levied by the district pursuant to Chapter 18386  
5748. of the Revised Code to the extent the revenue from the 18387  
income tax is allocated or apportioned to current expenses. 18388

~~(2) "State equalization enhancement payments" means any 18389~~  
~~payment made to a school district pursuant to section 3317.0215 of 18390~~  
~~the Revised Code for the preceding fiscal year.~~ 18391

~~(3) "Charge-off amount" means the product obtained by 18392~~  
~~multiplying two and three-tenths per cent by adjusted total 18393~~

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~~taxable value recognized valuation.~~ 18394

~~(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.~~ 18395  
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~~(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.~~ 18399  
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~~(6) "Local share of vocational education and associated services additional weighted costs" for each school district means the amount determined as follows:~~ 18402  
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18404

~~(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]~~ 18405  
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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. 18410  
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(B) Upon receiving the certifications under section 3317.021 of the Revised Code, the department of education shall determine for each city, local, and exempted village school district whether the district's charge-off amount is greater than the district's total receipts available taxes charged and payable for current expenses, and if it is, shall pay the district the amount of the 18420  
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difference. A payment shall not be made to any school district for 18426  
which the computation under division (A) of section 3317.022 of 18427  
the Revised Code equals zero. 18428

(C)(1) If a district's charge-off amount is equal to or 18429  
greater than its total ~~receipts available~~ taxes charged and 18430  
payable for current expenses, the department shall, in addition to 18431  
the payment required under division (B) of this section, pay the 18432  
district the amount of ~~the~~ its actual local share of special 18433  
education and ~~related services additional weighted costs,~~ 18434  
transportation, and ~~the amount of the local share of vocational~~ 18435  
~~education and associated services additional weighted costs~~ 18436  
funding. 18437

(2) If a district's charge-off amount is less than its total 18438  
~~receipts available~~ taxes charged and payable for current expenses, 18439  
the department shall pay the district any amount by which ~~the sum~~ 18440  
~~of its~~ actual local share of special education and ~~related~~ 18441  
~~services additional weighted costs plus its local share of,~~ 18442  
transportation, and vocational education and ~~associated services~~ 18443  
~~additional weighted costs~~ funding exceeds its total ~~receipts~~ 18444  
~~available~~ taxes charged and payable for current expenses minus its 18445  
charge-off amount. 18446

Sec. 3317.0217. The department of education shall annually 18447  
compute and pay state parity aid to school districts, as follows: 18448

(A) Calculate the local wealth per pupil of each school 18449  
district, which equals the following sum: 18450

(1) Two-thirds times the quotient of (a) the district's 18451  
recognized valuation divided by (b) its formula ADM; plus 18452

(2) One-third times the quotient of (a) the average of the 18453  
total federal adjusted gross income of the school district's 18454  
residents for the three years most recently reported under section 18455  
3317.021 of the Revised Code divided by (b) its formula ADM. 18456

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(B) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil. 18457  
 18458  
 18459

(C) Compute the per pupil state parity aid funding for each school district in accordance with the following formula: 18460  
 18461

$$\frac{\text{Payment percentage} \times (\text{threshold local wealth per pupil} - \text{the district's local wealth per pupil}) \times 0.0095}{18462}$$

18463  
 18464

Where: 18465

(1) "Payment percentage," for purposes of division (C) of this section, equals 20% in fiscal year 2002, 40% in fiscal year 2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% after fiscal year 2005. 18466  
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(2) Nine and one-half mills (0.0095) is the general assembly's determination of the average number of effective operating mills that districts in the seventieth to ninetieth percentiles of valuations per pupil collected in fiscal year 2001 above the revenues required to finance their attributed local shares of the calculated cost of an adequate education. This was determined by (a) adding the district revenues from operating property tax levies and income tax levies, (b) subtracting from that total the sum of (i) twenty-three mills times adjusted recognized valuation plus (ii) the attributed local shares of special education, transportation, and vocational education funding as described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code, and (c) converting the result to an effective operating property tax rate. 18470  
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(3) The "threshold local wealth per pupil" is the local wealth per pupil of the school district with the four-hundred-ninetieth lowest local wealth per pupil. 18484  
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 18486

If the result of the calculation for a school district under 18487

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division (C) of this section is less than zero, the district's per 18488  
pupil parity aid shall be zero. 18489

(D) Compute the per pupil alternative parity aid for each 18490  
school district that has a combination of an income factor of 1.0 18491  
or less, a DPIA index of 1.0 or greater, and a 18492  
cost-of-doing-business factor of 1.0375 or greater, in accordance 18493  
with the following formula: 18494

$$\frac{\text{Payment percentage} \times \$60,000 \times (1 - \text{income factor}) \times 4/15 \times 0.023}{1}$$

18495  
18496

Where: 18497

(1) "DPIA index" has the same meaning as in section 3317.029 18498  
of the Revised Code 18499

(2) "Payment percentage," for purposes of division (D) of 18500  
this section, equals 50% in fiscal year 2002 and 100% after fiscal 18501  
year 2002. 18502

(E) Pay each district that has a combination of an income 18503  
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 18504  
cost-of-doing-business factor of 1.0375 or greater, the greater of 18505  
the following: 18506

(1) The product of the district's per pupil parity aid 18507  
calculated under division (C) of this section times its formula 18508  
ADM; 18509

(2) The product of its per pupil alternative parity aid 18510  
calculated under division (D) of this section times its formula 18511  
ADM. 18512

(F) Pay every other district the product of its per pupil 18513  
parity aid calculated under division (C) of this section times its 18514  
formula ADM. 18515

Every six years, the general assembly shall redetermine, 18516  
after considering the report of the committee appointed under 18517

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section 3317.012 of the Revised Code, the average number of 18518  
effective operating mills that districts in the seventieth to 18519  
ninetieth percentiles of valuations per pupil collect above the 18520  
revenues required to finance their attributed local shares of the 18521  
cost of an adequate education. 18522

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 18523  
(C) of this section, any student enrolled in kindergarten more 18524  
than half time shall be reported as one-half student under this 18525  
section. 18526

(A) The superintendent of each city and exempted village 18527  
school district and of each educational service center shall, for 18528  
the schools under the superintendent's supervision, certify to the 18529  
state board of education on or before the fifteenth day of October 18530  
in each year for the first full school week in October the formula 18531  
ADM, which shall consist of the average daily membership during 18532  
such week of the sum of the following: 18533

(1) On an FTE basis, the number of students in grades 18534  
kindergarten through twelve receiving any educational services 18535  
from the district, except that the following categories of 18536  
students shall not be included in the determination: 18537

(a) Students enrolled in adult education classes; 18538

(b) Adjacent or other district students enrolled in the 18539  
district under an open enrollment policy pursuant to section 18540  
3313.98 of the Revised Code; 18541

(c) Students receiving services in the district pursuant to a 18542  
compact, cooperative education agreement, or a contract, but who 18543  
are entitled to attend school in another district pursuant to 18544  
section 3313.64 or 3313.65 of the Revised Code; 18545

(d) Students for whom tuition is payable pursuant to sections 18546  
3317.081 and 3323.141 of the Revised Code. 18547

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(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:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract.

(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;

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(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.

(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:

(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;

(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 that section;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a



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community school established under 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, or are participating in a program operated by a county MR/DD board or a state institution; 18611  
18612  
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18614  
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(4) The number of pupils enrolled in joint vocational schools; 18616  
18617

(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category one special education services, described in division (A) of section 3317.013 of the Revised Code; 18618  
18619  
18620  
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(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category two special education services, described in division (B) of section 3317.013 of the Revised Code; 18622  
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(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section identified as having any of the handicaps specified in division (F)(3) of section 3317.02 of the Revised Code; 18626  
18627  
18628  
18629

(8) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center; 18630  
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(9) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint vocational school district, or by an educational service center; 18636  
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(10) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;

(11)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive category three special education services, described in division (F)(3) of section 3317.02 of the Revised Code.

(C) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (9) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division

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(A), divisions (B)(1) to (9), or division (D) of this section, 18673  
except as follows: 18674

(1) A child with a handicap described in section 3317.013 or 18675  
division (F)(3) of section 3317.02 of the Revised Code may be 18676  
counted both in formula ADM and in category one, two, or three 18677  
special education ADM and, if applicable, in category one or two 18678  
vocational education ADM. As provided in division (C) of section 18679  
3317.02 of the Revised Code, such a child shall be counted in 18680  
category one, two, or three special education ADM in the same 18681  
proportion that the child is counted in formula ADM. 18682

(2) A child enrolled in vocational education programs or 18683  
classes described in section 3314.014 of the Revised Code may be 18684  
counted both in formula ADM and category one or two vocational 18685  
education ADM and, if applicable, in category one, two, or three 18686  
special education ADM. Such a child shall be counted in category 18687  
one or two vocational education ADM in the same proportion as the 18688  
percentage of time that the child spends in the vocational 18689  
education programs or classes. 18690

Based on the information reported under this section, the 18691  
department of education shall determine the total student count, 18692  
as defined in section 3301.011 of the Revised Code, for each 18693  
school district. 18694

(D)(1) The superintendent of each joint vocational school 18695  
district shall certify to the superintendent of public instruction 18696  
on or before the fifteenth day of October in each year for the 18697  
first full school week in October the formula ADM, which shall 18698  
consist of the average daily membership during such week, on an 18699  
FTE basis, of the number of students receiving any educational 18700  
services from the district, except that the following categories 18701  
of students shall not be included in the determination: 18702

(a) Students enrolled in adult education classes; 18703

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(b) Adjacent or other district joint vocational students	18704
enrolled in the district under an open enrollment policy pursuant	18705
to section 3313.98 of the Revised Code;	18706
(c) Students receiving services in the district pursuant to a	18707
compact, cooperative education agreement, or a contract, but who	18708
are entitled to attend school in a city, local, or exempted	18709
village school district whose territory is not part of the	18710
territory of the joint vocational district;	18711
(d) Students for whom tuition is payable pursuant to sections	18712
3317.081 and 3323.141 of the Revised Code.	18713
(2) To enable the department of education to obtain the data	18714
needed to complete the calculation of payments pursuant to this	18715
chapter, in addition to the formula ADM, each superintendent shall	18716
report separately the average daily membership included in the	18717
report under division (D)(1) of this section for each of the	18718
following categories of students:	18719
(a) Students enrolled in each grade included in the joint	18720
vocational district schools;	18721
(b) Handicapped children receiving category one special	18722
education services, described in division (A) of section 3317.013	18723
of the Revised Code;	18724
(c) Handicapped children receiving category two special	18725
education services, described in division (B) of section 3317.013	18726
of the Revised Code;	18727
(d) Handicapped children identified as having any of the	18728
handicaps specified in division (F)(3) of section 3317.02 of the	18729
Revised Code;	18730
(e) Students receiving category one vocational education	18731
services, described in division (A) of section 3317.014 of the	18732
Revised Code;	18733

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(f) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.

The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section;

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(4) Any pupil who has attained the age of twenty-two years, 18765  
except for veterans of the armed services whose attendance was 18766  
interrupted before completing the recognized twelve-year course of 18767  
the public schools by reason of induction or enlistment in the 18768  
armed forces and who apply for reenrollment in the public school 18769  
system of their residence not later than four years after 18770  
termination of war or their honorable discharge. 18771

If, however, any veteran described by division (E)(4)~~(b)~~ of 18772  
this section elects to enroll in special courses organized for 18773  
veterans for whom tuition is paid under the provisions of federal 18774  
laws, or otherwise, that veteran shall not be included in average 18775  
daily membership. 18776

Notwithstanding division (E)(3) of this section, the 18777  
membership of any school may include a pupil who did not take a 18778  
test required by section 3301.0711 of the Revised Code if the 18779  
superintendent of public instruction grants a waiver from the 18780  
requirement to take the test to the specific pupil. The 18781  
superintendent may grant such a waiver only for good cause in 18782  
accordance with rules adopted by the state board of education. 18783

Except as provided in division (B)(2) of this section, the 18784  
average daily membership figure of any local, city, exempted 18785  
village, or joint vocational school district shall be determined 18786  
by dividing the figure representing the sum of the number of 18787  
pupils enrolled during each day the school of attendance is 18788  
actually open for instruction during the first full school week in 18789  
October by the total number of days the school was actually open 18790  
for instruction during that week. For purposes of state funding, 18791  
"enrolled" persons are only those pupils who are attending school, 18792  
those who have attended school during the current school year and 18793  
are absent for authorized reasons, and those handicapped children 18794  
currently receiving home instruction. 18795

The average daily membership figure of any cooperative 18796

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education school district shall be determined in accordance with 18797  
rules adopted by the state board of education. 18798

(F)(1) If the formula ADM for the first full school week in 18799  
February is at least three per cent greater than that certified 18800  
for the first full school week in the preceding October, the 18801  
superintendent of schools of any city, exempted village, or joint 18802  
vocational school district or educational service center shall 18803  
certify such increase to the superintendent of public instruction. 18804  
Such certification shall be submitted no later than the fifteenth 18805  
day of February. For the balance of the fiscal year, beginning 18806  
with the February payments, the superintendent of public 18807  
instruction shall use the increased formula ADM in calculating or 18808  
recalculating the amounts to be allocated in accordance with 18809  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 18810  
the superintendent use an increased membership certified to the 18811  
superintendent after the fifteenth day of February. 18812

(2) If on the first school day of April the total number of 18813  
classes or units for handicapped preschool children that are 18814  
eligible for approval under division (B) of section 3317.05 of the 18815  
Revised Code exceeds the number of units that have been approved 18816  
for the year under that division, the superintendent of schools of 18817  
any city, exempted village, or cooperative education school 18818  
district or educational service center shall make the 18819  
certifications required by this section for that day. If the state 18820  
board of education determines additional units can be approved for 18821  
the fiscal year within any limitations set forth in the acts 18822  
appropriating moneys for the funding of such units, the board 18823  
shall approve additional units for the fiscal year on the basis of 18824  
such average daily membership. For each unit so approved, the 18825  
department of education shall pay an amount computed in the manner 18826  
prescribed in section ~~3317.161~~ 3317.052 or 3317.19 and section 18827  
~~3317.162~~ 3317.053 of the Revised Code. 18828

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(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education the average daily membership of all handicapped children in classes or programs approved annually by the state board of education, in the manner prescribed by the superintendent of public instruction.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved by the state board of education pursuant to section 3317.05 of the Revised Code shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes ~~and units approved under division (D)(1) of~~ under section 3317.05 3317.20 of the Revised Code for each school district that has placed children in the classes ~~or units~~;

(b) Certify to the state board, in the manner prescribed by the board, the number of all handicapped preschool children enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

~~(3)(a) If during the first full school week in February the average daily membership of the classes or units maintained by the county MR/DD board that are eligible for approval under division~~



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~~(D)(1) of section 3317.05 of the Revised Code is greater than the average daily membership for the preceding October, the superintendent of the board shall make the certifications required by this section for such week.~~

(b) If on the first school day of April the number of classes or units maintained for handicapped preschool children by the county MR/DD board that are eligible for approval under division (B) of section 3317.05 of the Revised Code is greater than the number of units approved for the year under that division, the superintendent shall make the certification required by this section for that day.

~~(c)~~(b) If the state board determines that additional classes or units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of the classes and units described in division (G)(3)(a) or ~~(b)~~ of this section, the board shall approve and fund additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each

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such pupil shall be credited to the school district in which the 18892  
pupil is entitled to attend school under division (B) of section 18893  
3313.64 or section 3313.65 of the Revised Code as determined by 18894  
the department of education. 18895

(I)(1) A city, local, exempted village, or joint vocational 18896  
school district admitting a scholarship student of a pilot project 18897  
district pursuant to division (C) of section 3313.976 of the 18898  
Revised Code may count such student in its average daily 18899  
membership. 18900

(2) In any year for which funds are appropriated for pilot 18901  
project scholarship programs, a school district implementing a 18902  
state-sponsored pilot project scholarship program that year 18903  
pursuant to sections 3313.974 through 3313.979 of the Revised Code 18904  
may count in average daily membership: 18905

(a) All children residing in the district and utilizing a 18906  
scholarship to attend kindergarten in any alternative school, as 18907  
defined in section 3313.974 of the Revised Code; 18908

(b) All children who were enrolled in the district in the 18909  
preceding year who are utilizing a scholarship to attend any such 18910  
alternative school. 18911

(J) The superintendent of each cooperative education school 18912  
district shall certify to the superintendent of public 18913  
instruction, in a manner prescribed by the state board of 18914  
education, the applicable average daily memberships for all 18915  
students in the cooperative education district, also indicating 18916  
the city, local, or exempted village district where each pupil is 18917  
entitled to attend school under section 3313.64 or 3313.65 of the 18918  
Revised Code. 18919

**Sec. 3317.05.** (A) For the purpose of calculating payments 18920  
under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the 18921

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Revised Code, the state board of education shall determine for 18922  
each institution, by the last day of January of each year and 18923  
based on information certified under section 3317.03 of the 18924  
Revised Code, the number of vocational education units or 18925  
fractions of units approved by the state board on the basis of 18926  
standards and rules adopted by the state board. As used in this 18927  
division, "institution" means an institution operated by a 18928  
department specified in section 3323.091 of the Revised Code and 18929  
that provides vocational education programs under the supervision 18930  
of the division of vocational education of the department of 18931  
education that meet the standards and rules for these programs, 18932  
including licensure of professional staff involved in the 18933  
programs, as established by the state board of education. 18934

(B) For the purpose of calculating payments under sections 18935  
3317.052, 3317.053, 3317.11, 3317.161, 3317.162, and 3317.19 of 18936  
the Revised Code, the state board shall determine, based on 18937  
information certified under section 3317.03 of the Revised Code, 18938  
the following by the last day of January of each year for each 18939  
educational service center, for each school district, including 18940  
each cooperative education school district, for each institution 18941  
eligible for payment under section 3323.091 of the Revised Code, 18942  
and for each county MR/DD board: the number of classes operated by 18943  
the school district, service center, institution, or county MR/DD 18944  
board for handicapped preschool children, or fraction thereof, 18945  
including in the case of a district or service center that is a 18946  
funding agent, classes taught by a licensed teacher employed by 18947  
that district or service center under section 3313.841 of the 18948  
Revised Code, approved annually by the state board on the basis of 18949  
standards and rules adopted by the state board. 18950

(C) For the purpose of calculating payments under sections 18951  
3317.052, 3317.053, 3317.11, 3317.161, 3317.162, and 3317.19 of 18952  
the Revised Code, the state board shall determine, based on 18953

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information certified under section 3317.03 of the Revised Code, 18954  
the following by the last day of January of each year for each 18955  
school district, including each cooperative education school 18956  
district, for each institution eligible for payment under section 18957  
3323.091 of the Revised Code, and for each county MR/DD board: the 18958  
number of preschool handicapped related services units for child 18959  
study, occupational, physical, or speech and hearing therapy, 18960  
special education supervisors, and special education coordinators 18961  
approved annually by the state board on the basis of standards and 18962  
rules adopted by the state board. 18963

(D) For the purpose of calculating payments under sections 18964  
~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the 18965  
state board shall determine, based on information certified under 18966  
section 3317.03 of the Revised Code, the following by the last day 18967  
of January of each year for each institution eligible for payment 18968  
under section 3323.091 of the Revised Code, ~~and for each county~~ 18969  
~~MR/DD board:~~ 18970

(1) The number of classes operated by an institution ~~or~~ 18971  
~~county MR/DD board~~ for handicapped children other than handicapped 18972  
preschool children, or fraction thereof, approved annually by the 18973  
state board on the basis of standards and rules adopted by the 18974  
state board; 18975

(2) The number of related services units for children other 18976  
than handicapped preschool children for child study, occupational, 18977  
physical, or speech and hearing therapy, special education 18978  
supervisors, and special education coordinators approved annually 18979  
by the state board on the basis of standards and rules adopted by 18980  
the state board. 18981

(E) All of the arithmetical calculations made under this 18982  
section shall be carried to the second decimal place. The total 18983  
number of units for school districts, service centers, and 18984  
institutions approved annually by the state board under this 18985

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section shall not exceed the number of units included in the state board's estimate of cost for these units and appropriations made for them by the general assembly. 18986  
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In the case of units described in division (D)(1) of this section operated by ~~county MR/DD boards~~ and institutions eligible for payment under section 3323.091 of the Revised Code, the state board shall approve only units for persons who are under age twenty-two on the first day of the academic year, but not less than six years of age on the thirtieth day of September of that year, except that such a unit may include one or more children who are under six years of age on the thirtieth day of September if such children have been admitted to the unit pursuant to rules of the state board. In the case of handicapped preschool units described in division (B) of this section operated by county MR/DD boards and institutions eligible for payment under section 3323.091 of the Revised Code, the state board shall approve only preschool units for children who are under age six but not less than age three on the thirtieth day of September of the academic year, except that such a unit may include one or more children who are under age three or are age six or over on the thirtieth day of September if such children have been admitted to the unit pursuant to rules of the state board of education. The number of units for county MR/DD boards and institutions eligible for payment under section 3323.091 of the Revised Code approved by the state board under this section shall not exceed the number that can be funded with appropriations made for such purposes by the general assembly. 18989  
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No unit shall be approved under divisions (B) to (D) of this section unless a plan has been submitted and approved under Chapter 3323. of the Revised Code. 19013  
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(F) The department shall approve units or fractions thereof for gifted children on the basis of standards and rules adopted by 19016  
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the board.

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Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 3317.11 of the Revised Code, a unit funded pursuant to division (P) of section 3317.024 or division (A)(2) of section ~~3317.161~~ 3317.052 of the Revised Code shall not be approved for state funding in one school district, including any cooperative education school district or any educational service center, to the extent that such unit provides programs in or services to another district which receives payment pursuant to section 3317.04 of the Revised Code.

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(2) Any city, local, exempted village, or cooperative education school district or any educational service center may combine partial unit eligibility for handicapped preschool programs pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center.

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(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.

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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.

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(A)(1) The department of education shall pay each school district, educational service center, institution eligible for

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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, 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 related services units for handicapped preschool children approved under division (C) of section 3317.05 of the Revised Code. For each such 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, fifteen per cent of that minimum salary amount, and two thousand one hundred thirty-two dollars.

(B) If a school district ~~or~~ educational service center ~~has had additional handicapped preschool units approved for the year under division (F)(2) of section 3317.03 of the Revised Code, or if a county MR/DD board has had additional handicapped preschool units approved~~ for the year under division (F)(2) or (G)(3) of section 3317.03 of the Revised Code, the district, educational service center, or board shall receive an additional amount during the last half of the fiscal year. For each district, center, or

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board, the additional amount for each unit shall equal fifty per 19080  
cent of the amounts computed for the unit in the manner prescribed 19081  
by division (A) of this section and division (C) of section 19082  
~~3317.162~~ 3317.053 of the Revised Code. 19083

(C)(1) The department shall pay each institution eligible for 19084  
payment under section 3323.091 of the Revised Code or county MR/DD 19085  
board an amount for the total of all special education units 19086  
approved under division (D)(1) of section 3317.05 of the Revised 19087  
Code. The amount for each unit shall be the sum of the minimum 19088  
salary for the teacher of the unit, calculated on the basis of the 19089  
teacher's training level and years of experience pursuant to the 19090  
salary schedule prescribed in the version of section 3317.13 of 19091  
the Revised Code in effect prior to the effective date of this 19092  
amendment, plus fifteen per cent of that minimum salary amount, 19093  
and eight thousand twenty-three dollars. 19094

(2) The department shall pay each institution eligible for 19095  
payment under section 3323.091 of the Revised Code ~~or county MR/DD~~ 19096  
~~board~~ an amount for the total of all related services units 19097  
approved under division (D)(2) of section 3317.05 of the Revised 19098  
Code. The amount for each unit shall be the sum of the minimum 19099  
salary for the teacher of the unit, calculated on the basis of the 19100  
teacher's training level and years of experience pursuant to the 19101  
salary schedule prescribed in the version of section 3317.13 of 19102  
the Revised Code in effect prior to the effective date of this 19103  
amendment, plus fifteen per cent of that minimum salary amount, 19104  
and two thousand one hundred thirty-two dollars. 19105

~~(3) If a county MR/DD board has had additional units for 19106  
handicapped children other than handicapped preschool children 19107  
approved under division (G)(3) of section 3317.03 of the Revised 19108  
Code, the board shall receive an additional amount during the last 19109  
half of the fiscal year. For each board, the additional amount for 19110  
each unit shall equal fifty per cent of the amount computed for 19111~~



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~~the unit in the manner prescribed by division (C)(1) of this section and division (C) of section 3317.162 of the Revised Code.~~

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(D) The department shall pay each institution approved for vocational education units under division (A) of section 3317.05 of the Revised Code an amount for the total of all the units approved under that division. The amount for each 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, and nine thousand five hundred ten dollars.

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**Sec. ~~3317.162~~ 3317.053.** (A) As used in this section:

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(1) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code.

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(2) "Dollar amount" means the amount shown in the following table for the corresponding type of unit and the appropriate fiscal year:

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	DOLLAR AMOUNT		
	<del>FY 2000</del>	<del>FY 2001</del>	
TYPE OF UNIT	<u>FY 2002</u>	<u>FY 2003</u>	
Division (B) of section 3317.05 of the Revised Code	\$8,334	\$8,334	19134
Division (C) of that section	\$3,234	\$3,234	19135
Division (F) of that section	<del>\$4,550</del>	<del>\$5,550</del>	19136
	<u>\$6,550</u>	<u>\$7,550</u>	19137

(3) "Average unit amount" means the amount shown in the following table for the corresponding type of unit:

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AVERAGE UNIT AMOUNT		
<del>FY 2000</del>	<del>FY 2001</del>	
		19141

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TYPE OF UNIT	<u>FY 2002</u>	<u>FY 2003</u>	19142
Division (B) of section 3317.05 of the Revised Code	\$7,799	\$7,799	19143
Division (C) of that section	\$2,966	\$2,966	19144
Division (F) of that section	<del>\$4,251</del>	<del>\$5,251</del>	19145
	<u>\$6,251</u>	<u>\$7,251</u>	19146

(B) In the case of each unit described in division (B), (C),  
or (F) of section 3317.05 of the Revised Code and allocated to a  
city, local, or exempted village school district, the department  
of education, in addition to the amounts specified in division (P)  
of section 3317.024 and sections ~~3317.161~~ 3317.052 and 3317.19 of  
the Revised Code, shall pay a supplemental unit allowance equal to  
the sum of the following amounts:

(1) An amount equal to 50% of the average unit amount for the  
unit;

(2) An amount equal to the percentage of the dollar amount  
for the unit that equals the district's state share percentage.

If, prior to the fifteenth day of May of a fiscal year, a  
school district's aid computed under section 3317.022 of the  
Revised Code is recomputed pursuant to section 3317.027 or  
3317.028 of the Revised Code, the department shall also recompute  
the district's entitlement to payment under this section utilizing  
a new state share percentage. Such new state share percentage  
shall be determined using the district's recomputed basic aid  
amount pursuant to section 3317.027 or 3317.028 of the Revised  
Code. During the last six months of the fiscal year, the  
department shall pay the district a sum equal to one-half of the  
recomputed payment in lieu of one-half the payment otherwise  
calculated under this section.

(C)(1) In the case of each unit allocated to an institution  
pursuant to division (A) of section 3317.05 of the Revised Code,  
the department, in addition to the amount specified in section

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~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,227. 19173  
19174

(2) In the case of each unit described in division (B) or 19175  
(D)(1) of section 3317.05 of the Revised Code that is allocated to 19176  
any entity other than a city, exempted village, or local school 19177  
district, the department, in addition to the amount specified in 19178  
section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a 19179  
supplemental unit allowance of \$7,799. 19180

(3) In the case of each unit described in division (C) or 19181  
(D)(2) of section 3317.05 of the Revised Code and allocated to any 19182  
entity other than a city, exempted village, or local school 19183  
district, the department, in addition to the amounts specified in 19184  
section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a 19185  
supplemental unit allowance of \$2,966. 19186

(4) In the case of each unit described in division (F) of 19187  
section 3317.05 of the Revised Code and allocated to an 19188  
educational service center, the department, in addition to the 19189  
amounts specified in division (P) of section 3317.024 of the 19190  
Revised Code, shall pay a supplemental unit allowance of ~~\$4,251~~ 19191  
\$6,251 in fiscal year ~~2000~~ 2002 and ~~\$5,251~~ \$7,251 in fiscal year 19192  
~~2001~~ 2003. 19193

**Sec. 3317.06.** Moneys paid to school districts under division 19194  
(L) of section 3317.024 of the Revised Code shall be used for the 19195  
following independent and fully severable purposes: 19196

(A) To purchase such secular textbooks or electronic 19197  
textbooks as have been approved by the superintendent of public 19198  
instruction for use in public schools in the state and to loan 19199  
such textbooks or electronic textbooks to pupils attending 19200  
nonpublic schools within the district or to their parents and to 19201  
hire clerical personnel to administer such lending program. Such 19202  
loans shall be based upon individual requests submitted by such 19203

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nonpublic school pupils or parents. Such requests shall be  
submitted to the school district in which the nonpublic school is  
located. Such individual requests for the loan of textbooks or  
electronic textbooks shall, for administrative convenience, be  
submitted by the nonpublic school pupil or the pupil's parent to  
the nonpublic school, which shall prepare and submit collective  
summaries of the individual requests to the school district. As  
used in this section:

(1) "Textbook" means any book or book substitute that a pupil  
uses as a consumable or nonconsumable text, text substitute, or  
text supplement in a particular class or program in the school the  
pupil regularly attends.

(2) "Electronic textbook" means computer software,  
interactive videodisc, magnetic media, CD-ROM, computer  
courseware, local and remote computer assisted instruction,  
on-line service, electronic medium, or other means of conveying  
information to the student or otherwise contributing to the  
learning process through electronic means.

(B) To provide speech and hearing diagnostic services to  
pupils attending nonpublic schools within the district. Such  
service shall be provided in the nonpublic school attended by the  
pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric  
services to pupils attending nonpublic schools within the  
district. Such services shall be provided in the school attended  
by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils  
attending nonpublic schools within the district. Such services  
shall be provided in the school attended by the pupil receiving  
the service.

(E) To provide therapeutic psychological and speech and

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hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance and counseling services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district and are handicapped children as defined in division (A) of section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such

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programs are provided in the public school or in public centers, 19267  
transportation to and from such facilities shall be provided by 19268  
the school district in which the nonpublic school is located. 19269

(J) To hire clerical personnel to assist in the 19270  
administration of programs pursuant to divisions (B), (C), (D), 19271  
(E), (F), (G), and (I) of this section and to hire supervisory 19272  
personnel to supervise the providing of services and textbooks 19273  
pursuant to this section. 19274

(K) To purchase or lease any secular, neutral, and 19275  
nonideological computer software (including site-licensing), 19276  
prerecorded video laserdiscs, digital video on demand (DVD), 19277  
compact discs, and video cassette cartridges, wide area 19278  
connectivity and related technology as it relates to internet 19279  
access, mathematics or science equipment and materials, 19280  
instructional materials, and school library materials that are in 19281  
general use in the public schools of the state and loan such items 19282  
to pupils attending nonpublic schools within the district or to 19283  
their parents, and to hire clerical personnel to administer the 19284  
lending program. Only such items that are incapable of diversion 19285  
to religious use and that are susceptible of loan to individual 19286  
pupils and are furnished for the use of individual pupils shall be 19287  
purchased and loaned under this division. As used in this section, 19288  
"instructional materials" means prepared learning materials that 19289  
are secular, neutral, and nonideological in character and are of 19290  
benefit to the instruction of school children, and may include 19291  
educational resources and services developed by the Ohio schoolnet 19292  
commission. 19293

(L) To purchase or lease instructional equipment, including 19294  
computer hardware and related equipment in general use in the 19295  
public schools of the state, for use by pupils attending nonpublic 19296  
schools within the district and to loan such items to pupils 19297  
attending nonpublic schools within the district or to their 19298

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parents, and to hire clerical personnel to administer the lending program. 19299  
19300

(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units. 19301  
19302  
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Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services. 19305  
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All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency. 19312  
19313  
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19316

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (L) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (L) of section 3317.024 of the Revised Code. 19317  
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No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools within the district. 19326  
19327  
19328  
19329

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Materials, equipment, computer hardware or software, 19330  
textbooks, electronic textbooks, and health and remedial services 19331  
provided for the benefit of nonpublic school pupils pursuant to 19332  
this section and the admission of pupils to such nonpublic schools 19333  
shall be provided without distinction as to race, creed, color, or 19334  
national origin of such pupils or of their teachers. 19335

No school district shall provide services, materials, or 19336  
equipment that contain religious content for use in religious 19337  
courses, devotional exercises, religious training, or any other 19338  
religious activity. 19339

As used in this section, "parent" includes a person standing 19340  
in loco parentis to a child. 19341

Notwithstanding section 3317.01 of the Revised Code, payments 19342  
shall be made under this section to any city, local, or exempted 19343  
village school district within which is located one or more 19344  
nonpublic elementary or high schools and any payments made to 19345  
school districts under division (L) of section 3317.024 of the 19346  
Revised Code for purposes of this section may be disbursed without 19347  
submission to and approval of the controlling board. 19348

The allocation of payments for materials, equipment, 19349  
textbooks, electronic textbooks, health services, and remedial 19350  
services to city, local, and exempted village school districts 19351  
shall be on the basis of the state board of education's estimated 19352  
annual average daily membership in nonpublic elementary and high 19353  
schools located in the district. 19354

Payments made to city, local, and exempted village school 19355  
districts under this section shall be equal to specific 19356  
appropriations made for the purpose. All interest earned by a 19357  
school district on such payments shall be used by the district for 19358  
the same purposes and in the same manner as the payments may be 19359  
used. 19360



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The department of education shall adopt guidelines and 19361  
 procedures under which such programs and services shall be 19362  
 provided, under which districts shall be reimbursed for 19363  
 administrative costs incurred in providing such programs and 19364  
 services, and under which any unexpended balance of the amounts 19365  
 appropriated by the general assembly to implement this section may 19366  
 be transferred to the auxiliary services personnel unemployment 19367  
 compensation fund established pursuant to section 4141.47 of the 19368  
 Revised Code. The department shall also adopt guidelines and 19369  
 procedures limiting the purchase and loan of the items described 19370  
 in division (K) of this section to items that are in general use 19371  
 in the public schools of the state, that are incapable of 19372  
 diversion to religious use, and that are susceptible to individual 19373  
 use rather than classroom use. Within thirty days after the end of 19374  
 each biennium, each board of education shall remit to the 19375  
 department all moneys paid to it under division (L) of section 19376  
 3317.024 of the Revised Code and any interest earned on those 19377  
 moneys that are not required to pay expenses incurred under this 19378  
 section during the biennium for which the money was appropriated 19379  
 and during which the interest was earned. If a board of education 19380  
 subsequently determines that the remittal of moneys leaves the 19381  
 board with insufficient money to pay all valid expenses incurred 19382  
 under this section during the biennium for which the remitted 19383  
 money was appropriated, the board may apply to the department of 19384  
 education for a refund of money, not to exceed the amount of the 19385  
 insufficiency. If the department determines the expenses were 19386  
 lawfully incurred and would have been lawful expenditures of the 19387  
 refunded money, it shall certify its determination and the amount 19388  
 of the refund to be made to the director of job and family 19389  
 services who shall make a refund as provided in section 4141.47 of 19390  
 the Revised Code. 19391

**Sec. 3317.064.** (A) There is hereby established in the state 19392

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treasury the auxiliary services mobile unit replacement and repair 19393  
 fund. By the thirtieth day of January of each odd-numbered year, 19394  
 the director of job and family services and the superintendent of 19395  
 public instruction shall determine the amount of any excess moneys 19396  
 in the auxiliary services personnel unemployment compensation fund 19397  
 not reasonably necessary for the purposes of section 4141.47 of 19398  
 the Revised Code, and shall certify such amount to the director of 19399  
 budget and management for transfer to the auxiliary services 19400  
 mobile unit replacement and repair fund. If the director of ~~jobs~~ 19401  
~~job~~ and family services and the superintendent disagree on such 19402  
 amount, the director of budget and management shall determine the 19403  
 amount to be transferred. 19404

(B) Moneys in the auxiliary services mobile unit replacement 19405  
 and repair fund shall be used for the relocation or for the 19406  
 replacement and repair of mobile units used to provide the 19407  
 services specified in division (E), (F), (G), or (I) of section 19408  
 3317.06 of the Revised Code ~~and for no other purposes~~. The state 19409  
 board of education shall adopt guidelines and procedures for 19410  
 replacement, repair, and relocation of mobile units and the 19411  
 procedures under which a school district may apply to receive 19412  
 moneys with which to repair or replace or relocate such units. 19413

(C) School districts may apply to the department for moneys 19414  
from the auxiliary services mobile unit replacement and repair 19415  
fund for payment of incentives for early retirement and severance 19416  
for school district personnel assigned to provide services 19417  
authorized by section 3317.06 of the Revised Code at chartered 19418  
nonpublic schools. The portion of the cost of any early retirement 19419  
or severance incentive for any employee that is paid using money 19420  
from the auxiliary services mobile unit replacement and repair 19421  
fund shall not exceed the percentage of such employee's total 19422  
service credit that the employee spent providing services to 19423  
chartered nonpublic school students under section 3317.06 of the 19424

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<u>Revised Code.</u>	19425
<b>Sec. 3317.11.</b> (A) Annually, on or before a date designated by	19426
the state board of education, each educational service center	19427
governing board shall prepare a budget of operating expenses for	19428
the ensuing year for the service center on forms prepared and	19429
furnished by the state board of education and shall certify the	19430
budget to the state board of education, together with such other	19431
information as the board may require. Such budget shall consist of	19432
two parts. Part (A) shall include the cost of the salaries,	19433
employers retirement contributions, and travel expenses of	19434
supervisory teachers approved by the state board of education. The	19435
amount derived from the calculation for such units in part (A) of	19436
the governing board budget shall be the sum of:	19437
(1) The sum of the minimum salaries calculated, pursuant to	19438
section 3317.13 of the Revised Code, for each approved licensed	19439
employee of the governing board;	19440
(2) An additional salary allowance proportional to the length	19441
of the extended term of service not to exceed three months for	19442
each supervisory and child study teacher whose term of service in	19443
any year is extended beyond the terms of service of regular	19444
classroom teachers;	19445
(3) An allowance equal to fifteen per cent of the amount	19446
computed under division (A)(1) of this section;	19447
(4) An allowance for necessary travel expenses, for each of	19448
the personnel approved in part (A) of the budget, limited to two	19449
hundred twenty-three dollars and sixteen cents per month, or two	19450
thousand six hundred seventy-eight dollars per year per person	19451
employed, whichever is the lesser.	19452
Part (B) shall include the cost of all other lawful	19453
expenditures of the governing board. The state board of education	19454

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shall review such budget and may approve, increase, or decrease 19455  
such budget. 19456

The governing board shall be reimbursed by the state board of 19457  
education from state funds for the cost of part (A) of the budget. 19458  
The governing board shall be reimbursed by the state board of 19459  
education, from state funds for the cost of part (B) of the 19460  
approved budget that is in excess of six dollars and fifty cents 19461  
times the service center ADM. If the governing board provides 19462  
services to city or exempted village school districts pursuant to 19463  
section 3313.843 of the Revised Code, the governing board shall be 19464  
reimbursed from state funds for the cost of part (B) of the budget 19465  
that is in excess of six dollars and fifty cents times the sum of 19466  
the service center ADM and the client ADMs of the city or exempted 19467  
village districts to which such services are provided. The cost of 19468  
part (B) not in excess of six dollars and fifty cents times the 19469  
number of such ADM shall be apportioned by the state board of 19470  
education among the local school districts in the territory of the 19471  
service center, or among all districts to which the governing 19472  
board provides services, on the basis of the total number of 19473  
pupils in each school district. 19474

If part (B) of the budget is in excess of that approved by 19475  
the state board of education, the excess cost shall be apportioned 19476  
by the state board of education among the local school districts 19477  
in the territory of the service center on the basis of the total 19478  
number of such pupils in each such school district, provided that 19479  
a majority of the boards of education of such local school 19480  
districts approve such apportionment. The state board of education 19481  
shall initiate and supervise the procedure by which the local 19482  
boards shall approve or disapprove such apportionment. 19483

The amounts so apportioned shall be certified to the 19484  
treasurers of the various school districts. In the case of each 19485  
district such amount shall be deducted by the state board of 19486

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education from funds allocated to the district pursuant to 19487  
division (E) of section 3317.023 of the Revised Code. 19488

The state board of education shall certify to the director of 19489  
budget and management for payment the total of the deductions, 19490  
whereupon the amount shall be paid to the governing board of each 19491  
service center, to be deposited to the credit of a separate fund, 19492  
hereby created, to be known as the educational service center 19493  
governing board fund. 19494

An educational service center may provide special education 19495  
to students in its local districts or in client districts. A 19496  
service center is eligible for funding under division (J) of 19497  
section 3317.024 of the Revised Code and eligible for state 19498  
subsidies for the purchase of school buses under section 3317.07 19499  
of the Revised Code. Special education units for gifted children 19500  
may be operated by a governing board. Vocational education may be 19501  
provided by a governing board. A governing board may conduct 19502  
driver education for pupils enrolled in a high school for which 19503  
the state board of education prescribes minimum standards. 19504

Every local school district shall be provided supervisory 19505  
services by its governing board as approved by the state board of 19506  
education. A city or exempted village school district shall be 19507  
considered to be provided supervisory services by a governing 19508  
board if it has entered into an agreement for the governing board 19509  
to provide any services under section 3313.843 of the Revised 19510  
Code. Supervisory services shall not exceed one supervisory 19511  
teacher for the first fifty classroom teachers employed in all 19512  
districts that are provided supervisory services calculated under 19513  
section 3317.023 of the Revised Code and one supervisory teacher 19514  
for every additional one hundred such classroom teachers so 19515  
calculated. Reimbursement for such supervisory services shall be a 19516  
deduction by the state board of education from the payment to the 19517  
school district pursuant to division (E) of section 3317.023 of 19518

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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, or agreements under which the service center furnishes services to

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the districts or their students. In order to receive payment under  
this division, an educational service center shall furnish either  
a copy of the applicable contract, compact, or agreement clearly  
indicating the amounts of the payments, or a written statement of  
the payments owed signed by the superintendent or treasurer of the  
responsible school district.

The amounts paid to service centers under division (B)(2) of  
this section shall be deducted from payments to school districts  
pursuant to division (K)(2) of section 3317.023 of the Revised  
Code.

(C) Each multicounty service center shall receive a payment  
each fiscal year equal to forty dollars and fifty-two cents times  
the sum of the service center ADM and the client ADMs of all its  
client districts.

(D) Each city, exempted village, local, joint vocational, or  
cooperative education school district shall pay to the governing  
board of an educational service center any amounts agreed to for  
each child enrolled in the district who receives special education  
and related services or vocational education from the educational  
service center.

(E) As used in this section:

(1) "Service center ADM" means the total of each of the  
following for all local school districts within the limits of an  
educational service center's territory:

(a) The formula ADM;

(b) The kindergarten average daily membership included in the  
formula ADM;

(c) Three-quarters of the number of students reported under  
division (B)(4) of section 3317.03 of the Revised Code;

(d) The average daily membership of handicapped preschool

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children reported under division (B)(2) of section 3317.03 of the Revised Code; 19581  
19582

(e) The number of preschool students certified under division (B) of section 3317.032 of the Revised Code. 19583  
19584

(2) "Client ADM" means the total of each number described under divisions (E)(1)(a) to (e) of this section for a client district. 19585  
19586  
19587

(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. 19588  
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19590  
19591

(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. 19592  
19593  
19594  
19595  
19596  
19597

**Sec. 3317.13.** (A) As used in this section and section 3317.14 of the Revised Code: 19598  
19599

(1) "Years of service" includes the following: 19600

(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; 19601  
19602  
19603  
19604

(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, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract; 19605  
19606  
19607  
19608  
19609



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(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any school district or educational service center employing a teacher new to the district or educational service center shall grant such teacher a total of not more than ten years of service pursuant to divisions (A)(1)(b), (c), and (d) of this section.

Upon written complaint to the superintendent of public instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to

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pay salaries in accordance with the salary schedule set forth in 19642  
 division (C) of this section, the superintendent of public 19643  
 instruction shall cause to be made an immediate investigation of 19644  
 such complaint. If the superintendent finds that the conditions 19645  
 complained of exist, the superintendent shall order the board to 19646  
 correct such conditions within ten days from the date of the 19647  
 finding. No moneys shall be distributed to the district or 19648  
 educational service center under this chapter until the 19649  
 superintendent has satisfactory evidence of the board of 19650  
 education's full compliance with such order. 19651

Each teacher shall be fully credited with placement in the 19652  
 appropriate academic training level column in the district's or 19653  
 educational service center's salary schedule with years of service 19654  
 properly credited pursuant to this section or section 3317.14 of 19655  
 the Revised Code. No rule shall be adopted or exercised by any 19656  
 board of education or educational service center governing board 19657  
 which restricts the placement or the crediting of annual salary 19658  
 increments for any teacher according to the appropriate academic 19659  
 training level column. 19660

(C) Minimum salaries exclusive of retirement and sick leave 19661  
 for teachers shall be as follows: 19662

	Teachers		Teachers with		Teachers			
Years	with Less	Teachers with	Five Years of	with				
of	than	a Bachelor's	Training, but	a Master's				
Service	Bachelor's	Degree	no Master's	Degree or				
	Degree		Degree	Higher				
	Per	Per	Per	Per	Per	Per	Per	
	Dollar	Dollar	Dollar	Dollar	Dollar	Dollar	Dollar	
	Cent*	Cent*	Cent*	Cent*	Cent*	Cent*	Cent*	
	Amount	Amount	Amount	Amount	Amount	Amount	Amount	
0	86.5	<del>\$14,705</del>	100.0	<del>\$17,000</del>	103.8	<del>\$17,646</del>	109.5	<del>\$18,615</del>
		<u>17,300</u>		<u>20,000</u>		<u>20,760</u>		<u>21,900</u>
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>
		<u>18,000</u>		<u>20,760</u>		<u>21,620</u>		<u>22,860</u>

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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>	19674
		<u>18,700</u>		<u>21,520</u>		<u>22,480</u>		<u>23,820</u>	19675
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>	19676
		<u>19,400</u>		<u>22,280</u>		<u>23,340</u>		<u>24,780</u>	19677
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>	19678
		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>	19679
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>	19680
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>	19681
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>	19682
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>	19683
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>	19684
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>	19685
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>	19686
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	19687
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>	19688
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	19689
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>	19690
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	19691
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>	19692
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	19693

\* Percentages represent the percentage which each salary is of the base amount. 19694  
19695

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 forth in this section for corresponding levels of training and experience. 19696  
19697  
19698  
19699  
19700  
19701  
19702  
19703  
19704

As used in this division: 19705

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(1) "Base amount" means ~~seventeen~~ twenty thousand dollars. 19706

(2) "Five years of training" means at least one hundred fifty 19707  
semester hours, or the equivalent, and a bachelor's degree from a 19708  
recognized college or university. 19709

(D) For purposes of this section, all credited training shall 19710  
be from a recognized college or university. 19711

**Sec. 3317.16.** (A) As used in this section: 19712

(1) "State share percentage" means the percentage calculated 19713  
for a joint vocational school district as follows: 19714

(a) Calculate the state base cost funding amount for the 19715  
district under division (B) of this section. If the district would 19716  
not receive any base cost funding for that year under that 19717  
division, the district's state share percentage is zero. 19718

(b) If the district would receive base cost funding under 19719  
that division, divide that base cost amount by an amount equal to 19720  
the following: 19721

- cost-of-doing-business factor X 19722
- the formula amount X 19723
- the greater of formula ADM or 19724
- three-year average formula ADM 19725

The resultant number is the district's state share 19726  
percentage. 19727

(2) The "total special education weight" for a joint 19728  
vocational school district shall be calculated in the same manner 19729  
as prescribed in division (B)(1) of section 3317.022 of the 19730  
Revised Code. 19731

(3) The "total vocational education weight" for a joint 19732  
vocational school district shall be calculated in the same manner 19733  
as prescribed in division (B)~~(4)~~(3) of section 3317.022 of the 19734

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Revised Code. 19735

(4) The "~~adjusted total taxable value~~ recognized valuation" 19736  
of a joint vocational school district shall be determined by 19737  
adding the ~~adjusted total taxable values~~ recognized valuations of 19738  
all its constituent school districts for the applicable fiscal 19739  
year. 19740

(B) The department of education shall compute and distribute 19741  
state base cost funding to each joint vocational school district 19742  
for the fiscal year in accordance with the following formula: 19743

(cost-of-doing-business factor X 19744  
formula amount X the greater of formula 19745  
ADM or three-year average formula ADM) - 19746  
(.0005 X ~~adjusted total taxable value~~ recognized valuation) 19747

If the difference obtained under this division is a negative 19748  
number, the district's computation shall be zero. 19749

(C)(1) The department shall compute and distribute state 19750  
vocational education additional weighted costs funds to each joint 19751  
vocational school district in accordance with the following 19752  
formula: 19753

state share percentage X formula amount X 19754  
total vocational education weight 19755

(2) The department shall compute for each joint vocational 19756  
school district state funds for vocational education associated 19757  
services costs in accordance with the following formula: 19758

state share percentage X .05 X 19759  
the formula amount X the sum of 19760  
categories one and two vocational 19761  
education ADM 19762

In any fiscal year, a joint vocational school district 19763  
receiving funds under division (C)(2) of this section, or through 19764  
a transfer of funds pursuant to division (L) of section 3317.023 19765

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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~~ 2002 and fifty-five thousand  
six hundred fifty-two dollars in fiscal year 2003.

(b) For the provision of speech services to students 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)(1) If a joint vocational school district's costs for a  
 fiscal year for a student in its ~~category three~~ categories one and  
two special education ADM are twenty-five thousand dollars or  
 more, the district may submit to the superintendent of public  
 instruction documentation, as prescribed by the superintendent, of  
 all of its costs for that student. Upon submission of

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documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of twenty-five thousand dollars;

(b) The product of one-half of the district's costs for the student in excess of twenty-five thousand dollars multiplied by the district's state share percentage.

(2) In fiscal year 2002, if a joint vocational school district's costs for a student in its category three special education ADM are twenty-five thousand dollars or more, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of twenty-five thousand dollars;

(b) The product of one-half of the district's costs for the student in excess of twenty-five thousand dollars multiplied by the district's state share percentage.

(3) In fiscal years after fiscal year 2002, if a joint vocational school district's costs for the fiscal year for a student in its category three special education ADM are twenty thousand dollars or more, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

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<u>(a) One-half of the district's costs for the student in excess of twenty thousand dollars;</u>	19829
	19830
<u>(b) The product of one-half of the district's costs for the student in excess of twenty thousand dollars multiplied by the district's state share percentage.</u>	19831
	19832
	19833
<u>(4) The district shall only report under divisions (E)(1) to (3) of this section,</u> and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.	19834
	19835
	19836
	19837
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	19840
(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.	19841
	19842
	19843
(G)(1) In any fiscal year, a joint vocational school district receiving funds under division (D) of this section shall spend on the related services specified in division (B)(3) of section 3317.022 of the Revised Code at least the lesser of the following:	19844
	19845
	19846
	19847
	19848
(a) The amount the district spent on those related services in the preceding fiscal year;	19849
	19850
(b) $1/8 \times \{[\text{cost-of-doing-business factor} \times \text{the formula amount} \times (\text{the category one special education ADM} + \text{category two special education ADM} + \text{category three special education ADM})] + \text{the amount calculated for the fiscal year under division (D)(1) of this section} + \text{the local share of special education and related services additional weighted costs}\}$ .	19851
	19852
	19853
	19854
	19855
	19856
(2) A joint vocational school district's local share of special education and related services additional weighted costs equals:	19857
	19858
	19859



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(1 - state share percentage) X	19860
Total special education weight X	19861
the formula amount	19862

(H) In any fiscal year, if the total of all payments made to a joint vocational school district under divisions (B) to (D) of this section and division (R) of section 3317.024 of the Revised Code is less than the amount that district received in fiscal year 1999 under the version of this section in effect that year, plus the amount that district received under the version of section 3317.162 of the Revised Code in effect that year and minus the amounts received that year for driver education and adult education, the department shall pay the district an additional amount equal to the difference between those two amounts.

~~(I) In fiscal years 2000 and 2001, each joint vocational school district shall continue to offer the same number of the vocational education programs that the district offered in fiscal year 1999, unless the department of education expressly agrees that the district may offer fewer programs in either or both fiscal year 2000 or 2001.~~

**Sec. 3317.19.** (A) As used in this section, "total unit allowance" means an amount equal to the sum of the following:

(1) The total of the salary allowances for the teachers employed in the cooperative education school district for all units approved under division (B) or (C) of section 3317.05 of the 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

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(A)(1) of this section;	19891
(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following:	19892 19893 19894
(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;	19895 19896 19897
(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.	19898 19899 19900
(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:	19901 19902 19903
(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;	19904 19905 19906
(2) The total unit allowance;	19907
(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.	19908 19909 19910 19911
(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 district shall receive an additional amount during the last half of the fiscal year. For each unit, the additional amount shall equal fifty per cent of the amount computed under division (A) of this section for a unit approved under division (B) of section 3317.05 of the Revised Code.	19912 19913 19914 19915 19916 19917 19918 19919

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Sec. 3317.20. This section does not apply to handicapped preschool children. 19920  
19921

(A) As used in this section: 19922

(1) "Applicable weight" means: 19923

(a) For a handicapped child receiving special education services for a handicap specified in division (A) of section 3317.013 of the Revised Code, the multiple specified in that division; 19924  
19925  
19926  
19927

(b) For a handicapped child receiving special education services for a handicap specified in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, the multiple specified in division (B) of section 3317.013 of the Revised Code. 19928  
19929  
19930  
19931  
19932

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 19933  
19934  
19935

(3) "State share percentage" means the state share percentage of the child's school district as defined in section 3317.022 of the Revised Code. 19936  
19937  
19938

~~(B) Notwithstanding sections 3317.03, 3317.05, 3317.161, and 3317.162 of the Revised Code, the department of education shall not approve special education and related services units, other than for handicapped preschool children, in county MR/DD boards in fiscal years 1999, 2000, and 2001. During those fiscal years, state funding for special education and related services provided to school-age children by county MR/DD boards shall be provided under divisions (C) to (E) of this section.~~ 19939  
19940  
19941  
19942  
19943  
19944  
19945  
19946

~~(C)~~ Except as provided in division ~~(D)~~(C) of this section, the department shall annually pay each county MR/DD board an amount calculated under the following formula for each handicapped 19947  
19948  
19949

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child, other than a handicapped preschool child, for whom the county MR/DD board provides special education and related services:

(formula amount X the cost-of-doing-business factor for the child's school district) + (state share percentage X formula amount X the applicable weight)

~~(D)~~(C) If any school district places with a county MR/DD board more handicapped children than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division ~~(C)~~(B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division ~~(C)~~(B) of this section for each child over the number of children placed in fiscal year 1998.

~~(E)~~(D) The department shall calculate for each county MR/DD board receiving payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this section the following amounts:

(1) The amount received by the county MR/DD board for approved special education and related services units, other than preschool handicapped units, in fiscal year 1998, divided by the total number of children served in the units that year;

(2) The product of the quotient calculated under division ~~(E)~~(D)(1) of this section times the number of children for whom payments are made under divisions ~~(C)~~(B) and ~~(D)~~(C) of this section.

If the amount calculated under division ~~(E)~~(D)(2) of this section is greater than the total amount calculated under divisions ~~(C)~~(B) and ~~(D)~~(C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference

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in addition to the payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of 19982  
this section. 19983

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 19984  
Revised Code: 19985

(A) "Ohio school facilities commission" means the commission 19986  
created pursuant to section 3318.30 of the Revised Code. 19987

(B) "Classroom facilities" means rooms in which pupils 19988  
regularly assemble in public school buildings to receive 19989  
instruction and education and such facilities and building 19990  
improvements for the operation and use of such rooms as may be 19991  
needed in order to provide a complete educational program, and may 19992  
include space within which a child day-care facility or a 19993  
community resource center is housed. "Classroom facilities" 19994  
includes any space necessary for the operation of a vocational 19995  
education program in any school district that operates such a 19996  
program. 19997

(C) "Project" means a project to construct or acquire 19998  
classroom facilities, or to reconstruct or make additions to 19999  
existing classroom facilities, to be used for housing the 20000  
applicable school district and its functions. 20001

(D) "School district" means a local, exempted village, or 20002  
city school district as such districts are defined in Chapter 20003  
3311. of the Revised Code, acting as an agency of state 20004  
government, performing essential governmental functions of state 20005  
government pursuant to sections 3318.01 and 3318.20 of the Revised 20006  
Code. 20007

(E) "School district board" means the board of education of a 20008  
school district. 20009

(F) "Net bonded indebtedness" means the difference between 20010  
the sum of the par value of all outstanding and unpaid bonds and 20011

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notes which a school district board is obligated to pay, any  
amounts the school district is obligated to pay under  
lease-purchase agreements entered into under section 3313.375 of  
the Revised Code, and the par value of bonds authorized by the  
electors but not yet issued, the proceeds of which can lawfully be  
used for the project, and the amount held in the sinking fund and  
other indebtedness retirement funds for their redemption. Notes  
issued for school buses in accordance with section 3327.08 of the  
Revised Code, notes issued in anticipation of the collection of  
current revenues, and bonds issued to pay final judgments shall  
not be considered in calculating the net bonded indebtedness.

"Net bonded indebtedness" does not include indebtedness  
arising from the acquisition of land to provide a site for  
classroom facilities constructed, acquired, or added to pursuant  
to sections 3318.01 to 3318.20 of the Revised Code.

(G) "Board of elections" means the board of elections of the  
county containing the most populous portion of the school  
district.

(H) "County auditor" means the auditor of the county in which  
the greatest value of taxable property of such school district is  
located.

(I) "Tax duplicates" means the general tax lists and  
duplicates prescribed by sections 319.28 and 319.29 of the Revised  
Code.

(J) "Required level of indebtedness" means:

(1) In the case of districts in the first percentile, five  
per cent of the district's valuation for the year preceding the  
year in which the controlling board approved the project under  
section 3318.04 of the Revised Code.

(2) In the case of districts ranked in a subsequent  
percentile, five per cent of the district's valuation for the year

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preceding the year in which the controlling board approved the project under section 3318.04 of the Revised Code, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(K) "Required percentage of the basic project costs" means one per cent of the basic project costs times the percentile in which the district ranks.

(L) "Basic project cost" means a cost amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio school facilities commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the grade levels to be housed in the classroom facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under section 3318.086 of the Revised Code, and the professional planning, administration, and design fees that a district may have to pay to undertake a classroom facilities project.

"Basic project cost" also includes the value of classroom facilities authorized in a pre-existing bond issue as described in section 3318.033 of the Revised Code.

(M) A "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code.

(N) "Child day-care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district

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operating such classroom facility.	20074
(O) "Community resource center" means space within a	20075
classroom facility in which comprehensive services that support	20076
the needs of families and children are provided by community-based	20077
social service providers.	20078
(P) "Valuation" means the total value of all property in the	20079
district as listed and assessed for taxation on the tax	20080
duplicates.	20081
(Q) "Percentile" means the percentile in which the district	20082
is ranked pursuant to division (D) of section 3318.011 of the	20083
Revised Code.	20084
(R) "Installation of site utilities" means the installation	20085
of a site domestic water system, site fire protection system, site	20086
gas distribution system, site sanitary system, site storm drainage	20087
system, and site telephone and data system.	20088
(S) "Site preparation" means the earthwork necessary for	20089
preparation of the building foundation system, the paved	20090
pedestrian and vehicular circulation system, playgrounds on the	20091
project site, and lawn and planting on the project site.	20092
<b>Sec. 3318.04.</b> (A) If the Ohio school facilities commission	20093
makes a determination under section 3318.03 of the Revised Code in	20094
favor of constructing, acquiring, reconstructing, or making	20095
additions to a classroom facility, the project shall be	20096
conditionally approved. Such conditional approval shall be	20097
submitted to the controlling board for approval thereof. The	20098
controlling board shall forthwith approve or reject the	20099
commission's determination, conditional approval, the amount of	20100
the state's portion of the basic project cost, and, if the state's	20101
portion exceeds twenty-five million dollars, the amount of the	20102
state's portion to be encumbered in the current fiscal biennium.	20103



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In the event of approval thereof by the controlling board, the 20104  
commission shall certify such conditional approval to the school 20105  
district board and shall encumber from the total funds 20106  
appropriated for the purpose of sections 3318.01 to 3318.20 of the 20107  
Revised Code the amount of the state's portion of the basic 20108  
project cost or, if the state's portion exceeds twenty-five 20109  
million dollars, the amount approved under this section to be 20110  
encumbered in the current fiscal biennium. 20111

The basic project cost for a project approved under this 20112  
section shall not exceed the cost that would otherwise have to be 20113  
incurred if the classroom facilities to be constructed, acquired, 20114  
or reconstructed, or the additions to be made to classroom 20115  
facilities, under such project meet, but do not exceed, the 20116  
specifications for plans and materials for classroom facilities 20117  
adopted by the commission. 20118

(B)(1) No school district shall have a project conditionally 20119  
approved pursuant to this section if the school district has 20120  
already received any assistance for a project funded under any 20121  
version of sections 3318.01 to 3318.20 of the Revised Code, and 20122  
the prior project was one for which the electors of such district 20123  
approved a levy within the last twenty years pursuant to any 20124  
version of section 3318.06 of the Revised Code for purposes of 20125  
qualifying for the funding of that project, unless the district 20126  
demonstrates to the satisfaction of the commission that the 20127  
district has experienced since approval of its prior project an 20128  
exceptional increase in enrollment significantly above the 20129  
district's design capacity under that prior project as determined 20130  
by rule of the commission. 20131

(2) Notwithstanding division (B)(1) of this section, any 20132  
school district that received assistance under sections 3318.01 to 20133  
3318.20 of the Revised Code, as those sections existed prior to 20134  
May 20, 1997, may receive additional assistance under those 20135

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sections, as they exist on and after May 20, 1997, prior to the expiration of the period of time required under division (B)(1) of this section, if the percentile in which the school district is located, as determined under section 3318.011 of the Revised Code, is eligible for assistance as prescribed in section 3318.02 of the Revised Code.

The commission may provide assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to this division to no more than five school districts per fiscal year until all eligible school districts have received the additional assistance authorized under this division. The commission shall establish application procedures, deadlines, and priorities for funding projects under this division.

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

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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. 20168  
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**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 project under sections 3318.01 to 3318.20 of the Revised Code, and consider providing additional assistance to the school district to correct the prescribed conditions found to exist in the district. Additional assistance under this section shall be limited to additions to one or more buildings, remodeling of one or more buildings, or changes to the infrastructure of one or more buildings. 20173  
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(B) Consideration of additional assistance to a school district under this section is warranted in either of the following circumstances: 20188  
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(1) Additional work is needed to correct an oversight or deficiency not identified or included in the district's initial assessment. 20191  
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(2) Other conditions exist that, in the opinion of the commission, warrant additions or remodeling of the project facilities or changes to infrastructure associated with the district's project that were not identified in the initial assessment and plan. 20194  
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(C) If the commission decides in favor of providing additional assistance to any school district under this section, the school district shall be responsible for paying for its portion of the cost the additions, remodeling, or infrastucture changes pursuant to section 3318.083 of the Revised Code. If after making a financial evaluation of the school district, the commission determines that the school district is unable without undue hardship, according to the guidelines adopted by the commission, to fund the school district portion of the increase, then the state and the school district shall enter into an agreement whereby the state shall pay the portion of the cost increase attributable to the school district which is determined to be in excess of any local resources available to the district and the district shall thereafter reimburse the state. The commission shall establish the district's schedule for reimbursing the state, which shall not extend beyond five years. Debt incurred under this section shall not be included in the calculation of the net indebtedness of the school district under section 133.06 of the Revised Code.

**Sec. 3318.08.** If the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project, which agreement shall include, but need not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the

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agreement, in an amount equal to the school district's portion of 20231  
the basic project cost, including any bonds previously authorized 20232  
by the district's electors as described in section 3318.033 of the 20233  
Revised Code; provided, that if at that time the county treasurer 20234  
of each county in which the school district is located has not 20235  
commenced the collection of taxes on the general duplicate of real 20236  
and public utility property for the year in which the controlling 20237  
board approved the project, the school district board shall 20238  
authorize the issuance of a first installment of bond anticipation 20239  
notes in an amount specified by the agreement, which amount shall 20240  
not exceed an amount necessary to raise the net bonded 20241  
indebtedness of the school district as of the date of the 20242  
controlling board's approval to within five thousand dollars of 20243  
the required level of indebtedness for the preceding year. In the 20244  
event that a first installment of bond anticipation notes is 20245  
issued, the school district board shall, as soon as practicable 20246  
after the county treasurer of each county in which the school 20247  
district is located has commenced the collection of taxes on the 20248  
general duplicate of real and public utility property for the year 20249  
in which the controlling board approved the project, authorize the 20250  
issuance of a second and final installment of bond anticipation 20251  
notes or a first and final issue of bonds. 20252

The combined value of the first and second installment of 20253  
bond anticipation notes or the value of the first and final issue 20254  
of bonds shall be equal to the school district's portion of the 20255  
basic project cost. The proceeds of any such bonds shall be used 20256  
first to retire any bond anticipation notes. Otherwise, the 20257  
proceeds of such bonds and of any bond anticipation notes, except 20258  
the premium and accrued interest thereon, shall be deposited in 20259  
the school district's project construction fund. In determining 20260  
the amount of net bonded indebtedness for the purpose of fixing 20261  
the amount of an issue of either bonds or bond anticipation notes, 20262

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gross indebtedness shall be reduced by moneys in the bond 20263  
retirement fund only to the extent of the moneys therein on the 20264  
first day of the year preceding the year in which the controlling 20265  
board approved the project. Should there be a decrease in the tax 20266  
valuation of the school district so that the amount of 20267  
indebtedness that can be incurred on the tax duplicates for the 20268  
year in which the controlling board approved the project is less 20269  
than the amount of the first installment of bond anticipation 20270  
notes, there shall be paid from the school district's project 20271  
construction fund to the school district's bond retirement fund to 20272  
be applied against such notes an amount sufficient to cause the 20273  
net bonded indebtedness of the school district, as of the first 20274  
day of the year following the year in which the controlling board 20275  
approved the project, to be within five thousand dollars of the 20276  
required level of indebtedness for the year in which the 20277  
controlling board approved the project. The maximum amount of 20278  
indebtedness to be incurred by any school district board as its 20279  
share of the cost of the project is either an amount that will 20280  
cause its net bonded indebtedness, as of the first day of the year 20281  
following the year in which the controlling board approved the 20282  
project, to be within five thousand dollars of the required level 20283  
of indebtedness, or an amount equal to the required percentage of 20284  
the basic project costs, whichever is greater. All bonds and bond 20285  
anticipation notes shall be issued in accordance with Chapter 133. 20286  
of the Revised Code, and notes may be renewed as provided in 20287  
section 133.22 of the Revised Code. 20288

(B)(1) The transfer of such funds of the school district 20289  
board available for the project, together with the proceeds of the 20290  
sale of the bonds or notes, except premium, accrued interest, and 20291  
interest included in the amount of the issue, to the school 20292  
district's project construction fund; 20293

(2) If section 3318.052 of the Revised Code applies, the 20294

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earmarking of the proceeds of a tax levied under section 5705.21 20295  
of the Revised Code for general ongoing permanent improvements or 20296  
the proceeds of a school district income tax levied under Chapter 20297  
5748. of the Revised Code, or the proceeds from a combination of 20298  
those two taxes, in an amount to pay all or part of the service 20299  
charges on bonds issued to pay the school district portion of the 20300  
project and an amount equivalent to all or part of the tax 20301  
required under division (B) of section 3318.05 of the Revised 20302  
Code. 20303

(C) If section 3318.052 of the Revised Code does not apply, 20304  
either of the following: 20305

(1) The levy of the tax authorized at the election for the 20306  
payment of maintenance costs, as specified in division (B) of 20307  
section 3318.05 of the Revised Code; 20308

(2) If the school district electors have approved a 20309  
continuing tax of at least two mills for each dollar of valuation 20310  
for general ongoing permanent improvements under section 5705.21 20311  
of the Revised Code and that tax can be used for maintenance, the 20312  
earmarking of an amount of the proceeds from such tax for 20313  
maintenance of classroom facilities as specified in division (B) 20314  
of section 3318.05 of the Revised Code. 20315

(D) Ownership of or interest in the project during the period 20316  
of construction, which shall be divided between the commission and 20317  
the school district board in proportion to their respective 20318  
contributions to the school district's project construction fund; 20319  
20320

(E) Maintenance of the state's interest in the project until 20321  
any obligations issued for the project under section 3318.26 of 20322  
the Revised Code are no longer outstanding; 20323

(F) The insurance of the project by the school district from 20324  
the time there is an insurable interest therein and so long as the 20325

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state retains any ownership or interest in the project pursuant to 20326  
division (D) of this section, in such amounts and against such 20327  
risks as the commission shall require; provided, that the cost of 20328  
any required insurance until the project is completed shall be a 20329  
part of the basic project cost; 20330

(G) The certification by the director of budget and 20331  
management that funds are available and have been set aside to 20332  
meet the state's share of the basic project cost as approved by 20333  
the controlling board pursuant to section 3318.04 of the Revised 20334  
Code; 20335

(H) Authorization of the school district board to advertise 20336  
for and receive construction bids for the project, for and on 20337  
behalf of the commission, and to award contracts in the name of 20338  
the state subject to approval by the commission; 20339

(I) Provisions for the disbursement of moneys from the school 20340  
district's project account upon issuance by the commission or the 20341  
commission's designated representative of vouchers for work done 20342  
to be certified to the commission by the treasurer of the school 20343  
district board; 20344

(J) Disposal of any balance left in the school district's 20345  
project construction fund upon completion of the project; 20346

(K) Limitations upon use of the project or any part of it so 20347  
long as any obligations issued to finance the project under 20348  
section 3318.26 of the Revised Code are outstanding; 20349

(L) Provision for vesting the state's interest in the project 20350  
to the school district board when the obligations issued to 20351  
finance the project under section 3318.26 of the Revised Code are 20352  
outstanding; 20353

(M) Provision for deposit of an executed copy of the 20354  
agreement in the office of the commission; 20355



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(N) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;

(O) Provision for the school district to maintain the project in accordance with a plan approved by the commission;

(P) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project pursuant to section 3318.03 of the Revised Code be spent on the construction or acquisition of the project prior to the expenditure of any funds provided by the school district to pay for its share of the project cost, unless the school district certifies to the commission that expenditure by the school district is necessary to maintain the tax-exempt status of notes or bonds issued by the school district to pay for its share of the project cost in which case, the school district may commit to spend, or spend, a portion of the funds it provides;

(Q) A provision stipulating that the commission may prohibit the district from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes.

(R) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract

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documents, and to pay the costs of settlements or judgments 20388  
related to the project as provided under section 3318.086 of the 20389  
Revised Code. 20390

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary 20391  
in Chapter 3318. of the Revised Code, a school district board may 20392  
apply any local donated contribution toward ~~the~~ either or both of 20393  
the following: 20394

(1) The district's portion of the basic project cost of a 20395  
project under sections 3318.01 to 3318.20 of the Revised Code ~~and~~ 20396  
~~may use such local donated contribution~~ to reduce the amount of 20397  
bonds the district otherwise must issue in order to receive state 20398  
assistance under those sections; 20399

(2) An offset of all or part of a district's obligation to 20400  
levy the tax described in division (B) of section 3318.05 of the 20401  
Revised Code, which shall be applied only in the manner prescribed 20402  
in division (B) of this section. 20403

(B) No school district board shall apply any local donated 20404  
contribution under division (A)(2) of this section unless the Ohio 20405  
school facilities commission first approves that application. 20406

Upon the request of the school district board to apply local 20407  
donated contribution under division (A)(2) of this section, the 20408  
commission in consultation with the department of taxation shall 20409  
determine the amount of total revenue that likely would be 20410  
generated by one-half mill of the tax described in division (B) of 20411  
section 3318.05 of the Revised Code over the entire 20412  
twenty-three-year period required under that section and shall 20413  
deduct from that amount any amount of local donated contribution 20414  
that the board has committed to apply under division (A)(2) of 20415  
this section. The commission then shall determine in consultation 20416  
with the department of taxation the rate of tax over twenty-three 20417  
years necessary to generate the amount of a one-half mill tax not 20418

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offset by the local donated contribution. Notwithstanding anything 20419  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 20420  
Revised Code, the rate determined by the commission shall be the 20421  
rate for which the district board shall seek elector approval 20422  
under those sections to meet its obligation under division (B) of 20423  
section 3318.05 of the Revised Code. In the case of a complete 20424  
offset of the district's obligation under division (B) of section 20425  
3318.05 of the Revised Code, the district shall not be required to 20426  
levy the tax otherwise required under that section. At the end of 20427  
the twenty-three-year period of the tax required under division 20428  
(B) of section 3318.05 of the Revised Code, whether or not the tax 20429  
is actually levied, the commission in consultation of the 20430  
department of taxation shall recalculate the amount that would 20431  
have been generated by the tax if it had been levied at one-half 20432  
mill. If the total amount actually generated over that period from 20433  
both the tax that was actually levied and any local donated 20434  
contribution applied under division (A)(2) of this section is less 20435  
than the amount that would have been raised by a one-half mill 20436  
tax, the district shall pay any difference. If the total amount 20437  
actually raised in such manner is greater than the amount that 20438  
would have been raised by a one-half mill tax the difference shall 20439  
be zero and no payments shall be made by either the district or 20440  
the commission. 20441

(C) As used in this section, "local donated contribution" 20442  
means either of the following: 20443

(A)(1) Any moneys irrevocably donated or granted to a school 20444  
district board by a source other than the state which the board 20445  
has the authority to apply to the school district's project under 20446  
sections 3318.01 to 3318.20 of the Revised Code and which the 20447  
board has pledged for that purpose by resolution adopted by a 20448  
majority of its members; 20449

(B)(2) Any irrevocable letter of credit issued on behalf of a 20450

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school district or any cash a school district has on hand, 20451  
 including any year-end operating fund balances, that can be spent 20452  
 for classroom facilities, either of which the school district 20453  
 board has encumbered for payment of the school district's share of 20454  
 its project under sections 3318.01 to 3318.20 of the Revised Code 20455  
 and either of which has been approved by the Ohio school 20456  
~~facilities~~ commission in consultation with the department of 20457  
 education. 20458

(D) No state moneys shall be released for a project to which 20459  
 this section applies until any local donated ~~local~~ contribution 20460  
 authorized under this section is first deposited into the school 20461  
 district's project construction fund, if applied under division 20462  
(A)(1) of this section, or into the district's capital and 20463  
maintenance fund if applied under division (A)(2) of this section. 20464

Sec. 3318.086. The construction budget for any project under 20465  
sections 3318.01 to 3318.20 of the Revised Code shall contain a 20466  
contingency reserve in an amount prescribed by the Ohio school 20467  
facilities commission, which unless otherwise authorized by the 20468  
commission, shall be used only to pay costs resulting from 20469  
unforeseen job conditions, to comply with rulings regarding 20470  
building and other codes, to pay costs related to design 20471  
clarifications or corrections to contract documents, and to pay 20472  
the costs of settlements or judgments related to the project. 20473

Sec. 3318.10. When such working drawings, specifications, and 20474  
estimates of cost have been approved by the school district board 20475  
and the Ohio school facilities commission, the treasurer of the 20476  
school district board shall advertise for construction bids for 20477  
~~the project once a week for three consecutive weeks in a newspaper~~ 20478  
~~published in and of general circulation in the county in which the~~ 20479  
~~project is located~~ in accordance with section 3313.46 of the 20480  
Revised Code. Such notices shall state that plans and 20481  
 specifications for the project are on file in the office of the 20482

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commission and such other place as may be designated in such 20483  
notice, and the time and place when and where bids therefor will 20484  
be received. 20485

The form of proposal to be submitted by bidders shall be 20486  
supplied by the commission. Bidders may be permitted to bid upon 20487  
all the branches of work and materials to be furnished and 20488  
supplied, upon any branch thereof, or upon all or any thereof. 20489

~~A proposal shall be invalid and not considered unless it 20490  
meets the requirements of section 153.54 of the Revised Code. 20491~~

When the construction bids for all branches of work and 20492  
materials have been tabulated, the commission shall cause to be 20493  
prepared a revised estimate of the basic project cost based upon 20494  
the lowest responsible bids received. If such revised estimate 20495  
exceeds the estimated basic project cost as approved by the 20496  
controlling board pursuant to section 3318.04 of the Revised Code, 20497  
no contracts may be entered into pursuant to this section unless 20498  
such revised estimate is approved by the commission and by the 20499  
controlling board referred to in section 3318.04 of the Revised 20500  
Code. When such revised estimate has been prepared, and after such 20501  
approvals are given, if necessary, and if the school district 20502  
board has caused to be transferred to the project construction 20503  
fund the proceeds from the sale of the first or first and final 20504  
installment of its bonds or bond anticipation notes pursuant to 20505  
the provision of written agreement required by division (B) of 20506  
section 3318.08 of the Revised Code, and when the director of 20507  
budget and management has certified that there is a balance in the 20508  
appropriation, not otherwise obligated to pay precedent 20509  
obligations, pursuant to which the state's share of such revised 20510  
estimate is required to be paid, the contract for all branches of 20511  
work and materials to be furnished and supplied, or for any branch 20512  
thereof as determined by the school district board, shall be 20513  
awarded by the school district board to the lowest responsible 20514

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bidder subject to the approval of the commission. Such award shall  
 be made within sixty days after the date on which the bids are  
 opened, and the successful bidder shall enter into a contract  
 within ten days after the successful bidder is notified of the  
 award of the contract.

Subject to the approval of the commission, the school  
 district board may reject all bids and readvertise. Any contract  
 made under this section shall be made in the name of the state and  
 executed on its behalf by the president and treasurer of the  
 school district board.

The provisions of sections ~~153.50 to 153.99~~ 9.312 and 3313.46  
 of the Revised Code, which are applicable to construction  
 contracts of boards of education ~~and which permit bids to be made  
 for two or more trades or kinds of work,~~ shall apply to  
 construction contracts for the project ~~to the exclusion of~~  
~~sections 153.01 to 153.20 of the Revised Code applicable to state~~  
~~construction contracts.~~

The remedies afforded to any subcontractor, materials  
 supplier, laborer, mechanic, or persons furnishing material or  
 machinery for the project under sections 1311.26 to 1311.32 of the  
 Revised Code, shall apply to contracts entered into under this  
 section and the itemized statement required by section 1311.26 of  
 the Revised Code shall be filed with the school district board.

**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.~~

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+2) Adopt, amend, and rescind, pursuant to section 111.15 of the Revised Code, rules for the administration of programs authorized under Chapter 3318. of the Revised Code.

+3)+(2) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under Chapter 3318. of the Revised Code.

+4)+(3) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under Chapter 3318. of the Revised Code.

+5)+(4) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under Chapter 3318. of the Revised Code.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall supervise the operations of the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director.

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

Sec. 3318.36. (A) As used in this section:

(1) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project

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costs," "basic project cost," "valuation," and "percentile" have 20576  
the same meanings as in section 3318.01 of the Revised Code. 20577

(2) "Required level of indebtedness" means five per cent of 20578  
the school district's valuation for the year preceding the year in 20579  
which the commission and school district enter into an agreement 20580  
under division (B) of this section, plus [two one-hundredths of 20581  
one per cent multiplied by (the percentile in which the district 20582  
ranks in the fiscal year the commission and the school district 20583  
enter into such agreement minus one)]. 20584

(3) "Local resources" means any moneys generated in any 20585  
manner permitted for a school district board to raise the school 20586  
district portion of a project undertaken with assistance under 20587  
sections 3318.01 to 3318.20 of the Revised Code. 20588

(B)(1) There is hereby established the school building 20589  
assistance expedited local partnership program. Under the program, 20590  
the Ohio school facilities commission may enter into an agreement 20591  
with the school district board of any school district under which 20592  
the school district board may proceed with the new construction or 20593  
major repairs of a part of the school district's classroom 20594  
facilities needs, as determined under sections 3318.01 to 3318.20 20595  
of the Revised Code, through the expenditure of local resources 20596  
prior to the school district's eligibility for state assistance 20597  
under sections 3318.01 to 3318.20 of the Revised Code and may 20598  
apply that expenditure toward meeting the school district's 20599  
portion of the basic project cost of the total of the school 20600  
district's classroom facilities needs, as determined under 20601  
sections 3318.01 to 3318.20 of the Revised Code and as 20602  
recalculated under division (E) of this section, that are eligible 20603  
for state assistance under sections 3318.01 to 3318.20 of the 20604  
Revised Code when the school district becomes eligible for such 20605  
state assistance. Any school district that is reasonably expected 20606  
to receive assistance under sections 3318.01 to 3318.20 of the 20607



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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  
resolution may specify the application of local resources or  
elector-approved bond or tax measures after the resolution is  
adopted by the board, and in such case the board may proceed with  
a discrete portion of its project under this section as soon as  
the commission and the controlling board have approved the basic  
project cost of the district's classroom facilities needs as  
specified in division (D) of this section. 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.

(4) If a school district that enters into an agreement under  
this section has not begun a project applying local resources as

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provided for under that agreement at the time the district is 20639  
notified by the commission that it is eligible to receive state 20640  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 20641  
all assessment and agreement documents entered into under this 20642  
section are void. 20643

(5) Only construction of or repairs to classroom facilities 20644  
that have been approved by the commission and have been therefore 20645  
included as part of a district's basic project cost qualify for 20646  
application of local resources under this section. 20647

(C) Based on the results of the on-site visits and assessment 20648  
conducted under division (B)(2) of this section, the commission 20649  
shall determine the basic project cost of the school district's 20650  
classroom facilities needs. The commission shall determine the 20651  
school district's portion of such basic project cost, which shall 20652  
be the greater of: 20653

(1) The required percentage of the basic project costs, 20654  
determined based on the school district's percentile ranking in 20655  
the fiscal year the commission and the school district enter into 20656  
the agreement under division (B) of this section; 20657

(2) An amount necessary to raise the school district's net 20658  
bonded indebtedness, as of the fiscal year the commission and the 20659  
school district enter into the agreement under division (B) of 20660  
this section, to within five thousand dollars of the required 20661  
level of indebtedness. 20662

(D)(1) When the commission determines the basic project cost 20663  
of the classroom facilities needs of a school district and the 20664  
school district's portion of that basic project cost under 20665  
division (C) of this section, the project shall be conditionally 20666  
approved. Such conditional approval shall be submitted to the 20667  
controlling board for approval thereof. The controlling board 20668  
shall forthwith approve or reject the commission's determination, 20669

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conditional approval, and the amount of the state's portion of the  
basic project cost; however, no state funds shall be encumbered  
under this section. Upon approval by the controlling board, the  
school district board may identify a discrete part of its  
classroom facilities needs, which shall include only new  
construction of or additions or major repairs to a particular  
building, to address with local resources. Upon identifying a part  
of the school district's basic project cost to address with local  
resources, the school district board may allocate any available  
school district moneys to pay the cost of that identified part,  
including the proceeds of an issuance of bonds if approved by the  
electors of the school district.

All local resources utilized under this division shall first  
be deposited in the project construction account required under  
section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option  
under division (D)(3) of this section, for a school district to  
qualify for participation in the program authorized under this  
section, either:

(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.

(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

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5705.21 of the Revised Code, an amount equivalent to the 20702  
additional tax otherwise required under division (D)(2)(a) of this 20703  
section for the maintenance of the classroom facilities included 20704  
in the basic project cost as determined by the commission. 20705

(3) A school district board may opt to delay levying the 20706  
additional tax required under division (D)(2)(a) of this section 20707  
or earmarking of the proceeds of a permanent improvement tax 20708  
alternatively required under division (D)(2)(b) of this section 20709  
until such time as the school district becomes eligible for state 20710  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 20711  
In order to exercise its option under this division, the board 20712  
shall certify to the commission a resolution indicating the 20713  
board's intent to do so prior to entering into an agreement under 20714  
division (B) of this section. 20715

(4) If pursuant to division (D)(3) of this section a district 20716  
board opts to delay levying an additional tax until the district 20717  
becomes eligible for state assistance, it shall submit the 20718  
question of levying that tax to the district electors as follows: 20719  
20720

(a) In accordance with section 3318.06 of the Revised Code if 20721  
it will also be necessary pursuant to division (E) of this section 20722  
to submit a proposal for approval of a bond issue; 20723

(b) In accordance with section 3318.361 of the Revised Code 20724  
if it is not necessary to also submit a proposal for approval of a 20725  
bond issue pursuant to division (E) of this section. 20726

(5) No state assistance under sections 3318.01 to 3318.20 of 20727  
the Revised Code shall be released until a school district board 20728  
that adopts and certifies a resolution under this division either 20729  
has levied the additional tax or has earmarked the proceeds of a 20730  
tax as specified in division (D) of this section. 20731

Any amount required for maintenance under division (D)(2) of 20732

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this section shall be deposited into a separate fund as specified 20733  
in division (B) of section 3318.05 of the Revised Code. 20734

(E)(1) If the school district becomes eligible for state 20735  
assistance under sections 3318.01 to 3318.20 of the Revised Code 20736  
based on its percentile ranking as determined under division (B) 20737  
of this section, the commission shall conduct a new assessment of 20738  
the school district's classroom facilities needs and shall 20739  
recalculate the basic project cost based on this new assessment. 20740  
The basic project cost recalculated under this division shall 20741  
include the amount of expenditures made by the school district 20742  
board under division (D)(1) of this section. The commission shall 20743  
then recalculate the school district's portion of the new basic 20744  
project cost, which shall be the percentage of the original basic 20745  
project cost assigned to the school district as its portion under 20746  
division (C) of this section. The commission shall deduct the 20747  
expenditure of school district moneys made under division (D)(1) 20748  
of this section from the school district's portion of the basic 20749  
project cost as recalculated under this division. If the amount of 20750  
school district resources applied by the school district board to 20751  
the school district's portion of the basic project cost under this 20752  
section is less than the total amount of such portion as 20753  
recalculated under this division, the school district board by a 20754  
majority vote of all of its members shall, if it desires to seek 20755  
state assistance under sections 3318.01 to 3318.20 of the Revised 20756  
Code, adopt a resolution as specified in section 3318.06 of the 20757  
Revised Code to submit to the electors of the school district the 20758  
question of approval of a bond issue in order to pay any 20759  
additional amount of school district portion required for state 20760  
assistance. Any tax levy approved under division (D) of this 20761  
section satisfies the requirements to levy the additional tax 20762  
under section 3318.06 of the Revised Code. 20763

(2) If the amount of school district resources applied by the 20764

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school district board to the school district's portion of the 20765  
 basic project cost under this section is more than the total 20766  
 amount of such portion as recalculated under this division, within 20767  
 one year after the school district's portion is recalculated under 20768  
 division (E)(1) of this section the commission may grant to the 20769  
 school district the difference between the two calculated 20770  
 portions, but at no time shall the commission expend any state 20771  
 funds on a project in an amount greater than the state's portion 20772  
 of the basic project cost as recalculated under this division. 20773

Any reimbursement under this division shall be only for local 20774  
 resources the school district has applied toward construction cost 20775  
 expenditures for the classroom facilities approved by the 20776  
 commission, which shall not include any financing costs associated 20777  
 with that construction. 20778

The school district board shall use any moneys reimbursed to 20779  
 the district under this division to pay off any debt service the 20780  
 district owes for classroom facilities constructed under its 20781  
 project under this section before such moneys are applied to any 20782  
 other purpose. 20783

Sec. 3318.363. (A) This section applies only to a school 20784  
district participating in the school building assistance expedited 20785  
local partnership program under section 3318.36 of the Revised 20786  
Code. 20787

(B) If there is a decrease in the tax valuation of a school 20788  
district to which this section applies by ten per cent or greater 20789  
from one tax year to the next due to a decrease in the assessment 20790  
rate of the taxable property of an electric company that owns 20791  
property in the district, as provided for in section 5727.111 of 20792  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 20793  
General Assembly, the Ohio school facilities commission shall 20794  
calculate or recalculate the state and school district portions of 20795

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the basic project cost of the school district's project by 20796  
determining the percentile rank in which the district would be 20797  
located if such ranking were made using the current year adjusted 20798  
valuation per pupil, as calculated and reported to the commission 20799  
by the department of education under division (A) of section 20800  
3318.011 of the Revised Code, rather than the three-year average 20801  
adjusted valuation per pupil, calculated under division (B) of 20802  
that section. For such district, the required percentage of the 20803  
basic project cost used to determine the state and school district 20804  
shares of that cost under division (C) of section 3318.36 of the 20805  
Revised Code shall be based on the percentile rank as calculated 20806  
under this section rather than as otherwise provided in division 20807  
(C)(1) of section 3318.36 of the Revised Code. If the commission 20808  
has determined the state and school district portion of the basic 20809  
project cost of such a district's project under section 3318.36 of 20810  
the Revised Code prior to that decrease in tax valuation, the 20811  
commission shall adjust the state and school district shares of 20812  
the basic project cost of such project in accordance with this 20813  
section. 20814

**Sec. 3318.50.** (A) As used in this section and in section 20815  
3318.52 of the Revised Code: 20816

(1) "Start-up community school" means a "new start-up school" 20817  
as that term is defined in division (A) of section 3314.02 of the 20818  
Revised Code. 20819

(2) "Classroom facilities" has the same meaning as in section 20820  
3318.01 of the Revised Code. 20821

(B) There is hereby established the community school 20822  
classroom facilities loan guarantee program. Under the program, 20823  
the Ohio school facilities commission may guarantee for up to 20824  
fifteen years any loan made to the governing authority of a 20825  
start-up community school established under Chapter 3314. of the 20826

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Revised Code for the sole purpose of assisting the governing board 20827  
in acquiring classroom facilities for the community school by 20828  
lease, purchase, remodeling of existing facilities, or any other 20829  
means except by new construction. 20830

The commission shall not make any loan guarantee under this 20831  
section unless the commission has determined that the classroom 20832  
facilities meet specifications established by the commission under 20833  
section 3318.51 of the Revised Code. 20834

The agreement between the commission and the governing 20835  
authority of a community school for a loan guarantee under this 20836  
section shall contain a stipulation holding all members of the 20837  
governing authority at the time the agreement is executed jointly 20838  
and severally liable in their personal capacity to the state for 20839  
the amount of any payment made by the state to pay any default on 20840  
a loan guaranteed by that agreement regardless of whether such 20841  
members are still members of the governing authority at the time 20842  
of the default. 20843

(C) Any payment made to a lending institution as a result of 20844  
default on a loan guaranteed under this section shall be made from 20845  
moneys in the community school classroom facilities loan guarantee 20846  
fund established under section 3318.52 of the Revised Code. 20847

20848

(D) The commission may assess a fee of up to five hundred 20849  
dollars for each loan guaranteed under this section. 20850

**Sec. 3318.51.** Not later than nine months after the effective 20851  
date of this section, the Ohio school facilities commission in 20852  
consultation with the office of community school options 20853  
established under section 3314.11 of the Revised Code shall 20854  
develop specifications for classroom facilities for start-up 20855  
community schools established under Chapter 3314. of the Revised 20856  
Code. 20857



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Sec. 3318.52. There is hereby established the community school classroom facilities loan guarantee fund. The fund shall consist of such moneys as the general assembly appropriates for the purpose of guaranteeing loans to community schools under section 3318.50 of the Revised Code. Investment earnings on moneys in the fund shall be credited to the fund.

Sec. 3319.19. (A) ~~Upon~~ Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, upon request, the board of county commissioners shall provide and equip offices in the county for the use of the superintendent of an educational service center, and shall provide heat, light, water, and janitorial services for such offices. Such offices shall be the permanent headquarters of the superintendent and shall be used by the governing board of the service center when it is in session. Except as provided in division (B) of this section, such offices shall be located in the county seat or, upon the approval of the governing board, may be located outside of the county seat.

(B) In the case of a service center formed under section 3311.053 of the Revised Code, the governing board shall designate the site of its offices. ~~The~~ Except as provided in division (D) of this section or division (A)(2) of section 3313.37 of the Revised Code, the board of county commissioners of the county in which the designated site is located shall provide and equip the offices as under division (A) of this section, but the costs of such offices and equipment ~~not covered by funds received under section 307.031 of the Revised Code~~ shall be apportioned among the boards of county commissioners of all counties having any territory in the area under the control of the governing board, according to the proportion of local school district pupils under the supervision of such board residing in the respective counties. Where there is

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a dispute as to the amount any board of county commissioners is 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~~

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~~Code, to provide funds to meet such costs. 20921~~

~~Any service center superintendent intending to submit a 20922~~  
~~proposal shall submit it to the board of county commissioners that 20923~~  
~~provides and equips the office of the superintendent for approval 20924~~  
~~at least twenty days before the date of submission to the 20925~~  
~~superintendent of public instruction. The superintendent of public 20926~~  
~~instruction shall evaluate the proposals and select those that 20927~~  
~~will most benefit the local districts supervised by the governing 20928~~  
~~boards under standards adopted by the state board. For each 20929~~  
~~proposal selected for a grant, the superintendent of public 20930~~  
~~instruction shall determine the grant amount and, with the 20931~~  
~~approval of the superintendent and the board of county 20932~~  
~~commissioners, may modify a grant proposal to reflect the amount 20933~~  
~~of money available for the grant. The superintendent of public 20934~~  
~~instruction shall notify the board of county commissioners and the 20935~~  
~~tax commissioner of the selection of the proposal as submitted or 20936~~  
~~modified and the amount of the grant. If, pursuant to division (C) 20937~~  
~~of section 307.031 of the Revised Code, the board of county 20938~~  
~~commissioners accepts the proposal and grant, it shall expend the 20939~~  
~~funds as specified in the grant proposal. If the board of county 20940~~  
~~commissioners rejects the proposal and grant, the superintendent 20941~~  
~~of public instruction may select another proposal from among the 20942~~  
~~district proposals that initially failed to be selected for a 20943~~  
~~grant. 20944~~

~~The state board of education shall adopt rules to implement 20945~~  
~~the requirements of this section Not later than the thirty-first 20946~~  
~~day of March of 2002, 2003, 2004, and 2005 a board of county 20947~~  
~~commissioners required to provide or equip offices pursuant to 20948~~  
~~division (A) or (B) of this section shall make a written estimate 20949~~  
~~of the total cost it will incur for the ensuing fiscal year to 20950~~  
~~provide and equip the offices and to provide heat, light, water, 20951~~  
~~and janitorial services for such offices. The total estimate of 20952~~

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<u>cost shall include:</u>	20953
<u>(1) The total square feet of space to be utilized by the</u>	20954
<u>educational service center;</u>	20955
<u>(2) The total square feet of any common areas that should be</u>	20956
<u>reasonably allocated to the center and the methodology for making</u>	20957
<u>this allocation;</u>	20958
<u>(3) The actual cost per square foot for both the space</u>	20959
<u>utilized by and the common area allocated to the center;</u>	20960
<u>(4) An explanation of the methodology used to determine the</u>	20961
<u>per square foot cost;</u>	20962
<u>(5) The estimated cost of providing heat, light, and water,</u>	20963
<u>including an explanation of how these costs were determined;</u>	20964
	20965
<u>(6) The estimated cost of providing janitorial services</u>	20966
<u>including an explanation of the methodology used to determine this</u>	20967
<u>cost;</u>	20968
<u>(7) Any other estimated costs that the board anticipates it</u>	20969
<u>will occur and a detailed explanation of the costs and the</u>	20970
<u>rationale used to determine such costs.</u>	20971
<u>A copy of the total estimate of costs under this division</u>	20972
<u>shall be sent to the superintendent of the educational service</u>	20973
<u>center not later than the fifth day of April. The superintendent</u>	20974
<u>shall review the total estimate and shall notify the board of</u>	20975
<u>county commissioners not later than twenty days after receipt of</u>	20976
<u>the estimate of either agreement with the estimate or any specific</u>	20977
<u>objections to the estimates and the reasons for the objections. If</u>	20978
<u>the superintendent agrees with the estimate, it shall become the</u>	20979
<u>final total estimate of cost. Failure of the superintendent to</u>	20980
<u>make objections to the estimate by the twentieth day after receipt</u>	20981
<u>of it shall be deemed to mean that the superintendent is in</u>	20982
<u>agreement with the estimate.</u>	20983

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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

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and equipment of offices for the educational service center and 21015  
for provision of heat, light, water, and janitorial services for 21016  
such offices, including any unanticipated or unexpected increases 21017  
in the costs beyond the final estimated cost amount. 21018

Beginning in fiscal year 2007, no board of county 21019  
commissioners shall have any obligation to provide and equip 21020  
offices for an educational service center or to provide heat, 21021  
light, water, or janitorial services for such offices. 21022

(2) Nothing in this section shall prohibit the board of 21023  
county commissioners and the governing board of an educational 21024  
service center from entering into a contract for providing and 21025  
equipping offices for the use of an educational service center and 21026  
for providing heat, light, water, and janitorial services for such 21027  
offices. The term of any such contract shall not exceed a period 21028  
of four years and may be renewed for additional periods not to 21029  
exceed four years. Any such contract shall supersede the 21030  
provisions of division (D)(1) of this section and no educational 21031  
service center may be charged, at any time, any additional amount 21032  
for the county's provision of an office and equipment, heat, 21033  
light, water, and janitorial services beyond the amount specified 21034  
in such contract. 21035

(3) No contract entered into under division (D)(2) of this 21036  
section in any year prior to fiscal year 2007 between an 21037  
educational service center formed under section 3311.053 of the 21038  
Revised Code and the board of county commissioners required to 21039  
provide and equip its office pursuant to division (B) of this 21040  
section shall take effect unless the boards of county 21041  
commissioners of all other counties required to participate in the 21042  
funding for such offices pursuant to division (B) of this section 21043  
adopt resolutions approving the contract. 21044

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 21045

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"guardian," or "other person having charge or care of a child" 21046  
means either parent unless the parents are separated or divorced 21047  
or their marriage has been dissolved or annulled, in which case 21048  
"parent" means the parent who is the residential parent and legal 21049  
custodian of the child. If the child is in the legal or permanent 21050  
custody of a person or government agency, "parent" means that 21051  
person or government agency. When a child is a resident of a home, 21052  
as defined in section 3313.64 of the Revised Code, and the child's 21053  
parent is not a resident of this state, "parent," "guardian," or 21054  
"other person having charge or care of a child" means the head of 21055  
the home. 21056

A child between six and eighteen years of age is "of 21057  
compulsory school age" for the purpose of sections 3321.01 to 21058  
3321.13 of the Revised Code. A child under six years of age who 21059  
has been enrolled in kindergarten also shall be considered "of 21060  
compulsory school age" for the purpose of sections 3321.01 to 21061  
3321.13 of the Revised Code unless at any time the child's parent 21062  
or guardian, at the parent's or guardian's discretion and in 21063  
consultation with the child's teacher and principal, formally 21064  
withdraws the child from kindergarten. The compulsory school age 21065  
of a child shall not commence until the beginning of the term of 21066  
such schools, or other time in the school year fixed by the rules 21067  
of the board of the district in which the child resides. 21068

(2) No child shall be admitted to a kindergarten or a first 21069  
grade of a public school in a district in which all children are 21070  
admitted to kindergarten and the first grade in August or 21071  
September unless the child is five or six years of age, 21072  
respectively, by the thirtieth day of September of the year of 21073  
admittance, or by the first day of a term or semester other than 21074  
one beginning in August or September in school districts granting 21075  
admittance at the beginning of such term or semester, except that 21076  
in those school districts using or obtaining educationally 21077

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accepted standardized testing programs for determining entrance, 21078  
as approved by the board of education of such districts, the board 21079  
shall admit a child to kindergarten or the first grade who fails 21080  
to meet the age requirement, provided the child meets necessary 21081  
standards as determined by such standardized testing programs. If 21082  
the board of education has not established a standardized testing 21083  
program, the board shall designate the necessary standards and a 21084  
testing program it will accept for the purpose of admitting a 21085  
child to kindergarten or first grade who fails to meet the age 21086  
requirement. Each child who will be the proper age for entrance to 21087  
kindergarten or first grade by the first day of January of the 21088  
school year for which admission is requested shall be so tested 21089  
upon the request of the child's parent. 21090

(3) Notwithstanding divisions (A)(2) and (D) of this section, 21091  
beginning with the school year that starts in 2001 and continuing 21092  
thereafter the board of education of any district may adopt a 21093  
resolution establishing the first day of August in lieu of the 21094  
thirtieth day of September as the required date by which students 21095  
must have attained the age specified in those divisions. 21096

(B) As used in divisions (C) and (D) of this section, 21097  
"successfully completed kindergarten" and "successful completion 21098  
of kindergarten" mean that the child has completed the 21099  
kindergarten requirements at one of the following: 21100

(1) A public or chartered nonpublic school; 21101

(2) A kindergarten class that is both of the following: 21102

(a) Offered by a day-care provider licensed under Chapter 21103  
5104. of the Revised Code; 21104

(b) If offered after July 1, 1991, is directly taught by a 21105  
teacher who holds one of the following: 21106

(i) A valid educator license issued under section 3319.22 of 21107  
the Revised Code; 21108



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(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	21109 21110 21111
(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	21112 21113 21114
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	21115 21116
(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.	21117 21118 21119
(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.	21120 21121 21122 21123 21124 21125 21126
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:	21127 21128 21129 21130 21131 21132 21133 21134
(1) The director of pupil personnel services;	21135
(2) An elementary school counselor;	21136
(3) An elementary school principal;	21137
(4) A school psychologist;	21138

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(5) A teacher assigned to teach first grade;	21139
<u>(6) A gifted coordinator.</u>	21140
The responsibilities of the pupil personnel services	21141
committee shall be limited to the issuing of waivers allowing	21142
admittance to the first grade without the successful completion of	21143
kindergarten. The committee shall have no other authority except	21144
as specified in this section.	21145
(E) The scheduling of times for kindergarten classes and	21146
length of the school day for kindergarten shall be determined by	21147
the board of education of a city, exempted village, or local	21148
school district.	21149
(F) Any kindergarten class offered by a day-care provider or	21150
school described by division (B)(1) or (B)(2)(a) of this section	21151
shall be developmentally appropriate.	21152
(G) Upon written request of a day-care provider described by	21153
division (B)(2)(a) of this section, the department of education	21154
shall determine whether certification held by a teacher employed	21155
by the provider meets the requirement of division (B)(2)(b)(iii)	21156
of this section and, if so, shall furnish the provider a statement	21157
to that effect.	21158
<b>Sec. 3323.09.</b> (A) As used in this section:	21159
(1) "Home" has the meaning given in section 3313.64 of the	21160
Revised Code;	21161
(2) "Preschool child" means a child who is at least age three	21162
but under age six on the thirtieth day of September of an academic	21163
year.	21164
(B) Each county MR/DD board shall establish special education	21165
programs for all handicapped children who in accordance with	21166
section 3323.04 of the Revised Code have been placed in special	21167

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education programs operated by the county board and for preschool 21168  
children who are developmentally delayed or at risk of being 21169  
developmentally delayed. The board annually shall submit to the 21170  
department of education a plan for the provision of these programs 21171  
and, if applicable, a request for approval of units under section 21172  
3317.05 of the Revised Code. The superintendent of public 21173  
instruction shall review the plan and approve or modify it in 21174  
accordance with rules adopted by the state board of education 21175  
under section 3301.07 of the Revised Code. The superintendent of 21176  
public instruction shall compile the plans submitted by county 21177  
boards and shall submit a comprehensive plan to the state board of 21178  
education. 21179

A county MR/DD board may combine transportation for children 21180  
enrolled in classes funded under section 3317.20 or units approved 21181  
under section 3317.05 with transportation for children and adults 21182  
enrolled in programs and services offered by the board under 21183  
section 5126.12 of the Revised Code. 21184

(C) A county MR/DD board that during the school year provided 21185  
special education pursuant to this section for any mentally 21186  
handicapped child under twenty-two years of age shall prepare and 21187  
submit the following reports and statements: 21188

(1) The board shall prepare a statement for each child who at 21189  
the time of receiving such special education was a resident of a 21190  
home and was not in the legal or permanent custody of an Ohio 21191  
resident or a government agency in this state, and whose parents 21192  
are not known to have been residents of this state subsequent to 21193  
the child's birth. The statement shall contain the child's name, 21194  
the name of ~~his~~ the child's school district of residence, the name 21195  
of the county board providing the special education, and the 21196  
number of months, including any fraction of a month, it was 21197  
provided. Not later than the thirtieth day of June, the board 21198  
shall forward a certified copy of such statement to both the 21199

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director of mental retardation and developmental disabilities and 21200  
to the home. 21201

Within thirty days after its receipt of a statement, the home 21202  
shall pay tuition to the county board computed in the manner 21203  
prescribed by section 3323.141 of the Revised Code. 21204

(2) The board shall prepare a report for each school district 21205  
that is the school district of residence of one or more of such 21206  
children for whom statements are not required by division (C)(1) 21207  
of this section. The report shall contain the name of the county 21208  
board providing special education, the name of each child 21209  
receiving special education, the number of months, including 21210  
fractions of a month, that ~~he~~ the child received it, and the name 21211  
of the child's school district of residence. Not later than the 21212  
thirtieth day of June, the board shall forward certified copies of 21213  
each report to the school district named in the report, the 21214  
superintendent of public instruction, and the director of mental 21215  
retardation and developmental disabilities. 21216

**Sec. 3323.091.** (A) The department of mental health, the 21217  
department of mental retardation and developmental disabilities, 21218  
the department of youth services, and the department of 21219  
rehabilitation and correction shall establish and maintain special 21220  
education programs for handicapped children in institutions under 21221  
their jurisdiction according to standards adopted by the state 21222  
board of education. The superintendent of each institution 21223  
providing special education under this chapter may apply to the 21224  
state department of education for unit funding, which shall be 21225  
paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 21226  
3317.053 of the Revised Code. 21227

(B) On or before the thirtieth day of June of each year, the 21228  
superintendent of each institution that during the school year 21229  
provided special education pursuant to this section shall prepare 21230

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a statement for each handicapped child under twenty-two years of age who has received special education. The statement shall contain the child's name and the name of the child's school 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.

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**Sec. 3327.10.** (A) No person shall be employed as driver of a 21262  
 school bus or motor van, owned and operated by any school district 21263  
 or educational service center or privately owned and operated 21264  
 under contract with any school district or service center in this 21265  
 state, who has not received a certificate from the educational 21266  
 service center governing board in case such person is employed by 21267  
 a service center or by a local school district under the 21268  
 supervision of the service center governing board, or by the 21269  
 superintendent of schools, in case such person is employed by the 21270  
 board of a city or exempted village school district, certifying 21271  
 that such person is at least eighteen years of age and is of good 21272  
 moral character and is qualified physically and otherwise for such 21273  
 position. The service center governing board or the 21274  
 superintendent, as the case may be, shall provide for an annual 21275  
 physical examination that conforms with rules adopted by the state 21276  
 board of education of each driver to ascertain ~~his~~ the driver's 21277  
 physical fitness for such employment. Any certificate may be 21278  
 revoked by the authority granting the same on proof that the 21279  
 holder has been guilty of failing to comply with division (D)(1) 21280  
 of this section, or upon a conviction or a guilty plea for a 21281  
 violation, or any other action, that results in a loss or 21282  
 suspension of driving rights. Failure to comply with such division 21283  
 may be cause for disciplinary action or termination of employment 21284  
 under division (C) of section 3319.081, or section 124.34 of the 21285  
 Revised Code. 21286

(B) No person shall be employed as driver of a school bus or 21287  
 motor van not subject to the rules of the department of education 21288  
 pursuant to division (A) of this section who has not received a 21289  
 certificate from the school administrator or contractor certifying 21290  
 that such person is at least eighteen years of age, is of good 21291  
 moral character, and is qualified physically and otherwise for 21292  
 such position. Each driver shall have an annual physical 21293

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examination which conforms to the state highway patrol rules, 21294  
ascertaining ~~his~~ the driver's physical fitness for such 21295  
employment. ~~Any~~ The examination shall be performed by one of the 21296  
following: 21297

(1) A person licensed under Chapter 4731. of the Revised Code 21298  
or by another state to practice medicine and surgery or 21299  
osteopathic medicine and surgery; 21300

(2) A registered nurse who holds a certificate of authority 21301  
issued under Chapter 4723. of the Revised Code to practice as a 21302  
certified nurse practitioner or clinical nurse specialist and is 21303  
practicing pursuant to a standard care arrangement with a 21304  
collaborating physician. 21305

Any certificate may be revoked by the authority granting the 21306  
same on proof that the holder has been guilty of failing to comply 21307  
with division (D)(2) of this section. 21308

(C) Any person who drives a school bus or motor van must give 21309  
satisfactory and sufficient bond except a driver who is an 21310  
employee of a school district and who drives a bus or motor van 21311  
owned by the school district. 21312

(D) No person employed as driver of a school bus or motor van 21313  
under this section who is convicted of a traffic violation or who 21314  
has had ~~his~~ the person's commercial driver's license suspended or 21315  
revoked shall drive a school bus or motor van until such person 21316  
has filed a written notice of such conviction, suspension, or 21317  
revocation as follows: 21318

(1) If ~~he~~ the person is employed under division (A) of this 21319  
section, such notice shall be filed with the superintendent, or a 21320  
person designated by the superintendent, of the school district 21321  
for which such person drives a school bus or motor van as an 21322  
employee or drives a privately owned and operated school bus or 21323  
motor van under contract. 21324

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(2) If employed under division (B) of this section, such notice shall be filed with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

**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 rules adopted by the board, but the board shall meet at least four times annually. A majority of the board constitutes a quorum. At its first meeting, the board shall organize by selecting a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary, and such other officers as it deems necessary. The board shall adopt rules for the conduct of its business, and to provide for the term and election of officers, and shall establish an office in Columbus. The rules shall permit the formation of a quorum and the taking of votes at meetings conducted by interactive video teleconference if provisions are made for public attendance at any location involved in such a teleconference.

A record shall be kept of board proceedings, which shall be open for public inspection. The board shall adopt a seal to be affixed to official documents. Each member of the board, before entering on ~~his~~ official duties and after qualifying for office, shall take and subscribe to an oath of office, to uphold the constitution and laws of the United States and this state, and to perform the duties of ~~his~~ office honestly, faithfully, and impartially.



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**Sec. 3333.03.** (A) The Ohio board of regents shall appoint a 21356  
 chancellor to serve at its pleasure and shall prescribe ~~his~~ the 21357  
chancellor's duties. The board shall fix the compensation for the 21358  
 chancellor ~~and for all other professional, administrative, and~~ 21359  
~~clerical employees necessary to assist the board and the~~ 21360  
~~chancellor in the performance of their duties.~~ 21361

(B) The chancellor is the administrative officer of the 21362  
 board, and is responsible for appointing and fixing the 21363  
compensation of all professional, administrative, and clerical 21364  
 employees and staff members, ~~subject to board approval, who~~ 21365  
necessary to assist the board and the chancellor in the 21366  
performance of their duties. All employees and staff shall serve 21367  
 under ~~his~~ the chancellor's direction and control. The chancellor 21368  
 shall be a person qualified by training and experience to 21369  
 understand the problems and needs of the state in the field of 21370  
 higher education and to devise programs, plans, and methods of 21371  
 solving the problems and meeting the needs. 21372

(C) Neither the chancellor nor any staff member or employee 21373  
 of the board shall be a trustee, officer, or employee of any 21374  
 public or private college or university while serving on the 21375  
 board. 21376

**Sec. 3333.043.** (A) As used in this section: 21377

(1) "Institution of higher education" means the state 21378  
 universities listed in section 3345.011 of the Revised Code, 21379  
 municipal educational institutions established under Chapter 3349. 21380  
 of the Revised Code, community colleges established under Chapter 21381  
 3354. of the Revised Code, university branches established under 21382  
 Chapter 3355. of the Revised Code, technical colleges established 21383  
 under Chapter 3357. of the Revised Code, state community colleges 21384  
 established under Chapter 3358. of the Revised Code, any 21385

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institution of higher education with a certificate of registration 21386  
from the state board of proprietary school registration, and any 21387  
institution for which the Ohio board of regents receives a notice 21388  
pursuant to division (C) of this section. 21389

(2) "Community service" has the same meaning as in section 21390  
3313.605 of the Revised Code. 21391

(B)(1) The board of trustees or other governing entity of 21392  
each institution of higher education shall encourage and promote 21393  
participation of students in community service through a program 21394  
appropriate to the mission, student population, and environment of 21395  
each institution. The program may include, but not be limited to, 21396  
providing information about community service opportunities during 21397  
student orientation or in student publications; providing awards 21398  
for exemplary community service; encouraging faculty members to 21399  
incorporate community service into students' academic experiences 21400  
wherever appropriate to the curriculum; encouraging recognized 21401  
student organizations to undertake community service projects as 21402  
part of their purposes; and establishing advisory committees of 21403  
students, faculty members, and community and business leaders to 21404  
develop cooperative programs that benefit the community and 21405  
enhance student experience. The program shall be flexible in 21406  
design so as to permit participation by the greatest possible 21407  
number of students, including part-time students and students for 21408  
whom participation may be difficult due to financial, academic, 21409  
personal, or other considerations. The program shall emphasize 21410  
community service opportunities that can most effectively use the 21411  
skills of students, such as tutoring or literacy programs. The 21412  
programs shall encourage students to perform services that will 21413  
not supplant the hiring of, result in the displacement of, or 21414  
impair any existing employment contracts of any particular 21415  
employee of any private or governmental entity for which services 21416  
are performed. 21417

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(2) The Ohio board of regents shall encourage all 21418  
institutions of higher education in the development of community 21419  
service programs. With the assistance of the ~~state~~ Ohio community 21420  
service ~~advisory committee~~ council created in section 121.40 of 21421  
the Revised Code, the board of regents shall make available 21422  
information about higher education community service programs to 21423  
institutions of higher education and to statewide organizations 21424  
involved with or promoting volunteerism, including information 21425  
about model community service programs, teacher training courses, 21426  
and community service curricula and teaching materials for 21427  
possible use by institutions of higher education in their 21428  
programs. The board shall encourage institutions of higher 21429  
education to jointly coordinate higher education community service 21430  
programs through consortia of institutions or other appropriate 21431  
means of coordination. 21432

(C) The board of trustees of any nonprofit institution with a 21433  
certificate of authorization issued by the Ohio board of regents 21434  
pursuant to Chapter 1713. of the Revised Code may notify the board 21435  
of regents that it is making itself subject to divisions (A) and 21436  
(B) of this section. Upon receipt of such a notice, these 21437  
divisions shall apply to that institution. 21438

**Sec. 3333.12.** (A) As used in this section: 21439

(1) "Eligible student" means an undergraduate student who is: 21440

(a) An Ohio resident; 21441

(b) Enrolled in either of the following: 21442

(i) An accredited institution of higher education in this 21443  
state that meets the requirements of Title VI of the Civil Rights 21444  
Act of 1964 and is state-assisted, is nonprofit and has a 21445  
certificate of authorization from the Ohio board of regents 21446  
pursuant to Chapter 1713. of the Revised Code, or has a 21447

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certificate of registration from the state board of proprietary  
school registration and program authorization to award an  
associate or bachelor's degree. Students who attend an institution  
that holds 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 issued under section 3332.05 of the Revised Code.

(ii) A technical education program of at least two years  
duration sponsored by a private institution of higher education in  
this state that meets the requirements of Title VI of the Civil  
Rights Act of 1964.

(c) Enrolled as a full-time student or enrolled as a less  
than full-time student for the term expected to be the student's  
final term of enrollment and is enrolled for the number of credit  
hours necessary to complete the requirements of the program in  
which the student is enrolled.

(2) "Gross income" includes all taxable and nontaxable income  
of the parents, the student, and the student's spouse, except  
income derived from an Ohio academic scholarship, income earned by  
the student between the last day of the spring term and the first  
day of the fall term, and other income exclusions designated by  
the board. Gross income may be verified to the board by the  
institution in which the student is enrolled using the federal  
financial aid eligibility verification process or by other means  
satisfactory to the board.

(3) "Resident," "full-time student," "dependent,"  
"financially independent," and "accredited" shall be defined by  
rules adopted by the board.

(B) The Ohio board of regents shall establish and administer  
an instructional grant program and may adopt rules to carry out  
this section. The general assembly shall support the instructional

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grant program by such sums and in such manner as it may provide, 21480  
but the board may also receive funds from other sources to support 21481  
the program. If the amounts available for support of the program 21482  
are inadequate to provide grants to all eligible students, 21483  
preference in the payment of grants shall be given in terms of 21484  
income, beginning with the lowest income category of gross income 21485  
and proceeding upward by category to the highest gross income 21486  
category. 21487

An instructional grant shall be paid to an eligible student 21488  
through the institution in which the student is enrolled, except 21489  
that no instructional grant shall be paid to any person serving a 21490  
term of imprisonment. Applications for such grants shall be made 21491  
as prescribed by the board, and such applications may be made in 21492  
conjunction with and upon the basis of information provided in 21493  
conjunction with student assistance programs funded by agencies of 21494  
the United States government or from financial resources of the 21495  
institution of higher education. The institution shall certify 21496  
that the student applicant meets the requirements set forth in 21497  
divisions (A)(1)(b) and (c) of this section. Instructional grants 21498  
shall be provided to an eligible student only as long as the 21499  
student is making appropriate progress toward a nursing diploma or 21500  
an associate or bachelor's degree. No student shall be eligible to 21501  
receive a grant for more than ten semesters, fifteen quarters, or 21502  
the equivalent of five academic years. A grant made to an eligible 21503  
student on the basis of less than full-time enrollment shall be 21504  
based on the number of credit hours for which the student is 21505  
enrolled and shall be computed in accordance with a formula 21506  
adopted by the board. No student shall receive more than one grant 21507  
on the basis of less than full-time enrollment. 21508

An instructional grant shall not exceed the total 21509  
instructional and general charges of the institution. 21510

(C) The tables in this division prescribe the maximum grant 21511

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amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section. 21512  
21513  
21514  
21515

For a full-time student who is a dependent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table: 21516  
21517  
21518  
21519  
21520  
21521  
21522

~~Table of Grants~~ 21523

<del>Gross Income</del>	<del>Maximum Grant \$4,872</del>					21524
	<del>Number of Dependents</del>					
	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or more</del>	21526
<del>Under \$13,001</del>	<del>\$4,872</del>	<del>\$4,872</del>	<del>\$4,872</del>	<del>\$4,872</del>	<del>\$4,872</del>	21527
<del>\$13,001 — \$14,000</del>	<del>4,386</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	21528
<del>\$14,001 — \$15,000</del>	<del>3,888</del>	<del>4,386</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	21529
<del>\$15,001 — \$16,000</del>	<del>3,408</del>	<del>3,888</del>	<del>4,386</del>	<del>4,872</del>	<del>4,872</del>	21530
<del>\$16,001 — \$17,000</del>	<del>2,928</del>	<del>3,408</del>	<del>3,888</del>	<del>4,386</del>	<del>4,872</del>	21531
<del>\$17,001 — \$20,000</del>	<del>2,442</del>	<del>2,928</del>	<del>3,408</del>	<del>3,888</del>	<del>4,386</del>	21532
<del>\$20,001 — \$23,000</del>	<del>1,944</del>	<del>2,442</del>	<del>2,928</del>	<del>3,408</del>	<del>3,888</del>	21533
<del>\$23,001 — \$26,000</del>	<del>1,452</del>	<del>1,944</del>	<del>2,442</del>	<del>2,928</del>	<del>3,408</del>	21534
<del>\$26,001 — \$29,000</del>	<del>1,200</del>	<del>1,452</del>	<del>1,944</del>	<del>2,442</del>	<del>2,928</del>	21535
<del>\$29,001 — \$30,000</del>	<del>966</del>	<del>1,200</del>	<del>1,452</del>	<del>1,944</del>	<del>2,442</del>	21536
<del>\$30,001 — \$31,000</del>	<del>882</del>	<del>966</del>	<del>1,200</del>	<del>1,452</del>	<del>1,944</del>	21537
<del>\$31,001 — \$32,000</del>	<del>792</del>	<del>882</del>	<del>966</del>	<del>1,200</del>	<del>1,452</del>	21538
<del>\$32,001 — \$33,000</del>	<del>396</del>	<del>792</del>	<del>882</del>	<del>966</del>	<del>1,200</del>	21539
<del>\$33,001 — \$34,000</del>	<del>0</del>	<del>396</del>	<del>792</del>	<del>882</del>	<del>966</del>	21540
<del>\$34,001 — \$35,000</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	<del>882</del>	21541
<del>\$35,001 — \$36,000</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	21542

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\$36,001 — \$37,000	-0-	-0-	-0-	-0-	396	21543
Over \$37,000	-0-	-0-	-0-	-0-	-0-	21544

Private Institution 21545

Table of Grants 21546

Maximum Grant \$5,466 21547

Gross Income Number of Dependents 21548

	<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>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	21550
<u>\$15,001 - \$16,000</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	21551
<u>\$16,001 - \$17,000</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	<u>5,466</u>	21552
<u>\$17,001 - \$18,000</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	<u>5,466</u>	21553
<u>\$18,001 - \$19,000</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	<u>5,466</u>	21554
<u>\$19,001 - \$22,000</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	<u>4,920</u>	21555
<u>\$22,001 - \$25,000</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	<u>4,362</u>	21556
<u>\$25,001 - \$28,000</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	<u>3,828</u>	21557
<u>\$28,001 - \$31,000</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	<u>3,288</u>	21558
<u>\$31,001 - \$32,000</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	<u>2,736</u>	21559
<u>\$32,001 - \$33,000</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	<u>2,178</u>	21560
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	21561
<u>\$34,001 - \$35,000</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	21562
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	21563
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	21564
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	21565
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	21566

For a full-time student who is financially independent and 21567  
enrolled in a nonprofit educational institution that is not a 21568  
state-assisted institution and that has a certificate of 21569  
authorization issued pursuant to Chapter 1713. of the Revised 21570  
Code, the amount of the instructional grant for two semesters, 21571  
three quarters, or a comparable portion of the academic year shall 21572  
be determined in accordance with the following table: 21573

Table of Grants 21574

Substitute Version as Presented to the Senate Finance and Financial Institutions

	<del>Maximum Grant \$4,872</del>						21575
<del>Gross Income</del>	<del>Number of Dependents</del>						21576
	<del>0</del>	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or</del>	21577
						<del>more</del>	
<del>Under \$4,201</del>	<del>\$4,872</del>	<del>\$4,872</del>	<del>\$4,872</del>	<del>\$4,872</del>	<del>\$4,872</del>	<del>\$4,872</del>	21578
<del>\$4,201 -- \$4,800</del>	<del>4,386</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	21579
<del>\$4,801 -- \$5,300</del>	<del>3,888</del>	<del>4,386</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	21580
<del>\$5,301 -- \$5,800</del>	<del>3,408</del>	<del>3,888</del>	<del>4,386</del>	<del>4,872</del>	<del>4,872</del>	<del>4,872</del>	21581
<del>\$5,801 -- \$6,300</del>	<del>2,928</del>	<del>3,408</del>	<del>3,888</del>	<del>4,386</del>	<del>4,872</del>	<del>4,872</del>	21582
<del>\$6,301 -- \$6,800</del>	<del>2,442</del>	<del>2,928</del>	<del>3,408</del>	<del>3,888</del>	<del>4,386</del>	<del>4,872</del>	21583
<del>\$6,801 -- \$7,800</del>	<del>1,944</del>	<del>2,442</del>	<del>2,928</del>	<del>3,408</del>	<del>3,888</del>	<del>4,386</del>	21584
<del>\$7,801 -- \$8,800</del>	<del>1,452</del>	<del>1,944</del>	<del>2,442</del>	<del>2,928</del>	<del>3,408</del>	<del>3,888</del>	21585
<del>\$8,801 -- \$9,800</del>	<del>1,200</del>	<del>1,452</del>	<del>1,944</del>	<del>2,442</del>	<del>2,928</del>	<del>3,408</del>	21586
<del>\$9,801 -- \$11,300</del>	<del>966</del>	<del>1,200</del>	<del>1,452</del>	<del>1,944</del>	<del>2,442</del>	<del>2,928</del>	21587
<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>	21588
<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>	21589
<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>	21590
<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>	21591
<del>\$18,801 -- \$21,800</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	<del>882</del>	<del>966</del>	21592
<del>\$21,801 -- \$24,800</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	<del>882</del>	21593
<del>\$24,801 -- \$29,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>396</del>	<del>792</del>	21594
<del>\$29,501 -- \$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>396</del>	21595
<del>Over \$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	21596

Private Institution 21597

Table of Grants 21598

	<u>Maximum Grant \$5,466</u>						21599
<u>Gross Income</u>	<u>Number of Dependents</u>						21600
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	21601
						<u>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>	21602
<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>	21603
<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>	21604
<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>	21605



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<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>	21606
<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>	21607
<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>	21608
<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>	21609
<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>	21610
<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>	21611
<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>	21612
<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>	21613
<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>	21614
<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>	21615
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	21616
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	21617
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	21618
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	21619

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>							21626
<del>Maximum Grant \$4,128</del>							21627
<del>Gross Income</del>	<del>Number of Dependents</del>						21628
	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or more</del>		21629
<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>	<del>\$4,128</del>	21630
<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>	<del>4,128</del>	21631
<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>	<del>4,128</del>	21632
<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>	<del>4,128</del>	21633
<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>	<del>4,128</del>	21634
<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>	<del>3,726</del>	21635
<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>	<del>3,288</del>	21636
<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>	<del>2,874</del>	21637

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<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>	21638
<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>	21639
<del>\$30,001 - \$31,000</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	21640
<del>\$31,001 - \$32,000</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	21641
<del>\$32,001 - \$33,000</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	21642
<del>\$33,001 - \$34,000</del>	<del>-0-</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	21643
<del>\$34,001 - \$35,000</del>	<del>-0-</del>	<del>-0-</del>	<del>336</del>	<del>672</del>	<del>762</del>	21644
<del>\$35,001 - \$36,000</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>336</del>	<del>672</del>	21645
<del>\$36,001 - \$37,000</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>336</del>	21646
<del>Over \$37,000</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	21647

Proprietary Institution 21648

Table of Grants 21649

Maximum Grant \$4,632 21650

Gross Income Number of Dependents 21651

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	
<u>\$0 - \$15,000</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	21652
<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>	21653
<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>	21654
<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>	21655
<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>	21656
<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>	21657
<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>	21658
<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>	21659
<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>	21660
<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>	21661
<u>\$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	21662
<u>\$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	21663
<u>\$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	21664
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	21665
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	21666
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	21667
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	21668

Substitute Version as Presented to the Senate Finance and Financial Institutions

For a full-time student who is financially independent and enrolled in an educational institution that holds a certificate of registration from the state board of proprietary school registration, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

~~Table of Grants~~

~~Maximum Grant \$4,128~~

~~Gross Income~~

~~Number of Dependents~~

~~0            1            2            3            4            5 or more~~

<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>	<del>21680</del>
<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>	<del>21681</del>
<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>	<del>21682</del>
<del>\$5,301 -- \$5,800</del>	<del>2,874</del>	<del>3,288</del>	<del>3,726</del>	<del>4,128</del>	<del>4,128</del>	<del>4,128</del>	<del>21683</del>
<del>\$5,801 -- \$6,300</del>	<del>2,490</del>	<del>2,874</del>	<del>3,288</del>	<del>3,726</del>	<del>4,128</del>	<del>4,128</del>	<del>21684</del>
<del>\$6,301 -- \$6,800</del>	<del>2,046</del>	<del>2,490</del>	<del>2,874</del>	<del>3,288</del>	<del>3,726</del>	<del>4,128</del>	<del>21685</del>
<del>\$6,801 -- \$7,800</del>	<del>1,656</del>	<del>2,046</del>	<del>2,490</del>	<del>2,874</del>	<del>3,288</del>	<del>3,726</del>	<del>21686</del>
<del>\$7,801 -- \$8,800</del>	<del>1,266</del>	<del>1,656</del>	<del>2,046</del>	<del>2,490</del>	<del>2,874</del>	<del>3,288</del>	<del>21687</del>
<del>\$8,801 -- \$9,800</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	<del>2,046</del>	<del>2,490</del>	<del>2,874</del>	<del>21688</del>
<del>\$9,801 -- \$11,300</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	<del>2,046</del>	<del>2,490</del>	<del>21689</del>
<del>\$11,301 -- \$12,800</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	<del>2,046</del>	<del>21690</del>
<del>\$12,801 -- \$14,300</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	<del>21691</del>
<del>\$14,301 -- \$15,800</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>21692</del>
<del>\$15,801 -- \$18,800</del>	<del>0</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>21693</del>
<del>\$18,801 -- \$21,800</del>	<del>0</del>	<del>0</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>21694</del>
<del>\$21,801 -- \$24,800</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>21695</del>
<del>\$24,801 -- \$29,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>336</del>	<del>672</del>	<del>21696</del>
<del>\$29,501 -- \$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>336</del>	<del>21697</del>
<del>Over \$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>21698</del>

Proprietary Institution

Table of Grants

Maximum Grant \$4,632

Substitute Version as Presented to the Senate Finance and Financial Institutions

<u>Gross Income</u>	<u>Number of Dependents</u>						
	<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>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	21704
<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>	21705
<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>	21706
<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>	21707
<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>	21708
<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>	21709
<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>	21710
<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>	21711
<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>	21712
<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>	21713
<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>	21714
<u>\$13,301 - \$14,800</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	21715
<u>\$14,801 - \$16,300</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	21716
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	21717
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	21718
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	21719
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	21720
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	21721

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:

~~Maximum Grant \$1,956~~ 21727

~~Gross Income~~ ~~Number of Dependents~~ 21728

~~Table of Grants~~ 21729

	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or more</del>	
<del>Under \$13,001</del>	<del>\$1,956</del>	<del>\$1,956</del>	<del>\$1,956</del>	<del>\$1,956</del>	<del>\$1,956</del>	21731
<del>\$13,001 - \$14,000</del>	<del>1,764</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	21732

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<del>\$14,001 — \$15,000</del>	<del>1,554</del>	<del>1,764</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	21733
<del>\$15,001 — \$16,000</del>	<del>1,380</del>	<del>1,554</del>	<del>1,764</del>	<del>1,956</del>	<del>1,956</del>	21734
<del>\$16,001 — \$17,000</del>	<del>1,182</del>	<del>1,380</del>	<del>1,554</del>	<del>1,764</del>	<del>1,956</del>	21735
<del>\$17,001 — \$20,000</del>	<del>966</del>	<del>1,182</del>	<del>1,380</del>	<del>1,554</del>	<del>1,764</del>	21736
<del>\$20,001 — \$23,000</del>	<del>774</del>	<del>966</del>	<del>1,182</del>	<del>1,380</del>	<del>1,554</del>	21737
<del>\$23,001 — \$26,000</del>	<del>582</del>	<del>774</del>	<del>966</del>	<del>1,182</del>	<del>1,380</del>	21738
<del>\$26,001 — \$29,000</del>	<del>468</del>	<del>582</del>	<del>774</del>	<del>966</del>	<del>1,182</del>	21739
<del>\$29,001 — \$30,000</del>	<del>378</del>	<del>468</del>	<del>582</del>	<del>774</del>	<del>966</del>	21740
<del>\$30,001 — \$31,000</del>	<del>348</del>	<del>378</del>	<del>468</del>	<del>582</del>	<del>774</del>	21741
<del>\$31,001 — \$32,000</del>	<del>318</del>	<del>348</del>	<del>378</del>	<del>468</del>	<del>582</del>	21742
<del>\$32,001 — \$33,000</del>	<del>162</del>	<del>318</del>	<del>348</del>	<del>378</del>	<del>468</del>	21743
<del>\$33,001 — \$34,000</del>	<del>—</del>	<del>162</del>	<del>318</del>	<del>348</del>	<del>378</del>	21744
<del>\$34,001 — \$35,000</del>	<del>—</del>	<del>—</del>	<del>162</del>	<del>318</del>	<del>348</del>	21745
<del>\$35,001 — \$36,000</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>162</del>	<del>318</del>	21746
<del>\$36,001 — \$37,000</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>162</del>	21747
<del>Over \$37,000</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	<del>—</del>	21748

Public Institution

21749

Table of Grants

21750

Maximum Grant \$2,190

21751

Gross Income

Number of Dependents

21752

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or 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>	21753
<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>	21754
<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>	21755
<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>	21756
<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>	21757
<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>	21758
<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>	21759
<u>\$25,001 - \$28,000</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	21760
<u>\$28,001 - \$31,000</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	21761
<u>\$31,001 - \$32,000</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	21762
<u>\$32,001 - \$33,000</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	21763

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<u>\$33,001 - \$34,000</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	21765
<u>\$34,001 - \$35,000</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	21766
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	21767
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	21768
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	21769
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	21770

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

~~Table of Grants~~

<del>Gross Income</del>	<del>Maximum Grant \$1,956</del>						21777
	<del>Number of Dependents</del>						
	<del>0</del>	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or more</del>	21778
<del>Under \$4,201</del>	<del>\$1,956</del>	<del>\$1,956</del>	<del>\$1,956</del>	<del>\$1,956</del>	<del>\$1,956</del>	<del>\$1,956</del>	21779
<del>4,201 -- \$4,800</del>	<del>1,764</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	21780
<del>\$4,801 -- \$5,300</del>	<del>1,554</del>	<del>1,764</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	21781
<del>\$5,301 -- \$5,800</del>	<del>1,380</del>	<del>1,554</del>	<del>1,764</del>	<del>1,956</del>	<del>1,956</del>	<del>1,956</del>	21782
<del>\$5,801 -- \$6,300</del>	<del>1,182</del>	<del>1,380</del>	<del>1,554</del>	<del>1,764</del>	<del>1,956</del>	<del>1,956</del>	21783
<del>\$6,301 -- \$6,800</del>	<del>966</del>	<del>1,182</del>	<del>1,380</del>	<del>1,554</del>	<del>1,764</del>	<del>1,956</del>	21784
<del>\$6,801 -- \$7,800</del>	<del>774</del>	<del>966</del>	<del>1,182</del>	<del>1,380</del>	<del>1,554</del>	<del>1,764</del>	21785
<del>\$7,801 -- \$8,800</del>	<del>582</del>	<del>774</del>	<del>966</del>	<del>1,182</del>	<del>1,380</del>	<del>1,554</del>	21786
<del>\$8,801 -- \$9,800</del>	<del>468</del>	<del>582</del>	<del>774</del>	<del>966</del>	<del>1,182</del>	<del>1,380</del>	21787
<del>\$9,801 -- \$11,300</del>	<del>378</del>	<del>468</del>	<del>582</del>	<del>774</del>	<del>966</del>	<del>1,182</del>	21788
<del>\$11,301 -- \$12,800</del>	<del>348</del>	<del>378</del>	<del>468</del>	<del>582</del>	<del>774</del>	<del>966</del>	21789
<del>\$12,801 -- \$14,300</del>	<del>318</del>	<del>348</del>	<del>378</del>	<del>468</del>	<del>582</del>	<del>774</del>	21790
<del>\$14,301 -- \$15,800</del>	<del>162</del>	<del>318</del>	<del>348</del>	<del>378</del>	<del>468</del>	<del>582</del>	21791
<del>\$15,801 -- \$18,800</del>	<del>0</del>	<del>162</del>	<del>318</del>	<del>348</del>	<del>378</del>	<del>468</del>	21792
<del>\$18,801 -- \$21,800</del>	<del>0</del>	<del>0</del>	<del>162</del>	<del>318</del>	<del>348</del>	<del>378</del>	21793
<del>\$21,801 -- \$24,800</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>162</del>	<del>318</del>	<del>348</del>	21794
<del>\$24,801 -- \$29,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>162</del>	<del>318</del>	21795

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<del>\$29,501 - \$34,500</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	162	21797
<del>Over \$34,500</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	<del>-0-</del>	21798
	<u>Public Institution</u>							21799
	<u>Table of Grants</u>							21800
	<u>Maximum Grant \$2,190</u>							21801
<u>Gross Income</u>	<u>Number of Dependents</u>							21802
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>		21803
						<u>more</u>		
<u>\$0 - \$4,800</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>		21804
<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>		21805
<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>		21806
<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>		21807
<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>		21808
<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>		21809
<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>		21810
<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>		21811
<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>		21812
<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>		21813
<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>		21814
<u>\$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>		21815
<u>\$14,801 - \$16,300</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>		21816
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>		21817
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>		21818
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>		21819
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>		21820
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>		21821

(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.

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The maximum grant for a third semester shall be one-half of the	21829
maximum amount prescribed under that division.	21830
(E) No grant shall be made to any student in a course of	21831
study in theology, religion, or other field of preparation for a	21832
religious profession unless such course of study leads to an	21833
accredited bachelor of arts, bachelor of science, associate of	21834
arts, or associate of science degree.	21835
(F)(1) Except as provided in division (F)(2) of this section,	21836
no grant shall be made to any student for enrollment during a	21837
fiscal year in an institution with a cohort default rate	21838
determined by the United States secretary of education pursuant to	21839
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408,	21840
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June	21841
preceding the fiscal year, equal to or greater than thirty per	21842
cent for each of the preceding two fiscal years.	21843
(2) Division (F)(1) of this section does not apply to the	21844
following:	21845
(a) Any student enrolled in an institution that under the	21846
federal law appeals its loss of eligibility for federal financial	21847
aid and the United States secretary of education determines its	21848
cohort default rate after recalculation is lower than the rate	21849
specified in division (F)(1) of this section or the secretary	21850
determines due to mitigating circumstances the institution may	21851
continue to participate in federal financial aid programs. The	21852
board shall adopt rules requiring institutions to provide	21853
information regarding an appeal to the board.	21854
(b) Any student who has previously received a grant under	21855
this section who meets all other requirements of this section.	21856
(3) The board shall adopt rules for the notification of all	21857
institutions whose students will be ineligible to participate in	21858
the grant program pursuant to division (F)(1) of this section.	21859



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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.

(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  
 thirty-day period. The board shall immediately notify the office  
 of budget and management and the legislative budget office of the  
 legislative service commission of all refunds so received.

**Sec. 3333.13.** (A) Money appropriated to ~~state supported and~~  
~~state assisted institutions of higher education and~~ to the Ohio  
 board of regents for the purposes of this division shall be paid  
 at the times and in the amounts necessary to meet all payments  
 required to be made ~~by such institutions and~~ by the board to the  
 Ohio public facilities commission ~~or treasurer of state~~ pursuant  
 to leases or agreements made ~~by them~~ under division (B) of section  
 154.21 of the Revised Code, as certified under division (C) of  
 this section, including supplements to such certifications.

(B) ~~Each such institution of higher education and the~~ The  
 board shall include in its estimate of proposed expenses submitted  
 pursuant to section 126.02 of the Revised Code the estimated  
 amounts of all such payments to be made by it. The board shall  
 include the estimated amounts of all such payments to be made ~~by~~  
~~each such institution and of such payments to be made~~ by it in

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recommendations for appropriation required by division (J) of 21891  
 section 3333.04 of the Revised Code. The director of budget and 21892  
 management shall include in the state budget estimates provided 21893  
 for in section 126.02 of the Revised Code the estimated amount of 21894  
 all such payments to be made during the next biennium, and this 21895  
 amount shall be included in the state budget to be submitted by 21896  
 the governor to the general assembly pursuant to section 107.03 of 21897  
 the Revised Code. 21898

(C) On the first day of July of each year, or as soon 21899  
 thereafter as is practicable, the chancellor or a vice-chancellor 21900  
 of the board shall certify to the director the payments contracted 21901  
 to be made, during the period of the then current appropriations 21902  
 made for the purposes of division (A) of this section, to the 21903  
~~commission or treasurer of state by each state supported and state~~ 21904  
~~assisted institution of higher education and~~ by the board pursuant 21905  
 to leases and agreements made under division (B) of section 154.21 21906  
 of the Revised Code. The certification shall state the amounts and 21907  
 dates of payment required therefor ~~as to each such institution of~~ 21908  
~~higher education and the board,~~ and the amounts to be credited 21909  
 pursuant to such leases and agreements to the higher education 21910  
 bond service trust fund and other special funds established 21911  
 pursuant to Chapter 154. of the Revised Code. If the director 21912  
 finds such certification to be correct, the director shall 21913  
 promptly add the director's certification thereto and submit it to 21914  
 the treasurer of state. Such annual certification shall be 21915  
 supplemented in similar manner upon the execution of each new 21916  
 lease or agreement, any supplement to an existing lease or 21917  
 agreement, or any amendment thereof, affecting the amounts of 21918  
 those payments. 21919

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of the 21920  
 Revised Code, "term" and "academic year" mean "term" and "academic 21921  
 year" as defined by the Ohio board of regents. 21922

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The board shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a 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

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report to the governor and the general assembly on the performance 21955  
of current Ohio academic scholars and the effectiveness of its 21956  
formula. 21957

**Sec. 3333.22.** Each Ohio academic scholarship shall be awarded 21958  
for an academic year and may be renewed for each of three 21959  
additional academic years. The scholarship amount awarded to a 21960  
scholar for an academic year shall be not less than two thousand 21961  
dollars. A scholarship shall be renewed if the scholar maintains 21962  
an academic record satisfactory to the Ohio board of regents and 21963  
meets any of the following conditions: 21964

(A) The scholar is enrolled as a full-time undergraduate; 21965

(B) The scholar was awarded an undergraduate degree in less 21966  
than four academic years and is enrolled as a full-time graduate 21967  
or professional student in an Ohio institution of higher education 21968  
that meets the requirements of Title VI of the "Civil Rights Act 21969  
of 1964" and is state-assisted or is nonprofit and holds a 21970  
certificate of authorization issued under section 1713.02 of the 21971  
Revised Code; 21972

(C) The scholar is a full-time student concurrently enrolled 21973  
as an undergraduate student and as a graduate or professional 21974  
student in an Ohio institution of higher education that meets the 21975  
requirements of division (B) of this section. 21976

Each amount awarded shall be paid in equal installments to 21977  
the scholar at the time of enrollment for each term of the 21978  
academic year for which the scholarship is awarded or renewed. No 21979  
scholar is eligible to receive an Ohio academic scholarship for 21980  
more than the equivalent of four academic years. 21981

If an Ohio academic scholar is temporarily unable to attend 21982  
school because of illness or other cause satisfactory to the 21983  
board, the board may grant a leave of absence for a designated 21984

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period of time. If a scholar discontinues full-time attendance at 21985  
the scholar's school during a term because of illness or other 21986  
cause satisfactory to the board, the scholar may either claim a 21987  
prorated payment for the period of actual attendance or waive 21988  
payment for that term. A term for which prorated payment is made 21989  
shall be considered a full term for which a scholarship was 21990  
received. A term for which payment is waived shall not be 21991  
considered a term for which a scholarship was received. 21992

Receipt of an Ohio academic scholarship shall not affect a 21993  
scholar's eligibility for the Ohio instructional grant program. 21994

**Sec. 3345.19.** In the exercise of their respective powers of 21995  
government conferred by Chapter 3345. of the Revised Code and 21996  
other pertinent provisions of law, the boards of trustees of 21997  
Bowling Green state university, Kent state university, Miami 21998  
university, Ohio university, and the Ohio state university shall 21999  
observe the following enrollment limitations insofar as the autumn 22000  
quarter enrollment or any other quarter enrollment on a full-time 22001  
equivalent basis as defined by the Ohio board of regents is 22002  
concerned: 22003

Bowling Green central campus	<del>16,000</del> <u>17,000</u>	22004
Kent central campus	<del>21,000</del> <u>22,000</u>	22005
Miami central campus	<del>16,000</del> <u>17,000</u>	22006
Ohio university central campus	<del>21,000</del> <u>22,000</u>	22007
The Ohio state central campus	<del>41,000</del> <u>42,000</u>	22008

Campus student housing facilities shall only be authorized by 22009  
boards of trustees within these limitations, ~~and no contracts for~~ 22010  
~~construction of new residence hall facilities shall be entered~~ 22011  
~~into after October 1, 1969, without the prior approval by the Ohio~~ 22012  
~~board of regents.~~ 22013

**Sec. 3353.07.** The On and after the effective date of this 22014

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amendment, the Ohio educational telecommunications network 22015  
~~commission shall not charge or collect broadcasting fees from~~ 22016  
operate the Ohio government telecommunications of system that was 22017  
operated by the capitol square review and advisory board prior to 22018  
the effective date of this amendment. 22019

Sec. 3353.11. There is hereby created in the state treasury 22020  
the governmental television/telecommunications operating fund. The 22021  
fund shall consist of money received from contract productions of 22022  
the Ohio government telecommunications studio and shall be used 22023  
for operations or equipment breakdowns related to the studio. All 22024  
investment earnings on the fund shall be credited to the fund. 22025

**Sec. 3383.01.** As used in this chapter: 22026

(A) "Arts" means any of the following: 22027

(1) Visual, musical, dramatic, graphic, and other arts ~~and~~ 22028  
~~includes, including, but is not limited to, architecture, dance,~~ 22029  
literature, motion pictures, music, painting, photography, 22030  
sculpture, and theater; 22031

(2) The presentation or making available, in museums or other 22032  
indoor or outdoor facilities, of principles of science and their 22033  
development, use, or application in business, industry, or 22034  
commerce or of the history, heritage, development, presentation, 22035  
and uses of the arts ~~as defined above~~ described in division (A)(1) 22036  
of this section and of transportation; 22037

(3) The preservation, presentation, or making available of 22038  
features of archaeological, architectural, environmental, or 22039  
historical interest or significance in a state historical facility 22040  
or a local historical facility. 22041

(B) "Arts organization" means either of the following: 22042

(1) A governmental agency or Ohio nonprofit corporation that 22043

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provides programs or activities in areas directly concerned with the arts;

(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code.

(C) "Arts project" means all or any portion of an Ohio arts facility for which the general assembly has specifically authorized the spending of money, or made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code.

(D) "Cooperative contract" means a contract between the Ohio arts and sports facilities commission and an arts organization providing the terms and conditions of the cooperative use of an Ohio arts facility.

(E) "Costs of operation" means amounts required to manage an Ohio arts facility that are incurred following the completion of construction of its arts project, provided that both of the following apply:

- (1) Those amounts either:
(a) Have been committed to a fund dedicated to that purpose;
(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the arts organization have executed an agreement with respect to either of those funds.

(F) "General building services" means general building services for an Ohio arts facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

(G) "Governmental agency" means a state agency, a

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state-supported or state-assisted institution of higher education, 22074  
 a municipal corporation, county, township, or school district, a 22075  
 port authority created under Chapter 4582. of the Revised Code, 22076  
 any other political subdivision or special district in this state 22077  
 established by or pursuant to law, or any combination of these 22078  
 entities; except where otherwise indicated, the United States or 22079  
 any department, division, or agency of the United States, or any 22080  
 agency, commission, or authority established pursuant to an 22081  
 interstate compact or agreement. 22082

~~(G)~~(H) "Local contributions" means the value of an asset 22083  
 provided by or on behalf of an arts organization from sources 22084  
 other than the state, the value and nature of which shall be 22085  
 approved by the Ohio arts and sports facilities commission, in its 22086  
 sole discretion. "Local contributions" may include the value of 22087  
 the site where an arts project is to be constructed. All "local 22088  
 contributions," except a contribution attributable to such a site, 22089  
 shall be for the costs of construction of an arts project or the 22090  
 costs of operation of an arts facility. 22091

~~(H)~~(I) "Local historical facility" means a site or facility, 22092  
 other than a state historical facility, of archaeological, 22093  
 architectural, environmental, or historical interest or 22094  
 significance, or a facility, including a storage facility, 22095  
 appurtenant to the operations of such a site or facility, that is 22096  
 owned by an arts organization, provided the facility meets the 22097  
 requirements of division ~~(J)~~(K)(2)(b) of this section, is managed 22098  
 by or pursuant to a contract with the Ohio arts and sports 22099  
 facilities commission, and is used for or in connection with the 22100  
 activities of the commission, including the presentation or making 22101  
 available of arts to the public. 22102

~~(I)~~(J) "Manage," "operate," or "management" means the 22103  
 provision of, or the exercise of control over the provision of, 22104  
 activities: 22105



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(1) Relating to the arts for an Ohio arts facility, including 22106  
 as applicable, but not limited to, providing for displays, 22107  
 exhibitions, specimens, and models; booking of artists, 22108  
 performances, or presentations; scheduling; and hiring or 22109  
 contracting for directors, curators, technical and scientific 22110  
 staff, ushers, stage managers, and others directly related to the 22111  
 arts activities in the facility; but not including general 22112  
 building services; 22113

(2) Relating to sports and athletic events for an Ohio sports 22114  
 facility, including as applicable, but not limited to, providing 22115  
 for booking of athletes, teams, and events; scheduling; and hiring 22116  
 or contracting for staff, ushers, managers, and others directly 22117  
 related to the sports and athletic events in the facility; but not 22118  
 including general building services. 22119

~~(J)~~(K) "Ohio arts facility" means any of the following: 22120

(1) The three theaters located in the state office tower at 22121  
 77 South High street in Columbus; 22122

(2) Any capital facility in this state to which ~~all~~ both of 22123  
 the following apply: 22124

(a) The construction of an arts project related to the 22125  
 facility was authorized or funded by the general assembly pursuant 22126  
 to division (D)(3) of section 3383.07 of the Revised Code and 22127  
proceeds of state bonds are used for costs of the arts project. 22128

~~(b) The state owns or has sufficient real property interests 22129  
 in the facility or in the portion of the facility financed from 22130  
 the proceeds of obligations or in the site of the facility for a 22131  
 period of no less than the greater of the useful life of the 22132  
 portion of the facility financed from the proceeds of those 22133  
 obligations as determined by the director of budget and management 22134  
 using the guidelines for maximum maturities as provided under 22135  
 divisions (B), (C), and (E) of section 133.20 of the Revised Code, 22136~~

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~~or the period of time remaining to the date of payment or~~ 22137  
~~provision for payment of outstanding obligations issued by the~~ 22138  
~~Ohio building authority allocable to costs of that portion of the~~ 22139  
~~facility, as determined by the director of budget and management,~~ 22140  
~~in either case as certified to the Ohio arts and sports facilities~~ 22141  
~~commission and the Ohio building authority.~~ 22142

~~(e)~~ The facility is managed directly by, or by is subject to 22143  
a cooperative or management contract with, the Ohio arts and 22144  
sports facilities commission, and is used for or in connection 22145  
with the activities of the commission, including the presentation 22146  
or making available of arts to the public. A cooperative or 22147  
management contract shall be for a term not less than the time 22148  
remaining to the date of payment or provision for payment of any 22149  
state bonds issued to pay the costs of the arts project, as 22150  
determined by the director of budget and management and certified 22151  
by the director to the Ohio arts and sports facilities commission 22152  
and to the Ohio building authority. 22153

(3) A state historical facility or a local historical 22154  
facility. 22155

~~(K)~~(L) "State agency" means the state or any of its branches, 22156  
officers, boards, commissions, authorities, departments, 22157  
divisions, or other units or agencies. 22158

~~(I)~~(M) "Construction" includes acquisition, including 22159  
acquisition by lease-purchase, demolition, reconstruction, 22160  
alteration, renovation, remodeling, enlargement, improvement, site 22161  
improvements, and related equipping and furnishing. 22162

~~(M)~~(N) "State historical facility" means a site or facility 22163  
of archaeological, architectural, environmental, or historical 22164  
interest or significance, or a facility, including a storage 22165  
facility, appurtenant to the operations of such a site or 22166  
facility, that is owned by or is located on real property owned by 22167  
the state or by an arts organization, so long as the real property 22168

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of the arts organization ~~meets the requirements of division~~ 22169  
~~(J)(2)(b) of this section and~~ is contiguous to state-owned real 22170  
property that is in the care, custody, and control of an arts 22171  
organization, and that is managed directly by or ~~by~~ is subject to 22172  
a cooperative or management contract with the Ohio arts and sports 22173  
facilities commission, ~~and that~~ is used for or in connection with 22174  
the activities of the commission, including the presentation or 22175  
making available of arts to the public. 22176

~~(N)(O)~~ "Ohio sports facility" means all or a portion of a 22177  
stadium, arena, or other capital facility in ~~Ohio~~ this state, a 22178  
primary purpose of which is to provide a site or venue for the 22179  
presentation to the public of events of one or more major or minor 22180  
league professional athletic or sports teams that are associated 22181  
with the state or with a city or region of the state, which 22182  
facility is owned by or is located on real property owned by the 22183  
state or a governmental agency, and including all parking 22184  
facilities, walkways, and other auxiliary facilities, equipment, 22185  
furnishings, and real and personal property and interests and 22186  
rights therein, that may be appropriate for or used for or in 22187  
connection with the facility or its operation, for capital costs 22188  
of which state funds are spent pursuant to this chapter. A 22189  
facility constructed as an Ohio sports facility may be both an 22190  
Ohio arts facility and an Ohio sports facility. 22191

**Sec. 3383.02.** (A) There is hereby created the Ohio arts and 22192  
sports facilities commission. Notwithstanding any provision to the 22193  
contrary contained in Chapter 152. of the Revised Code, the 22194  
commission shall engage in and provide for the development, 22195  
performance, and presentation or making available of the arts and 22196  
professional sports and athletics to the public in this state by 22197  
the exercise of its powers under this chapter, including the 22198  
provision, operation, ~~and~~ management, and cooperative use of Ohio 22199  
arts facilities and Ohio sports facilities. The commission is a 22200

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body corporate and politic, an agency of state government and an 22201  
 instrumentality of the state, performing essential governmental 22202  
 functions of this state. The carrying out of the purposes and the 22203  
 exercise by the commission of its powers conferred by this chapter 22204  
 are essential public functions and public purposes of the state 22205  
 and of state government. The commission may, in its own name, sue 22206  
 and be sued, enter into contracts, and perform all the powers and 22207  
 duties given to it by this chapter but it does not have and shall 22208  
 not exercise the power of eminent domain. 22209

(B) The commission shall consist of ~~eight~~ ten members, ~~five~~ 22210  
~~seven~~ of whom shall be voting members and three of whom shall be 22211  
 nonvoting members. The ~~five~~ seven voting members shall be 22212  
 appointed by the governor, with the advice and consent of the 22213  
 senate, from different geographical regions of the state. In 22214  
addition, one of the voting members shall represent the state 22215  
architect. Not more than ~~three~~ four of the members appointed by 22216  
 the governor shall be affiliated with the same political party. 22217  
 The nonvoting members shall be the staff director of the Ohio arts 22218  
 council, a member of the senate appointed by the president of the 22219  
 senate, and a member of the house of representatives appointed by 22220  
 the speaker of the house. 22221

(C) Of the five initial appointments made by the governor, 22222  
 one shall be for a term expiring December 31, 1989, two shall be 22223  
 for terms expiring December 31, 1990, and two shall be for terms 22224  
 expiring December 31, 1991. Of the initial appointments of the 22225  
sixth and seventh voting members appointed by the governor as a 22226  
result of this amendment, one shall be for a term expiring 22227  
December 31, 2003, and one shall be for a term expiring December 22228  
31, 2004. Thereafter, each such term shall be for three years, 22229  
 commencing on the first day of January and ending on the 22230  
 thirty-first day of December. Each appointment by the president of 22231  
 the senate and by the speaker of the house of representatives 22232

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shall be for the balance of the then legislative biennium. Each 22233  
 member shall hold office from the date of the member's appointment 22234  
 until the end of the term for which the member was appointed. Any 22235  
 member appointed to fill a vacancy occurring prior to the 22236  
 expiration of the term for which the member's predecessor was 22237  
 appointed shall hold office for the remainder of such term. Any 22238  
 member shall continue in office subsequent to the expiration date 22239  
 of the member's term until the member's successor takes office, or 22240  
 until a period of sixty days has elapsed, whichever occurs first. 22241

(D) Members of the commission shall serve without 22242  
 compensation. 22243

~~(E) After each initial member of the commission has been 22244  
 appointed, the commission shall meet and organize by electing one 22245  
 of its voting members as chairperson and other voting members as 22246  
 vice-chairperson and secretary-treasurer, who shall hold their 22247  
 offices until the next organizational meeting of the commission. 22248  
 Organizational meetings of the commission shall be held at the 22249  
 first meeting of each calendar year. At each organizational 22250  
 meeting, the commission shall elect from among its voting members 22251  
 a chairperson, a vice-chairperson, and a secretary-treasurer, who 22252  
 shall serve until the next annual meeting. The commission shall 22253  
 adopt rules pursuant to section 111.15 of the Revised Code for the 22254  
 conduct of its internal business and shall keep a journal of its 22255  
 proceedings. 22256~~

(F) ~~Three~~ Four voting members of the commission constitute a 22257  
 quorum, and the affirmative vote of ~~three~~ four members is 22258  
 necessary for approval of any action taken by the commission. A 22259  
 vacancy in the membership of the commission does not impair a 22260  
 quorum from exercising all the rights and performing all the 22261  
 duties of the commission. Meetings of the commission may be held 22262  
 anywhere in the state, and shall be held in compliance with 22263  
 section 121.22 of the Revised Code. 22264

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(G) All expenses incurred in carrying out this chapter are 22265  
 payable solely from money accrued under this chapter or 22266  
 appropriated for these purposes by the general assembly, and the 22267  
 commission shall incur no liability or obligation beyond such 22268  
 money. 22269

(H) The commission shall file an annual report of its 22270  
 activities and finances with the governor, director of budget and 22271  
 management, speaker of the house of representatives, president of 22272  
 the senate, and chairpersons of the house and senate finance 22273  
 committees. 22274

(I) There is hereby established in the state treasury the 22275  
 Ohio arts and sports facilities commission administration fund. 22276  
 All revenues of the commission shall be credited to that fund and 22277  
 to any accounts created in the fund with the commission's 22278  
 approval. All expenses of the commission, including reimbursement 22279  
 of, or payment to, any other fund or any governmental agency for 22280  
 advances made or services rendered to or on behalf of the 22281  
 commission, shall be paid from the Ohio arts and sports facilities 22282  
 commission administration fund as determined by or pursuant to 22283  
 directions of the commission. All investment earnings of the 22284  
 administration fund shall be credited to the fund and shall be 22285  
 allocated among any accounts created in the fund in the manner 22286  
 determined by the commission. 22287

(J) Title to all real property and lesser interests in real 22288  
 property acquired by the commission, including leasehold and other 22289  
 interests, pursuant to this chapter shall be taken in the name of 22290  
 the state and shall be held for the use and benefit of the 22291  
 commission. The commission shall not mortgage such real property 22292  
 and interests in real property. Title to other property and 22293  
 interests in it acquired by the commission pursuant to this 22294  
 chapter shall be taken in its name. 22295

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Sec. 3383.04. The Ohio arts and sports facilities commission 22296  
may: 22297

(A) Employ and fix the compensation of an executive director 22298  
and such other employees as will facilitate the activities and 22299  
purposes of the commission. Any executive director shall serve at 22300  
the pleasure of the commission and may serve part-time. Other 22301  
employees shall be employed by and serve at the pleasure of the 22302  
commission or the executive director, as determined by the 22303  
commission. 22304

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 22305  
the Revised Code, rules for the management and operation of Ohio 22306  
arts facilities and Ohio sports facilities and for the exercise of 22307  
all of the commission's rights with respect to those facilities; 22308

(C) Own, construct or provide for the construction of, lease, 22309  
equip, furnish, administer, and manage or provide for the 22310  
operation and management of, and cooperate in the use of, Ohio 22311  
arts facilities and Ohio sports facilities; 22312

(D) Dispose of, whether by sale, lease, lease-purchase, 22313  
sublease, re-lease, or otherwise, real and personal property, and 22314  
lesser interests in it, held or owned by the state for the use and 22315  
benefit of the commission or held or owned by the commission, if 22316  
not needed for the commission's purposes, upon such terms as the 22317  
commission determines, subject to approval by the governor in the 22318  
case of real property and interests in it; 22319

(E) Grant such easements and other interests in real or 22320  
personal property of the commission as will not interfere with the 22321  
use of the property as an Ohio arts facility or an Ohio sports 22322  
facility; 22323

(F) Fix, alter, and collect rentals and other charges for the 22324  
use or availability for use of Ohio arts facilities or an Ohio 22325

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sports facility, as determined solely by the commission, for the 22326  
 purpose of providing for all or a portion of the costs and 22327  
 expenses of the commission, and the costs to be paid by the 22328  
 commission of leasing, constructing, equipping, repairing, 22329  
 maintaining, administering, ~~and~~ managing, and cooperating in the 22330  
use of Ohio arts facilities, including rentals to be paid by the 22331  
 commission for any Ohio arts facilities or for any Ohio sports 22332  
 facility; 22333

(G) Lease, sublease, cooperate in the use of, or otherwise 22334  
 make available to an arts organization, Ohio arts facilities, and 22335  
 to any governmental agency or nonprofit corporation, Ohio sports 22336  
 facilities, including real and personal property, or any interests 22337  
 in it, to carry out the purposes of this chapter; 22338

(H) Contract with, retain the services of, or designate, and 22339  
 fix the compensation of, such agents, accountants, attorneys, 22340  
 consultants, advisers, and other independent contractors as may be 22341  
 necessary or desirable to carry out the purposes of this chapter; 22342

(I) Procure insurance against loss to the commission by 22343  
 reason of damages to or nonusability of its property resulting 22344  
 from fire, theft, accident, or other casualties, or by reason of 22345  
 its liability for any damages to persons or property, including 22346  
 but not limited to, general liability insurance, business 22347  
 interruption insurance, liability insurance for members, officers, 22348  
 and employees, and copyright liability insurance; 22349

(J) Receive and accept gifts, grants, devises, bequests, 22350  
 loans, and any other financial or other form of aid or assistance 22351  
 from any governmental agency or other person and enter into any 22352  
 contract or agreement with any such agency or other person in 22353  
 connection therewith, and receive and accept aid or contributions 22354  
 from any other source of money, real or personal property, labor, 22355  
 or other things of value, to be held, used, and applied only for 22356  
 the purposes for which the aid and contributions are made and 22357



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according to their terms and conditions, all within the purposes	22358
of this chapter;	22359
(K) Make and enter into all contracts, commitments, and	22360
agreements, and execute all instruments, necessary or incidental	22361
to the performance of its duties and the execution of its rights	22362
and powers under this chapter;	22363
(L) Do anything necessary or appropriate to carry out the	22364
purposes of and exercise the powers granted in this chapter;	22365
(M) Contract with any governmental agency or nonprofit	22366
corporation to provide or cause to be provided services, including	22367
general building services, in, to, or for an Ohio arts facility or	22368
any Ohio sports facility, or with an arts organization for the	22369
management of an Ohio arts facility, or with a governmental agency	22370
or nonprofit corporation for the management of an Ohio sports	22371
facility, all in furtherance of the state function, and make	22372
contracts pursuant to divisions (A) and (B) of section 3383.07 of	22373
the Revised Code, except that nothing in this chapter limits the	22374
exercise of the care, custody, control, and management of those	22375
state historical facilities specified in section 149.30 of the	22376
Revised Code.	22377
<b>Sec. 3383.07.</b> (A) The department of administrative services	22378
shall provide for the construction of an arts project in	22379
conformity with Chapter 153. of the Revised Code, except as	22380
follows:	22381
(1) For an arts project that has an estimated construction	22382
cost, excluding the cost of acquisition, of twenty-five million	22383
dollars or more, and that is financed by the Ohio building	22384
authority, construction services may be provided by the authority	22385
if the authority determines it should provide those services.	22386
(2) For an arts project other than a state historical	22387

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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.

(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 any actions taken under it, are not subject to Chapter 123., 153., or 4115. of the Revised Code.

(B) For an Ohio sports facility that is financed in part by the Ohio building authority, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility, all as determined by the Ohio arts and sports facilities commission. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in an agreement between the commission and the governmental agency or nonprofit corporation, ~~and the~~ That agreement, and any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code,

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except for sections 123.151 and 153.011 of the Revised Code, and 22420  
shall be subject to Chapter 4115. of the Revised Code. 22421

(C) General building services for an Ohio arts facility shall 22422  
be provided by ~~the department of administrative services in~~ 22423  
~~conformity with Chapter 123. of the Revised Code, except that the~~ 22424  
~~Ohio building authority may elect to provide such services for~~ 22425  
~~Ohio arts facilities it financed and such services may be provided~~ 22426  
by the Ohio arts and sports facilities commission or by an arts 22427  
organization that occupies, will occupy, or is responsible for the 22428  
facility, as determined by the commission, except that the Ohio 22429  
building authority may elect to provide those services for Ohio 22430  
arts facilities financed with proceeds of state bonds issued by 22431  
the authority. The costs of management and general building 22432  
services shall be paid by the arts organization that occupies, 22433  
will occupy, or is responsible for the facility as provided in an 22434  
agreement between the commission and the arts organization, except 22435  
that the state may pay for general building services for 22436  
state-owned arts facilities constructed on state-owned land. 22437

~~General~~ 22438

General building services for an Ohio sports facility shall 22439  
be provided by or at the direction of the governmental agency or 22440  
nonprofit corporation that will be responsible for the management 22441  
of the facility, all as determined by the commission. Any general 22442  
building services to be provided by a governmental agency or 22443  
nonprofit corporation for an Ohio sports facility shall be 22444  
specified in an agreement between the commission and the 22445  
governmental agency or nonprofit corporation, ~~and that. That~~ 22446  
agreement, and any actions taken under it, are not subject to 22447  
Chapter 123. or 153. of the Revised Code, except for sections 22448  
123.151 and 153.011 of the Revised Code, and shall be subject to 22449  
Chapter 4115. of the Revised Code. 22450

(D) This division does not apply to a state historical 22451

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facility. No state funds, including any state bond proceeds, shall 22452  
be spent on the construction of any arts project under this 22453  
chapter unless, with respect to the arts project and to the Ohio 22454  
arts facility related to the project, all of the following apply: 22455

(1) The Ohio arts and sports facilities commission has 22456  
determined that there is a need for the arts project and the Ohio 22457  
arts facility related to the project in the region of the state 22458  
for in which the Ohio arts facility is located or for which the 22459  
facility is proposed to be located. 22460

(2) The commission has determined that, as an indication of 22461  
substantial regional support for the arts project, the arts 22462  
organization has made provision satisfactory to the commission, in 22463  
its sole discretion, for local contributions amounting to not less 22464  
than fifty per cent of the total state funding for the arts 22465  
project. 22466

(3) The general assembly has specifically authorized the 22467  
spending of money on, or made an appropriation for, the 22468  
construction of the arts project, or for rental payments relating 22469  
to the financing of the construction of the arts project. 22470  
Authorization to spend money, or an appropriation, for planning 22471  
the arts project does not constitute authorization to spend money 22472  
on, or an appropriation for, construction of the arts project. 22473

(E) No state funds, including any state bond proceeds, shall 22474  
be spent on the construction of any state historical facility 22475  
under this chapter unless the general assembly has specifically 22476  
authorized the spending of money on, or made an appropriation for, 22477  
the construction of the arts project related to the facility, or 22478  
for rental payments relating to the financing of the construction 22479  
of the arts project. Authorization to spend money, or an 22480  
appropriation, for planning the arts project does not constitute 22481  
authorization to spend money on, or an appropriation for, the 22482  
construction of the arts project. 22483

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(F) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio arts and sports facilities commission has determined that there is a need for the facility in the region of the state for which the facility is proposed to provide the function of an Ohio sports facility as provided for in this chapter.

(2) As an indication of substantial local support for the facility, the commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(4) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the

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facility for the presentation of sport and athletic events to the public at the facility, extending for a period of not less than the greater of the useful life of the portion of the facility financed from proceeds of those bonds as determined using the guidelines for maximum maturities as provided under divisions (B), (C), and (D) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding state bonds allocable to costs of the facility, all as determined by the director of budget and management and certified by the director to the Ohio arts and sports facilities commission and to the Ohio building authority.

Sec. 3383.09. (A) There is hereby created in the state treasury the arts facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of arts facilities projects for which appropriations are made by the general assembly. All investment earnings of the fund shall be credited to the fund.

(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.

(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.

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**Sec. 3505.063.** (A) When the general assembly adopts a 22547  
 resolution proposing a constitutional amendment, it ~~shall~~ may, by 22548  
 resolution, designate a group of members who voted in support of 22549  
 the resolution to prepare arguments for the proposed amendment, 22550  
 and a group of members who voted in opposition to the resolution 22551  
 to prepare arguments against the proposed amendment. If no members 22552  
 voted in opposition to the resolution, or if the general assembly 22553  
chooses not to designate a group of members to prepare arguments 22554  
for the proposed amendment or chooses not to designate a group of 22555  
members to prepare arguments against the proposed amendment, the 22556  
 Ohio ballot board may prepare the relevant arguments ~~against the~~ 22557  
~~proposed amendment~~ or designate a group of persons to prepare ~~such~~ 22558  
the relevant arguments. All arguments shall be filed with the 22559  
 secretary of state no later than seventy-five days before the date 22560  
 of the election. No argument shall exceed three hundred words. 22561

(B) The secretary of state shall disseminate information, 22563  
 which may include part or all of the official explanation and 22564  
 arguments concerning proposed amendments, by means of direct mail 22565  
 or other written publication, broadcast, or such other means, or 22566  
 combination of means, as the Ohio ballot board may direct, in 22567  
 order to inform the voters as fully as possible concerning 22568  
 proposed amendments. 22569

**Sec. 3517.092.** (A) As used in this section: 22570

(1) "Appointing authority" has the same meaning as in section 22571  
 124.01 of the Revised Code. 22572

(2) "State elected officer" means any person appointed or 22573  
 elected to a state elective office. 22574

(3) "State elective office" means any of the offices of 22575  
 governor, lieutenant governor, secretary of state, auditor of 22576

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state, treasurer of state, attorney general, member of the state  
board of education, member of the general assembly, and justice  
and chief justice of the supreme court.

(4) "County elected officer" means any person appointed or  
elected to a county elective office.

(5) "County elective office" means any of the offices of  
county auditor, county treasurer, clerk of the court of common  
pleas, sheriff, county recorder, county engineer, county  
commissioner, prosecuting attorney, and coroner.

(6) "Contribution" includes a contribution to any political  
party, campaign committee, political action committee, political  
contributing entity, or legislative campaign fund.

(B) No state elected officer, no campaign committee of such  
an officer, and no other person or entity shall knowingly solicit  
or accept a contribution on behalf of that officer or that  
officer's campaign committee from any of the following:

(1) A state employee whose appointing authority is the state  
elected officer;

(2) A state employee whose appointing authority is authorized  
or required by law to be appointed by the state elected officer;

(3) A state employee who functions in or is employed in or by  
the same public agency, department, division, or office as the  
state elected officer.

(C) No candidate for a state elective office, no campaign  
committee of such a candidate, and no other person or entity shall  
knowingly solicit or accept a contribution on behalf of that  
candidate or that candidate's campaign committee from any of the  
following:

(1) A state employee at the time of the solicitation, whose



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appointing authority will be the candidate, if elected; 22607

(2) A state employee at the time of the solicitation, whose 22608  
appointing authority will be appointed by the candidate, if 22609  
elected, as authorized or required by law; 22610

(3) A state employee at the time of the solicitation, who 22611  
will function in or be employed in or by the same public agency, 22612  
department, division, or office as the candidate, if elected. 22613

(D) No county elected officer, no campaign committee of such 22614  
an officer, and no other person or entity shall knowingly solicit 22615  
a contribution on behalf of that officer or that officer's 22616  
campaign committee from any of the following: 22617

(1) A county employee whose appointing authority is the 22618  
county elected officer; 22619

(2) A county employee whose appointing authority is 22620  
authorized or required by law to be appointed by the county 22621  
elected officer; 22622

(3) A county employee who functions in or is employed in or 22623  
by the same public agency, department, division, or office as the 22624  
county elected officer. 22625

(E) No candidate for a county elective office, no campaign 22626  
committee of such a candidate, and no other person or entity shall 22627  
knowingly solicit a contribution on behalf of that candidate or 22628  
that candidate's campaign committee from any of the following: 22629

(1) A county employee at the time of the solicitation, whose 22630  
appointing authority will be the candidate, if elected; 22631

(2) A county employee at the time of the solicitation, whose 22632  
appointing authority will be appointed by the candidate, if 22633  
elected, as authorized or required by law; 22634

(3) A county employee at the time of the solicitation, who 22635  
will function in or be employed in or by the same public agency, 22636

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- department, division, or office as the candidate, if elected. 22637
- (F)(1) No public employee shall solicit a contribution from 22638  
any person while the public employee is performing the public 22639  
employee's official duties or in those areas of a public building 22640  
where official business is transacted or conducted. 22641
- (2) No person shall solicit a contribution from any public 22642  
employee while the public employee is performing the public 22643  
employee's official duties or is in those areas of a public 22644  
building where official business is transacted or conducted. 22645
- (3) As used in division (F) of this section, "public 22646  
employee" does not include any person holding an elective office. 22647
- (G) The prohibitions in divisions (B), (C), (D), (E), and (F) 22648  
of this section are in addition to the prohibitions in sections 22649  
124.57, 1553.09, 3304.22, and 4503.032 of the Revised Code. 22650  
22651
- Sec. 3701.142.** (A) The director of health shall appoint the 22652  
chief and the administrative assistant of the office of women's 22653  
health initiatives. The director may appoint, to the extent of 22654  
available funds, persons to other positions determined by ~~him~~ the 22655  
director to be relevant and necessary. 22656
- (B) The chief shall have all of the following qualifications, 22657  
plus any additional qualifications the director considers 22658  
appropriate: 22659
- (1) The equivalent of a masters or higher degree in public 22660  
health, medicine, health sciences, environmental science, law, 22661  
public administration, or a related field; 22662
- (2) Familiarity with national maternal and child health 22663  
objectives of the department; 22664
- (3) Knowledge of or experience in women's and infants' 22665

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preventive health care;	22666
(4) Understanding of health care delivery systems;	22667
(5) A global public health perspective.	22668
(C)(1) The majority of the chief's time shall be spent in the	22669
performance of the following responsibilities:	22670
(a) Identifying issues that affect women's health;	22671
(b) Advocating for women's health concerns within the	22672
department, state government, and the community;	22673
(c) Serving as a liaison for the public, interest groups, the	22674
department, and other state agencies on issues that affect women's	22675
health;	22676
(d) Developing recommendations to the director regarding	22677
programs addressing women's health issues for inclusion in the	22678
biennial budget and departmental strategic planning;	22679
(e) Preparing materials for publication.	22680
(2) In addition, the chief shall do the following:	22681
(a) Develop and recommend research, funding, and program	22682
activities for the intervention, treatment, and education of the	22683
public on women's health initiatives including health needs	22684
throughout the life cycle, reproductive health, gender bias in	22685
research, chemical dependence, access to health care, health and	22686
safety in the workplace, poverty and women's health, causes of	22687
death in women, violence and women's health, and any other women's	22688
health issue the chief considers appropriate;	22689
(b) Supervise the administrative assistant and any other	22690
employees assigned to the office of women's health initiatives;	22691
(c) Oversee the administrative operations of the office of	22692
women's health initiatives;	22693
(d) Research, advise, and assist the director concerning	22694

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governor's office correspondence referrals, legislative	22695
initiatives, rules, and similar executive decisions relating to	22696
the health of women;	22697
(e) Represent the director, as requested, before the general	22698
assembly <del>and the women's policy and research commission.</del>	22699
(D) The administrative assistant shall provide clerical and	22700
administrative support as needed to the chief.	22701
(E) To promote coordination of programs and of offices'	22702
initiatives, the director, assistant director, deputy directors,	22703
and chiefs selected by the director in the department shall attend	22704
quarterly meetings regarding the activities of the office of	22705
women's health initiatives.	22706
(F) After considering the report submitted pursuant to	22707
division (C) of section 3701.141 of the Revised Code, the director	22708
of health shall develop and implement biennial initiatives on	22709
women's health needs.	22710
<u>Sec. 3701.92. (A) There is hereby created in the department</u>	22711
<u>of health the Ohio hepatitis C advisory commission.</u>	22712
<u>(B) The commission shall consist of the following members:</u>	22713
<u>(1) Eleven members appointed by the director of health;</u>	22714
<u>(2) Two members of the house of representatives, one from</u>	22715
<u>each political party, appointed by the speaker of the house of</u>	22716
<u>representatives;</u>	22717
<u>(3) Two members of the senate, one from each political party,</u>	22718
<u>appointed by the president of the senate.</u>	22719
<u>Each member shall serve without compensation for a term of</u>	22720
<u>one year.</u>	22721
<u>Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62</u>	22722

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of the Revised Code, this section applies to the review of 22723  
 certificate of need applications during the period beginning July 22724  
 1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 22725

(B)(1) Except as provided in division (B)(2) of this section, 22726  
 the director of health shall neither grant nor deny any 22727  
 application for a certificate of need submitted prior to July 1, 22728  
 1993, if the application was for any of the following and the 22729  
 director had not issued a written decision concerning the 22730  
 application prior to that date: 22731

(a) Approval of beds in a new health care facility or an 22732  
 increase of beds in an existing health care facility, if the beds 22733  
 are proposed to be licensed as nursing home beds under Chapter 22734  
 3721. of the Revised Code; 22735

(b) Approval of beds in a new county home or new county 22736  
 nursing home as defined in section 5155.31 of the Revised Code, or 22737  
 an increase of beds in an existing county home or existing county 22738  
 nursing home, if the beds are proposed to be certified as skilled 22739  
 nursing facility beds under Title XVIII or nursing facility beds 22740  
 under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 22741  
 42 U.S.C.A. 301, as amended; 22742

(c) Recategorization of hospital beds as described in section 22743  
 3702.522 of the Revised Code, an increase of hospital beds 22744  
 registered pursuant to section 3701.07 of the Revised Code as 22745  
 long-term care beds or skilled nursing facility beds, or a 22746  
 recategorization of hospital beds that would result in an increase 22747  
 of beds registered pursuant to that section as long-term care beds 22748  
 or skilled nursing facility beds. 22749

On July 1, 1993, the director shall return each such 22750  
 application to the applicant and, notwithstanding section 3702.52 22751  
 of the Revised Code regarding the uses of the certificate of need 22752  
 fund, shall refund to the applicant the application fee paid under 22753  
 that section. Applications returned under division (B)(1) of this 22754

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section may be resubmitted in accordance with section 3702.52 of 22755  
the Revised Code no sooner than ~~July 1, 2001~~ October 16, 2003. 22756

(2) The director shall continue to review and shall issue a 22757  
decision regarding any application submitted prior to July 1, 22758  
1993, to increase beds for either of the purposes described in 22759  
division (B)(1)(a) or (b) of this section if the proposed increase 22760  
in beds is attributable solely to a replacement or relocation of 22761  
existing beds within the same county. The director shall authorize 22762  
under such an application no additional beds beyond those being 22763  
replaced or relocated. 22764

(C)(1) Except as provided in division (C)(2) and (3) of this 22765  
section, the director, during the period beginning July 1, 1993, 22766  
and ending ~~June 30, 2001~~ October 15, 2003, shall not accept for 22767  
review under section 3702.52 of the Revised Code any application 22768  
for a certificate of need for any of the purposes described in 22769  
divisions (B)(1)(a) to (c) of this section. 22770

(2)(a) The director shall accept for review any application 22771  
for either of the purposes described in division (B)(1)(a) or (b) 22772  
of this section if either of the following apply: 22773

(i) In case of an existing health care facility that is a 22774  
nursing home described in section 5123.192 of the Revised Code, 22775  
the proposed increase is attributable solely to the replacement of 22776  
existing beds within the same county. 22777

(ii) In the case of a health care facility or county home 22778  
described in division (B)(1)(a) or (b) of this section, other than 22779  
an existing health care facility described in division 22780  
(C)(2)(a)(i) of this section, the proposed increase in beds is 22781  
attributable solely to a replacement or relocation of existing 22782  
beds within the same county. ~~The~~ 22783

(b) In the case of an existing health care facility described 22784  
in division (C)(2)(a)(i) of this section, the director shall 22785

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continue to review and shall issue a decision regarding any 22786  
application submitted during the period beginning on July 1, 1993, 22787  
and ending on the effective date of this amendment to increase 22788  
beds for either of the purposes described in division (B)(1)(a) or 22789  
(b) of this section only if the proposed increase in beds is 22790  
attributable solely to a relocation of existing beds within the 22791  
same county. An existing health care facility described in 22792  
division (C)(2)(a)(i) of this section that on or after the 22793  
effective date of this amendment seeks to increase beds for either 22794  
of the purposes described in division (B)(1)(a) or (b) of this 22795  
section shall apply for a license under section 5123.19 of the 22796  
Revised Code, as described in division (B) of section 5123.192 of 22797  
the Revised Code, if the proposed increase is attributable to a 22798  
relocation of existing beds within the same county. 22799

(c) The director shall authorize under such an application 22800  
described in division (C)(2)(a) or (b) of this section no 22801  
additional beds beyond those being replaced or relocated. ~~The~~ 22802

(3) The director also shall accept for review any application 22803  
that seeks certificate of need approval for existing beds located 22804  
in an infirmary that is operated exclusively by a religious order, 22805  
provides care exclusively to members of religious orders who take 22806  
vows of celibacy and live by virtue of their vows within the 22807  
orders as if related, and was providing care exclusively to 22808  
members of such a religious order on January 1, 1994. 22809

(D) The director shall issue a decision regarding any case 22811  
remanded by a court as the result of a decision issued by the 22812  
director prior to July 1, 1993, to grant, deny, or withdraw a 22813  
certificate of need for any of the purposes described in divisions 22814  
(B)(1)(a) to (c) of this section. 22815

(E) The director shall not project the need for beds listed 22816  
in division (B)(1) of this section for the period beginning July 22817

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1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 22818

This section is an interim section effective until ~~July 1,~~ 22819

~~2001~~ October 16, 2003. 22820

**Sec. 3704.034.** (A) Within sixty days after the director of 22821  
environmental protection or ~~his~~ the director's agent or authorized 22822  
representative receives an application for the ~~issuance~~ 22823  
modification of a permit to install pursuant to rules adopted 22824  
under division (F) of section 3704.03 of the Revised Code, ~~an~~ 22825  
~~application to modify such a permit,~~ or an application for the 22826  
issuance of an initial permit to operate pursuant to rules adopted 22827  
under division (G) of section 3704.03 of the Revised Code, the 22828  
director shall determine whether the application is substantially 22829  
complete or materially deficient and, in writing, shall notify the 22830  
applicant of ~~his~~ the director's determination. If the director 22831  
fails to make such a completeness determination and provide 22832  
written notice of ~~his~~ the determination to the applicant within 22833  
sixty days after the application was submitted, the applicant may 22834  
submit a written request to the director for the making of such a 22835  
completeness determination. 22836

(B) Within thirty days after receiving a written request for 22837  
the making of a completeness determination on an application under 22838  
division (A) of this section, the director shall determine whether 22839  
the application is substantially complete or materially deficient 22840  
and, in writing, notify the applicant of ~~his~~ the determination. If 22841  
the director fails to make a completeness determination and 22842  
provide written notice of ~~his~~ the director's determination to the 22843  
applicant within thirty days after receiving the applicant's 22844  
written request for the making of the determination, the 22845  
application shall be deemed to have been complete in all material 22846  
respects at the time that it was submitted to the director or ~~his~~ 22847  
the director's agent or authorized representative. 22848



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(C) If, within the time prescribed in division (A) and, if applicable, division (B) of this section, the director determines that an application is materially deficient, the director shall return the application to the applicant. The running of the time prescribed under division (A) and, if applicable, division (B) of this section ceases at the time that the determination is made. If the applicant subsequently resubmits the application to the director, the time prescribed in division (A) of this section and, if applicable, division (B) of this section shall resume running at the time that the application is resubmitted. The resubmission of the application constitutes a request for the making of a completeness determination on the application. The director shall do one of the following within the time remaining pursuant to division (A) and, if applicable, division (B) of this section at the time that the application is resubmitted:

(1) Make a completeness determination on the application and, in writing, notify the applicant of ~~his~~ the determination;

(2) Issue or deny or propose to issue or deny the permit or modification.

(D) The director shall include in each written notice of the completeness of an application provided under division (A), (B), or (C)(1) of this section the date on which the application was determined to be complete.

(E) The director shall issue or deny or propose to issue or deny a modification of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code, ~~modification of such a permit,~~ or an initial permit to operate pursuant to rules adopted under division (G) of section 3704.03 of the Revised Code within one hundred eighty days after the date that the application for the permit or modification was determined to be complete as that date is set forth in the written notice of the determination of the completeness of the application provided

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under division (A), (B), or (C)(1) of this section or within one 22881  
hundred eighty days after the application is deemed to be complete 22882  
under division (B) of this section, as appropriate. If the 22883  
director fails to issue or deny or propose to issue or deny the 22884  
permit or modification within the appropriate 22885  
one-hundred-eighty-day period, the applicant may bring a mandamus 22886  
action to obtain a judgment that orders the director to take a 22887  
final action on the application. 22888

(F) The director, upon ~~his~~ the director's own motion or upon 22889  
the written request of the applicant and in writing, may extend 22890  
the time provided under division (E) of this section for issuing 22891  
or denying or proposing to issue or deny the permit or 22892  
modification for an additional sixty days if a public 22893  
informational meeting or public hearing was held on the 22894  
application for the permit or modification. 22895

(G) Upon the written request of the applicant, the director, 22896  
in writing, may extend the time provided under division (E) of 22897  
this section for issuing or denying or proposing to issue or deny 22898  
the permit or modification for the additional time specified in 22899  
the applicant's request for the extension. 22900

(H) Upon the written request of the person responsible for a 22901  
facility, the director may consolidate or group applications for 22902  
the issuance of permits pursuant to rules adopted under ~~divisions~~ 22903  
division (F) or (G) of section 3704.03 of the Revised Code, or 22904  
modifications or renewals of those permits, for individual air 22905  
contaminant sources located at the facility in order to reduce the 22906  
unnecessary paperwork and administrative burden to the applicant 22907  
and the director in connection with the issuance of those permits, 22908  
modifications, and renewals. Fees payable to the director under 22909  
section 3745.11 of the Revised Code shall not be reduced by reason 22910  
of any such consolidation or grouping of applications for permits, 22911  
modifications, or renewals. 22912

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<b>Sec. 3721.07.</b> <u>(A)</u> Every person desiring to operate a home and	22913
the superintendent or administrator of each county home or	22914
district home for which a license as a residential care facility	22915
is sought shall apply for a license to the director of health. The	22916
director shall issue a license for the home, if after	22917
investigation of the applicant and, if required by section 3721.02	22918
of the Revised Code, inspection of the home, the following	22919
requirements or conditions are satisfied or complied with:	22920
<u>(A)(1)</u> The applicant has not been convicted of a felony or a	22921
crime involving moral turpitude;	22922
<u>(B)(2)</u> The applicant is not violating any of the rules made	22923
by the public health council or any order issued by the director	22924
of health;	22925
<u>(C)(3)</u> The buildings in which the home is housed have been	22926
approved by the state fire marshal or a township, municipal, or	22927
other legally constituted fire department approved by the marshal.	22928
In the approval of a home such agencies shall apply standards	22929
prescribed by the board of building standards, and by the state	22930
fire marshal, and by section 3721.071 of the Revised Code.	22931
<u>(D)(4)</u> The applicant, if it is an individual, or the	22932
principal participants, if it is an association or a corporation,	22933
is or are suitable financially and morally to operate a home;	22934
<u>(E)(5)</u> The applicant is equipped to furnish humane, kind, and	22935
adequate treatment and care;	22936
<u>(F)(6)</u> The home does not maintain or contain:	22937
<u>(1)(a)</u> Facilities for the performance of major surgical	22938
procedures;	22939
<u>(2)(b)</u> Facilities for providing therapeutic radiation;	22940
<u>(3)(c)</u> An emergency ward;	22941

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<del>(4)</del> (d) A clinical laboratory unless it is under the	22942
supervision of a clinical pathologist who is a licensed physician	22943
in this state;	22944
<del>(5)</del> (e) Facilities for radiological examinations unless such	22945
examinations are performed only by a person licensed to practice	22946
medicine, surgery, or dentistry in this state.	22947
<del>(6)</del> (7) The home does not accept or treat outpatients, except	22948
upon the written orders of a physician licensed in this state,	22949
maternity cases, boarding children, and does not house transient	22950
guests, other than participants in an adult day-care program, for	22951
twenty-four hours or less;	22952
<del>(H)</del> (8) The home is in compliance with sections 3721.28 and	22953
3721.29 of the Revised Code.	22954
<u>(B)</u> When the director issues a license, the license shall	22955
remain in effect until revoked by the director <del>or</del> , voided at the	22956
request of the applicant, <u>or terminated as described in division</u>	22957
<u>(D) of this section</u> ; provided, there shall be an annual renewal	22958
fee payable during the month of January of each calendar year. Any	22959
licensed home that does not pay its renewal fee in January shall	22960
pay, beginning the first day of February, a late fee of one	22961
hundred dollars for each week or part thereof that the renewal fee	22962
is not paid. If either the renewal fee or the late fee is not paid	22963
by the fifteenth day of February, the director may, in accordance	22964
with Chapter 119. of the Revised Code, revoke the home's license.	22965
	22966
<u>(C)</u> A person whose license is revoked, and a county home or	22967
district home that has its license as a residential care facility	22968
revoked, for any reason other than nonpayment of the license	22969
renewal fee or late fees may not apply for a new license under	22970
this chapter until a period of one year following the date of	22971
revocation has elapsed.	22972

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(D) A license issued by the director to a nursing home described in section 5123.192 of the Revised Code shall terminate if the nursing home obtains a license under section 5123.19 of the Revised Code. 22973  
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(E) Any applicant who is denied a license may appeal in accordance with Chapter 119. of the Revised Code. 22977  
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**Sec. 3721.12.** (A) The administrator of a home shall: 22979

(1) With the advice of residents, their sponsors, or both, establish and review at least annually, written policies regarding the applicability and implementation of residents' rights under sections 3721.10 to 3721.17 of the Revised Code, the responsibilities of residents regarding the rights, and the home's grievance procedure established under division (A)(2) of this section. The administrator is responsible for the development of, and adherence to, procedures implementing the policies. 22980  
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(2) Establish a grievance committee for review of complaints by residents. The grievance committee shall be comprised of the home's staff and residents, sponsors, or outside representatives in a ratio of not more than one staff member to every two residents, sponsors, or outside representatives. 22988  
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(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: 22993  
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22995

(a) A copy of the rights established under sections 3721.10 to 3721.17 of the Revised Code; 22996  
22997

(b) A written explanation of the provisions of section 3721.16 of the Revised Code 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; 22998  
22999  
23000  
23001

(c) A copy of the home's policies and procedures established 23002

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under this section;	23003
(d) A copy of the home's rules;	23004
(e) A copy of the addresses and telephone numbers of the	23005
board of health of the health district of the county in which the	23006
home is located, the county department of job and family services	23007
of the county in which the home is located, the state departments	23008
of health and job and family services, the state and local offices	23009
of the department of aging, and any Ohio nursing home ombudsperson	23010
program.	23011
(B) Written acknowledgment of the receipt of copies of the	23012
materials listed in this section shall be made part of the	23013
resident's record and the staff member's personnel record.	23014
(C) The administrator shall post all of the following	23015
prominently within the home:	23016
(1) A copy of the rights of residents as listed in division	23017
(A) of section 3721.13 of the Revised Code;	23018
(2) A copy of the home's rules and its policies and	23019
procedures regarding the rights and responsibilities of residents;	23020
(3) A notice that a copy of this chapter, rules of the	23021
department of health applicable to the home, and federal	23022
regulations adopted under Titles XVIII and XIX of the "Social	23023
Security Act," <del>49</del> <u>79</u> Stat. <del>620</del> <u>286</u> ( <del>1935</del> <u>1965</u> ), 42 U.S.C.A. <del>301</del>	23024
<u>1395 and 1396</u> , as amended, and the materials required to be	23025
available in the home under section 3721.021 of the Revised Code,	23026
are available for inspection in the home at reasonable hours;	23027
(4) A list of residents' rights advocates;	23028
(5) A notice that the following are available in a place	23029
readily accessible to residents:	23030
(a) If the home is licensed under section 3721.02 of the	23031
Revised Code, a copy of the most recent licensure inspection	23032

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report prepared for the home under that section;	23033
(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.	23034 23035 23036 23037
(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.	23038 23039 23040 23041 23042 23043 23044 23045
<b>Sec. 3721.16.</b> (A) <del>(1)</del> <u>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.</u>	23046 23047 23048 23049 23050
<u>(1)</u> 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:	23051 23052 23053 23054 23055 23056 23057
(a) The resident's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;	23058 23059 23060
(b) The resident has resided in the home less than thirty days.	23061 23062

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In the case of a resident described in division (A)(1)(a) or	23063
(b) of this section, the notice shall be provided as many days in	23064
advance of the proposed transfer or discharge as is practicable.	23065
(2) The notice required under division (A)(1) of this section	23066
shall include all of the following:	23067
(a) The reasons for the proposed transfer or discharge;	23068
(b) Notice of the right of the resident and <del>his</del> <u>the</u>	23069
<u>resident's</u> sponsor to an impartial hearing at the home on the	23070
proposed transfer or discharge, and of the manner in which and the	23071
time within which the resident or <del>his</del> sponsor may request a	23072
hearing under division (C) of this section;	23073
(c) The address of the legal services office of the	23074
department of health;	23075
(d) The name, address, and telephone number of a	23076
representative of the state long-term care <del>ombudsman</del> <u>ombudsperson</u>	23077
program and, if the resident or patient has a developmental	23078
disability or mental illness, the name, address, and telephone	23079
number of the Ohio legal rights service.	23080
(B) Transfer or discharge actions shall be documented in the	23081
resident's medical record by the home if there is a medical basis	23082
for the action.	23083
(C) A resident or <del>his</del> <u>resident's</u> sponsor may challenge a	23084
transfer or discharge by requesting an impartial hearing at the	23085
home, unless the transfer or discharge is required because of an	23086
emergency or one of the following reasons:	23087
(1) The home's license has been revoked under this chapter;	23088
(2) The home is being closed pursuant to sections 5111.35 to	23089
5111.62 or section 5155.31 of the Revised Code;	23090
<del>(3) The resident is a recipient of medical assistance under</del>	23091
<del>section 5111.01 of the Revised Code and the home's participation</del>	23092



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<del>in the medical assistance program has been terminated or denied;</del>	23093
<del>(4) The resident is a beneficiary under Title XVIII of the</del>	23094
<del>"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as</del>	23095
<del>amended and the home's certification under Title XVIII has been</del>	23096
<del>terminated or denied.</del>	23097
A request for a hearing under this section shall be sent in	23098
writing to the legal services office of the department of health	23099
not later than ten days after the resident and <del>his</del> <u>the resident's</u>	23100
sponsor receive notice of the proposed transfer or discharge. A	23101
hearing shall be held within ten days by the department of health.	23102
A representative of the department shall preside over the hearing	23103
and issue a recommendation within five days as to any advisable	23104
action to the administrator, the resident, and any interested	23105
sponsor.	23106
If a resident is transferred or discharged pursuant to this	23107
section, the home from which the resident is being transferred or	23108
discharged shall provide the resident with adequate preparation	23109
prior to the transfer or discharge to ensure a safe and orderly	23110
transfer or discharge from the home, and the home or alternative	23111
setting to which the resident is to be transferred or discharged	23112
shall have accepted the resident for transfer or discharge.	23113
(D) An impartial hearing on resident transfer or discharge is	23114
not subject to section 121.22 of the Revised Code.	23115
<del>(E) At the time of a transfer or discharge of a resident who</del>	23116
<del>is a recipient of medical assistance under section 5111.01 of the</del>	23117
<del>Revised Code from a home to a hospital or for therapeutic leave,</del>	23118
<del>the home shall provide notice in writing to the resident and in</del>	23119
<del>writing by certified mail, return receipt requested, to the</del>	23120
<del>resident's sponsor, specifying the number of days, if any, during</del>	23121
<del>which the resident will be permitted under the medical assistance</del>	23122
<del>program to return and resume residence in the home and specifying</del>	23123

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~~the medical assistance program's coverage of the days during which~~ 23124  
~~the resident is absent from the home. An individual who is absent~~ 23125  
~~from a home for more than the number of days specified in the~~ 23126  
~~notice and continues to require the services provided by the~~ 23127  
~~facility shall be given priority for the first available bed in a~~ 23128  
~~semi-private room.~~ 23129

**Sec. 3721.17.** (A) Any resident who believes that the 23130  
resident's rights under sections 3721.10 to 3721.17 of the Revised 23131  
Code have been violated may file a grievance under procedures 23132  
adopted pursuant to division (A)(2) of section 3721.12 of the 23133  
Revised Code. 23134

When the grievance committee determines a violation of 23135  
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 23136  
shall notify the administrator of the home. If the violation 23137  
cannot be corrected within ten days, or if ten days have elapsed 23138  
without correction of the violation, the grievance committee shall 23139  
refer the matter to the department of health. 23140

(B) Any person who believes that a resident's rights under 23141  
sections 3721.10 to 3721.17 of the Revised Code have been violated 23142  
may report or cause reports to be made of the information directly 23143  
to the department of health. No person who files a report is 23144  
liable for civil damages resulting from the report. 23145

(C)(1) Within thirty days of receiving a complaint under this 23146  
section, the department of health shall investigate any complaint 23147  
referred to it by a home's grievance committee and any complaint 23148  
from any source that alleges that the home provided substantially 23149  
less than adequate care or treatment, or substantially unsafe 23150  
conditions, or, within seven days of receiving a complaint, refer 23151  
it to the attorney general, if the attorney general agrees to 23152  
investigate within thirty days. 23153

(2) Within thirty days of receiving a complaint under this 23154

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section, the department of health may investigate any alleged 23155  
violation of sections 3721.10 to 3721.17 of the Revised Code, or 23156  
of rules, policies, or procedures adopted pursuant to those 23157  
sections, not covered by division (C)(1) of this section, or it 23158  
may, within seven days of receiving a complaint, refer the 23159  
complaint to the grievance committee at the home where the alleged 23160  
violation occurred, or to the attorney general if the attorney 23161  
general agrees to investigate within thirty days. 23162

(D) If, after an investigation, the department of health 23163  
finds probable cause to believe that a violation of sections 23164  
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 23165  
procedures adopted pursuant to those sections, has occurred at a 23166  
home that is certified under Title XVIII or XIX of the "Social 23167  
Security Act," 49 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 23168  
1395 and 1396, as amended, it shall cite one or more findings or 23169  
deficiencies under sections 5111.35 to 5111.62 of the Revised 23170  
Code. If the home is not so certified, the department shall hold 23171  
an adjudicative hearing within thirty days under Chapter 119. of 23172  
the Revised Code. 23173

(E) Upon a finding at an adjudicative hearing under division 23174  
(D) of this section that a violation of sections 3721.10 to 23175  
3721.17 of the Revised Code, or of rules, policies, or procedures 23176  
adopted pursuant thereto, has occurred, the department of health 23177  
shall make an order for compliance, set a reasonable time for 23178  
compliance, and assess a fine pursuant to division (F) of this 23179  
section. The fine shall be paid to the general revenue fund only 23180  
if compliance with the order is not shown to have been made within 23181  
the reasonable time set in the order. The department of health may 23182  
issue an order prohibiting the continuation of any violation of 23183  
sections 3721.10 to 3721.17 of the Revised Code. 23184

Findings at the hearings conducted under this section may be 23185  
appealed pursuant to Chapter 119. of the Revised Code, except that 23186

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an appeal may be made to the court of common pleas of the county	23187
in which the home is located.	23188
The department of health shall initiate proceedings in court	23189
to collect any fine assessed under this section which is unpaid	23190
thirty days after the violator's final appeal is exhausted.	23191
(F) Any home found, pursuant to an adjudication hearing under	23192
division (D) of this section, to have violated sections 3721.10 to	23193
3721.17 of the Revised Code, or rules, policies, or procedures	23194
adopted pursuant to those sections may be fined not less than one	23195
hundred nor more than five hundred dollars for a first offense.	23196
For each subsequent offense, the home may be fined not less than	23197
two hundred nor more than one thousand dollars.	23198
A violation of sections 3721.10 to 3721.17 of the Revised	23199
Code is a separate offense for each day of the violation and for	23200
each resident who claims the violation.	23201
(G) No home or employee of a home shall retaliate against any	23202
person who:	23203
(1) Exercises any right set forth in sections 3721.10 to	23204
3721.17 of the Revised Code, including, but not limited to, filing	23205
a complaint with the home's grievance committee or reporting an	23206
alleged violation to the department of health;	23207
(2) Appears as a witness in any hearing conducted under this	23208
section <del>and</del> <u>or</u> section 3721.16 <u>or</u> <u>5111.64</u> of the Revised Code;	23209
(3) Files a civil action alleging a violation of sections	23210
3721.10 to 3721.17 of the Revised Code, or notifies a county	23211
prosecuting attorney or the attorney general of a possible	23212
violation of sections 3721.10 to 3721.17 of the Revised Code.	23213
If, under the procedures outlined in this section, a home or	23214
its employee is found to have retaliated, the violator may be	23215
fined up to one thousand dollars.	23216

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(H) When legal action is indicated, any evidence of criminal activity found in an investigation under division (C) of this section shall be given to the prosecuting attorney in the county in which the home is located for investigation.

(I)(1) Any resident whose rights under sections 3721.10 to 3721.17 of the Revised Code are violated has a cause of action against any person or home committing the violation. The action may be commenced by the resident or by the resident's sponsor on behalf of the resident.

(2)(a) If compensatory damages are awarded for a violation of the resident's rights, section 2315.21 of the Revised Code, except divisions (E)(1) and (2) of that section, shall apply to an award of punitive or exemplary damages for the violation.

(b) The court may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

(3) Division (I)(2)(a) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after ~~the effective date of this amendment July 9, 1998.~~

**Sec. 3721.51.** The department of job and family services shall:

(A) ~~For the purpose of providing home and community-based services to elderly and disabled persons~~ purposes specified in section 3721.56 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to four dollars for fiscal years 2002 and 2003, and one dollar for each fiscal year thereafter, multiplied by the product of the following:

(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under

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Title XVIII or nursing facility beds under Title XIX of the 23247  
 "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 23248  
 amended, on July 1, 1993, and, for each subsequent year, the first 23249  
 day of May of the calendar year in which the fee is determined 23250  
 pursuant to division (A) of section 3721.53 of the Revised Code; 23251

(2) The number of days in fiscal year 1994 and, for each 23252  
 subsequent year, the number of days in the fiscal year beginning 23253  
 on the first day of July of the calendar year in which the fee is 23254  
 determined pursuant to division (A) of section 3721.53 of the 23255  
 Revised Code. 23256

(B) For the ~~purpose of providing home and community-based~~ 23257  
~~services to elderly and disabled persons~~ purposes specified in 23258  
section 3721.56 of the Revised Code, determine an annual franchise 23259  
 permit fee on each hospital in an amount equal to four dollars for 23260  
fiscal years 2002 and 2003, and one dollar for each fiscal year 23261  
thereafter, multiplied by the product of the following: 23262

(1) The number of beds registered pursuant to section 3701.07 23263  
 of the Revised Code as skilled nursing facility beds or long-term 23264  
 care beds, plus any other beds licensed as nursing home beds under 23265  
 section 3721.02 or 3721.09 of the Revised Code, on July 1, 1993, 23266  
 and, for each subsequent year, the first day of May of the 23267  
 calendar year in which the fee is determined pursuant to division 23268  
 (A) of section 3721.53 of the Revised Code; 23269

(2) The number of days in fiscal year 1994 and, for each 23270  
 subsequent year, the number of days in the fiscal year beginning 23271  
 on the first day of July of the calendar year in which the fee is 23272  
 determined pursuant to division (A) of section 3721.53 of the 23273  
 Revised Code. 23274

If the United States health care financing administration 23275  
 determines that the franchise permit fee established by sections 23276  
 3721.50 through 3721.58 of the Revised Code would be an 23277

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impermissible health care related tax under section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, the department of job and family services shall take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 3721.58 of the Revised Code.

**Sec. 3721.56.** ~~All (A) One-fourth of all payments and penalties paid by nursing homes and hospitals under sections 3721.53 and 3721.54 of the Revised Code for fiscal years 2002 and 2003, and all such payments and penalties paid for subsequent fiscal years,~~ shall be deposited into the "home and community-based services for the aged fund," which is hereby created in the state treasury. The departments of job and family services and aging shall use the moneys in the fund to fund the following in accordance with rules adopted under section 3721.58 of the Revised Code:

~~(A)(1)~~ The medical assistance program established under Chapter 511. of the Revised Code;

~~(B)(2)~~ The PASSPORT program established under section 173.40 of the Revised Code;

~~(C)(3)~~ The residential state supplement program established under section 173.35 of the Revised Code.

(B) Three-fourths of all payments and penalties paid by nursing homes and hospitals under sections 3721.53 and 3721.54 of the Revised Code for fiscal years 2002 and 2003 shall be deposited into the nursing facility stabilization fund, which is hereby created in the state treasury. The department of job and family services shall use the money in the fund in the manner provided by Am. Sub. H.B. 94 of the 124th general assembly.

**Sec. 3734.57.** (A) For the purposes of paying the state's

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long-term operation costs or matching share for actions taken 23308  
 under the "Comprehensive Environmental Response, Compensation, and 23309  
 Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 23310  
 amended; paying the costs of measures for proper clean-up of sites 23311  
 where polychlorinated biphenyls and substances, equipment, and 23312  
 devices containing or contaminated with polychlorinated biphenyls 23313  
 have been stored or disposed of; paying the costs of conducting 23314  
 surveys or investigations of solid waste facilities or other 23315  
 locations where it is believed that significant quantities of 23316  
 hazardous waste were disposed of and for conducting enforcement 23317  
 actions arising from the findings of such surveys or 23318  
 investigations; paying the costs of acquiring and cleaning up, or 23319  
 providing financial assistance for cleaning up, any hazardous 23320  
 waste facility or solid waste facility containing significant 23321  
 quantities of hazardous waste, that constitutes an imminent and 23322  
 substantial threat to public health or safety or the environment; 23323  
 and, from July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004, for the 23324  
 purposes of paying the costs of administering and enforcing the 23325  
 laws pertaining to solid wastes, infectious wastes, and 23326  
 construction and demolition debris, including, without limitation, 23327  
 ground water evaluations related to solid wastes, infectious 23328  
 wastes, and construction and demolition debris, under this chapter 23329  
 and Chapter 3714. of the Revised Code and any rules adopted under 23330  
 them, and paying a share of the administrative costs of the 23331  
 environmental protection agency pursuant to section 3745.014 of 23332  
 the Revised Code, the following fees are hereby levied on the 23333  
 disposal of solid wastes in this state: 23334

(1) One dollar per ton on and after July 1, 1993; 23335

(2) An additional seventy-five cents per ton on and after 23336  
 July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004. 23337

The owner or operator of a solid waste disposal facility 23338  
 shall collect the fees levied under this division as a trustee for 23339



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the state and shall prepare and file with the director of  
environmental protection monthly returns indicating the total  
tonnage of solid wastes received for disposal at the gate of the  
facility and the total amount of the fees collected under this  
division. Not later than thirty days after the last day of the  
month to which such a return applies, the owner or operator shall  
mail to the director the return for that month together with the  
fees collected during that month as indicated on the return. The  
owner or operator may request an extension of not more than thirty  
days for filing the return and remitting the fees, provided that  
the owner or operator has submitted such a request in writing to  
the director together with a detailed description of why the  
extension is requested, the director has received the request not  
later than the day on which the return is required to be filed,  
and the director has approved the request. If the fees are not  
remitted within sixty days after the last day of the month during  
which they were collected, the owner or operator shall pay an  
additional fifty per cent of the amount of the fees for each month  
that they are late.

One-half of the moneys remitted to the director under  
division (A)(1) of this section shall be credited to the hazardous  
waste facility management fund created in section 3734.18 of the  
Revised Code, and one-half shall be credited to the hazardous  
waste clean-up fund created in section 3734.28 of the Revised  
Code. The moneys remitted to the director under division (A)(2) of  
this section shall be credited to the solid waste fund, which is  
hereby created in the state treasury. The environmental protection  
agency shall use moneys in the solid waste fund only to pay the  
costs of administering and enforcing the laws pertaining to solid  
wastes, infectious wastes, and construction and demolition debris,  
including, without limitation, ground water evaluations related to  
solid wastes, infectious wastes, and construction and demolition

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debris, under this chapter and Chapter 3714. of the Revised Code 23372  
 and rules adopted under them and to pay a share of the 23373  
 administrative costs of the environmental protection agency 23374  
 pursuant to section 3745.014 of the Revised Code. 23375  
 23376

The fees levied under this division and divisions (B) and (C) 23377  
 of this section are in addition to all other applicable fees and 23378  
 taxes and shall be added to any other fee or amount specified in a 23379  
 contract that is charged by the owner or operator of a solid waste 23380  
 disposal facility or to any other fee or amount that is specified 23381  
 in a contract entered into on or after March 4, 1992, and that is 23382  
 charged by a transporter of solid wastes. 23383

(B) For the purpose of preparing, revising, and implementing 23384  
 the solid waste management plan of the county or joint solid waste 23385  
 management district, including, without limitation, the 23386  
 development and implementation of solid waste recycling or 23387  
 reduction programs; providing financial assistance to boards of 23388  
 health within the district, if solid waste facilities are located 23389  
 within the district, for the enforcement of this chapter and rules 23390  
 adopted and orders and terms and conditions of permits, licenses, 23391  
 and variances issued under it, other than the hazardous waste 23392  
 provisions of this chapter and rules adopted and orders and terms 23393  
 and conditions of permits issued under those provisions; providing 23394  
 financial assistance to the county to defray the added costs of 23395  
 maintaining roads and other public facilities and of providing 23396  
 emergency and other public services resulting from the location 23397  
 and operation of a solid waste facility within the county under 23398  
 the district's approved solid waste management plan; paying the 23399  
 costs incurred by boards of health for collecting and analyzing 23400  
 water samples from public or private wells on lands adjacent to 23401  
 solid waste facilities that are contained in the approved or 23402  
 amended plan of the district; paying the costs of developing and 23403

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implementing a program for the inspection of solid wastes 23404  
generated outside the boundaries of this state that are disposed 23405  
of at solid waste facilities included in the district's approved 23406  
solid waste management plan or amended plan; providing financial 23407  
assistance to boards of health within the district for enforcing 23408  
laws prohibiting open dumping; providing financial assistance to 23409  
local law enforcement agencies within the district for enforcing 23410  
laws and ordinances prohibiting littering; providing financial 23411  
assistance to boards of health of health districts within the 23412  
district that are on the approved list under section 3734.08 of 23413  
the Revised Code for the training and certification required for 23414  
their employees responsible for solid waste enforcement by rules 23415  
adopted under division (L) of section 3734.02 of the Revised Code; 23416  
providing financial assistance to individual municipal 23417  
corporations and townships within the district to defray their 23418  
added costs of maintaining roads and other public facilities and 23419  
of providing emergency and other public services resulting from 23420  
the location and operation within their boundaries of a 23421  
composting, energy or resource recovery, incineration, or 23422  
recycling facility that either is owned by the district or is 23423  
furnishing solid waste management facility or recycling services 23424  
to the district pursuant to a contract or agreement with the board 23425  
of county commissioners or directors of the district; and payment 23426  
of any expenses that are agreed to, awarded, or ordered to be paid 23427  
under section 3734.35 of the Revised Code and of any 23428  
administrative costs incurred pursuant to that section, the solid 23429  
waste management policy committee of a county or joint solid waste 23430  
management district may levy fees upon the following activities: 23431

(1) The disposal at a solid waste disposal facility located 23432  
in the district of solid wastes generated within the district; 23433

(2) The disposal at a solid waste disposal facility within 23434  
the district of solid wastes generated outside the boundaries of 23435

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the district, but inside this state; 23436

(3) The disposal at a solid waste disposal facility within 23437  
the district of solid wastes generated outside the boundaries of 23438  
this state. 23439

If any such fees are levied prior to January 1, 1994, fees 23440  
levied under division (B)(1) of this section always shall be equal 23441  
to one-half of the fees levied under division (B)(2) of this 23442  
section, and fees levied under division (B)(3) of this section, 23443  
which shall be in addition to fees levied under division (B)(2) of 23444  
this section, always shall be equal to fees levied under division 23445  
(B)(1) of this section, except as otherwise provided in this 23446  
division. The solid waste management plan of the county or joint 23447  
district approved under section 3734.521 or 3734.55 of the Revised 23448  
Code and any amendments to it, or the resolution adopted under 23449  
this division, as appropriate, shall establish the rates of the 23450  
fees levied under divisions (B)(1), (2), and (3) of this section, 23451  
if any, and shall specify whether the fees are levied on the basis 23452  
of tons or cubic yards as the unit of measurement. Although the 23453  
fees under divisions (A)(1) and (2) of this section are levied on 23454  
the basis of tons as the unit of measurement, the solid waste 23455  
management plan of the district and any amendments to it or the 23456  
solid waste management policy committee in its resolution levying 23457  
fees under this division may direct that the fees levied under 23458  
those divisions be levied on the basis of cubic yards as the unit 23459  
of measurement based upon a conversion factor of three cubic yards 23460  
per ton generally or one cubic yard per ton for baled wastes if 23461  
the fees under divisions (B)(1) to (3) of this section are being 23462  
levied on the basis of cubic yards as the unit of measurement 23463  
under the plan, amended plan, or resolution. 23464

On and after January 1, 1994, the fee levied under division 23465  
(B)(1) of this section shall be not less than one dollar per ton 23466  
nor more than two dollars per ton, the fee levied under division 23467

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(B)(2) of this section shall be not less than two dollars per ton 23468  
nor more than four dollars per ton, and the fee levied under 23469  
division (B)(3) of this section shall be not more than the fee 23470  
levied under division (B)(1) of this section, except as otherwise 23471  
provided in this division and notwithstanding any schedule of 23472  
those fees established in the solid waste management plan of a 23473  
county or joint district approved under section 3734.55 of the 23474  
Revised Code or a resolution adopted and ratified under this 23475  
division that is in effect on that date. If the fee that a 23476  
district is levying under division (B)(1) of this section on that 23477  
date under its approved plan or such a resolution is less than one 23478  
dollar per ton, the fee shall be one dollar per ton on and after 23479  
January 1, 1994, and if the fee that a district is so levying 23480  
under that division exceeds two dollars per ton, the fee shall be 23481  
two dollars per ton on and after that date. If the fee that a 23482  
district is so levying under division (B)(2) of this section is 23483  
less than two dollars per ton, the fee shall be two dollars per 23484  
ton on and after that date, and if the fee that the district is so 23485  
levying under that division exceeds four dollars per ton, the fee 23486  
shall be four dollars per ton on and after that date. On that 23487  
date, the fee levied by a district under division (B)(3) of this 23488  
section shall be equal to the fee levied under division (B)(1) of 23489  
this section. Except as otherwise provided in this division, the 23490  
fees established by the operation of this amendment shall remain 23491  
in effect until the district's resolution levying fees under this 23492  
division is amended or repealed in accordance with this division 23493  
to amend or abolish the schedule of fees, the schedule of fees is 23494  
amended or abolished in an amended plan of the district approved 23495  
under section 3734.521 or division (A) or (D) of section 3734.56 23496  
of the Revised Code, or the schedule of fees is amended or 23497  
abolished through an amendment to the district's plan under 23498  
division (E) of section 3734.56 of the Revised Code; the 23499  
notification of the amendment or abolishment of the fees has been 23500

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given in accordance with this division; and collection of the 23501  
amended fees so established commences, or collection of the fees 23502  
ceases, in accordance with this division. 23503

The solid waste management policy committee of a district 23504  
levying fees under divisions (B)(1) to (3) of this section on 23505  
October 29, 1993, under its solid waste management plan approved 23506  
under section 3734.55 of the Revised Code or a resolution adopted 23507  
and ratified under this division that are within the ranges of 23508  
rates prescribed by this amendment, by adoption of a resolution 23509  
not later than December 1, 1993, and without the necessity for 23510  
ratification of the resolution under this division, may amend 23511  
those fees within the prescribed ranges, provided that the 23512  
estimated revenues from the amended fees will not substantially 23513  
exceed the estimated revenues set forth in the district's budget 23514  
for calendar year 1994. Not later than seven days after the 23515  
adoption of such a resolution, the committee shall notify by 23516  
certified mail the owner or operator of each solid waste disposal 23517  
facility that is required to collect the fees of the adoption of 23518  
the resolution and of the amount of the amended fees. Collection 23519  
of the amended fees shall take effect on the first day of the 23520  
first month following the month in which the notification is sent 23521  
to the owner or operator. The fees established in such a 23522  
resolution shall remain in effect until the district's resolution 23523  
levying fees that was adopted and ratified under this division is 23524  
amended or repealed, and the amendment or repeal of the resolution 23525  
is ratified, in accordance with this division, to amend or abolish 23526  
the fees, the schedule of fees is amended or abolished in an 23527  
amended plan of the district approved under section 3734.521 or 23528  
division (A) or (D) of section 3734.56 of the Revised Code, or the 23529  
schedule of fees is amended or abolished through an amendment to 23530  
the district's plan under division (E) of section 3734.56 of the 23531  
Revised Code; the notification of the amendment or abolishment of 23532

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the fees has been given in accordance with this division; and 23533  
collection of the amended fees so established commences, or 23534  
collection of the fees ceases, in accordance with this division. 23535

Prior to the approval of the solid waste management plan of 23536  
the district under section 3734.55 of the Revised Code, the solid 23537  
waste management policy committee of a district may levy fees 23538  
under this division by adopting a resolution establishing the 23539  
proposed amount of the fees. Upon adopting the resolution, the 23540  
committee shall deliver a copy of the resolution to the board of 23541  
county commissioners of each county forming the district and to 23542  
the legislative authority of each municipal corporation and 23543  
township under the jurisdiction of the district and shall prepare 23544  
and publish the resolution and a notice of the time and location 23545  
where a public hearing on the fees will be held. Upon adopting the 23546  
resolution, the committee shall deliver written notice of the 23547  
adoption of the resolution; of the amount of the proposed fees; 23548  
and of the date, time, and location of the public hearing to the 23549  
director and to the fifty industrial, commercial, or institutional 23550  
generators of solid wastes within the district that generate the 23551  
largest quantities of solid wastes, as determined by the 23552  
committee, and to their local trade associations. The committee 23553  
shall make good faith efforts to identify those generators within 23554  
the district and their local trade associations, but the 23555  
nonprovision of notice under this division to a particular 23556  
generator or local trade association does not invalidate the 23557  
proceedings under this division. The publication shall occur at 23558  
least thirty days before the hearing. After the hearing, the 23559  
committee may make such revisions to the proposed fees as it 23560  
considers appropriate and thereafter, by resolution, shall adopt 23561  
the revised fee schedule. Upon adopting the revised fee schedule, 23562  
the committee shall deliver a copy of the resolution doing so to 23563  
the board of county commissioners of each county forming the 23564

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district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees.

In the case of a county district or a joint district formed by two or three counties, the committee shall declare the proposed revised fees to be ratified as the fee schedule of the district upon determining that the board of county commissioners of each county forming the district has approved the proposed revised fees and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the district comprising at least sixty per cent of the total population of the district have approved the proposed revised fees, provided that in the case of a county district, that combination shall include the municipal corporation having the largest population within the boundaries of the district, and provided further that in the case of a joint district formed by two or three counties, that combination shall include for each county forming the joint district the municipal corporation having the largest population within the boundaries of both the county in which the municipal corporation is located and the joint district. In the case of a joint district formed by four or more counties, the committee shall declare the proposed revised fees to be



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ratified as the fee schedule of the joint district upon 23597  
determining that the boards of county commissioners of a majority 23598  
of the counties forming the district have approved the proposed 23599  
revised fees; that, in each of a majority of the counties forming 23600  
the joint district, the proposed revised fees have been approved 23601  
by the municipal corporation having the largest population within 23602  
the county and the joint district; and that the legislative 23603  
authorities of a combination of municipal corporations and 23604  
townships with a combined population within the joint district 23605  
comprising at least sixty per cent of the total population of the 23606  
joint district have approved the proposed revised fees. 23607

For the purposes of this division, only the population of the 23608  
unincorporated area of a township shall be considered. For the 23609  
purpose of determining the largest municipal corporation within 23610  
each county under this division, a municipal corporation that is 23611  
located in more than one solid waste management district, but that 23612  
is under the jurisdiction of one county or joint solid waste 23613  
management district in accordance with division (A) of section 23614  
3734.52 of the Revised Code shall be considered to be within the 23615  
boundaries of the county in which a majority of the population of 23616  
the municipal corporation resides. 23617

The committee may amend the schedule of fees levied pursuant 23618  
to a resolution or amended resolution adopted and ratified under 23619  
this division by adopting a resolution establishing the proposed 23620  
amount of the amended fees. The committee may abolish the fees 23621  
levied pursuant to such a resolution or amended resolution by 23622  
adopting a resolution proposing to repeal them. Upon adopting such 23623  
a resolution, the committee shall proceed to obtain ratification 23624  
of the resolution in accordance with this division. 23625

Not later than fourteen days after declaring the fees or 23626  
amended fees to be ratified under this division, the committee 23627  
shall notify by certified mail the owner or operator of each solid 23628

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waste disposal facility that is required to collect the fees of 23629  
the ratification and the amount of the fees. Collection of any 23630  
fees or amended fees ratified on or after March 24, 1992, shall 23631  
commence on the first day of the second month following the month 23632  
in which notification is sent to the owner or operator. 23633

Not later than fourteen days after declaring the repeal of 23634  
the district's schedule of fees to be ratified under this 23635  
division, the committee shall notify by certified mail the owner 23636  
or operator of each facility that is collecting the fees of the 23637  
repeal. Collection of the fees shall cease on the first day of the 23638  
second month following the month in which notification is sent to 23639  
the owner or operator. 23640

Not later than fourteen days after the director issues an 23641  
order approving a district's solid waste management plan under 23642  
section 3734.55 of the Revised Code or amended plan under division 23643  
(A) or (D) of section 3734.56 of the Revised Code that establishes 23644  
or amends a schedule of fees levied by the district, or the 23645  
ratification of an amendment to the district's approved plan or 23646  
amended plan under division (E) of section 3734.56 of the Revised 23647  
Code that establishes or amends a schedule of fees, as 23648  
appropriate, the committee shall notify by certified mail the 23649  
owner or operator of each solid waste disposal facility that is 23650  
required to collect the fees of the approval of the plan or 23651  
amended plan, or the amendment to the plan, as appropriate, and 23652  
the amount of the fees or amended fees. In the case of an initial 23653  
or amended plan approved under section 3734.521 of the Revised 23654  
Code in connection with a change in district composition, other 23655  
than one involving the withdrawal of a county from a joint 23656  
district, that establishes or amends a schedule of fees levied 23657  
under divisions (B)(1) to (3) of this section by a district 23658  
resulting from the change, the committee, within fourteen days 23659  
after the change takes effect pursuant to division (G) of that 23660

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section, shall notify by certified mail the owner or operator of  
each solid waste disposal facility that is required to collect the  
fees that the change has taken effect and of the amount of the  
fees or amended fees. Collection of any fees set forth in a plan  
or amended plan approved by the director on or after April 16,  
1993, or an amendment of a plan or amended plan under division (E)  
of section 3734.56 of the Revised Code that is ratified on or  
after April 16, 1993, shall commence on the first day of the  
second month following the month in which notification is sent to  
the owner or operator.

Not later than fourteen days after the director issues an  
order approving a district's plan under section 3734.55 of the  
Revised Code or amended plan under division (A) or (D) of section  
3734.56 of the Revised Code that abolishes the schedule of fees  
levied under divisions (B)(1) to (3) of this section, or an  
amendment to the district's approved plan or amended plan  
abolishing the schedule of fees is ratified pursuant to division  
(E) of section 3734.56 of the Revised Code, as appropriate, the  
committee shall notify by certified mail the owner or operator of  
each facility that is collecting the fees of the approval of the  
plan or amended plan, or the amendment of the plan or amended  
plan, as appropriate, and the abolishment of the fees. In the case  
of an initial or amended plan approved under section 3734.521 of  
the Revised Code in connection with a change in district  
composition, other than one involving the withdrawal of a county  
from a joint district, that abolishes the schedule of fees levied  
under divisions (B)(1) to (3) of this section by a district  
resulting from the change, the committee, within fourteen days  
after the change takes effect pursuant to division (G) of that  
section, shall notify by certified mail the owner or operator of  
each solid waste disposal facility that is required to collect the  
fees that the change has taken effect and of the abolishment of

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the fees. Collection of the fees shall cease on the first day of 23693  
the second month following the month in which notification is sent 23694  
to the owner or operator. 23695

Except as otherwise provided in this division, if the 23696  
schedule of fees that a district is levying under divisions (B)(1) 23697  
to (3) of this section pursuant to a resolution or amended 23698  
resolution adopted and ratified under this division, the solid 23699  
waste management plan of the district approved under section 23700  
3734.55 of the Revised Code, an amended plan approved under 23701  
division (A) or (D) of section 3734.56 of the Revised Code, or an 23702  
amendment to the district's approved plan or amended plan under 23703  
division (E) of section 3734.56 of the Revised Code, is amended by 23704  
the adoption and ratification of an amendment to the resolution or 23705  
amended resolution or an amendment of the district's approved plan 23706  
or amended plan, the fees in effect immediately prior to the 23707  
approval of the plan or the amendment of the resolution, amended 23708  
resolution, plan, or amended plan, as appropriate, shall continue 23709  
to be collected until collection of the amended fees commences 23710  
pursuant to this division. 23711

If, in the case of a change in district composition involving 23712  
the withdrawal of a county from a joint district, the director 23713  
completes the actions required under division (G)(1) or (3) of 23714  
section 3734.521 of the Revised Code, as appropriate, forty-five 23715  
days or more before the beginning of a calendar year, the policy 23716  
committee of each of the districts resulting from the change that 23717  
obtained the director's approval of an initial or amended plan in 23718  
connection with the change, within fourteen days after the 23719  
director's completion of the required actions, shall notify by 23720  
certified mail the owner or operator of each solid waste disposal 23721  
facility that is required to collect the district's fees that the 23722  
change is to take effect on the first day of January immediately 23723  
following the issuance of the notice and of the amount of the fees 23724

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or amended fees levied under divisions (B)(1) to (3) of this 23725  
section pursuant to the district's initial or amended plan as so 23726  
approved or, if appropriate, the abolishment of the district's 23727  
fees by that initial or amended plan. Collection of any fees set 23728  
forth in such a plan or amended plan shall commence on the first 23729  
day of January immediately following the issuance of the notice. 23730  
If such an initial or amended plan abolishes a schedule of fees, 23731  
collection of the fees shall cease on that first day of January. 23732

If, in the case of a change in district composition involving 23733  
the withdrawal of a county from a joint district, the director 23734  
completes the actions required under division (G)(1) or (3) of 23735  
section 3734.521 of the Revised Code, as appropriate, less than 23736  
forty-five days before the beginning of a calendar year, the 23737  
director, on behalf of each of the districts resulting from the 23738  
change that obtained the director's approval of an initial or 23739  
amended plan in connection with the change proceedings, shall 23740  
notify by certified mail the owner or operator of each solid waste 23741  
disposal facility that is required to collect the district's fees 23742  
that the change is to take effect on the first day of January 23743  
immediately following the mailing of the notice and of the amount 23744  
of the fees or amended fees levied under divisions (B)(1) to (3) 23745  
of this section pursuant to the district's initial or amended plan 23746  
as so approved or, if appropriate, the abolishment of the 23747  
district's fees by that initial or amended plan. Collection of any 23748  
fees set forth in such a plan or amended plan shall commence on 23749  
the first day of the second month following the month in which 23750  
notification is sent to the owner or operator. If such an initial 23751  
or amended plan abolishes a schedule of fees, collection of the 23752  
fees shall cease on the first day of the second month following 23753  
the month in which notification is sent to the owner or operator. 23754

In the case of a change in district composition, the schedule 23755  
of fees that the former districts that existed prior to the change 23756

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were levying under divisions (B)(1) to (3) of this section 23757  
pursuant to a resolution or amended resolution adopted and 23758  
ratified under this division, the solid waste management plan of a 23759  
former district approved under section 3734.521 or 3734.55 of the 23760  
Revised Code, an amended plan approved under section 3734.521 or 23761  
division (A) or (D) of section 3734.56 of the Revised Code, or an 23762  
amendment to a former district's approved plan or amended plan 23763  
under division (E) of section 3734.56 of the Revised Code, and 23764  
that were in effect on the date that the director completed the 23765  
actions required under division (G)(1) or (3) of section 3734.521 23766  
of the Revised Code shall continue to be collected until the 23767  
collection of the fees or amended fees of the districts resulting 23768  
from the change is required to commence, or if an initial or 23769  
amended plan of a resulting district abolishes a schedule of fees, 23770  
collection of the fees is required to cease, under this division. 23771  
Moneys so received from the collection of the fees of the former 23772  
districts shall be divided among the resulting districts in 23773  
accordance with division (B) of section 343.012 of the Revised 23774  
Code and the agreements entered into under division (B) of section 23775  
343.01 of the Revised Code to establish the former and resulting 23776  
districts and any amendments to those agreements. 23777

For the purposes of the provisions of division (B) of this 23778  
section establishing the times when newly established or amended 23779  
fees levied by a district are required to commence and the 23780  
collection of fees that have been amended or abolished is required 23781  
to cease, "fees" or "schedule of fees" includes, in addition to 23782  
fees levied under divisions (B)(1) to (3) of this section, those 23783  
levied under section 3734.573 or 3734.574 of the Revised Code. 23784

(C) For the purposes of defraying the added costs to a 23785  
municipal corporation or township of maintaining roads and other 23786  
public facilities and of providing emergency and other public 23787  
services, and compensating a municipal corporation or township for 23788

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reductions in real property tax revenues due to reductions in real 23789  
property valuations resulting from the location and operation of a 23790  
solid waste disposal facility within the municipal corporation or 23791  
township, a municipal corporation or township in which such a 23792  
solid waste disposal facility is located may levy a fee of not 23793  
more than twenty-five cents per ton on the disposal of solid 23794  
wastes at a solid waste disposal facility located within the 23795  
boundaries of the municipal corporation or township regardless of 23796  
where the wastes were generated. 23797

The legislative authority of a municipal corporation or 23798  
township may levy fees under this division by enacting an 23799  
ordinance or adopting a resolution establishing the amount of the 23800  
fees. Upon so doing the legislative authority shall mail a 23801  
certified copy of the ordinance or resolution to the board of 23802  
county commissioners or directors of the county or joint solid 23803  
waste management district in which the municipal corporation or 23804  
township is located or, if a regional solid waste management 23805  
authority has been formed under section 343.011 of the Revised 23806  
Code, to the board of trustees of that regional authority, the 23807  
owner or operator of each solid waste disposal facility in the 23808  
municipal corporation or township that is required to collect the 23809  
fee by the ordinance or resolution, and the director of 23810  
environmental protection. Although the fees levied under this 23811  
division are levied on the basis of tons as the unit of 23812  
measurement, the legislative authority, in its ordinance or 23813  
resolution levying the fees under this division, may direct that 23814  
the fees be levied on the basis of cubic yards as the unit of 23815  
measurement based upon a conversion factor of three cubic yards 23816  
per ton generally or one cubic yard per ton for baled wastes. 23817

Not later than five days after enacting an ordinance or 23818  
adopting a resolution under this division, the legislative 23819  
authority shall so notify by certified mail the owner or operator 23820

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of each solid waste disposal facility that is required to collect 23821  
the fee. Collection of any fee levied on or after March 24, 1992, 23822  
shall commence on the first day of the second month following the 23823  
month in which notification is sent to the owner or operator. 23824

(D)(1) The fees levied under divisions (A), (B), and (C) of 23825  
this section do not apply to the disposal of solid wastes that: 23826

(a) Are disposed of at a facility owned by the generator of 23827  
the wastes when the solid waste facility exclusively disposes of 23828  
solid wastes generated at one or more premises owned by the 23829  
generator regardless of whether the facility is located on a 23830  
premises where the wastes are generated; 23831

(b) Are disposed of at facilities that exclusively dispose of 23832  
wastes that are generated from the combustion of coal, or from the 23833  
combustion of primarily coal in combination with scrap tires, that 23834  
is not combined in any way with garbage at one or more premises 23835  
owned by the generator. 23836

(2) Except as provided in section 3734.571 of the Revised 23837  
Code, any fees levied under division (B)(1) of this section apply 23838  
to solid wastes originating outside the boundaries of a county or 23839  
joint district that are covered by an agreement for the joint use 23840  
of solid waste facilities entered into under section 343.02 of the 23841  
Revised Code by the board of county commissioners or board of 23842  
directors of the county or joint district where the wastes are 23843  
generated and disposed of. 23844

(3) When solid wastes, other than solid wastes that consist 23845  
of scrap tires, are burned in a disposal facility that is an 23846  
incinerator or energy recovery facility, the fees levied under 23847  
divisions (A), (B), and (C) of this section shall be levied upon 23848  
the disposal of the fly ash and bottom ash remaining after burning 23849  
of the solid wastes and shall be collected by the owner or 23850  
operator of the sanitary landfill where the ash is disposed of. 23851



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(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

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or township where the wastes are disposed of. Moneys from the fees 23884  
levied under division (B) of this section shall be forwarded to 23885  
the board of county commissioners or board of directors of the 23886  
district in accordance with rules adopted under division (H) of 23887  
this section. Moneys from the fees levied under division (C) of 23888  
this section shall be forwarded to the treasurer or such other 23889  
officer of the municipal corporation as, by virtue of the charter, 23890  
has the duties of the treasurer or to the clerk of the township, 23891  
as appropriate, in accordance with those rules. 23892

(F) Moneys received by the treasurer or such other officer of 23893  
the municipal corporation under division (E) of this section shall 23894  
be paid into the general fund of the municipal corporation. Moneys 23895  
received by the clerk of the township under that division shall be 23896  
paid into the general fund of the township. The treasurer or such 23897  
other officer of the municipal corporation or the clerk, as 23898  
appropriate, shall maintain separate records of the moneys 23899  
received from the fees levied under division (C) of this section. 23900

23901  
(G) Moneys received by the board of county commissioners or 23902  
board of directors under division (E) of this section or section 23903  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 23904  
shall be paid to the county treasurer, or other official acting in 23905  
a similar capacity under a county charter, in a county district or 23906  
to the county treasurer or other official designated by the board 23907  
of directors in a joint district and kept in a separate and 23908  
distinct fund to the credit of the district. If a regional solid 23909  
waste management authority has been formed under section 343.011 23910  
of the Revised Code, moneys received by the board of trustees of 23911  
that regional authority under division (E) of this section shall 23912  
be kept by the board in a separate and distinct fund to the credit 23913  
of the district. Moneys in the special fund of the county or joint 23914  
district arising from the fees levied under division (B) of this 23915

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section and the fee levied under division (A) of section 3734.573 23916  
of the Revised Code shall be expended by the board of county 23917  
commissioners or directors of the district in accordance with the 23918  
district's solid waste management plan or amended plan approved 23919  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 23920  
exclusively for the following purposes: 23921

(1) Preparation of the solid waste management plan of the 23922  
district under section 3734.54 of the Revised Code, monitoring 23923  
implementation of the plan, and conducting the periodic review and 23924  
amendment of the plan required by section 3734.56 of the Revised 23925  
Code by the solid waste management policy committee; 23926

(2) Implementation of the approved solid waste management 23927  
plan or amended plan of the district, including, without 23928  
limitation, the development and implementation of solid waste 23929  
recycling or reduction programs; 23930

(3) Providing financial assistance to boards of health within 23931  
the district, if solid waste facilities are located within the 23932  
district, for enforcement of this chapter and rules, orders, and 23933  
terms and conditions of permits, licenses, and variances adopted 23934  
or issued under it, other than the hazardous waste provisions of 23935  
this chapter and rules adopted and orders and terms and conditions 23936  
of permits issued under those provisions; 23937

(4) Providing financial assistance to each county within the 23938  
district to defray the added costs of maintaining roads and other 23939  
public facilities and of providing emergency and other public 23940  
services resulting from the location and operation of a solid 23941  
waste facility within the county under the district's approved 23942  
solid waste management plan or amended plan; 23943

(5) Pursuant to contracts entered into with boards of health 23944  
within the district, if solid waste facilities contained in the 23945  
district's approved plan or amended plan are located within the 23946

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district, for paying the costs incurred by those boards of health 23947  
for collecting and analyzing samples from public or private water 23948  
wells on lands adjacent to those facilities; 23949

(6) Developing and implementing a program for the inspection 23950  
of solid wastes generated outside the boundaries of this state 23951  
that are disposed of at solid waste facilities included in the 23952  
district's approved solid waste management plan or amended plan; 23953

(7) Providing financial assistance to boards of health within 23954  
the district for the enforcement of section 3734.03 of the Revised 23955  
Code or to local law enforcement agencies having jurisdiction 23956  
within the district for enforcing anti-littering laws and 23957  
ordinances; 23958

(8) Providing financial assistance to boards of health of 23959  
health districts within the district that are on the approved list 23960  
under section 3734.08 of the Revised Code to defray the costs to 23961  
the health districts for the participation of their employees 23962  
responsible for enforcement of the solid waste provisions of this 23963  
chapter and rules adopted and orders and terms and conditions of 23964  
permits, licenses, and variances issued under those provisions in 23965  
the training and certification program as required by rules 23966  
adopted under division (L) of section 3734.02 of the Revised Code; 23967

(9) Providing financial assistance to individual municipal 23968  
corporations and townships within the district to defray their 23969  
added costs of maintaining roads and other public facilities and 23970  
of providing emergency and other public services resulting from 23971  
the location and operation within their boundaries of a 23972  
composting, energy or resource recovery, incineration, or 23973  
recycling facility that either is owned by the district or is 23974  
furnishing solid waste management facility or recycling services 23975  
to the district pursuant to a contract or agreement with the board 23976  
of county commissioners or directors of the district; 23977

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(10) Payment of any expenses that are agreed to, awarded, or 23978  
ordered to be paid under section 3734.35 of the Revised Code and 23979  
of any administrative costs incurred pursuant to that section. In 23980  
the case of a joint solid waste management district, if the board 23981  
of county commissioners of one of the counties in the district is 23982  
negotiating on behalf of affected communities, as defined in that 23983  
section, in that county, the board shall obtain the approval of 23984  
the board of directors of the district in order to expend moneys 23985  
for administrative costs incurred. 23986

Prior to the approval of the district's solid waste 23987  
management plan under section 3734.55 of the Revised Code, moneys 23988  
in the special fund of the district arising from the fees shall be 23989  
expended for those purposes in the manner prescribed by the solid 23990  
waste management policy committee by resolution. 23991

Notwithstanding division (G)(6) of this section as it existed 23992  
prior to October 29, 1993, or any provision in a district's solid 23993  
waste management plan prepared in accordance with division 23994  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 23995  
prior to that date, any moneys arising from the fees levied under 23996  
division (B)(3) of this section prior to January 1, 1994, may be 23997  
expended for any of the purposes authorized in divisions (G)(1) to 23998  
(10) of this section. 23999

(H) The director shall adopt rules in accordance with Chapter 24000  
119. of the Revised Code prescribing procedures for collecting and 24001  
forwarding the fees levied under divisions (B) and (C) of this 24002  
section to the boards of county commissioners or directors of 24003  
county or joint solid waste management districts and to the 24004  
treasurers or other officers of municipal corporations or to the 24005  
clerks of townships. The rules also shall prescribe the dates for 24006  
forwarding the fees to the boards and officials and may prescribe 24007  
any other requirements the director considers necessary or 24008  
appropriate to implement and administer divisions (A), (B), and 24009

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(C) of this section. Collection of the fees levied under division 24010  
 (A)(1) of this section shall commence on July 1, 1993. Collection 24011  
 of the fees levied under division (A)(2) of this section shall 24012  
 commence on January 1, 1994. 24013

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery 24014  
 facility license issued under section 3734.81 of the Revised Code 24015  
 shall be in accordance with the following schedule: 24016

Daily Design	Annual	24017
Input Capacity	License	24018
(Tons)	Fee	24019
1 or less	\$ 100	24020
2 to 25	500	24021
26 to 50	1,000	24022
51 to 100	1,500	24023
101 to 200	2,500	24024
201 to 500	3,500	24025
501 or more	5,500	24026

For the purpose of determining the applicable license fee 24027  
 under this division, the daily design input capacity shall be the 24028  
 quantity of scrap tires the facility is designed to process daily 24029  
 as set forth in the registration certificate or permit for the 24030  
 facility, and any modifications to the permit, if applicable, 24031  
 issued under section 3734.78 of the Revised Code. 24032

(B) The annual fee for a scrap tire monocell or monofill 24033  
 facility license shall be in accordance with the following 24034  
 schedule: 24035

Authorized Maximum	Annual	24036
Daily Waste Receipt	License	24037
(Tons)	Fee	24038
100 or less	\$ 5,000	24039
101 to 200	12,500	24040

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201 to 500	30,000	24041
501 or more	60,000	24042

For the purpose of determining the applicable license fee 24043  
under this division, the authorized maximum daily waste receipt 24044  
shall be the maximum amount of scrap tires the facility is 24045  
authorized to receive daily that is established in the permit for 24046  
the facility, and any modification to that permit, issued under 24047  
section 3734.77 of the Revised Code. 24048

(C)(1) Except as otherwise provided in division (C)(2) of 24049  
this section, the annual fee for a scrap tire storage facility 24050  
license shall equal one thousand dollars times the number of acres 24051  
on which scrap tires are to be stored at the facility during the 24052  
license year, as set forth on the application for the annual 24053  
license, except that the total annual license fee for any such 24054  
facility shall not exceed three thousand dollars. 24055

(2) The annual fee for a scrap tire storage facility license 24056  
for a storage facility that is owned or operated by a motor 24057  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 24058  
Code is one hundred dollars. 24059

(D)(1) Except as otherwise provided in division (D)(2) of 24060  
this section, the annual fee for a scrap tire collection facility 24061  
license is two hundred dollars. 24062

(2) The annual fee for a scrap tire collection facility 24063  
license for a collection facility that is owned or operated by a 24064  
motor vehicle salvage dealer licensed under Chapter 4738. of the 24065  
Revised Code is fifty dollars. 24066

(E) Except as otherwise provided in divisions (C)(2) and 24067  
(D)(2) of this section, the same fees apply to private operators 24068  
and to the state and its political subdivisions and shall be paid 24069  
within thirty days after the issuance of a license. The fees 24070  
include the cost of licensing, all inspections, and other costs 24071

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associated with the administration of the scrap tire provisions of 24072  
this chapter and rules adopted under them. Each license shall 24073  
specify that it is conditioned upon payment of the applicable fee 24074  
to the board of health or the director of environmental 24075  
protection, as appropriate, within thirty days after the issuance 24076  
of the license. 24077

(F) The board of health shall retain fifteen thousand dollars 24078  
of each license fee collected by the board under division (B) of 24079  
this section, or the entire amount of any such fee that is less 24080  
than fifteen thousand dollars, and the entire amount of each 24081  
license fee collected by the board under divisions (A), (C), and 24082  
(D) of this section. The moneys retained shall be paid into a 24083  
special fund, which is hereby created in each health district, and 24084  
used solely to administer and enforce the scrap tire provisions of 24085  
this chapter and rules adopted under them. The remainder, if any, 24086  
of each license fee collected by the board under division (B) of 24087  
this section shall be transmitted to the director within 24088  
forty-five days after receipt of the fee. 24089

(G) The director shall transmit the moneys received by the 24090  
director from license fees collected under division (B) of this 24091  
section to the treasurer of state to be credited to the scrap tire 24092  
management fund, which is hereby created in the state treasury. 24093  
The fund shall consist of all federal moneys received by the 24094  
environmental protection agency for the scrap tire management 24095  
program; all grants, gifts, and contributions made to the director 24096  
for that program; and all other moneys that may be provided by law 24097  
for that program. The director shall use moneys in the fund as 24098  
follows: 24099

(1) Expend not more than seven hundred fifty thousand dollars 24100  
during each fiscal year to implement, administer, and enforce the 24101  
scrap tire provisions of this chapter and rules adopted under 24102  
them; 24103



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<del>(2) For fiscal years 1998 and 1999, grant not more than one</del>	24104
<del>hundred fifty thousand dollars during each fiscal year to the</del>	24105
<del>polymer institute at the university of Akron for the purpose of</del>	24106
<del>expediting research concerning and evaluation of alternative</del>	24107
<del>methods of recycling scrap tires. The institute shall report to</del>	24108
<del>the director annually concerning research programs under review,</del>	24109
<del>and the results of scrap tire recycling experiments conducted, by</del>	24110
<del>or in conjunction with the institute. The university shall report</del>	24111
<del>to the director biennially concerning the expenditures of moneys</del>	24112
<del>received by the institute under division (G)(2) of this section.</del>	24113
<del>(3) During each fiscal year, request the director of budget</del>	24114
<del>and management to, and the director of budget and management</del>	24115
<del>shall, transfer one million dollars to the scrap tire loans and</del>	24116
<del>grants <u>grant</u> fund created in section <del>166.032</del> <u>1502.12</u> of the</del>	24117
<del>Revised Code for the purposes specified in that section;</del>	24118
<del>(4) Annually transfer to the central support indirect fund</del>	24119
<del>created in section 3745.014 of the Revised Code an amount equal to</del>	24120
<del>not more than twelve per cent of each fiscal year's appropriation</del>	24121
<del>to the scrap tire management fund.</del>	24122
<del>(H)(1) If, during a fiscal year, more than three million five</del>	24123
<del>hundred thousand dollars are credited to the scrap tire management</del>	24124
<del>fund, the director, at the conclusion of the fiscal year, shall</del>	24125
<del>request the director of budget and management to, and the director</del>	24126
<del>of budget and management shall, transfer to the scrap tire loans</del>	24127
<del>and grants fund one half of the moneys credited to the scrap tire</del>	24128
<del>management fund in excess of that amount.</del>	24129
<del>(2) In each fiscal year, if more than three million five</del>	24130
<del>hundred thousand dollars are credited to the scrap tire management</del>	24131
<del>fund during the preceding fiscal year, the director shall expend</del>	24132
<del>during the current fiscal year one half of that excess amount to</del>	24133
<del>conduct removal operations under section 3734.85 of the Revised</del>	24134
<del>Code.</del>	24135

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(3) Expend not more than three million dollars per year 24136  
during fiscal years 2002 and 2003 to conduct removal actions under 24137  
section 3734.85 of the Revised Code and to make grants to boards 24138  
of health under section 3734.042 of the Revised Code. However, 24139  
more than three million dollars may be expended in fiscal years 24140  
2002 and 2003 for the purposes of division (G)(3) of this section 24141  
if more moneys are collected from the fee levied under division 24142  
(A)(2) of section 3734.901 of the Revised Code. During each 24143  
subsequent fiscal year the director shall expend not more than 24144  
four million five hundred thousand dollars to conduct removal 24145  
actions under section 3734.85 of the Revised Code and to make 24146  
grants to boards of health under section 3734.042 of the Revised 24147  
Code. However, more than four million five hundred thousand 24148  
dollars may be expended in a fiscal year for the purposes of 24149  
division (G)(3) of this section if more moneys are collected from 24150  
the fee levied under division (A)(2) of section 3734.901 of the 24151  
Revised Code. The director shall request the approval of the 24152  
controlling board prior to the use of the moneys to conduct 24153  
removal actions under section 3734.85 of the Revised Code. The 24154  
request shall be accompanied by a plan describing the removal 24155  
actions to be conducted during the fiscal year and an estimate of 24156  
the costs of conducting them. The controlling board shall approve 24157  
the plan only if it finds that the proposed removal actions are in 24158  
accordance with the priorities set forth in division (B) of 24159  
section 3734.85 of the Revised Code and that the costs of 24160  
conducting them are reasonable. Controlling board approval is not 24161  
required for grants made to boards of health under section 24162  
3734.042 of the Revised Code. 24163

(H) If, during a fiscal year, more than seven million dollars 24164  
are credited to the scrap tire management fund, the director, at 24165  
the conclusion of the fiscal year, shall request the director of 24166  
budget and management to, and the director of budget and 24167

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management shall, transfer one-half of those excess moneys to the scrap tire grant fund. The director shall expend the remaining excess moneys in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code in accordance with the procedures established under division (I) of this section.

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H) of this section are completed during each prior fiscal year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director shall request the approval of the controlling board for that use of the moneys. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if the board finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable.

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants to promote research regarding alternative methods of recycling scrap tires and loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29,

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1993, through June 30, 2006.	24200
<u>(2) There is hereby levied an additional fee of fifty cents</u>	24201
<u>per tire on the sale of tires the proceeds of which shall be</u>	24202
<u>deposited in the scrap tire management fund created in section</u>	24203
<u>3734.82 of the Revised Code and be used exclusively for the</u>	24204
<u>purposes specified in division (G)(3) of that section.</u>	24205
(B) Only one sale of the same article shall be used in	24206
computing the amount of the fee due.	24207
<b>Sec. 3734.904.</b> (A) By the twentieth day of each month, each	24208
person required to pay the fee imposed by section 3734.901 of the	24209
Revised Code shall file with the <del>treasurer of state tax</del>	24210
<del>commissioner</del> a return as prescribed by the tax commissioner and	24211
shall make payment of the full amount of the fee due for the	24212
preceding month after deduction of any discount provided for under	24213
division (E) of this section. The return shall be signed by the	24214
person required to file it, or an authorized employee, officer, or	24215
agent. <del>The treasurer shall mark on the return the date it was</del>	24216
<del>received and indicate payment or nonpayment of the fee shown to be</del>	24217
<del>due on the return. The treasurer immediately shall transmit all</del>	24218
<del>returns to the tax commissioner.</del> The return shall be deemed filed	24219
when received by the <del>treasurer of state tax commissioner.</del>	24220
(B) Any person required by this section to file a return who	24221
fails to file such a return within the period prescribed may be	24222
required to pay an additional charge of fifty dollars or ten per	24223
cent of the fee required to be paid for the reporting period,	24224
whichever is greater. The commissioner may collect the additional	24225
charge by assessment pursuant to section 3734.907 of the Revised	24226
Code. The commissioner may remit all or a portion of the	24227
additional charge and may adopt rules relating thereto.	24228
(C) If any fee due is not paid timely in accordance with this	24229
section, the person liable for the fee shall pay interest,	24230

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calculated at the rate per annum as prescribed by section 5703.47 24231  
of the Revised Code, from the date the fee payment was due to the 24232  
date of payment or to the date an assessment is issued, whichever 24233  
occurs first. Interest shall be paid in the same manner as the 24234  
fee, and the commissioner may collect the interest by assessment 24235  
pursuant to section 3734.907 of the Revised Code. 24236

(D) If, in the estimation of the tax commissioner, the 24237  
average liability of the person liable for the fee is such as not 24238  
to merit monthly filing, the commissioner may authorize the person 24239  
to file and pay at less frequent intervals. Returns are due by the 24240  
twentieth day of the month following the close of the applicable 24241  
reporting period authorized under this division. 24242

(E) If a return is filed and the amount of the fee shown to 24243  
be due on the return is paid on or before the date that the return 24244  
is required to be filed under division (A) of this section or 24245  
pursuant to division (D) of this section, whichever is applicable, 24246  
the person liable for the fee is entitled to a discount of four 24247  
per cent of the amount shown to be due on the return. 24248

(F) All money collected by the tax commissioner under this 24249  
section shall be paid to the treasurer of state as revenue arising 24250  
from the fee imposed by section 3734.901 of the Revised Code. 24251

**Sec. 3735.27.** (A) Whenever the director of development has 24252  
determined that there is need for a housing authority in any 24253  
portion of any county that comprises two or more political 24254  
subdivisions or portions thereof but is less than all the 24255  
territory within the county, a metropolitan housing authority 24256  
shall be declared to exist and the territorial limits thereof 24257  
shall be defined by a letter from the director. The director shall 24258  
issue a determination from the department of development declaring 24259  
that there is need for a housing authority within such territorial 24260  
limits ~~if he finds~~ after finding either: 24261

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(1) Unsanitary or unsafe inhabited housing accommodations exist in such area; 24262  
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(2) There is a shortage of safe and sanitary housing accommodations in such area available to persons who lack the amount of income which is necessary, as determined by the director, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without congestion. 24264  
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In determining whether dwelling accommodations are unsafe or unsanitary the director may take into consideration the degree of congestion, the percentage of land coverage, the light, air, space, and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes. 24269  
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The territorial limits of a housing authority, defined by the director, shall be fixed for such authority upon proof of a letter from the director declaring the need for such authority to function in those territorial limits. Any such letter from the director, any certificate of determination issued by the director, and any certificate of appointment of members of the authority shall be admissible in evidence in any suit, action, or proceeding. 24277  
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A certified copy of the letter from the director, declaring the existence and boundaries of a housing authority district, shall be immediately forwarded to each appointing authority. A housing authority shall consist of five members, who shall be residents of the territory embraced in such metropolitan housing authority district. 24285  
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24290

(B) Except as otherwise provided in division (C) of this section, one member shall be appointed by the probate court, one 24291  
24292

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member by the court of common pleas, one member by the board of  
 county commissioners, and two members by the chief executive  
 officer of the most populous city in the territory included in the  
 district, in accordance with the last preceding federal census. At  
 the time of the initial appointment of the authority, the member  
 appointed by the probate court shall be appointed for a period of  
 four years, the appointee of the court of common pleas for three  
 years, the appointee of the board of county commissioners for two  
 years, one appointee of the chief executive officer for one year  
 and one appointee of the chief executive officer for five years.  
 Thereafter, all members of the authority shall be appointed for  
 five-year terms and vacancies due to expired terms shall be filled  
 by the same appointing powers.

(C) For any metropolitan housing authority district that  
~~contains~~ contained, as of the 1990 federal census, a population of  
 at least one million, two members of the authority shall be  
 appointed by the municipal legislative authority of the most  
 populous city in the territory included in the district, two  
 members by the chief executive officer of the most populous city  
 in the territory included in the district, and one member by the  
 chief executive officer, with the approval of the municipal  
 legislative authority, of the city in the district which has the  
 second highest number of housing units owned or managed by the  
 authority.

At the time of the initial appointment of the authority, one  
 member appointed by the municipal legislative authority of the  
 most populous city in the territory included in the district shall  
 be appointed for three years, and one for one year; the appointee  
 of the chief executive officer of the city with the second highest  
 number of housing units owned or managed by the authority shall be  
 appointed, with the approval of the municipal legislative  
 authority, for three years; one appointee of the chief executive

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officer of the most populous city in the district shall be 24325  
appointed for three years, and one for one year. Thereafter, all 24326  
members of the authority shall be appointed for three-year terms, 24327  
and any vacancy shall be filled by the same appointing power that 24328  
made the initial appointment. At the expiration of the term of any 24329  
member appointed by the chief executive officer of the most 24330  
populous city in the territory included in the district prior to 24331  
March 15, 1983, the chief executive officer of the most populous 24332  
city in the district shall fill the vacancy by appointment for a 24333  
three-year term. At the expiration of the term of any member 24334  
appointed by the board of county commissioners prior to March 15, 24335  
1983, the chief executive officer of the city in the district with 24336  
the second highest number of housing units owned or managed by the 24337  
authority shall, with the approval of the municipal legislative 24338  
authority, fill the vacancy by appointment for a three-year term. 24339  
At the expiration of the term of any member appointed prior to 24340  
March 15, 1983 by the court of common pleas or the probate court, 24341  
the legislative authority of the most populous city in the 24342  
territory included in the district shall fill the vacancy by 24343  
appointment for a three-year term. 24344

After March 15, 1983, at least one of the members appointed 24345  
by the chief executive officer of the most populous city shall be 24346  
a resident of a dwelling unit owned or managed by the housing 24347  
authority. At least one of the initial appointments by the chief 24348  
executive officer of the most populous city, after March 15, 1983, 24349  
shall be a resident of a dwelling unit owned or managed by the 24350  
housing authority. Thereafter, any member appointed by the chief 24351  
executive officer for the term established by this initial 24352  
appointment, or for any succeeding term thereof, shall be a person 24353  
who resides in a dwelling unit owned or managed by the housing 24354  
authority. If there is an elected, representative body of all 24355  
residents of the housing authority, then the chief executive 24356



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officer shall, whenever there is a vacancy in this resident term, 24357  
 provide written notice of the vacancy to the representative body. 24358  
 If the representative body submits to the chief executive officer, 24359  
 in writing and within sixty days after the date on which it was 24360  
 notified of the vacancy, the names of at least five residents of 24361  
 the housing authority who are willing and qualified to serve as a 24362  
 member, then the chief executive officer shall appoint to the 24363  
 resident term one of the residents recommended by the 24364  
 representative body. At no time shall residents constitute a 24365  
 majority of the members of the authority. 24366

(D) Public officials, other than the officers having the 24367  
 appointing power under this section, shall be eligible to serve as 24368  
 members, officers, or employees of the housing authority 24369  
 notwithstanding any statute, charter, or law to the contrary. Not 24370  
 more than two such public officials shall be members of the 24371  
 authority at any one time. 24372

All members of such housing authority shall serve without 24373  
 compensation but shall be entitled to be reimbursed for all 24374  
 necessary expenses incurred. After such district has been formed, 24375  
 the director may enlarge the territory within such district to 24376  
 include other political subdivisions, or portions thereof, but the 24377  
 territorial limits of which shall be less than that of the county. 24378

**Sec. 3745.014.** There is hereby created in the state treasury 24379  
 the central support indirect fund, which shall be administered by 24380  
 the director of environmental protection. Money credited to the 24381  
 fund shall be used for administrative costs of the environmental 24382  
 protection agency ~~that are related to expenditures by the agency~~ 24383  
~~from funds of the general services fund group and the state~~ 24384  
~~special revenue fund group.~~ The director may assess any operating 24385  
 funds of from which the agency ~~within the general services fund~~ 24386  
~~group or the state special revenue fund group~~ receives 24387

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~~appropriations~~, except the central support indirect fund, for a 24388  
share of the administrative costs of the agency. The ~~assessments~~ 24389  
~~shall be paid from the general services funds and state special~~ 24390  
~~revenue funds designated by the director and amounts assessed~~ 24391  
shall be transferred to the central support indirect fund by means 24392  
of intrastate transfer vouchers. The director, with the approval 24393  
of the director of budget and management, shall determine the rate 24394  
of assessments, ~~which shall not exceed twelve per cent of the~~ 24395  
~~total fiscal year appropriation from any such fund for the fiscal~~ 24396  
~~year unless the controlling board approves a request from the~~ 24397  
~~director for a higher rate.~~ 24398

**Sec. 3745.04.** As used in this section, "any person" means any 24399  
individual, any partnership, corporation, association, or other 24400  
legal entity, or any political subdivision, instrumentality, or 24401  
agency of a state, whether or not the individual or legal entity 24402  
is an applicant for or holder of a license, permit, or variance 24403  
from the environmental protection agency, and includes any 24404  
department, agency, or instrumentality of the federal government 24405  
that is an applicant for or holder of a license, permit, or 24406  
variance from the environmental protection agency. 24407

As used in this section, "action" or "act" includes the 24408  
adoption, modification, or repeal of a rule or standard, the 24409  
issuance, modification, or revocation of any lawful order other 24410  
than an emergency order, and the issuance, denial, modification, 24411  
or revocation of a license, permit, lease, variance, or 24412  
certificate, or the approval or disapproval of plans and 24413  
specifications pursuant to law or rules adopted thereunder. 24414

Any person who was a party to a proceeding before the 24415  
director of environmental protection may participate in an appeal 24416  
to the environmental review appeals commission for an order 24417  
vacating or modifying the action of the director ~~of environmental~~ 24418  
~~protection~~ or a local board of health, or ordering the director or 24419

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board of health to perform an act. The environmental review 24420  
appeals commission has exclusive original jurisdiction over any 24421  
matter that may, under this section, be brought before it. 24422

The person so appealing to the commission shall be known as 24423  
appellant, and the director and any party to a proceeding 24424  
substantially supporting the finding from which the appeal is 24425  
taken shall be known as appellee, except that when an appeal 24426  
involves a license to operate a disposal site or facility, the 24427  
local board of health or the director of environmental protection, 24428  
and any party to a proceeding substantially supporting the finding 24429  
from which the appeal is taken, shall, as appropriate, be known as 24430  
the appellee. Appellant and appellee shall be deemed to be parties 24431  
to the appeal. 24432

The appeal shall be in writing and shall set forth the action 24433  
complained of and the grounds upon which the appeal is based. 24434

The appeal shall be filed with the commission within thirty 24435  
days after notice of the action. Notice of the filing of the 24436  
appeal shall be filed with the appellee within three days after 24437  
the appeal is filed with the commission. 24438

The appeal shall be accompanied by a filing fee of ~~forty~~ 24439  
sixty dollars, which the commission, in its discretion, may waive 24440  
in cases of extreme hardship. 24441

Within seven days after receipt of the notice of appeal, the 24442  
director or local board of health shall prepare and certify to the 24443  
commission a record of the proceedings out of which the appeal 24444  
arises, including all documents and correspondence, and a 24445  
transcript of all testimony. 24446

Upon the filing of the appeal, the commission shall fix the 24447  
time and place at which the hearing on the appeal will be held. 24448  
The commission shall give the appellant and the appellee at least 24449  
ten days' written notice thereof by certified mail. The commission 24450

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shall hold the hearing within thirty days after the notice of 24451  
 appeal is filed. The commission may postpone or continue any 24452  
 hearing upon its own motion or upon application of the appellant 24453  
 or of the appellee. 24454

The filing of an appeal does not automatically suspend or 24455  
 stay execution of the action appealed from. Upon application by 24456  
 the appellant, the commission may suspend or stay ~~such~~ the 24457  
 execution pending immediate determination of the appeal without 24458  
 interruption by continuances, other than for unavoidable 24459  
 circumstances. 24460

As used in this section and sections 3745.05 and 3745.06 of 24461  
 the Revised Code, "director of environmental protection" and 24462  
 "director" are deemed to include the director of agriculture and 24463  
 "environmental protection agency" is deemed to include the 24464  
 department of agriculture with respect to actions that are 24465  
 appealable to the commission under Chapter 903. of the Revised 24466  
 Code. 24467

**Sec. 3745.10.** (A) Not later than ten business days after 24468  
receipt of an application for a permit to install under rules 24469  
adopted under section 3704.03 of the Revised Code or for the 24470  
approval of plans under section 6111.44, 6111.45, or 6111.46 of 24471  
the Revised Code, the director of environmental protection shall 24472  
send to the applicant written acknowledgement of receipt of the 24473  
application. The written acknowledgement shall contain a statement 24474  
indicating either that the application contains all of the 24475  
information that is necessary to perform a technical review or 24476  
that the application is incomplete. If the application is 24477  
incomplete, the written acknowledgement also shall provide a 24478  
description of the information that is missing from the 24479  
application. 24480

(B) If the director fails to make the completeness 24481

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determination and provide written notice of that determination not 24482  
later than ten business days after receipt of the application, the 24483  
application shall be deemed to be complete in all material 24484  
respects on the eleventh business day after receipt of the 24485  
application by the director or the director's agent or authorized 24486  
representative. 24487

(C) If, during the processing of an application, the director 24488  
determines, either before or after it has been determined or 24489  
deemed to be complete under this section, that additional 24490  
information is necessary in order to evaluate or take final action 24491  
on the application, the director may request the information in 24492  
writing. 24493

**Sec. 3745.11.** (A) Applicants for and holders of permits, 24494  
licenses, variances, plan approvals, and certifications issued by 24495  
the director of environmental protection pursuant to Chapters 24496  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 24497  
to the environmental protection agency for each such issuance and 24498  
each application for an issuance as provided by this section. No 24499  
fee shall be charged for any issuance for which no application has 24500  
been submitted to the director. 24501

(B) Prior to January 1, 1994, each person issued a permit to 24502  
operate, variance, or permit to install under section 3704.03 of 24503  
the Revised Code shall pay the fees specified in the following 24504  
schedule: 24505

(1) Fuel-Burning Equipment				24506
Input capacity	Permit		Permit	24507
(million British	to		to	24508
thermal units per hour)	operate	Variance	install	24509
0 or more, but less than 10	\$ 75	\$225	\$ 100	24510
10 or more, but less than 100	210	450	390	24511
100 or more, but less than 300	270	675	585	24512

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300 or more, but less than 500	330	900	780	24513
500 or more	500	975	1000	24514

Any fuel-burning equipment using only natural gas, propane, 24515  
 liquefied petroleum gas, or number two or lighter fuel oil shall 24516  
 be assessed a fee one-half of that shown. 24517

## (2) Incinerators 24518

	Permit		Permit	
Input capacity	to		to	24519
(pounds per hour)	operate	Variance	install	24521
0 to 50	\$ 50	\$225	\$ 65	24522
51 to 500	210	450	390	24523
501 to 2000	270	675	585	24524
2001 to 30,000	330	900	780	24525
more than 30,000	500	975	1000	24526

## (3) Process 24527

	Permit		Permit	
Process weight rate	to		to	24528
(pounds per hour)	operate	Variance	install	24529
0 to 1000	\$100	\$225	\$ 200	24531
1001 to 5000	210	450	390	24532
5001 to 10,000	270	675	585	24533
10,001 to 50,000	330	900	780	24534
more than 50,000	500	975	1000	24535

In any process where process weight rate cannot be 24536  
 ascertained, the minimum fee shall be assessed. 24537

## (4) Storage tanks 24538

	Permit		Permit	
Gallons	to	<del>variance</del>	to	24539
(capacity)	operate	<u>Variance</u>	install	24540
<del>less</del> <u>Less</u> than 40,000	\$150	\$225	\$ 195	24542
40,000 or more, but less				24543
than 100,000	210	450	390	24544

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100,000 or more, but less				24545
than 400,000	270	675	585	24546
400,000 or more, but less				24547
than 1,000,000	330	900	780	24548
1,000,000 or more	500	975	1000	24549
(5) Gasoline				24550
	Permit		Permit	24551
Gasoline dispensing	to		to	24552
facilities	operate	Variance	install	24553
For each gasoline				24554
dispensing facility	\$20	\$100	\$50	24555
(6) Dry cleaning				24556
	Permit		Permit	24557
Dry cleaning	to		to	24558
facilities	operate	Variance	install	24559
For each dry cleaning				24560
facility	\$50	\$200	\$100	24561
(7) Coal mining operations regulated under Chapter 1513. of				24562
the Revised Code shall be assessed a fee of two hundred fifty				24563
dollars per mine or location.				24564
(C)(1) Except as otherwise provided in division (C)(2) of				24565
this section, beginning July 1, 1994, each person who owns or				24566
operates an air contaminant source and who is required to apply				24567
for and obtain a Title V permit under section 3704.036 of the				24568
Revised Code shall pay the fees set forth in division (C)(1) of				24569
this section. For the purposes of that division, total emissions				24570
of air contaminants may be calculated using engineering				24571
calculations, emissions factors, material balance calculations, or				24572
performance testing procedures, as authorized by the director.				24573
The following fees shall be assessed on the total actual				24574
emissions from a source in tons per year of the regulated				24575
pollutants particulate matter, sulfur dioxide, nitrogen oxides,				24576

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organic compounds, and lead:	24577
(a) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;	24578 24579 24580
(b) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;	24581 24582 24583
(c) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.	24584 24585 24586 24587 24588
The fees levied under division (C)(1) of this section do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.	24589 24590 24591
(2) The fees assessed under division (C)(1) of this section are for the purpose of providing funding for the Title V permit program.	24592 24593 24594
(3) The fees assessed under division (C)(1) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 <u>and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.</u>	24595 24596 24597 24598 24599 24600 24601 24602 24603 24604
(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall	24605 24606 24607



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be issued no sooner than the applicable date when the fee first  
 may be collected in a year under the applicable division, shall  
 identify the nature and amount of the fee assessed, and shall  
 indicate that the fee is required to be paid within thirty days  
 after the issuance of the invoice.

(D)(1) Except as provided in division (D)(2) of this section,  
 beginning January 1, 1994, each person who owns or operates an air  
 contaminant source; who is required to apply for a permit to  
 operate pursuant to rules adopted under division (G), or a  
 variance pursuant to division (H), of section 3704.03 of the  
 Revised Code; and who is not required to apply for and obtain a  
 Title V permit under section 3704.036 of the Revised Code shall  
 pay a single fee based upon the sum of the actual annual emissions  
 from the facility of the regulated pollutants particulate matter,  
 sulfur dioxide, nitrogen oxides, organic compounds, and lead in  
 accordance with the following schedule:

Total tons per year		24624
of regulated pollutants	Annual fee	24625
emitted	per facility	24626
More than 0, but less than 50	\$ 75	24627
50 or more, but less than 100	300	24628
100 or more	700	24629

(2)(a) As used in division (D) of this section, "synthetic  
 minor facility" means a facility for which one or more permits to  
 install or permits to operate have been issued for the air  
 contaminant sources at the facility that include terms and  
 conditions that lower the facility's potential to emit air  
 contaminants below the major source thresholds established in  
 rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2001~~ 2004,  
 each person who owns or operates a synthetic minor facility shall  
 pay an annual fee based on the sum of the actual annual emissions

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from the facility of particulate matter, sulfur dioxide, nitrogen		24640
dioxide, organic compounds, and lead in accordance with the		24641
following schedule:		24642
Combined total tons		24643
per year of all regulated	Annual fee	24644
pollutants emitted	per facility	24645
Less than 10	\$ 170	24646
10 or more, but less than 20	340	24647
20 or more, but less than 30	670	24648
30 or more, but less than 40	1,010	24649
40 or more, but less than 50	1,340	24650
50 or more, but less than 60	1,680	24651
60 or more, but less than 70	2,010	24652
70 or more, but less than 80	2,350	24653
80 or more, but less than 90	2,680	24654
90 or more, but less than 100	3,020	24655
100 or more	3,350	24656
(3) The fees assessed under division (D)(1) of this section		24657
shall be collected annually no sooner than the fifteenth day of		24658
April, commencing in 1995. The fees assessed under division (D)(2)		24659
of this section shall be collected no sooner than the fifteenth		24660
day of April, commencing in 2000, <del>and shall continue through June</del>		24661
30, 2001. The fees assessed under division (D) of this section in		24662
a calendar year shall be based upon the sum of the actual		24663
emissions of those regulated pollutants during the preceding		24664
calendar year. For the purpose of division (D) of this section,		24665
emissions of air contaminants may be calculated using engineering		24666
calculations, emission factors, material balance calculations, or		24667
performance testing procedures, as authorized by the director. The		24668
director, by rule, may require persons who are required to pay the		24669
fees assessed under division (D) of this section to pay those fees		24670
biennially rather than annually.		24671

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(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after January 1, 1994, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers)		24696
Input capacity (maximum)		24697
(million British thermal units per hour)	Permit to install	24698
Greater than 0, but less than 10	\$ 200	24699
10 or more, but less than 100	400	24700
100 or more, but less than 300	800	24701
300 or more, but less than 500	1500	24702

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500 or more, but less than 1000	2500	24703
1000 or more, but less than 5000	4000	24704
5000 or more	6000	24705

Units burning exclusively natural gas, number two fuel oil, 24706  
or both shall be assessed a fee that is one-half the applicable 24707  
amount shown in division (F)(1) of this section. 24708

## (2) Incinerators 24709

Input capacity (pounds per hour)	Permit to install	
0 to 100	\$ 100	24711
101 to 500	400	24712
501 to 2000	750	24713
2001 to 20,000	1000	24714
more than 20,000	2500	24715

## (3)(a) Process 24716

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	24718
1001 to 5000	400	24719
5001 to 10,000	600	24720
10,001 to 50,000	800	24721
more than 50,000	1000	24722

In any process where process weight rate cannot be 24723  
ascertained, the minimum fee shall be assessed. 24724

(b) Notwithstanding division (F)(3)(a) of this section, any 24725  
person issued a permit to install pursuant to rules adopted under 24726  
division (F) of section 3704.03 of the Revised Code shall pay the 24727  
fees set forth in division (F)(3)(c) of this section for a process 24728  
used in any of the following industries, as identified by the 24729  
applicable four-digit standard industrial classification code 24730  
according to the Standard Industrial Classification Manual 24731  
published by the United States office of management and budget in 24732  
the executive office of the president, 1972, as revised: 24733

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1211 Bituminous coal and lignite mining;		24734
1213 Bituminous coal and lignite mining services;		24735
1411 Dimension stone;		24736
1422 Crushed and broken limestone;		24737
1427 Crushed and broken stone, not elsewhere classified;		24738
1442 Construction sand and gravel;		24739
1446 Industrial sand;		24740
3281 Cut stone and stone products;		24741
3295 Minerals and earth, ground or otherwise treated.		24742
(c) The fees set forth in the following schedule apply to the		24743
issuance of a permit to install pursuant to rules adopted under		24744
division (F) of section 3704.03 of the Revised Code for a process		24745
identified in division (F)(3)(b) of this section:		24746
Gallons (maximum		24747
useful capacity)	Permit to install	24748
0 to 20,000	\$ 100	24749
20,001 to 40,000	150	24750
40,001 to 100,000	200	24751
100,001 to 250,000	250	24752
250,001 to 500,000	350	24753
500,001 to 1,000,000	500	24754
1,000,001 or greater	750	24755
(4) Storage tanks		24756
Gallons (maximum useful capacity)	Permit to install	24757
0 to 20,000	\$100	24758
20,001 to 40,000	150	24759
40,001 to 100,000	200	24760
100,001 to 250,000	250	24761
250,001 to 500,000	350	24762
500,001 to 1,000,000	500	24763

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1,000,001 or greater	750	24764
(5) Gasoline/fuel dispensing facilities		24765
For each gasoline/fuel	Permit to install	24766
dispensing facility	\$ 100	24767
(6) Dry cleaning facilities		24768
For each dry cleaning		24769
facility (includes all units	Permit to install	24770
at the facility)	\$ 100	24771
(7) Registration status		24772
For each source covered	Permit to install	24773
by registration status	\$ 75	24774
(G) An owner or operator who is responsible for an asbestos		24775
demolition or renovation project pursuant to rules adopted under		24776
section 3704.03 of the Revised Code shall pay the fees set forth		24777
in the following schedule:		24778
Action	Fee	24779
Each notification	\$75	24780
Asbestos removal	\$3/unit	24781
Asbestos cleanup	\$4/cubic yard	24782
For purposes of this division, "unit" means any combination of		24783
linear feet or square feet equal to fifty.		24784
(H) A person who is issued an extension of time for a permit		24785
to install an air contaminant source pursuant to rules adopted		24786
under division (F) of section 3704.03 of the Revised Code shall		24787
pay a fee equal to one-half the fee originally assessed for the		24788
permit to install under this section, except that the fee for such		24789
an extension shall not exceed two hundred dollars.		24790
(I) A person who is issued a modification to a permit to		24791
install an air contaminant source pursuant to rules adopted under		24792
section 3704.03 of the Revised Code shall pay a fee equal to		24793
one-half of the fee that would be assessed under this section to		24794

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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  
shall be deposited into the state treasury to the credit of the  
small business assistance fund created in section 3706.19 of the  
Revised Code. The remainder of the moneys received by the division

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pursuant to that division and moneys received by the agency 24827  
 pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 24828  
 section shall be deposited in the state treasury to the credit of 24829  
 the clean air fund created in section 3704.035 of the Revised 24830  
 Code. 24831

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 24832  
 or (c) of this section, a person issued a water discharge permit 24833  
 or renewal of a water discharge permit pursuant to Chapter 6111. 24834  
 of the Revised Code shall pay a fee based on each point source to 24835  
 which the issuance is applicable in accordance with the following 24836  
 schedule: 24837

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	24839
1,001 to 5000	100	24840
5,001 to 50,000	200	24841
50,001 to 100,000	300	24842
100,001 to 300,000	525	24843
over 300,000	750	24844

(b) Notwithstanding the fee schedule specified in division 24845  
 (L)(1)(a) of this section, the fee for a water discharge permit 24846  
 that is applicable to coal mining operations regulated under 24847  
 Chapter 1513. of the Revised Code shall be two hundred fifty 24848  
 dollars per mine. 24849

(c) Notwithstanding the fee schedule specified in division 24850  
 (L)(1)(a) of this section, the fee for a water discharge permit 24851  
 for a public discharger identified by I in the third character of 24852  
 the permittee's NPDES permit number shall not exceed seven hundred 24853  
 fifty dollars. 24854

(2) A person applying for a plan approval for a wastewater 24855  
 treatment works pursuant to section 6111.44, 6111.45, or 6111.46 24856  
 of the Revised Code shall pay a fee of one hundred dollars plus 24857  
 sixty-five one-hundredths of one per cent of the estimated project 24858



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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  
 the year preceding the date when the annual discharge fee is due.  
 In the case of an existing source that permanently ceases to  
 discharge during a billing year, the director shall reduce the

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annual discharge fee, including the surcharge applicable to  
 certain industrial facilities pursuant to division (L)(5)(c) of  
 this section, by one-twelfth for each full month during the  
 billing year that the source was not discharging, but only if the  
 person holding the NPDES discharge permit for the source notifies  
 the director in writing, not later than the first day of October  
 of the billing year, of the circumstances causing the cessation of  
 discharge.

(iii) The annual discharge fee established in division  
 (L)(5)(a)(i) of this section, except for the surcharge applicable  
 to certain industrial facilities pursuant to division (L)(5)(c) of  
 this section, shall be based upon the average daily discharge flow  
 in gallons per day calculated using first day of May through  
 thirty-first day of October flow data for the period two years  
 prior to the date on which the fee is due. In the case of NPDES  
 discharge permits for new sources, the fee shall be calculated  
 using the average daily design flow of the facility until actual  
 average daily discharge flow values are available for the time  
 period specified in division (L)(5)(a)(iii) of this section. The  
 annual discharge fee may be prorated for a new source as described  
 in division (L)(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall  
 pay the fee specified in the following schedule:

Average daily discharge flow	<del>Fee due by January 30, 2000</del>	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30, 2003</u>	
5,000 to 49,999	<del>\$ 180</del>	\$ 200	24914
50,000 to 100,000	<del>450</del>	500	24915
100,001 to 250,000	<del>900</del>	1,050	24916
250,001 to 1,000,000	<del>2,250</del>	2,600	24917
1,000,001 to 5,000,000	<del>4,500</del>	5,200	24918
			24919
			24920
			24921
			24922

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5,000,001 to 10,000,000	<del>9,000</del>	10,350	24923
10,000,001 to 20,000,000	<del>13,500</del>	15,550	24924
20,000,001 to 50,000,000	<del>22,500</del>	25,900	24925
50,000,001 to 100,000,000	<del>36,000</del>	41,400	24926
100,000,001 or more	<del>54,000</del>	62,100	24927

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> January 30, 2000	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30, 2003</u>	
5,000 to 49,999	<del>\$ 180</del>	\$ 250	24944
50,000 to 250,000	<del>900</del>	1,200	24945
250,001 to 1,000,000	<del>2,250</del>	2,950	24946
1,000,001 to 5,000,000	<del>4,500</del>	5,850	24947
5,000,001 to 10,000,000	<del>6,750</del>	8,800	24948
10,000,001 to 20,000,000	<del>9,000</del>	11,700	24949
20,000,001 to 100,000,000	<del>10,800</del>	14,050	24950
100,000,001 to 250,000,000	<del>12,600</del>	16,400	24951
250,000,001 or more	<del>14,400</del>	18,700	24952

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as

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a major discharger during all or part of the annual discharge fee 24955  
 billing year specified in division (L)(5)(a)(ii) of this section 24956  
 shall pay a nonrefundable annual surcharge of ~~six thousand seven~~ 24957  
~~hundred fifty dollars not later than January 30, 2000, and a~~ 24958  
~~nonrefundable annual surcharge of~~ seven thousand five hundred 24959  
 dollars not later than January 30, ~~2001~~ 2002, and not later than 24960  
January 30, 2003. Any person who fails to pay the surcharge at 24961  
 that time shall pay an additional amount that equals ten per cent 24962  
 of the amount of the surcharge. 24963

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 24964  
 section, a public discharger identified by I in the third 24965  
 character of the permittee's NPDES permit number and an industrial 24966  
 discharger identified by I, J, L, V, W, X, Y, or Z in the third 24967  
 character of the permittee's NPDES permit number shall pay a 24968  
 nonrefundable annual discharge fee of one hundred eighty dollars 24969  
 not later than January 30, ~~2000~~ 2002, and not later than January 24970  
 30, ~~2001~~ 2003. Any person who fails to pay the fee at that time 24971  
 shall pay an additional amount that equals ten per cent of the 24972  
 required fee. 24973

(6) Each person obtaining a national pollutant discharge 24974  
elimination system general or individual permit for municipal 24975  
storm water discharge shall pay a nonrefundable storm water 24976  
discharge fee of one hundred dollars per square mile of area 24977  
permitted. The fee shall not exceed ten thousand dollars and shall 24978  
be payable on or before January 30, 2004, and the thirtieth day of 24979  
January of each year thereafter. Any person who fails to pay the 24980  
fee on the date specified in division (L)(6) of this section shall 24981  
pay an additional amount per year equal to ten per cent of the 24982  
annual fee that is unpaid. 24983

(7) The director shall transmit all moneys collected under 24984  
 division (L) of this section to the treasurer of state for deposit 24985  
 into the state treasury to the credit of the surface water 24986

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protection fund created in section 6111.038 of the Revised Code. 24987

(7)(8) As used in division (L) of this section: 24988

(a) "NPDES" means the federally approved national pollutant discharge elimination system program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it. 24989-24993

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director. 24994-24996

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director. 24997-24999

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 25000-25003

(M) Through June 30, ~~2002~~ 2004, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 25004-25013

Fees required under this division shall be calculated and paid in accordance with the following schedule: 25014-25015

(1) For the initial license required under division (A)(1) of section 6109.21 of the Revised Code for any public water system 25016-25017

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that is a community water system as defined in section 6109.01 of		25018
the Revised Code, and for each license renewal required for such a		25019
system prior to January 31, <del>2002</del> <u>2004</u> , the fee is:		25020
Number of service connections	Fee amount	25021
Not more than 49	\$56	25022
50 to 99	88	25023
Number of service connections	Average cost per connection	25024
100 to 2,499	\$.96	25025
2,500 to 4,999	.92	25026
5,000 to 7,499	.88	25027
7,500 to 9,999	.84	25028
10,000 to 14,999	.80	25029
15,000 to 24,999	.76	25030
25,000 to 49,999	.72	25031
50,000 to 99,999	.68	25032
100,000 to 149,999	.64	25033
150,000 to 199,999	.60	25034
200,000 or more	.56	25035
A public water system may determine how it will pay the total		25036
amount of the fee calculated under division (M)(1) of this		25037
section, including the assessment of additional user fees that may		25038
be assessed on a volumetric basis.		25039
As used in division (M)(1) of this section, "service		25040
connection" means the number of active or inactive pipes,		25041
goosenecks, pigtails, and any other fittings connecting a water		25042
main to any building outlet.		25043
(2) For the initial license required under division (A)(2) of		25044
section 6109.21 of the Revised Code for any public water system		25045
that is not a community water system and serves a nontransient		25046
population, and for each license renewal required for such a		25047
system prior to January 31, <del>2002</del> <u>2004</u> , the fee is:		25048
Population served	Fee amount	25049

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Fewer than 150	\$ 56	25050
150 to 299	88	25051
300 to 749	192	25052
750 to 1,499	392	25053
1,500 to 2,999	792	25054
3,000 to 7,499	1,760	25055
7,500 to 14,999	3,800	25056
15,000 to 22,499	6,240	25057
22,500 to 29,999	8,576	25058
30,000 or more	11,600	25059

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	25072
2	56	25073
3	88	25074
4	192	25075
5	392	25076
System supplied by surface water, springs, or dug wells	792	25078

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.

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(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost, 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.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2002~~ 2004, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological	\$1,650	25104
organic chemical	3,500	25105
inorganic chemical	3,500	25106
standard chemistry	1,800	25107
limited chemistry	1,000	25108

On and after July 1, ~~2002~~ 2004, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$250	25111
chemical/radiological	250	25112
nitrate/turbidity (only)	150	25113



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The fee for those services shall be paid at the time the request 25114  
 for the survey is made. Through June 30, ~~2002~~ 2004, an individual 25115  
 laboratory shall not be assessed a fee under this division more 25116  
 than once in any three-year period. 25117

The director shall transmit all moneys collected under this 25118  
 division to the treasurer of state for deposit into the drinking 25119  
 water protection fund created in section 6109.30 of the Revised 25120  
 Code. 25121

(O) Any person applying to the director for examination for 25122  
 certification as an operator of a water supply system or 25123  
 wastewater system under Chapter 6109. or 6111. of the Revised 25124  
 Code, at the time the application is submitted, shall pay an 25125  
 application fee of twenty-five dollars through June 30, ~~2002~~ 2004, 25126  
 and ten dollars on and after July 1, ~~2002~~ 2004. Upon approval from 25127  
 the director that the applicant is eligible to take the 25128  
 examination therefor, the applicant shall pay a fee in accordance 25129  
 with the following schedule through June 30, ~~2002~~ 2004: 25130

Class I operator	\$45	25131
Class II operator	55	25132
Class III operator	65	25133
Class IV operator	75	25134

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee 25135  
 in accordance with the following schedule: 25136

Class I operator	\$25	25137
Class II operator	35	25138
Class III operator	45	25139
Class IV operator	55	25140

The director shall transmit all moneys collected under this 25141  
 division to the treasurer of state for deposit into the drinking 25142  
 water protection fund created in section 6109.30 of the Revised 25143  
 Code. 25144

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(P) Through June 30, ~~2002~~ 2004, any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The

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increases in the permit fees under this division resulting from 25177  
the amendments made by Amended Substitute House Bill 592 of the 25178  
117th general assembly do not apply to any person who submitted an 25179  
application for a permit to install a new, or modify an existing, 25180  
solid waste disposal facility under that chapter prior to 25181  
September 1, 1987; any such person shall pay the permit fee 25182  
established in this division as it existed prior to June 24, 1988. 25183  
In addition to the applicable permit fee under this division, a 25184  
person issued a permit to install or modify a solid waste facility 25185  
or an infectious waste treatment facility under that chapter who 25186  
fails to pay the permit fee to the director in compliance with 25187  
division (V) of this section shall pay an additional ten per cent 25188  
of the amount of the fee for each week that the permit fee is 25189  
late. 25190

Permit and late payment fees paid to the director under this 25191  
division shall be credited to the general revenue fund. 25192

(R)(1) A person issued a registration certificate for a scrap 25193  
tire collection facility under section 3734.75 of the Revised Code 25194  
shall pay a fee of two hundred dollars, except that if the 25195  
facility is owned or operated by a motor vehicle salvage dealer 25196  
licensed under Chapter 4738. of the Revised Code, the person shall 25197  
pay a fee of twenty-five dollars. 25198

(2) A person issued a registration certificate for a new 25199  
scrap tire storage facility under section 3734.76 of the Revised 25200  
Code shall pay a fee of three hundred dollars, except that if the 25201  
facility is owned or operated by a motor vehicle salvage dealer 25202  
licensed under Chapter 4738. of the Revised Code, the person shall 25203  
pay a fee of twenty-five dollars. 25204

(3) A person issued a permit for a scrap tire storage 25205  
facility under section 3734.76 of the Revised Code shall pay a fee 25206  
of one thousand dollars, except that if the facility is owned or 25207  
operated by a motor vehicle salvage dealer licensed under Chapter 25208

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4738. of the Revised Code, the person shall pay a fee of fifty	25209
dollars.	25210
(4) A person issued a permit for a scrap tire monocell or	25211
monofill facility under section 3734.77 of the Revised Code shall	25212
pay a fee of ten dollars per thousand cubic yards of disposal	25213
capacity or one thousand dollars, whichever is greater, except	25214
that the total fee for any such permit shall not exceed eighty	25215
thousand dollars.	25216
(5) A person issued a registration certificate for a scrap	25217
tire recovery facility under section 3734.78 of the Revised Code	25218
shall pay a fee of one hundred dollars.	25219
(6) A person issued a permit for a scrap tire recovery	25220
facility under section 3734.78 of the Revised Code shall pay a fee	25221
of one thousand dollars.	25222
(7) In addition to the applicable registration certificate or	25223
permit fee under divisions (R)(1) to (6) of this section, a person	25224
issued a registration certificate or permit for any such scrap	25225
tire facility who fails to pay the registration certificate or	25226
permit fee to the director in compliance with division (V) of this	25227
section shall pay an additional ten per cent of the amount of the	25228
fee for each week that the fee is late.	25229
(8) The registration certificate, permit, and late payment	25230
fees paid to the director under divisions (R)(1) to (7) of this	25231
section shall be credited to the scrap tire management fund	25232
created in section 3734.82 of the Revised Code.	25233
(S)(1) Except as provided by divisions (L), (M), (N), (O),	25234
(P), and (S)(2) of this section, division (A)(2) of section	25235
3734.05 of the Revised Code, section 3734.79 of the Revised Code,	25236
and rules adopted under division (T)(1) of this section, any	25237
person applying for a registration certificate under section	25238
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit,	25239

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variance, or plan approval under Chapter 3734. of the Revised Code 25240  
 shall pay a nonrefundable fee of fifteen dollars at the time the 25241  
 application is submitted. 25242

Except as otherwise provided, any person applying for a 25243  
 permit, variance, or plan approval under Chapter 6109. or 6111. of 25244  
 the Revised Code shall pay a nonrefundable fee of one hundred 25245  
 dollars at the time the application is submitted through June 30, 25246  
~~2002~~ 2004, and a nonrefundable fee of fifteen dollars at the time 25247  
 the application is submitted on and after July 1, ~~2002~~ 2004. 25248  
 Through June 30, ~~2002~~ 2004, any person applying for a national 25249  
 pollutant discharge elimination system permit under Chapter 6111. 25250  
 of the Revised Code shall pay a nonrefundable fee of two hundred 25251  
 dollars at the time of application for the permit. On and after 25252  
 July 1, ~~2002~~ 2004, such a person shall pay a nonrefundable fee of 25253  
 fifteen dollars at the time of application. 25254

In addition to the application fee established under division 25255  
(S)(1) of this section, any person applying for a national 25256  
pollutant discharge elimination system general storm water 25257  
construction permit shall pay a nonrefundable fee of twenty 25258  
dollars per acre for each acre that is permitted above five acres 25259  
at the time the application is submitted. However, the per acreage 25260  
fee shall not exceed three hundred dollars. In addition, any 25261  
person applying for a national pollutant discharge elimination 25262  
system general storm water industrial permit shall pay a 25263  
nonrefundable fee of one hundred fifty dollars at the time the 25264  
application is submitted. 25265

The director shall transmit all moneys collected under 25266  
 division (S)(1) of this section pursuant to Chapter 6109. of the 25267  
 Revised Code to the treasurer of state for deposit into the 25268  
 drinking water protection fund created in section 6109.30 of the 25269  
 Revised Code. 25270

The director shall transmit all moneys collected under 25271

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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.

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.

(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.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

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The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit to install, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section.

(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

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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  
development of an applicable requirement as part of the processing  
of a permit, permit revision, or permit renewal;



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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	25365 25366 25367
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	25368 25369 25370
(e) Emission and ambient monitoring;	25371
(f) Modeling, analyses, or demonstrations;	25372
(g) Preparing inventories and tracking emissions;	25373
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	25374 25375 25376 25377 25378 25379 25380
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	25381 25382 25383 25384 25385 25386 25387 25388 25389 25390
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	25391 25392 25393
(b) The annual sludge fee required to be paid by a sewage	25394

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sludge facility that treats or disposes of exceptional quality  
sludge in this state shall be thirty-five per cent less per dry  
ton of exceptional quality sludge than the fee assessed under  
division (Y)(1) of this section, subject to the following  
exceptions:

(i) Except as provided in division (Y)(2)(d) of this section,  
a sewage sludge facility that treats or disposes of exceptional  
quality sludge shall pay a minimum annual sewage sludge fee of one  
hundred dollars.

(ii) A sewage sludge facility that treats or disposes of  
exceptional quality sludge shall not be required to pay the annual  
sludge fee for treatment or disposal in this state of exceptional  
quality sludge generated outside of this state and contained in  
bags or other containers not greater than one hundred pounds in  
capacity.

A thirty-five per cent reduction for exceptional quality  
sludge applies to the maximum annual fees established under  
division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to  
another sewage sludge facility in this state for further treatment  
prior to disposal in this state shall not be required to pay the  
annual sludge fee for the tons of sewage sludge that have been  
transferred. In such a case, the sewage sludge facility that  
disposes of the sewage sludge shall pay the annual sludge fee.  
However, the facility transferring the sewage sludge shall pay the  
one-hundred-dollar minimum fee required under division (Y)(2)(a)  
of this section.

In the case of a sewage sludge facility that treats sewage  
sludge in this state and transfers it out of this state to another  
entity for disposal, the sewage sludge facility in this state  
shall be required to pay the annual sludge fee for the tons of

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sewage sludge that have been transferred.	25426
(d) A sewage sludge facility that generates sewage sludge	25427
resulting from an average daily discharge flow of less than five	25428
thousand gallons per day is not subject to the fees assessed under	25429
division (Y) of this section.	25430
(3) No sewage sludge facility required to pay the annual	25431
sludge fee shall be required to pay more than the maximum annual	25432
fee for each disposal method that the sewage sludge facility uses.	25433
The maximum annual fee does not include the additional amount that	25434
may be charged under division (Y)(5) of this section for late	25435
payment of the annual sludge fee. The maximum annual fee for the	25436
following methods of disposal of sewage sludge is as follows:	25437
(a) Incineration: five thousand dollars;	25438
(b) Preexisting land reclamation project or disposal in a	25439
landfill: five thousand dollars;	25440
(c) Land application, land reclamation, surface disposal, or	25441
any other disposal method not specified in division (Y)(3)(a) or	25442
(b) of this section: twenty thousand dollars.	25443
(4)(a) In the case of an entity that generates sewage sludge	25444
or a sewage sludge facility that treats sewage sludge and	25445
transfers the sewage sludge to an incineration facility for	25446
disposal, the incineration facility, and not the entity generating	25447
the sewage sludge or the sewage sludge facility treating the	25448
sewage sludge, shall pay the annual sludge fee for the tons of	25449
sewage sludge that are transferred. However, the entity or	25450
facility generating or treating the sewage sludge shall pay the	25451
one-hundred-dollar minimum fee required under division (Y)(2)(a)	25452
of this section.	25453
(b) In the case of an entity that generates sewage sludge and	25454
transfers the sewage sludge to a landfill for disposal or to a	25455
sewage sludge facility for land reclamation or surface disposal,	25456

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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  
issue with the notification a new invoice to the person  
identifying the amount of the annual sludge fee assessed and

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stating the first day of July as the deadline for payment. 25489

Not later than the first day of July, any person who is 25490  
required to do so shall pay the annual sludge fee. Any person who 25491  
is required to pay the fee, but who fails to do so on or before 25492  
that date shall pay an additional amount that equals ten per cent 25493  
of the required annual sludge fee. 25494

(6) The director shall transmit all moneys collected under 25495  
division (Y) of this section to the treasurer of state for deposit 25496  
into the surface water protection fund created in section 6111.038 25497  
of the Revised Code. The moneys shall be used to defray the costs 25498  
of administering and enforcing provisions in Chapter 6111. of the 25499  
Revised Code and rules adopted under it that govern the use, 25500  
storage, treatment, or disposal of sewage sludge. 25501

(7) Beginning in fiscal year 2001, and every two years 25502  
thereafter, the director shall review the total amount of moneys 25503  
generated by the annual sludge fees to determine if that amount 25504  
~~exceeds~~ exceeded six hundred thousand dollars in either of the two 25505  
preceding fiscal years. If the total amount of moneys in the fund 25506  
exceeded six hundred thousand dollars in either fiscal year, the 25507  
director, after review of the fee structure and consultation with 25508  
affected persons, shall issue an order reducing the amount of the 25509  
fees levied under division (Y) of this section so that the 25510  
estimated amount of moneys resulting from the fees will not exceed 25511  
six hundred thousand dollars in any fiscal year. 25512

If, upon review of the fees under division (Y)(7) of this 25513  
section and after the fees have been reduced, the director 25514  
determines that the total amount of moneys collected and 25515  
accumulated is less than six hundred thousand dollars, the 25516  
director, after review of the fee structure and consultation with 25517  
affected persons, may issue an order increasing the amount of the 25518  
fees levied under division (Y) of this section so that the 25519  
estimated amount of moneys resulting from the fees will be 25520

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approximately six hundred thousand dollars. Fees shall never be 25521  
increased to an amount exceeding the amount specified in division 25522  
(Y)(7) of this section. 25523

Notwithstanding section 119.06 of the Revised Code, the 25524  
director may issue an order under division (Y)(7) of this section 25525  
without the necessity to hold an adjudicatory hearing in 25526  
connection with the order. The issuance of an order under this 25527  
division is not an act or action for purposes of section 3745.04 25528  
of the Revised Code. 25529

(8) As used in division (Y) of this section: 25530

(a) "Sewage sludge facility" means an entity that performs 25531  
treatment on or is responsible for the disposal of sewage sludge. 25532

(b) "Sewage sludge" means a solid, semi-solid, or liquid 25533  
residue generated during the treatment of domestic sewage in a 25534  
treatment works as defined in section 6111.01 of the Revised Code. 25535  
"Sewage sludge" includes, but is not limited to, scum or solids 25536  
removed in primary, secondary, or advanced wastewater treatment 25537  
processes. "Sewage sludge" does not include ash generated during 25538  
the firing of sewage sludge in a sewage sludge incinerator, grit 25539  
and screenings generated during preliminary treatment of domestic 25540  
sewage in a treatment works, animal manure, residue generated 25541  
during treatment of animal manure, or domestic septage. 25542

(c) "Exceptional quality sludge" means sewage sludge that 25543  
meets all of the following qualifications: 25544

(i) Satisfies the class A pathogen standards in 40 C.F.R. 25545  
503.32(a); 25546

(ii) Satisfies one of the vector attraction reduction 25547  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 25548

(iii) Does not exceed the ceiling concentration limitations 25549  
for metals listed in table one of 40 C.F.R. 503.13; 25550

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- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13. 25551  
25552
- (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. 25553  
25554  
25555
- (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. 25556  
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25558
- (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. 25559  
25560  
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25563
- (g) "Land reclamation" means the returning of disturbed land to productive use. 25564  
25565
- (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. 25566  
25567  
25568  
25569
- (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. 25570  
25571  
25572  
25573
- (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. 25574  
25575  
25576  
25577
- (k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section. 25578  
25579
- (l) "Landfill" means a sanitary landfill facility, as defined 25580

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in rules adopted under section 3734.02 of the Revised Code, that 25581  
is licensed under section 3734.05 of the Revised Code. 25582

(m) "Preexisting land reclamation project" means a 25583  
property-specific land reclamation project that has been in 25584  
continuous operation for not less than five years pursuant to 25585  
approval of the activity by the director and includes the 25586  
implementation of a community outreach program concerning the 25587  
activity. 25588

**Sec. 3745.15.** Not later than one hundred fifty days after 25589  
receipt of a complete application for a permit to install under 25590  
rules adopted under section 3704.03 of the Revised Code or for the 25591  
approval of plans under section 6111.44, 6111.45, or 6111.46 of 25592  
the Revised Code, the director of environmental protection shall 25593  
either issue or deny, or propose to deny, the permit or approve or 25594  
disapprove the plans, whichever is applicable. The director shall 25595  
send written notification to the applicant of the issuance or 25596  
denial or the approval or disapproval, whichever is applicable. If 25597  
the director fails to issue or deny or propose to deny the permit 25598  
or approve or disapprove the plans, whichever is applicable, not 25599  
later than one hundred fifty days after receipt of a complete 25600  
application, the director and the director's authorized 25601  
representatives shall not collect the permit to install fee under 25602  
Chapter 3704. of the Revised Code or an applicable application fee 25603  
under Chapter 6111. of the Revised Code, whichever is applicable. 25604

**Sec. 3745.22.** (A) As used in this section, "eligible 25605  
institution of higher education" means any of the state 25606  
universities listed in section 3345.011 of the Revised Code, or a 25607  
community college, technical college, university branch, state 25608  
community college, or an institution that is nonprofit and holds a 25609  
certificate of authorization issued under section 1713.02 of the 25610  
Revised Code. 25611



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(B) There is hereby created in the state treasury the 25612  
 environmental education fund consisting of moneys credited to the 25613  
 fund pursuant to sections 3704.06 and 6111.09 of the Revised Code 25614  
 and any gifts, grants, or contributions received by the director 25615  
 of environmental protection for the purposes of the fund. The fund 25616  
 shall be administered by the director with the advice and 25617  
 assistance of the environmental education council created in 25618  
 section 3745.21 of the Revised Code. Moneys in the fund shall be 25619  
 used exclusively to develop, implement, and administer a program 25620  
 to enhance public awareness and the objective understanding within 25621  
 this state of issues affecting environmental quality. Toward that 25622  
 end, moneys in the fund may be used for purposes that include, 25623  
 without limitation, developing elementary and secondary school and 25624  
 collegiate curricula on environmental issues; providing training 25625  
 for this state's elementary and secondary school teachers on 25626  
 environmental issues; providing educational seminars for concerned 25627  
 members of the public regarding the scientific and technical 25628  
 aspects of environmental issues; providing educational seminars 25629  
 regarding pollution prevention and waste minimization for persons 25630  
 regulated by the environmental protection agency; providing 25631  
 educational seminars for persons regulated by the environmental 25632  
 protection agency, including, without limitation, small 25633  
 businesses, regarding the regulatory requirements of the agency 25634  
 and the means of achieving and maintaining compliance with them; 25635  
 and providing one or more scholarships in environmental sciences 25636  
 or environmental engineering ~~at one or more state colleges or~~ 25637  
~~universities, as "state college or university" is defined in~~ 25638  
~~section 3345.27 of the Revised Code~~ for students enrolled at an 25639  
eligible institution of higher education. 25640

The director may expend not more than one million five 25641  
 hundred thousand dollars of the moneys credited to the 25642  
 environmental education fund under sections 3704.06 and 6111.09 of 25643

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the Revised Code in any fiscal year for the purposes specified in 25644  
 this division. The director may request authority from the 25645  
 controlling board to expend any moneys credited to that fund in 25646  
 any fiscal year in excess of that amount. 25647

~~(B)~~(C) Not later than the first day of April each year, the 25648  
 director, with the advice and assistance of the council, shall 25649  
 prepare and submit to the governor, the president of the senate, 25650  
 and the speaker of the house of representatives an environmental 25651  
 education agenda that describes the proposed uses of the 25652  
 environmental education fund during the following fiscal year. 25653  
 Prior to submitting the agenda the director, in conjunction with 25654  
 the council, shall hold a public hearing in Franklin county to 25655  
 receive comments on the agenda. After the public hearing and 25656  
 before submitting the agenda to the governor, the president, and 25657  
 the speaker, the director, with the advice and assistance of the 25658  
 council, may make any modifications to the agenda that the 25659  
 director considers appropriate based upon the comments received at 25660  
 the public hearing. 25661

~~(C)~~(D) Not later than the first day of September each year, 25662  
 the director, with the advice and assistance of the council, shall 25663  
 prepare and submit to the governor, the president of the senate, 25664  
 and the speaker of the house of representatives a report on the 25665  
 revenues credited to and expenditures from the environmental 25666  
 education fund during the immediately preceding fiscal year. 25667

**Sec. 3748.07.** (A) Every facility that proposes to handle 25668  
 radioactive material or radiation-generating equipment for which 25669  
 licensure or registration, respectively, by its handler is 25670  
 required shall apply in writing to the director of health on forms 25671  
 prescribed and provided by the director for licensure or 25672  
 registration. Terms and conditions of licenses and certificates of 25673  
 registration may be amended in accordance with rules adopted under 25674

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section 3748.04 of the Revised Code or orders issued by the 25675  
director pursuant to section 3748.05 of the Revised Code. 25676

(B) Until rules are adopted under section 3748.04 of the 25677  
Revised Code, and except as provided in section 3748.08 or the 25678  
Revised Code, an application for a certificate of registration 25679  
shall be accompanied by a biennial registration fee of one hundred 25680  
~~sixty~~ seventy-six dollars. On and after the effective date of 25681  
those rules, an applicant for a license, registration certificate, 25682  
or renewal of either shall pay the appropriate fee established in 25683  
those rules. 25684

All fees collected under this section shall be deposited in 25685  
the state treasury to the credit of the general operations fund 25686  
created in section 3701.83 of the Revised Code. The fees shall be 25687  
used solely to administer and enforce this chapter and rules 25688  
adopted under it. 25689

Any fee required under this section that has not been paid 25690  
within ninety days after the invoice date shall be assessed at two 25691  
times the original invoiced fee. Any fee that has not been paid 25692  
within one hundred eighty days after the invoice date shall be 25693  
assessed at five times the original invoiced fee. 25694

(C) The director shall grant a license or registration to any 25695  
applicant who has paid the required fee and is in compliance with 25696  
this chapter and rules adopted under it. 25697

Until rules are adopted under section 3748.04 of the Revised 25698  
Code, certificates of registration shall be effective for two 25699  
years from the date of issuance. On and after the effective date 25700  
of those rules, licenses and certificates of registration shall be 25701  
effective for the applicable period established in those rules. 25702  
Licenses and certificates of registration shall be renewed in 25703  
accordance with the standard renewal procedure established in 25704  
Chapter 4745. of the Revised Code. 25705

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Sec. 3748.08. Each time an amendment to section 124.152 of the Revised Code is enacted that increases compensation of exempt employees effective on or after July 1, 2002, the director of health shall increase the fees provided in division (B) of section 3748.07 and division (B) of section 3748.13 of the Revised Code by a percentage equal to the highest percentage increase in compensation required by the amendment. Not later than thirty days after the effective date of the fee increase, the department of health shall notify each registrant of the amount of fee increase.

**Sec. 3748.13.** (A) The director of health shall inspect sources of radiation for which licensure or registration by the handler is required, and the sources' shielding and surroundings, according to the schedule established in rules adopted under division (D) of section 3748.04 of the Revised Code. In accordance with rules adopted under that section, the director shall inspect all records and operating procedures of handlers that install sources of radiation and all sources of radiation for which licensure of radioactive material or registration of radiation-generating equipment by the handler is required. The director may make other inspections upon receiving complaints or other evidence of violation of this chapter or rules adopted under it.

The director shall require any hospital registered under division (A) of section 3701.07 of the Revised Code to develop and maintain a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert shall conduct oversight and maintenance of the program and shall file a report of audits of the program with the director on forms prescribed by the director. The audit reports shall become part of the inspection record.

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(B) <u>As used in this division, "health care facility" means a</u>		25738
<u>freestanding diagnostic imaging center or freestanding or mobile</u>		25739
<u>radiation therapy center, as those terms are defined in rules</u>		25740
<u>adopted under division (B) of section 3702.30 of the Revised Code.</u>		25741
Until rules are adopted under division (A)(8) of section 3748.04		25742
of the Revised Code <u>and except as provided in section 3748.08 of</u>		25743
<u>the Revised Code</u> , a facility shall pay inspection fees according		25744
to the following schedule and categories:		25745
<del>First dental x-ray tube</del>	<del>\$ 94.00</del>	25746
Each <del>additional</del> dental x-ray tube	\$ <del>47.00</del> <u>71.00</u>	25747
at <del>the same</del> a location		
<del>First medical x-ray tube</del>	<del>\$187.00</del>	25748
Each <del>additional</del> medical x-ray tube	\$ <del>94.00</del> <u>187.00</u>	25749
at <del>the same</del> a location		
<u>Each unit of ionizing</u>	<u>\$210.00</u>	25750
<u>radiation-generating equipment at</u>		
<u>a health care facility, that is</u>		
<u>not capable of operating at or</u>		
<u>above 250 kilovoltage peak</u>		
Each unit of ionizing	<del>\$373.00</del> <u>435.00</u>	25751
radiation-generating equipment <u>at</u>		
<u>a health care facility</u> capable of		
operating at or above 250		
kilovoltage peak		
<del>First nonionizing</del>	<del>\$187.00</del>	25752
<del>radiation-generating equipment of</del>		
<del>any kind</del>		
Each <del>additional</del> nonionizing	\$ <del>94.00</del> <u>187.00</u>	25753
radiation-generating equipment of		
any kind at <del>the same</del> a location		
Assembler-maintainer inspection	<del>\$233.00</del> <u>256.00</u>	25754
consisting of an inspection of		
records and operating procedures		

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of handlers that install sources  
of radiation

Until rules are adopted under division (A)(8) of section 25755  
3748.04 of the Revised Code and except as provided in section 25756  
3748.08 of the Revised Code, the fee for an inspection to 25757  
determine whether violations cited in a previous inspection have 25758  
been corrected is fifty per cent of the fee applicable under the 25759  
schedule in this division. Until those rules are adopted, the fee 25760  
for the inspection of a facility that is not licensed or 25761  
registered and for which no license or registration application is 25762  
pending at the time of inspection is ~~two~~ three hundred ~~ninety~~ 25763  
thirty-four dollars plus the fee applicable under the schedule in 25764  
this division. 25765

The director may conduct a review of shielding plans or the 25766  
adequacy of shielding on the request of a licensee or registrant 25767  
or an applicant for licensure or registration or during an 25768  
inspection when the director considers a review to be necessary. 25769  
Until rules are adopted under division (A)(8) of section 3748.04 25770  
of the Revised Code and except as provided in section 3748.08 of 25771  
the Revised Code, the fee for the review is ~~four~~ five hundred 25772  
~~sixty-six~~ thirty-six dollars for each room where a source of 25773  
radiation is used and is in addition to any other fee applicable 25774  
under the schedule in this division. 25775

All fees shall be paid to the department of health no later 25776  
than thirty days after the invoice for the fee is mailed. Fees 25777  
shall be deposited in the general operations fund created in 25778  
section 3701.83 of the Revised Code. The fees shall be used solely 25779  
to administer and enforce this chapter and rules adopted under it. 25780  
25781

Any fee required under this section that has not been paid 25782  
within ninety days after the invoice date shall be assessed at two 25783  
times the original invoiced fee. Any fee that has not been paid 25784

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within one hundred eighty days after the invoice date shall be assessed at five times the original invoiced fee.

(C) If the director determines that a board of health of a city or general health district is qualified to conduct inspections of radiation-generating equipment, the director may delegate to the board, by contract, the authority to conduct such inspections. In making a determination of the qualifications of a board of health to conduct those inspections, the director shall evaluate the credentials of the individuals who are to conduct the inspections of radiation-generating equipment and the radiation detection and measuring equipment available to them for that purpose. If a contract is entered into, the board shall have the same authority to make inspections of radiation-generating equipment as the director has under this chapter and rules adopted under it. The contract shall stipulate that only individuals approved by the director as qualified shall be permitted to inspect radiation-generating equipment under the contract's provisions. The contract shall provide for such compensation for services as is agreed to by the director and the board of health of the contracting health district. The director may reevaluate the credentials of the inspection personnel and their radiation detecting and measuring equipment as often as the director considers necessary and may terminate any contract with the board of health of any health district that, in the director's opinion, is not satisfactorily performing the terms of the contract.

(D) The director may enter at all reasonable times upon any public or private property to determine compliance with this chapter and rules adopted under it.

Sec. 3750.02. (A) There is hereby created the emergency response commission consisting of the directors of environmental protection and health, the ~~chairpersons~~ chairperson of the public

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utilities commission, ~~industrial commission, and state and local~~ 25816  
~~government commission,~~ the fire marshal, the director of public 25817  
 safety, the director of ~~job and family services~~ transportation, 25818  
the director of natural resources, the superintendent of the 25819  
highway patrol, and the attorney general as members ex officio, or 25820  
 their designees; notwithstanding section 101.26 of the Revised 25821  
 Code, the chairpersons of the respective standing committees of 25822  
 the senate and house of representatives that are primarily 25823  
 responsible for considering environmental issues who may 25824  
 participate fully in all the commission's deliberations and 25825  
 activities, except that they shall serve as nonvoting members; and 25826  
 ten members to be appointed by the governor with the advice and 25827  
 consent of the senate. The appointed members, to the extent 25828  
 practicable, shall have technical expertise in the field of 25829  
 emergency response. Of the appointed members, two shall represent 25830  
 environmental advocacy organizations, one shall represent the 25831  
 interests of petroleum refiners or marketers or chemical 25832  
 manufacturers, one shall represent the interests of another 25833  
 industry subject to this chapter, one shall represent the 25834  
 interests of municipal corporations, one shall represent the 25835  
 interests of counties, one shall represent the interests of chiefs 25836  
 of fire departments, one shall represent the interests of 25837  
 professional firefighters, one shall represent the interests of 25838  
 volunteer firefighters, and one shall represent the interests of 25839  
 local emergency management agencies. 25840

An appointed member of the commission also may serve as a 25841  
 member of the local emergency planning committee of an emergency 25842  
 planning district. An appointed member of the commission who is 25843  
 also a member of a local emergency planning committee shall not 25844  
 participate as a member of the commission in the appointment of 25845  
 members of the local emergency planning committee of which the 25846  
 member is a member, in the review of the chemical emergency 25847  
 response and preparedness plan submitted by the local emergency 25848



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planning committee of which the member is a member, in any vote to 25849  
approve a grant to the member's district, or in any vote of the 25850  
commission on any motion or resolution pertaining specifically to 25851  
the member's district or the local emergency planning committee on 25852  
which the member serves. A commission member who is also a member 25853  
of a local emergency planning committee shall not lobby or 25854  
otherwise act as an advocate for the member's district to other 25855  
members of the commission to obtain from the commission anything 25856  
of value for the member's district or the local emergency planning 25857  
committee of which the member is a member. A member of the 25858  
commission who is also a member of a local emergency planning 25859  
committee may vote on resolutions of the commission that apply 25860  
uniformly to all local emergency planning committees and districts 25861  
in the state and do not provide a grant or other pecuniary benefit 25862  
to the member's district or the committee of which the member is a 25863  
member. 25864

The governor shall make the initial appointments to the 25865  
commission within thirty days after December 14, 1988. Of the 25866  
initial appointments to the commission, five shall be for a term 25867  
of two years and five shall be for a term of one year. Thereafter, 25868  
terms of office of the appointed members of the commission shall 25869  
be for two years, with each term ending on the same day of the 25870  
same month as did the term that it succeeds. Each member shall 25871  
hold office from the date of appointment until the end of the term 25872  
for which the member was appointed. Members may be reappointed. 25873  
Vacancies shall be filled in the manner provided for original 25874  
appointments. Any member appointed to fill a vacancy occurring 25875  
prior to the expiration of the term for which the member's 25876  
predecessor was appointed shall hold office for the remainder of 25877  
that term. A member shall continue in office subsequent to the 25878  
expiration date of the member's term until the member's successor 25879  
takes office or until a period of sixty days has elapsed, 25880

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whichever occurs first. The commission may at any time by a vote  
of two-thirds of all the members remove any appointed member of  
the commission for misfeasance, nonfeasance, or malfeasance.  
Members of the commission shall serve without compensation, but  
shall be reimbursed for the reasonable expenses incurred by them  
in the discharge of their duties as members of the commission.

The commission shall meet at least annually and shall hold  
such additional meetings as are necessary to implement and  
administer this chapter. Additional meetings may be held at the  
behest of either a co-chairperson or a majority of the members.  
The commission shall, by adoption of internal management rules  
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

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as an appointed member of the commission does not constitute 25913  
holding a public office or position of employment under the laws 25914  
of this state and does not constitute grounds for removal of 25915  
public officers or employees from their offices or positions of 25916  
employment. 25917

(B) The commission shall: 25918

(1) Adopt rules in accordance with Chapter 119. of the 25919  
Revised Code that are consistent with and equivalent in scope, 25920  
content, and coverage to the "Emergency Planning and Community 25921  
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and 25922  
applicable regulations adopted under it: 25923

(a) Identifying or listing extremely hazardous substances and 25924  
establishing a threshold planning quantity for each such 25925  
substance. To the extent consistent with that act and applicable 25926  
regulations adopted under it, the rules may establish threshold 25927  
planning quantities based upon classes of those substances or 25928  
categories of facilities at which such substances are present. 25929

(b) Listing hazardous chemicals, establishing threshold 25930  
quantities for those chemicals, establishing categories of health 25931  
and physical hazards of those chemicals, establishing criteria or 25932  
procedures for identifying those chemicals and the appropriate 25933  
hazard categories of those chemicals, and establishing ranges of 25934  
quantities for those chemicals to be used in preparing emergency 25935  
and hazardous chemical inventory forms under section 3750.08 of 25936  
the Revised Code. To the extent consistent with that act and 25937  
applicable regulations adopted under it, the rules may establish 25938  
threshold quantities based upon classes of those chemicals or 25939  
categories of facilities where those chemicals are present. 25940

To the extent consistent with that act, the threshold 25941  
quantities for purposes of the submission of lists of hazardous 25942  
chemicals under section 3750.07 and the submission of emergency 25943

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and hazardous chemical inventory forms under section 3750.08 of 25944  
the Revised Code may differ. 25945

(c) Identifying or listing hazardous substances and 25946  
establishing reportable quantities of each of those substances and 25947  
each extremely hazardous substance. In addition to being 25948  
consistent with and equivalent in scope, content, and coverage to 25949  
that act and applicable regulations adopted under it, the rules 25950  
shall be consistent with and equivalent in scope, content, and 25951  
coverage to regulations identifying or listing hazardous 25952  
substances and reportable quantities of those substances adopted 25953  
under the "Comprehensive Environmental Response, Compensation, and 25954  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 25955  
amended. 25956

(d) Prescribing the information to be included in the lists 25957  
of hazardous chemicals required to be submitted under section 25958  
3750.07 of the Revised Code; 25959

(e) Prescribing the information to be included in the 25960  
emergency and hazardous chemical inventory forms required to be 25961  
submitted under section 3750.08 of the Revised Code. If the 25962  
commission establishes its own emergency and hazardous chemical 25963  
inventory form, the rules shall authorize owners and operators of 25964  
facilities who also have one or more facilities located outside 25965  
the state for which they are required to submit inventory forms 25966  
under the federal act and regulations adopted under it to submit 25967  
their annual inventories on forms prescribed by the administrator 25968  
of the United States environmental protection agency under that 25969  
act instead of on forms prescribed by the commission and shall 25970  
require those owners or operators to submit any additional 25971  
information required by the commission's inventory form on an 25972  
attachment to the federal form. 25973

(f) Establishing procedures for giving verbal notice of 25974  
releases under section 3750.06 of the Revised Code and prescribing 25975

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the information to be provided in such a notice and in the	25976
follow-up written notice required by that section;	25977
(g) Establishing standards for determining valid needs for	25978
the release of tier II information under division (B)(4) of	25979
section 3750.10 of the Revised Code;	25980
(h) Identifying the types or categories of information	25981
submitted or obtained under this chapter and rules adopted under	25982
it that constitute confidential business information;	25983
(i) Establishing criteria and procedures to protect trade	25984
secret and confidential business information from unauthorized	25985
disclosure;	25986
(j) Establishing other requirements or authorizations that	25987
the commission considers necessary or appropriate to implement,	25988
administer, and enforce this chapter.	25989
(2) Adopt rules in accordance with Chapter 119. of the	25990
Revised Code to implement and administer this chapter that may be	25991
more stringent than the "Emergency Planning and Community	25992
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and	25993
regulations adopted under it. Rules adopted under division (B)(2)	25994
of this section shall not be inconsistent with that act or the	25995
regulations adopted under it. The rules shall:	25996
(a) Prescribe the information to be included in the chemical	25997
emergency response and preparedness plans prepared and submitted	25998
by local emergency planning committees under section 3750.04 of	25999
the Revised Code;	26000
(b) Establish criteria and procedures for reviewing the	26001
chemical emergency response and preparedness plans of local	26002
emergency planning committees required by section 3750.04 of the	26003
Revised Code and the annual exercise of those plans and for	26004
providing concurrence or requesting modifications in the plans and	26005
the exercise of those plans. The criteria shall include, without	26006

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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  
regarding that information and access to it:

(i) Information that is protected as trade secret information  
or confidential business information under this chapter and rules  
adopted under it shall be kept in files that are separate from  
those containing information that is not so protected.

(ii) The original copies of information submitted to the  
commission or committee shall not be removed from the custody and  
control of the commission or committee.

(iii) A person who, either in person or by mail, requests to  
obtain a copy of a material safety data sheet submitted under this  
chapter by a facility owner or operator shall submit a separate  
application for each facility for which a material safety data  
sheet is being requested.

(iv) A person who requests to receive by mail a copy of  
information submitted under this chapter by a facility owner or  
operator shall submit a separate application for each facility for  
which information is being requested and shall specify both the

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facility for which information is being requested and the 26038  
particular types of documents requested. 26039

(v) Only employees of the commission or committee shall copy 26040  
information in the files of the commission or committee. 26041

(vi) The commission or committee may require any person who 26042  
requests to review or obtain a copy of information in its files to 26043  
schedule an appointment for that purpose with the information 26044  
coordinator of the commission or committee at least twenty-four 26045  
hours before arriving at the office of the commission or committee 26046  
for the review or copy. 26047

(vii) Any person who seeks access to information in the files 26048  
of the commission or a local emergency planning committee shall 26049  
submit a written application, either in person or by mail, to the 26050  
information coordinator on a form provided by the commission or 26051  
committee. The person also shall provide the person's name and 26052  
current mailing address on the application and may be requested by 26053  
the commission or committee to provide basic demographic 26054  
information on the form to assist in the evaluation of the 26055  
information access provisions of this chapter and rules adopted 26056  
under it. Application forms may be obtained by mail or in person 26057  
or by request by telephone at the office of the commission or 26058  
committee during regular business hours. Upon receipt of a request 26059  
for an application by telephone or mail, the information 26060  
coordinator shall promptly mail an application to the person who 26061  
requested it. 26062

(viii) The application form shall provide the applicant with 26063  
a means of indicating that the applicant's name and address are to 26064  
be kept confidential. If the applicant so indicates, that 26065  
information is not a public record under section 149.43 of the 26066  
Revised Code and shall not be disclosed to any person who is not a 26067  
member or employee of the commission or committee or an employee 26068  
of the environmental protection agency. When a name and address 26069

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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  
appropriate fees as established under section 3750.13 of the  
Revised Code. Each applicant shall acknowledge on the application  
form that the applicant is aware that the applicant will be  
charged for copies and computer searches of that information the  
applicant requests and for the costs of mailing copies of the  
information to the applicant.

(xi) The commission or committee may require a person  
requesting copies of information on file with it to take delivery  
of them in the office of the commission or committee whenever it  
considers the volume of the information to be large enough to make  
mailing or delivery by a parcel or package delivery service  
impractical.

(xii) When the commission or committee receives a request for  
access to review or obtain copies of information in its files, it  
shall not routinely notify the owner or operator of the facility  
involved, but instead shall either keep a log or file of requests  
for the information or shall place a copy of each completed  
application form in the file for the facility to which the  
application pertains. Such a log or file shall be available for



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review by the public and by the owners and operators of facilities 26102  
required to submit information to the commission or committee 26103  
under this chapter and rules adopted under it. 26104

(d) Require that claims for the protection, as a trade 26105  
secret, of information obtained under this chapter regarding 26106  
extremely hazardous substances identified or listed in rules 26107  
adopted under division (B)(1)(a) of this section and hazardous 26108  
chemicals identified or listed in rules adopted under division 26109  
(B)(1)(b) of this section be submitted to the administrator of the 26110  
United States environmental protection agency for determination 26111  
under section 322 of the the "Emergency Planning and Community 26112  
Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and 26113  
regulations adopted under that section; 26114

(e) Establish criteria and procedures for the issuance of 26115  
variances under divisions (B) and (C) of section 3750.11 of the 26116  
Revised Code. The rules shall require that, before approval of an 26117  
application for a variance, the commission or committee find by a 26118  
preponderance of the scientific evidence based upon generally 26119  
accepted scientific principles or laboratory tests that the 26120  
extremely hazardous substances, hazardous chemicals, or hazardous 26121  
substances that would be subject to the reporting requirement pose 26122  
a substantial risk of catastrophic injury to public health or 26123  
safety or to the environment, or pose an extraordinary risk of 26124  
injury to emergency management personnel responding to a release 26125  
of the chemicals or substances, when the substances or chemicals 26126  
are present at a facility in an amount equal to or exceeding the 26127  
quantity for which reporting would be required under the reporting 26128  
requirement for which the variance is sought. The rules shall also 26129  
require that before approval of an application for a variance, the 26130  
commission or committee find by a preponderance of the evidence 26131  
that the development and implementation of a local emergency 26132  
response plan for releases of the substances or chemicals covered 26133

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by the reporting requirement will reduce the risk of catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency management personnel, in the event of a release of the substances or chemicals and find by a preponderance of the evidence that the reporting requirement is necessary for the development of such a local emergency response plan. The rules shall require that when determining whether the substances or chemicals that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to emergency management personnel responding to a release of the substance or chemical, the commission or committee consider all of the following factors:

(i) The specific characteristics and degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances;

(ii) The proximity of the facilities that would be subject to the reporting requirement to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury;

(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at facilities that would be subject to the reporting requirement;

(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facilities that would be subject to the reporting requirement in quantities for which reporting would be required thereunder.

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(f) Establish criteria and procedures for the issuance of orders under division (D) of section 3750.11 of the Revised Code requiring the placement of emergency response lock box units. The rules shall require that before approval of an application for issuance of such an order, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the presence of the extremely hazardous substances, hazardous chemicals, or hazardous substances in the quantities in which they are routinely or intermittently present at the facility for which the order is sought pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility. The rules shall require that before approval of an application for issuance of such an order, the commission or committee also find by a preponderance of the evidence that the placement of an emergency response lock box unit at the facility is necessary to protect against the substantial risk of catastrophic injury to public health or safety or the environment, or to protect against an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of the extremely hazardous substances, hazardous chemicals, or hazardous substances routinely or intermittently present at the facility. The rules shall require that when determining whether the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility, the commission or committee consider all of the following factors:

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- (i) The specific characteristics and the degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility; 26197  
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- (ii) The proximity of the facility to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury; 26201  
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- (iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at the facility; 26205  
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- (iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facility. 26208  
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- (g) Establish procedures to be followed by the commission and the executive committee of the commission for the issuance of orders under this chapter. 26211  
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- (3) In accordance with Chapter 119. of the Revised Code adopt rules establishing reportable quantities for releases of oil that are consistent with and equivalent in scope, content, and coverage to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, and applicable regulations adopted under it; 26214  
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- (4) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for identifying or listing extremely hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(a) of this section and for establishing threshold planning quantities and reportable quantities for the added extremely hazardous substances; for identifying or listing hazardous chemicals in addition to those identified or listed in rules adopted under 26220  
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division (B)(1)(b) of this section and for establishing threshold 26228  
quantities and categories of health and physical hazards for the 26229  
added hazardous chemicals; and for identifying or listing 26230  
hazardous substances in addition to those identified or listed in 26231  
rules adopted under division (B)(1)(c) of this section and for 26232  
establishing reportable quantities for the added hazardous 26233  
substances. The criteria for identifying or listing additional 26234  
extremely hazardous substances and establishing threshold planning 26235  
quantities and reportable quantities therefor and for identifying 26236  
or listing additional hazardous chemicals and establishing 26237  
threshold quantities and categories of health and physical hazards 26238  
for the added hazardous chemicals shall be consistent with and 26239  
equivalent to applicable criteria therefor under the "Emergency 26240  
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 26241  
42 U.S.C.A. 11001, and regulations adopted under it. The criteria 26242  
for identifying additional hazardous substances and for 26243  
establishing reportable quantities of the added hazardous 26244  
substances shall be consistent with and equivalent to the 26245  
applicable criteria for identifying or listing hazardous 26246  
substances and establishing reportable quantities therefor under 26247  
the "Comprehensive Environmental Response, Compensation, and 26248  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 26249  
amended, and regulations adopted under it. 26250

The rules shall require that, before identifying or listing 26251  
any such additional extremely hazardous substance, hazardous 26252  
chemical, or hazardous substance and establishing a threshold 26253  
planning quantity, threshold quantity, or reportable quantity 26254  
therefor, the commission find by a preponderance of the scientific 26255  
evidence based on generally accepted scientific principles or 26256  
laboratory tests that the substance or chemical poses a 26257  
substantial risk of catastrophic injury to public health or safety 26258  
or to the environment, or poses an extraordinary risk of injury to 26259

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emergency management personnel responding to a release of the  
chemical or substance, when the chemical or substance is present  
at a facility in an amount equal to the proposed threshold  
planning quantity or threshold quantity or, in the instance of a  
proposed additional extremely hazardous substance or hazardous  
substance, poses a substantial risk of catastrophic injury to  
public health or safety or to the environment if a release of the  
proposed reportable quantity of the substance occurs. The rules  
shall further require that, before so identifying or listing a  
substance or chemical, the commission find by a preponderance of  
the evidence that the development and implementation of state or  
local emergency response plans for releases of the substance or  
chemical will reduce the risk of a catastrophic injury to public  
health or safety or to the environment, or will reduce the  
extraordinary risk of injury to responding emergency response  
personnel, in the event of a release of the substance or chemical  
and find by a preponderance of the evidence that the  
identification or listing of the substance or chemical is  
necessary for the development of state or local emergency response  
plans for releases of the substance or chemical. The rules shall  
require that the commission consider the toxicity of the substance  
or chemical in terms of both the short-term and long-term health  
effects resulting from exposure to it and its reactivity,  
volatility, dispersibility, combustibility, and flammability when  
determining the risks posed by a release of the substance or  
chemical and, as appropriate, when establishing a threshold  
planning quantity, threshold quantity, reportable quantity, or  
category of health or physical hazard for it.

(5) Adopt rules in accordance with Chapter 119. of the  
Revised Code establishing criteria and procedures for receiving  
and deciding claims for protection of information as a trade  
secret that are applicable only to extremely hazardous substances

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and hazardous chemicals identified or listed in rules adopted 26292  
under division (C)(5) of this section. The rules shall be 26293  
equivalent in scope, content, and coverage to section 322 of the 26294  
"Emergency Planning and Community Right-To-Know Act of 1986," 100 26295  
Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it. 26296

(6)(a) After consultation with the fire marshal, adopt rules 26297  
in accordance with Chapter 119. of the Revised Code establishing 26298  
standards for the construction, placement, and use of emergency 26299  
response lock box units at facilities that are subject to this 26300  
chapter. The rules shall establish all of the following: 26301

(i) Specific standards of construction for lock box units; 26302

(ii) The specific types of information that shall be placed 26303  
in the lock box units required to be placed at a facility by an 26304  
order issued under division (D) of section 3750.11 of the Revised 26305  
Code, which shall include the location of on-site emergency 26306  
fire-fighting and spill cleanup equipment; a diagram of the public 26307  
and private water supply and sewage systems serving the facility 26308  
that are known to the owner or operator of the facility; a copy of 26309  
the emergency and hazardous chemical inventory form for the 26310  
facility most recently required to be submitted under section 26311  
3750.08 of the Revised Code from which the owner or operator may 26312  
withhold information claimed or determined to be trade secret 26313  
information pursuant to rules adopted under division (B)(2)(d) of 26314  
this section, or pursuant to division (B)(14) of this section and 26315  
rules adopted under division (B)(5) of this section, and 26316  
confidential business information identified in rules adopted 26317  
under division (B)(1)(h) of this section; a copy of the local fire 26318  
department's and facility's emergency management plans for the 26319  
facility, if any; a current list of the names, positions, 26320  
addresses, and telephone numbers of all key facility personnel 26321  
knowledgeable in facility safety procedures and the locations at 26322  
the facility where extremely hazardous substances, hazardous 26323

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chemicals, and hazardous substances are produced, used, or stored. 26324  
The rules shall stipulate that, in the instance of lock box units 26325  
placed voluntarily at facilities by the owners or operators of the 26326  
facilities, such information shall be maintained in them as is 26327  
prescribed by agreement by the owner or operator and the fire 26328  
department having jurisdiction over the facility. 26329

(iii) The conditions that shall be met in order to provide 26330  
safe and expedient access to a lock box unit during a release or 26331  
threatened release of an extremely hazardous substance, hazardous 26332  
chemical, or hazardous substance. 26333

(b) Unless the owner or operator of a facility is issued an 26334  
order under division (D) of section 3750.11 of the Revised Code 26335  
requiring the owner or operator to place a lock box unit at the 26336  
facility, the owner or operator may place a lock box unit at the 26337  
facility at the owner's or operator's discretion. If the owner or 26338  
operator chooses to place a lock box unit at the facility, the 26339  
responsibility to deposit information in the lock box unit is in 26340  
addition to any other obligations established in this chapter. 26341

(c) Any costs associated with the purchase, construction, or 26342  
placement of a lock box unit shall be paid by the owner or 26343  
operator of the facility. 26344

(7) In accordance with Chapter 119. of the Revised Code, 26345  
adopt rules governing the application for and awarding of grants 26346  
under division (C) of section 3750.14 and division (B) of section 26347  
3750.15 of the Revised Code; 26348

(8) Adopt rules in accordance with Chapter 119. of the 26349  
Revised Code establishing reasonable maximum fees that may be 26350  
charged by the commission and local emergency planning committees 26351  
for copying information in the commission's or committee's files 26352  
to fulfill requests from the public for that information; 26353

(9) Adopt internal management rules governing the operations 26354



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of the commission. The internal management rules shall establish 26355  
an executive committee of the commission consisting of the 26356  
director of environmental protection or the director's designee, 26357  
the director of public safety or the director's designee, the 26358  
attorney general or the attorney general's designee, one of the 26359  
appointed members of the commission representing industries 26360  
subject to this chapter to be appointed by the commission, one of 26361  
the appointed members of the commission representing the interests 26362  
of environmental advocacy organizations to be appointed by the 26363  
commission, and one other appointed member or member ex officio of 26364  
the commission to be appointed by the commission. The executive 26365  
committee has exclusive authority to issue enforcement orders 26366  
under section 3750.18 of the Revised Code and to request the 26367  
attorney general to bring a civil action, civil penalty action, or 26368  
criminal action under section 3750.20 of the Revised Code in the 26369  
name of the commission regarding violations of this chapter, rules 26370  
adopted under it, or orders issued under it. The internal 26371  
management rules may set forth the other specific powers and 26372  
duties of the commission that the executive committee may exercise 26373  
and carry out and the conditions under which the executive 26374  
committee may do so. The internal management rules shall not 26375  
authorize the executive committee to issue variances under 26376  
division (B) or (C) of section 3750.11 of the Revised Code or 26377  
orders under division (D) of that section. 26378

(10) Oversee and coordinate the implementation and 26379  
enforcement of this chapter and make such recommendations to the 26380  
director of environmental protection and the director of public 26381  
safety as it considers necessary or appropriate to improve the 26382  
implementation and enforcement of this chapter; 26383

(11) Make allocations of moneys under division (B) of section 26384  
3750.14 of the Revised Code and make grants under division (C) of 26385  
section 3750.14 and division (B) of section 3750.15 of the Revised 26386

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Code;	26387
(12) Designate an officer of the environmental protection agency to serve as the commission's information coordinator under this chapter;	26388 26389 26390
(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 substance or extremely hazardous substance. The plan may incorporate existing state emergency response plans by reference. At least annually, the commission and the state agencies that are represented on it shall jointly exercise the state plan in conjunction with the exercise of a local emergency response plan by a local emergency planning committee under section 3750.04 of the Revised Code. After any such exercise, the commission shall review the state plan and make such revisions in it as the commission considers necessary or appropriate.	26391 26392 26393 26394 26395 26396 26397 26398 26399 26400 26401 26402 26403 26404 26405 26406 26407 26408 26409 26410
(14) Receive and decide claims for the protection of information as a trade secret that pertain only to extremely hazardous substances and hazardous chemicals identified or listed by rules adopted under division (C)(5) of this section. If the commission determines that the claim meets the criteria established in rules adopted under division (B)(5) of this section, it shall issue an order to that effect in accordance with section 3750.18 of the Revised Code. If the commission determines	26411 26412 26413 26414 26415 26416 26417 26418

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that the claim does not meet the criteria established in those 26419  
rules, it shall issue an order to that effect in accordance with 26420  
section 3750.18 of the Revised Code. 26421

(15) Annually compile, make available to the public, and 26422  
submit to the president of the senate and the speaker of the house 26423  
of representatives a summary report on the number of facilities 26424  
estimated to be subject to regulation under sections 3750.05, 26425  
3750.07, and 3750.08 of the Revised Code, the number of facilities 26426  
reporting to the commission, an estimate of the percentage of 26427  
facilities in compliance with those sections, and recommendations 26428  
regarding the types of activities the commission considers 26429  
necessary to improve such compliance. The commission shall base 26430  
its estimate of the number of facilities that are subject to 26431  
regulation under those sections on the current estimates provided 26432  
by the local emergency planning committees under division (D)(6) 26433  
of section 3750.03 of the Revised Code. 26434

(C) The commission may: 26435

(1) Procure by contract the temporary or intermittent 26436  
services of experts or consultants when those services are to be 26437  
performed on a part-time or fee-for-service basis and do not 26438  
involve the performance of administrative duties; 26439

(2) Enter into contracts or agreements with political 26440  
subdivisions or emergency planning districts for the purposes of 26441  
this chapter; 26442

(3) Accept on behalf of the state any gift, grant, or 26443  
contribution from any governmental or private source for the 26444  
purposes of this chapter; 26445

(4) Enter into contracts, agreements, or memoranda of 26446  
understanding with any state department, agency, board, 26447  
commission, or institution to obtain the services of personnel 26448  
thereof or utilize resources thereof for the purposes of this 26449

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chapter. Employees of a state department, agency, board, 26450  
commission, or institution providing services to the commission 26451  
under any such contract, agreement, or memorandum shall perform 26452  
only those functions and provide only the services provided for in 26453  
the contract, agreement, or memorandum. 26454

(5) Identify or list extremely hazardous substances in 26455  
addition to those identified or listed in rules adopted under 26456  
division (B)(1)(a) of this section and establish threshold 26457  
planning quantities and reportable quantities for the additional 26458  
extremely hazardous substances, identify or list hazardous 26459  
chemicals in addition to those identified or listed in rules 26460  
adopted under division (B)(1)(b) of this section and establish 26461  
threshold quantities and categories of health and physical hazards 26462  
for the added chemicals, and identify or list hazardous substances 26463  
in addition to those identified or listed in rules adopted under 26464  
division (B)(1)(c) of this section and establish reportable 26465  
quantities for the added hazardous substances. The commission may 26466  
establish threshold planning quantities for the additional 26467  
extremely hazardous substances based upon classes of those 26468  
substances or categories of facilities at which they are present 26469  
and may establish threshold quantities for the additional 26470  
hazardous chemicals based upon classes of those chemicals or 26471  
categories of facilities where they are present. The commission 26472  
shall identify or list such additional substances or chemicals and 26473  
establish threshold planning quantities, threshold quantities, 26474  
reportable quantities, and hazard categories therefor in 26475  
accordance with the criteria and procedures established in rules 26476  
adopted under division (B)(4) of this section and, after 26477  
compliance with those criteria and procedures, by the adoption of 26478  
rules in accordance with Chapter 119. of the Revised Code. The 26479  
commission shall not adopt rules under division (C)(5) of this 26480  
section modifying any threshold planning quantity established in 26481

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rules adopted under division (B)(1)(a) of this section, any 26482  
threshold quantity established in rules adopted under division 26483  
(B)(1)(b) of this section, or any reportable quantity established 26484  
in rules adopted under division (B)(1)(c) of this section. 26485

If, after the commission has adopted rules under division 26486  
(C)(5) of this section identifying or listing an extremely 26487  
hazardous substance, hazardous chemical, or hazardous substance, 26488  
the administrator of the United States environmental protection 26489  
agency identifies or lists the substance or chemical as an 26490  
extremely hazardous substance or hazardous chemical under the 26491  
"Emergency Planning and Community Right-To-Know Act of 1986," 100 26492  
Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance 26493  
as a hazardous substance under the "Comprehensive Environmental 26494  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 26495  
42 U.S.C.A. 9602, as amended, the commission shall rescind its 26496  
rules adopted under division (C)(5) of this section pertaining to 26497  
the substance or chemical and adopt the appropriate rules under 26498  
division (B)(1)(a), (b), or (c) of this section. 26499

(6) From time to time, request the director of environmental 26500  
protection and the executive director of the emergency management 26501  
agency to review implementation, administration, and enforcement 26502  
of the chemical emergency response planning and reporting programs 26503  
created by this chapter and rules adopted under it regarding their 26504  
effectiveness in preparing for response to releases of extremely 26505  
hazardous substances, hazardous chemicals, and hazardous 26506  
substances. After completion of any such review, the director of 26507  
environmental protection and the director of public safety shall 26508  
report their findings to the commission. Upon receipt of their 26509  
findings, the commission may make such recommendations for 26510  
legislative and administrative action as the commission finds 26511  
necessary or appropriate to promote achievement of the purposes of 26512  
this chapter. 26513

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(D) Except as provided in section 3750.06 of the Revised Code, nothing in this chapter applies to the transportation, including the storage incident to transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas.

(E) This chapter authorizes the state, through the emergency response commission, the department of public safety, and the environmental protection agency, to establish and maintain chemical emergency response planning and preparedness, community right-to-know, and hazardous substance and extremely hazardous substance release reporting programs that are consistent with and equivalent in scope, coverage, and content to 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, except as otherwise specifically required or authorized in this chapter. The commission, department, and agencies may do all things necessary, incidental, or appropriate to implement, administer, and enforce this chapter and to perform the duties and exercise the powers of the state emergency response commission under that act and regulations adopted under it and under this chapter.

Sec. 3750.081. (A) Notwithstanding any provision in this chapter to the contrary, an owner or operator of a facility that is regulated under Chapter 1509. of the Revised Code who has filed a log in accordance with section 1509.10 of the Revised Code and a production statement in accordance with section 1509.11 of the Revised Code shall be deemed to have satisfied all of the inventory, notification, listing, and other submission and filing requirements established under this chapter, except for the release reporting requirements established under section 3750.06 of the Revised Code.

(B) The emergency response commission and every local

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emergency planning committee and fire department in this state 26545  
shall establish a means by which to access, view, and retrieve 26546  
information, through the use of the internet or a computer disk, 26547  
from the electronic database maintained by the division of mineral 26548  
resources management in the department of natural resources in 26549  
accordance with section 1509.23 of the Revised Code. With respect 26550  
to facilities regulated under Chapter 1509. of the Revised Code, 26551  
the database shall be the means of providing and receiving the 26552  
information described in division (A) of this section. 26553

**Sec. 3750.13.** (A)(1) Except as provided in division (A)(3) or 26554  
(4) of this section, the owner or operator of a facility required 26555  
to annually file an emergency and hazardous chemical inventory 26556  
form under section 3750.08 of the Revised Code shall submit with 26557  
the inventory form a filing fee of one hundred fifty dollars. In 26558  
addition to the filing fee, the owner or operator shall submit 26559  
with the inventory form the following additional fees for 26560  
reporting inventories of the individual hazardous chemicals and 26561  
extremely hazardous substances produced, used, or stored at the 26562  
facility: 26563

(a) Except as provided in division (A)(1)(b) of this section, 26564  
an additional fee of ~~ten~~ twenty dollars per hazardous chemical 26565  
enumerated on the inventory form ~~in excess of five~~; 26566

(b) An additional fee of one hundred fifty dollars per 26567  
extremely hazardous substance enumerated on the inventory form. 26568  
The fee established in division (A)(1)(a) of this section does not 26569  
apply to the reporting of the inventory of a hazardous chemical 26570  
that is also an extremely hazardous substance to which the 26571  
inventory reporting fee established in division (A)(1)(b) of this 26572  
section applies. 26573

The total fees required to accompany any inventory form shall 26574  
not exceed twenty-five hundred dollars. 26575

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(2) An owner or operator of a facility who fails to submit such an inventory form within thirty days after the applicable filing date prescribed in section 3750.08 of the Revised Code shall submit with the inventory form a late filing fee in the amount of fifteen ten per cent per year of the total fees due under division (A)(1) or (4) of this section, in addition to the fees due under division (A)(1) or (4) of this section. ~~The late filing fee shall be compounded every three months until the total fees due under division (A)(1) or (4) of this section are submitted to the emergency response commission.~~

(3) The owner or operator of a facility who, during the preceding year, was required to pay a fee to a municipal corporation pursuant to an ordinance, rule, or requirement that was in effect on the effective date of this section for the reporting or providing of the names or amounts of extremely hazardous substances or hazardous chemicals produced, used, or stored at the facility may claim a credit against the fees due under division (A)(1) or (4) of this section for the fees paid to the municipal corporation pursuant to its reporting requirement. The amount of the credit claimed in any reporting year shall not exceed the amount of the fees due under division (A)(1) or (4) of this section during that reporting year, and no unused portion of the credit shall be carried over to subsequent years. In order to claim a credit under this division, the owner or operator shall submit with the emergency and hazardous chemical inventory form a receipt issued by the municipal corporation or other documentation acceptable to the commission indicating the amount of the fee paid to the municipal corporation and the date on which the fee was paid.

(4) An owner or operator who is regulated under Chapter 1509. of the Revised Code and who submits inventory forms information under section 1509.11 of the Revised Code for not more than



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~~thirty-five~~ twenty-five facilities that ~~meet all of the following~~ 26608  
~~conditions~~ shall submit ~~with the forms to the emergency response~~ 26609  
commission on or before the first day of March a flat fee of 26610  
~~twenty-five~~ fifty dollars if the facilities meet all of the 26611  
following conditions: 26612

(a) The facility exclusively stores crude oil or liquid 26613  
hydrocarbons or other fluids resulting, obtained, or produced in 26614  
connection with the production or storage of crude oil or natural 26615  
gas. 26616

(b) The crude oil, liquid hydrocarbons, or other fluids 26617  
stored at the facility are conveyed directly to it through piping 26618  
or tubing. 26619

(c) The facility is located on the same site as, or on a site 26620  
adjacent to, the well from which the crude oil, liquid 26621  
hydrocarbons, or other fluids are produced or obtained. 26622

(d) The facility is used for the storage of the crude oil, 26623  
liquid hydrocarbons, or other fluids prior to their transportation 26624  
off the premises of the facility for sale, use, or disposal. 26625

An owner or operator who submits ~~inventory forms~~ information 26626  
for more than ~~thirty-five~~ twenty-five facilities that meet all of 26627  
the conditions prescribed in divisions (A)(4)(a) to (d) of this 26628  
section shall submit to the commission a base fee of ~~twenty-five~~ 26629  
fifty dollars ~~in addition to a~~ and an additional filing fee of ten 26630  
dollars for each facility reported in excess of ~~thirty-five~~ 26631  
twenty-five, but not exceeding a total fee of ~~seven~~ nine hundred 26632  
dollars. ~~An owner or operator of such facilities shall submit the~~ 26633  
~~forms for all such facilities owned or operated by him in this~~ 26634  
~~state to the commission at the same time together with the~~ 26635  
~~applicable fee under division (A)(4) of this section.~~ 26636

As used in division (A)(4) of this section, "owner or 26637  
operator" means the person who actually owns or operates any such 26638

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facility and any other person who controls, is controlled by, or 26639  
is under common control with the person who actually owns or 26640  
operates the facility. 26641

(B) The emergency response commission and the local emergency 26642  
planning committee of an emergency planning district may establish 26643  
fees to be paid by persons, other than public officers or 26644  
employees, obtaining copies of documents or information submitted 26645  
to the commission or a committee under this chapter. The fees 26646  
shall be established at a level calculated to defray the costs to 26647  
the commission or committee for copying the documents or 26648  
information, but shall not exceed the maximum fees established in 26649  
rules adopted under division (B)(8) of section 3750.02 of the 26650  
Revised Code. 26651

(C) Except as provided in this division and division (B) of 26652  
this section, and except for fees authorized by section 3737.22 of 26653  
the Revised Code or rules adopted under sections 3737.82 to 26654  
3737.882 of the Revised Code and collected exclusively for either 26655  
of those purposes, no committee or political subdivision shall 26656  
levy any fee, tax, excise, or other charge to carry out the 26657  
purposes of this chapter. A committee may charge the actual costs 26658  
involved in accessing any computerized data base established by 26659  
the commission under this chapter or by the United States 26660  
environmental protection agency under the "Emergency Planning and 26661  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 26662  
11001. 26663

(D) Moneys collected by the commission under this section 26664  
shall be credited to the emergency planning and community 26665  
right-to-know fund created in section 3750.14 of the Revised Code. 26666

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 26667  
horse-racing meeting may provide a place in the race meeting 26668  
grounds or enclosure at which the permit holder may conduct and 26669

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supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by ~~such~~ the permit holder.

~~Such~~ The pari-mutuel method of wagering upon the live racing programs and simulcast racing programs held at or conducted within such race track, and at the time of such horse-racing meeting, or at other times authorized by the state racing commission, shall not be unlawful. No other place, except that provided and designated by the permit holder and except as provided in section 3769.26 of the Revised Code, nor any other method or system of betting or wagering, except the pari-mutuel system, shall be used or permitted by the permit holder; nor, except as provided in section 3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel system of wagering be conducted by the permit holder on any races except the races at the race track, grounds, or enclosure for which the person holds a permit. Each permit holder may retain as a commission an amount not to exceed eighteen per cent of the total of all moneys wagered.

The pari-mutuel wagering authorized by this section is subject to sections 3769.25 to ~~3769.27~~ 3769.28 of the Revised Code.

(B) At the close of each racing day, each permit holder authorized to conduct thoroughbred racing, out of the amount retained on 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 on that day 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	26701
wagered, or any part <del>thereof</del> <u>of that amount</u> ;	26702
(2) Two per cent of the next one hundred thousand dollars	26703
wagered, or any part <del>thereof</del> <u>of that amount</u> ;	26704
(3) Three per cent of the next one hundred thousand dollars	26705
wagered, or any part <del>thereof</del> <u>of that amount</u> ;	26706
(4) Four per cent of all sums over four hundred thousand	26707
dollars wagered.	26708
Except as otherwise provided in section 3769.089 of the	26709
Revised Code, each permit holder authorized to conduct	26710
thoroughbred racing shall use for purse money a sum equal to fifty	26711
per cent of the pari-mutuel revenues retained by the permit holder	26712
as a commission after payment of the state tax. This fifty per	26713
cent payment shall be in addition to the purse distribution from	26714
breakage specified in this section.	26715
Subject to division (M) of this section, from the moneys paid	26716
to the tax commissioner by <del>thoroughbred racing</del> <u>thoroughbred racing</u>	26717
permit holders, one-half of one per cent of the total of all	26718
moneys so wagered on a racing day shall be paid into the Ohio	26719
fairs fund created by section 3769.082 of the Revised Code, one	26720
and one-eighth per cent of the total of all moneys so wagered on a	26721
racing day shall be paid into the Ohio thoroughbred race fund	26722
created by section 3769.083 of the Revised Code, and one-quarter	26723
of one per cent of the total of all moneys wagered on a racing day	26724
by each permit holder shall be paid into the state racing	26725
commission operating fund created by section 3769.03 of the	26726
Revised Code. The required payment to the state racing commission	26727
operating fund does not apply to county and independent fairs and	26728
agricultural societies. The remaining moneys may be retained by	26729
the permit holder, except as provided in this section with respect	26730
to the odd cents redistribution. Amounts paid into the PASSPORT	26731

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fund shall be used solely for the support of the PASSPORT program 26732  
 as determined in appropriations made by the general assembly. If 26733  
 the PASSPORT program is abolished, the amount that would have been 26734  
 paid to the PASSPORT fund under this chapter shall be paid to the 26735  
 general revenue fund of the state. As used in this chapter, 26736  
 "PASSPORT program" means the PASSPORT program created under 26737  
 section 173.40 of the Revised Code. 26738

~~During calendar year 1994, the~~ The total amount paid to the 26739  
 Ohio thoroughbred race fund under this section and section 26740  
 3769.087 of the Revised Code ~~shall not exceed by more than six per~~ 26741  
~~cent the total amount paid to this fund under this section and~~ 26742  
~~that section during calendar year 1990. During each calendar year~~ 26743  
~~after calendar year 1994, the total amount paid to this fund under~~ 26744  
~~this section and that section shall not exceed by more than six~~ 26745  
~~per cent the total amount paid to this fund under this section and~~ 26746  
~~that section during the immediately preceding calendar year.~~ 26747

Each year, the total amount calculated for payment into the 26748  
 Ohio fairs fund under this division, division (C) of this section, 26749  
 and section 3769.087 of the Revised Code shall be an amount 26750  
 calculated using the percentages specified in this division, 26751  
 division (C) of this section, and section 3769.087 of the Revised 26752  
 Code. ~~Until January 1, 1996, the total amount actually paid into~~ 26753  
~~the Ohio fairs fund under this division, division (C) of this~~ 26754  
~~section, and section 3769.087 of the Revised Code during each~~ 26755  
~~calendar year shall not exceed the total amount that was actually~~ 26756  
~~paid into that fund under this division, division (C) of this~~ 26757  
~~section, and section 3769.087 of the Revised Code during calendar~~ 26758  
~~year 1990, plus five hundred thousand dollars. Beginning on~~ 26759  
~~January 1, 1996, and continuing through December 31, 1998, the~~ 26760  
~~total amount actually paid into the Ohio fairs fund during each~~ 26761  
~~calendar year under this division, division (C) of this section,~~ 26762  
~~and section 3769.087 of the Revised Code shall not exceed by more~~ 26763

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~~than five per cent an amount equal to the total amount actually~~ 26764  
~~paid into the Ohio fairs fund during the immediately preceding~~ 26765  
~~calendar year.~~ 26766

A permit holder may contract with a thoroughbred horsemen's 26767  
organization for the organization to act as a representative of 26768  
all thoroughbred owners and trainers participating in a 26769  
horse-racing meeting conducted by the permit holder. A 26770  
"thoroughbred horsemen's organization" is any corporation or 26771  
association that represents, through membership or otherwise, more 26772  
than one-half of the aggregate of all thoroughbred owners and 26773  
trainers who were licensed and actively participated in racing 26774  
within this state during the preceding calendar year. Except as 26775  
otherwise provided in this paragraph, any moneys received by a 26776  
thoroughbred horsemen's organization shall be used exclusively for 26777  
the benefit of thoroughbred owners and trainers racing in this 26778  
state through the administrative purposes of the organization, 26779  
benevolent activities on behalf of the horsemen, promotion of the 26780  
horsemen's rights and interests, and promotion of equine research. 26781  
A thoroughbred horsemen's organization may expend not more than an 26782  
aggregate of five per cent of its annual gross receipts, or a 26783  
larger amount as approved by the organization, for dues, 26784  
assessments, and other payments to all other local, national, or 26785  
international organizations having as their primary purposes the 26786  
promotion of thoroughbred horse racing, thoroughbred horsemen's 26787  
rights, and equine research. 26788

(C) Except as otherwise provided in division (B) of this 26789  
section, at the close of each racing day, each permit holder 26790  
authorized to conduct harness or quarter horse racing, out of the 26791  
amount retained that day by the permit holder, shall pay by check, 26792  
draft, or money order to the tax commissioner, as a tax, a sum 26793  
equal to the following percentages of the total of all moneys 26794  
wagered on live racing programs and shall separately compute and 26795

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pay by check, draft, or money order to the tax commissioner, as a	26796
tax, a sum equal to the following percentages of the total of all	26797
money wagered on simulcast racing programs on that day:	26798
(1) One per cent of the first two hundred thousand dollars	26799
wagered, or any part <del>thereof</del> <u>of that amount</u> ;	26800
(2) Two per cent of the next one hundred thousand dollars	26801
wagered, or any part <del>thereof</del> <u>of that amount</u> ;	26802
(3) Three per cent of the next one hundred thousand dollars	26803
wagered, or any part <del>thereof</del> <u>of that amount</u> ;	26804
(4) Four per cent of all sums over four hundred thousand	26805
dollars wagered.	26806
Except as otherwise provided in division (B) and subject to	26807
division (M) of this section, from the moneys paid to the tax	26808
commissioner by permit holders authorized to conduct harness or	26809
quarter horse racing, one-half of one per cent of all moneys	26810
wagered on that racing day shall be paid into the Ohio fairs fund;	26811
from the moneys paid to the tax commissioner by permit holders	26812
authorized to conduct harness racing, five-eighths of one per cent	26813
of all moneys wagered on that racing day shall be paid into the	26814
Ohio standardbred development fund; and from the moneys paid to	26815
the tax commissioner by permit holders authorized to conduct	26816
quarter horse racing, five-eighths of one per cent of all moneys	26817
wagered on that racing day shall be paid into the Ohio quarter	26818
horse development fund.	26819
(D) In addition, subject to division (M) of this section,	26820
beginning on January 1, 1996, from the money paid to the tax	26821
commissioner as a tax under this section and section 3769.087 of	26822
the Revised Code by harness horse permit holders, one-half of one	26823
per cent of the amount wagered on a racing day shall be paid into	26824
the Ohio standardbred development fund. Beginning January 1, 1998,	26825
the payment to the Ohio standardbred development fund required	26826

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under this division ~~(D)~~ of ~~this~~ section does not apply to county 26827  
 agricultural societies or independent agricultural societies. 26828  
 26829

~~During calendar year 1994, the~~ The total amount paid to the 26830  
 Ohio standardbred development fund under this division, division 26831  
 (C) of this section, and section 3769.087 of the Revised Code and 26832  
 the total amount paid to the Ohio quarter horse development fund 26833  
 under this division and that section ~~shall not exceed by more than~~ 26834  
~~six per cent the total amount paid to each of these funds under~~ 26835  
~~this division and that section during calendar year 1990. During~~ 26836  
~~each calendar year after calendar year 1994, the total amount paid~~ 26837  
~~to each of these funds~~ shall not exceed by more than six per cent 26838  
 the total amount paid into the fund under this division, division 26839  
 (C) of this section, and section 3769.087 of the Revised Code in 26840  
 the immediately preceding calendar year. 26841

(E) Subject to division (M) of this section, from the money 26842  
 paid as a tax under this chapter by harness and quarter horse 26843  
 permit holders, one-quarter of one per cent of the total of all 26844  
 moneys wagered on a racing day by each permit holder shall be paid 26845  
 into the state racing commission operating fund created by section 26846  
 3769.03 of the Revised Code. This division does not apply to 26847  
 county and independent fairs and agricultural societies. 26848

(F) Except as otherwise provided in section 3769.089 of the 26849  
 Revised Code, each permit holder authorized to conduct harness 26850  
 racing shall ~~pay~~ pay to the harness horsemen's purse pool a sum 26851  
 equal to fifty per cent of the pari-mutuel revenues retained by 26852  
 the permit holder as a commission after payment of the state tax. 26853  
 This fifty per cent payment is to be in addition to the purse 26854  
 distribution from breakage specified in this section. 26855

(G) In addition, each permit holder authorized to conduct 26856  
 harness racing shall be allowed to retain the odd cents of all 26857  
 redistribution to be made on all mutual contributions exceeding a 26858



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sum equal to the next lowest multiple of ten. 26859

Forty per cent of that portion of that total sum of such odd 26860  
cents shall be used by the permit holder for purse money for Ohio 26861  
sired, bred, and owned colts, for purse money for Ohio bred 26862  
horses, and for increased purse money for horse races. Upon the 26863  
formation of the corporation described in section 3769.21 of the 26864  
Revised Code to establish a harness horsemen's health and 26865  
retirement fund, twenty-five per cent of that portion of that 26866  
total sum of odd cents shall be paid at the close of each racing 26867  
day by the permit holder to ~~such~~ that corporation to establish and 26868  
fund the health and retirement fund. Until ~~such~~ that corporation 26869  
is formed, ~~such~~ that twenty-five per cent shall be paid at the 26870  
close of each racing day by the permit holder to the tax 26871  
commissioner or the tax commissioner's agent in the county seat of 26872  
the county in which the permit holder operates race meetings. The 26873  
remaining thirty-five per cent of that portion of that total sum 26874  
of odd cents shall be retained by the permit holder. 26875

(H) In addition, each permit holder authorized to conduct 26876  
thoroughbred racing shall be allowed to retain the odd cents of 26877  
all redistribution to be made on all mutuel contributions 26878  
exceeding a sum equal to the next lowest multiple of ten. Twenty 26879  
per cent of that portion of that total sum of such odd cents shall 26880  
be used by the permit holder for increased purse money for horse 26881  
races. Upon the formation of the corporation described in section 26882  
3769.21 of the Revised Code to establish a thoroughbred horsemen's 26883  
health and retirement fund, forty-five per cent of that portion of 26884  
that total sum of odd cents shall be paid at the close of each 26885  
racing day by the permit holder to ~~such~~ that corporation to 26886  
establish and fund the health and retirement fund. Until ~~such~~ that 26887  
corporation is formed, ~~such~~ that forty-five per cent shall be paid 26888  
by the permit holder to the tax commissioner or the tax 26889  
commissioner's agent in the county seat of the county in which the 26890

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permit holder operates race meetings, at the close of each racing 26891  
 day. The remaining thirty-five per cent of that portion of that 26892  
 total sum of odd cents shall be retained by the permit holder. 26893

(I) In addition, each permit holder authorized to conduct 26894  
 quarter horse racing shall be allowed to retain the odd cents of 26895  
 all redistribution to be made on all mutuel contributions 26896  
 exceeding a sum equal to the next lowest multiple of ten, subject 26897  
 to a tax of twenty-five per cent on that portion of the total sum 26898  
 of such odd cents that is in excess of two thousand dollars during 26899  
 a calendar year, which tax shall be paid at the close of each 26900  
 racing day by the permit holder to the tax commissioner or the tax 26901  
 commissioner's agent in the county seat of the county within which 26902  
 the permit holder operates race meetings. Forty per cent of that 26903  
 portion of that total sum of such odd cents shall be used by the 26904  
 permit holder for increased purse money for horse races. The 26905  
 remaining thirty-five per cent of that portion of that total sum 26906  
 of odd cents shall be retained by the permit holder. 26907

(J)(1) To encourage the improvement of racing facilities for 26908  
 the benefit of the public, breeders, and horse owners, and to 26909  
 increase the revenue to the state from the increase in pari-mutuel 26910  
 wagering resulting from ~~such~~ those improvements, the taxes paid by 26911  
 a permit holder to the state as provided for in this chapter shall 26912  
 be reduced by three-fourths of one per cent of the total amount 26913  
 wagered for those permit holders who make capital improvements to 26914  
 existing race tracks or construct new race tracks. The percentage 26915  
 of the reduction that may be taken each racing day shall equal 26916  
 seventy-five per cent of the tax levied under divisions (B) and 26917  
 (C) of this section and section 3769.087 of the Revised Code, and 26918  
 division (F)(2) of section 3769.26 of the Revised Code, as 26919  
 applicable, divided by the calculated amount each fund should 26920  
 receive under divisions (B) and (C) of this section and section 26921  
 3769.087 of the Revised Code, and division (F)(2) of section 26922

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3769.26 of the Revised Code and the reduction provided for in this 26923  
 division. If the resulting percentage is less than one, that 26924  
 percentage shall be multiplied by the amount of the reduction 26925  
 provided for in this division. Otherwise, the permit holder shall 26926  
 receive the full reduction provided for in this division. The 26927  
 amount of the allowable reduction not received shall be carried 26928  
 forward and applied against future tax liability. After any 26929  
 reductions expire, any reduction carried forward shall be treated 26930  
 as a reduction as provided for in this division. ~~If~~ 26931

If more than one permit holder is authorized to conduct 26932  
 racing at the facility that is being built or improved, the cost 26933  
 of the new race track or capital improvement shall be allocated 26934  
 between or among all the permit holders in the ratio that the 26935  
 permit holders' number of racing days bears to the total number of 26936  
 racing days conducted at the facility. ~~Such~~ 26937

A reduction for a new race track or a capital improvement 26938  
 shall start from the day racing is first conducted following the 26939  
 date actual construction of the new race track or each capital 26940  
 improvement is completed and the construction cost has been 26941  
~~certified~~ approved by the racing commission, unless otherwise 26942  
 provided in this section. ~~Such~~ A reduction for a new race track or 26943  
a capital improvement shall continue for a period of twenty-five 26944  
 years for new race tracks and for fifteen years for ~~new~~ capital 26945  
 improvements if the construction of the capital improvement or new 26946  
 race track commenced prior to March 29, 1988, and for a period of 26947  
 ten years for new race tracks or ~~new~~ capital improvements if the 26948  
 construction of the capital improvement or new race track 26949  
 commenced on or after March 29, 1988, but before the effective 26950  
date of this amendment, or until the total tax reduction reaches 26951  
 seventy per cent of the approved cost of the new race track or ~~new~~ 26952  
 capital improvement, as allocated to each permit holder, whichever 26953  
 occurs first. ~~The tax~~ A reduction for a new race track or a 26954

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capital improvement approved after the effective date of this 26955  
amendment shall continue until the total tax reduction reaches one 26956  
hundred per cent of the approved cost of the new race track or 26957  
capital improvement, as allocated to each permit holder. 26958

A reduction granted for ~~any~~ a new race track or a capital 26959  
improvement, the application for which was approved by the racing 26960  
commission after March 29, 1988, but before the effective date of 26961  
this amendment, shall not commence nor shall the ten-year period 26962  
begin to run until all prior tax reductions with respect to the 26963  
same race track have ended. The total tax reduction because of 26964  
capital improvements shall not during any one year exceed for all 26965  
permit holders using any one track three-fourths of one per cent 26966  
of the total amount wagered, regardless of the number of capital 26967  
improvements made. Several capital improvements to a race track 26968  
may be consolidated in an application if the racing commission 26969  
approved the application prior to March 29, 1988. No permit holder 26970  
may receive a tax reduction for a capital improvement approved by 26971  
the racing commission on or after March 29, 1988, at a race track 26972  
until all tax reductions have ended for all prior capital 26973  
improvements approved by the racing commission under this section 26974  
or section 3769.20 of the Revised Code at that race track. If 26975  
there are two or more permit holders operating meetings at the 26976  
same track, they may consolidate their applications. The racing 26977  
commission shall notify the tax commissioner when the ~~diminution~~ 26978  
reduction of tax begins and when it ends. ~~Each~~ 26979

Each fiscal year the racing commission shall submit a report 26980  
to the tax commissioner, the office of budget and management, and 26981  
the ~~legislative budget office of the~~ legislative service 26982  
commission. The report shall identify each capital improvement 26983  
project undertaken under this division and in progress at each 26984  
race track, indicate the total cost of each ~~such~~ project, state 26985  
the tax reduction that resulted from each ~~such~~ project during the 26986

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immediately preceding fiscal year, estimate the tax reduction that 26987  
will result from each ~~such~~ project during the current fiscal year, 26988  
state the total tax reduction that resulted from all such projects 26989  
at all race tracks during the immediately preceding fiscal year, 26990  
and estimate the total tax reduction that will result from all 26991  
such projects at all race tracks during the current fiscal year. 26992

(2) In order to qualify for the reduction in tax, a permit 26993  
holder shall apply to the racing commission in such form as the 26994  
commission may require and shall provide full details of the new 26995  
~~racing~~ race track or capital improvement, including a schedule for 26996  
its construction and completion, and set forth the costs and 26997  
expenses incurred in connection ~~therewith~~ with it. The racing 26998  
commission shall not approve an application unless the permit 26999  
holder shows that a contract for the new race track or capital 27000  
improvement has been let under an unrestricted competitive bidding 27001  
procedure, unless the contract is exempted by the controlling 27002  
board because of its unusual nature. In determining whether to 27003  
approve an application, the racing commission shall consider 27004  
whether the new race track or capital improvement will promote the 27005  
safety, convenience, and comfort of the racing public and horse 27006  
owners and generally tend towards the improvement of racing in 27007  
this state. 27008

(3) If a new race track or capital improvement is approved by 27009  
the racing commission and construction has started, the tax 27010  
~~adjustment~~ reduction may be authorized by the commission upon 27011  
presentation of copies of paid bills in excess of one hundred 27012  
thousand dollars or ten per cent of the approved cost, whichever 27013  
is greater. After the initial authorization, the permit holder 27014  
shall present copies of paid bills. If the permit holder is in 27015  
substantial compliance with the schedule for construction and 27016  
completion of the new race track or capital improvement, the 27017  
racing commission may authorize the continuation of the tax 27018

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~~adjustment reduction~~ upon the presentation of ~~such the~~ additional 27019  
 paid bills. The total amount of the tax ~~adjustment reduction~~ 27020  
 authorized shall not exceed ~~seventy per cent~~ the percentage of the 27021  
 approved cost of the new race track or capital improvement 27022  
specified in division (J)(1) of this section. The racing 27023  
 commission may terminate any tax ~~adjustment reduction~~ immediately 27024  
 if a permit holder fails to complete the new race track or capital 27025  
 improvement, or to substantially comply with the schedule for 27026  
 construction and completion of the new race track or capital 27027  
 improvement. If a permit holder fails to complete a new race track 27028  
 or capital improvement, the racing commission shall order the 27029  
 permit holder to repay to the state the total amount of tax 27030  
 reduced. The normal tax paid by the permit holder shall be 27031  
 increased by three-fourths of one per cent of the total amount 27032  
 wagered until the total amount of the additional tax collected 27033  
 equals the total amount of tax reduced. 27034

(4) As used in this section, ~~"capital:~~ 27035

(a) "Capital improvement" means an addition, replacement, or 27036  
 remodeling of a structural unit of a race track facility costing 27037  
 at least one hundred thousand dollars, including, but not limited 27038  
 to, the construction of barns used exclusively for ~~such the~~ race 27039  
 track facility, backstretch facilities for horsemen, paddock 27040  
 facilities, new pari-mutuel and totalizator equipment and 27041  
 appurtenances ~~thereto~~ to that equipment purchased by the track, 27042  
 new access roads, new parking areas, the complete reconstruction, 27043  
 reshaping, and leveling of the ~~race track~~ racing surface and 27044  
 appurtenances, the installation of permanent new heating or air 27045  
 conditioning, ~~and~~ roof replacement or restoration, installations 27046  
 of a permanent nature forming a part of the track structure, and 27047  
construction of buildings that are located on a permit holder's 27048  
premises. "Capital improvement" does not include the cost of 27049  
 replacement of equipment that is not permanently installed, 27050

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ordinary repairs, painting, and maintenance required to keep a 27051  
 race track facility in ordinary operating condition. ~~"New~~ 27052

(b) "New race track" or "new racing track" includes the 27053  
 reconstruction of a race track damaged by fire or other cause that 27054  
 has been declared by the racing commission, as a result of the 27055  
 damage, to be an inadequate facility for the safe operation of 27056  
 horse racing. 27057

(c) "Approved cost" includes all debt service and interest 27058  
costs that are associated with a capital improvement or new race 27059  
track and that the racing commission approves for a tax reduction 27060  
under division (J) of this section. 27061

(5) The racing commission shall not approve an application 27062  
 for a tax reduction under this section if it has reasonable cause 27063  
 to believe that the actions or negligence of the permit holder 27064  
 substantially contributed to the damage suffered by the track due 27065  
 to fire or other cause. The racing commission shall obtain any 27066  
 data or information available from a fire marshal, law enforcement 27067  
 official, or insurance company concerning any fire or other damage 27068  
 suffered by a track, prior to approving an application for a tax 27069  
 reduction. 27070

(6) The approved cost and expenses to which a tax reduction 27071  
 applies shall be determined by generally accepted accounting 27072  
 principles and verified by an audit of the permit holder's records 27073  
 upon completion of the project by the racing commission, or by an 27074  
 independent certified public accountant selected by the permit 27075  
 holder and approved by the commission. 27076

~~The tax reductions for capital improvements and new tracks~~ 27077  
~~provided for in this division apply only to tax reductions~~ 27078  
~~approved by the state racing commission prior to the effective~~ 27079  
~~date of this amendment.~~ 27080

(K) No other license or excise tax or fee, except as provided 27081

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in sections 3769.01 to 3769.14 of the Revised Code, shall be  
assessed or collected from such licensee by any county, township,  
district, municipal corporation, or other body having power to  
assess or collect a tax or fee. That portion of the tax paid under  
this section by permit holders for racing conducted at and during  
the course of an agricultural exposition or fair, and that portion  
of the tax that would have been paid by eligible permit holders  
into the PASSPORT fund as a result of racing conducted at and  
during the course of an agricultural exposition or fair, shall be  
deposited into the state treasury to the credit of the horse  
racing tax fund, which is hereby created for the use of the  
agricultural societies of the several counties in which the taxes  
originate. The state racing commission shall determine eligible  
permit holders for purposes of the preceding sentence, taking into  
account the breed of horse, the racing dates, the geographic  
proximity to the fair, and the best interests of Ohio racing. On  
the first day of any month on which there is money in the fund,  
the ~~director of budget and management~~ tax commissioner shall  
provide for payment to the treasurer of each agricultural society  
the amount of the taxes collected under this section upon racing  
conducted at and during the course of any exposition or fair  
conducted by ~~such~~ the society.

(L) From the tax paid under this section by harness track  
permit holders, the tax commissioner shall pay into the Ohio  
thoroughbred race fund a sum equal to a percentage of the amount  
wagered upon which ~~such~~ the tax is paid. The percentage shall be  
determined by the tax commissioner and shall be rounded to the  
nearest one-hundredth. The percentage shall be such that, when  
multiplied by the amount wagered upon which tax was paid by the  
harness track permit holders in the most recent year for which  
final figures are available, it results in a sum that  
substantially equals the same amount of tax paid by the tax



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commissioner during that year into the Ohio fairs fund from taxes 27114  
paid by thoroughbred permit holders. This division does not apply 27115  
to county and independent fairs and agricultural societies. 27116

(M) Twenty-five per cent of the taxes levied on 27117  
~~thoroughbred-racing~~ thoroughbred racing permit holders, 27118  
~~harness-racing~~ harness racing permit holders, and quarter horse 27119  
racing permit holders under this section, section 3769.087 of the 27120  
Revised Code, and division (F)(2) of section 3769.26 of the 27121  
Revised Code shall be paid ~~to~~ into the PASSPORT fund. The tax 27122  
commissioner shall pay any money remaining, after the payment ~~to~~ 27123  
into the PASSPORT fund and the reductions provided for in division 27124  
(J) of this section and in section 3769.20 of the Revised Code, 27125  
into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio 27126  
standardbred development fund, Ohio quarter horse fund, and state 27127  
racing commission operating fund as prescribed in this section and 27128  
section 3769.087 of the Revised Code; ~~except that the state racing~~ 27129  
~~commission operating fund shall not receive more than two million~~ 27130  
~~five hundred thousand dollars in any calendar year.~~ The tax 27131  
commissioner shall thereafter use and apply the balance of the 27132  
money paid as a tax by any permit holder to cover any shortage in 27133  
the accounts of such funds resulting from an insufficient payment 27134  
as a tax by any other permit holder. The moneys received by the 27135  
tax commissioner shall be deposited weekly and paid by the tax 27136  
commissioner into the funds to cover the total aggregate amount 27137  
due from all permit holders to the funds, as calculated under this 27138  
section and section 3769.087 of the Revised Code, as applicable. 27139  
If, after the payment ~~to~~ into the PASSPORT fund, sufficient funds 27140  
are not available from the tax deposited by the tax commissioner 27141  
to pay the required ~~amount~~ amounts into the Ohio fairs fund, Ohio 27142  
standardbred development fund, Ohio thoroughbred race fund, Ohio 27143  
quarter horse fund, and the state racing commission operating 27144  
fund, the tax commissioner shall prorate on a proportional basis 27145  
the amount paid to each of the funds. Any shortage to the funds as 27146

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a result of a proration shall be applied against future deposits 27147  
 for the same calendar year when funds are available. After this 27148  
 application, the tax commissioner shall pay any remaining money 27149  
 paid as a tax by all permit holders into the PASSPORT fund. ~~If the~~ 27150  
~~Ohio fairs fund does not receive two million five hundred thousand~~ 27151  
~~dollars in calendar year 1997 or 1998, the tax commissioner shall~~ 27152  
~~pay into the Ohio fairs fund, on a prorated basis, money that~~ 27153  
~~would have been paid into the Ohio thoroughbred race fund, Ohio~~ 27154  
~~standardbred development fund, Ohio quarter horse development~~ 27155  
~~fund, and state racing commission operating fund and the portion~~ 27156  
~~that was retained by the tracks the previous calendar year as a~~ 27157  
~~reduction provided for in division (J) of this section and section~~ 27158  
~~3769.20 of the Revised Code until the previous year's deficiency~~ 27159  
~~is met. Each track that has an existing reduction shall increase~~ 27160  
~~its reduction credit balance by the amount determined by the tax~~ 27161  
~~commissioner that is needed to meet its prorated portion of the~~ 27162  
~~Ohio fairs fund deficiency. The credit balance increase shall be~~ 27163  
~~paid to the tax commissioner as a tax. This division does not~~ 27164  
 apply to permit holders conducting racing at the course of an 27165  
 agricultural exposition or fair as described in division (K) of 27166  
 this section. 27167

**Sec. 3769.085.** There is hereby created in the state treasury 27168  
 the Ohio standardbred development fund, to consist of moneys paid 27169  
 into it pursuant to section 3769.08 of the Revised Code and any 27170  
fees assessed for or on behalf of the Ohio sires stakes races. All 27171  
investment earnings on the cash balance in the fund shall be 27172  
credited to the fund. Moneys to the credit of the Ohio 27173  
~~standardbred development~~ fund shall be distributed on order of the 27174  
 state racing commission with the approval of the Ohio standardbred 27175  
 development commission. 27176

The development commission shall consist of three members, 27177  
 all to be residents of this state knowledgeable in breeding and 27178

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27179 racing, to be appointed by the governor with the advice and  
27180 consent of the senate. One member shall be a standardbred breeder,  
27181 and one shall be a standardbred owner. Of the initial  
27182 appointments, one member shall be appointed for a term ending June  
27183 30, 1977, and two members shall be appointed for terms ending June  
27184 30, 1979. Thereafter, appointments for other than unexpired terms  
27185 shall be for four years. Terms shall begin the first day of July  
27186 and end the thirtieth day of June. Any member appointed to fill a  
27187 vacancy occurring prior to the expiration of the term for which  
27188 the member's predecessor was appointed shall hold office for the  
27189 remainder of ~~such~~ that term. Any member shall continue in office  
27190 subsequent to the expiration date of the member's term until a  
27191 successor takes office. Members shall receive no compensation,  
27192 except they shall be paid actual and necessary expenses from the  
27193 Ohio standardbred development fund. The state racing commission  
27194 shall also be reimbursed for actual expense approved by the  
27195 development commission. The development commission may elect one  
27196 member to serve as secretary.

27197 Upon application not later than the first day of December  
27198 from the harness tracks conducting races with pari-mutuel  
27199 wagering, other than agricultural expositions and fairs, the  
27200 development commission shall, after a hearing and not later than  
27201 the twentieth day of January, allocate and approve all available  
27202 moneys for colt races for two-year-old and three-year-old colts  
27203 and fillies, both trotting and pacing. Separate races for fillies  
27204 shall be provided at each age and gait. At least five races and a  
27205 championship race shall be scheduled for each of the eight  
27206 categories of age, sex, and gait. The allocations shall take into  
27207 account the time of year that racing colts is feasible, the equity  
27208 and continuity of the proposed dates for racing the events, and  
27209 the amounts to be added by the tracks, looking to the maximum  
27210 benefit for those participating in the races. Representatives of

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the tracks and the Ohio harness horsemen's association shall be  
given an opportunity to be heard before the allocations are made.  
No races shall be contested earlier than the first day of May or  
later than the first day of November; all permit holders operating  
extended pari-mutuel meetings between ~~such~~ those dates shall be  
entitled to at least three races. No funds for a race shall be  
allocated to and paid to a permit holder by the development  
commission unless the permit holder adds at least twenty-five per  
cent to the amount allocated by the development commission, and  
not less than five thousand dollars to each race.

Colts and fillies eligible to the races shall be only those  
sired by a standardbred stallion that was registered with the  
state racing commission and stood in ~~Ohio~~ the state the entire  
breeding season of the year the colt or filly was conceived and  
fillies foaled before November 1, 1979, that are not so qualified  
but wholly owned by a resident or residents of ~~Ohio~~ the state on  
the first day of January of the year that such filly would be  
eligible to race as a two-year-old and also wholly owned by a  
resident or residents of ~~Ohio~~ the state on the date the race is  
contested.

If the development commission concludes that sufficient funds  
are available to add aged races without reducing purse levels of  
the colt and filly races, the development commission may allocate  
funds to four-year-old and five-year-old races of each sex and  
gait with Ohio eligibility required as set forth in this section.

The state racing commission may allocate an amount not to  
exceed five per cent of the total Ohio standardbred development  
fund available in any one calendar year to research projects  
directed toward improving the breeding, raising, racing, and  
health and soundness of horses in the state and toward education  
or promotion of the industry.

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**Sec. 3769.20.** (A) To encourage the renovation of existing 27242  
 racing facilities for the benefit of the public, breeders, and 27243  
 horse owners and to increase the revenue to the state from the 27244  
 increase in pari-mutuel wagering resulting from such improvement, 27245  
 the taxes paid by a permit holder to the state, in excess of the 27246  
 amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per 27247  
 cent of the total amount wagered for those permit holders who 27248  
 carry out a major capital improvement project. The percentage of 27249  
 the reduction that may be taken each racing day shall equal 27250  
 seventy-five per cent of the amount of the tax levied under 27251  
 divisions (B) and (C) of section 3769.08, section 3769.087, and 27252  
 division (F)(2) of section 3769.26 of the Revised Code, as 27253  
 applicable, divided by the calculated amount each fund should 27254  
 receive under divisions (B) and (C) of section 3769.08, section 27255  
 3769.087, and division (F)(2) of section 3769.26 of the Revised 27256  
 Code and the reduction provided for in this section. If the 27257  
 resulting percentage is less than one, that percentage shall be 27258  
 multiplied by the amount of the reduction provided for in this 27259  
 section. Otherwise, the permit holder shall receive the full 27260  
 reduction provided for in this section. The amount of the 27261  
 allowable reduction not received shall be carried forward and 27262  
 added to any other reduction balance and applied against future 27263  
 tax liability. After any reductions expire, any reduction carried 27264  
 forward shall be treated as a reduction as provided for in this 27265  
 section. If the amount of allowable ~~abatement~~ reduction exceeds 27266  
 the amount of taxes derived from a permit holder, the amount of 27267  
 the allowable ~~abatement~~ reduction not used may be carried forward 27268  
 and applied against future tax liability. ~~if~~ 27269

If more than one permit holder is authorized to conduct 27270  
 racing at the facility that is being improved, the cost of the 27271  
 major capital improvement project shall be allocated between or 27272  
 among all the permit holders in the ratio that each permit 27273

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holder's number of racing days bears to the total number of racing days conducted at the facility. Such

A reduction for a major capital improvement project shall start from the day racing is first conducted following the date on which the major capital improvement project is completed and the construction cost has been ~~certified~~ approved by the state racing commission, except as otherwise provided in division (E) of this section, and shall continue until the total tax reduction equals the cost of the major capital improvement project plus debt service applicable to the project. In no event, however, shall any tax reduction, excluding any reduction balances, be permitted under this section after December 31, 2014. The total tax reduction because of the major capital improvement project shall not during any one year exceed for all permit holders using any one track, one per cent of the total amount wagered. The racing commission shall notify the tax commissioner when the ~~diminution~~ reduction of tax begins and when it ends.

(B) Each fiscal year, the racing commission shall submit a report to the tax commissioner, the office of budget and management, and the ~~legislative budget office of the~~ legislative service commission. The report shall identify each capital improvement project undertaken under this section and in progress at each race track, indicate the total cost of each ~~such~~ project, state the tax reduction that resulted from each ~~such~~ project during the immediately preceding fiscal year, estimate the tax reduction that will result from each ~~such~~ project during the current fiscal year, state the total tax reduction that resulted from all such projects at all race tracks during the immediately preceding fiscal year, and estimate the total tax reduction that will result from all such projects at all race tracks during the current fiscal year.

(C) The tax reduction granted pursuant to this section shall

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be in addition to any tax reductions for capital improvements and 27306  
new race tracks provided for in section 3769.08 of the Revised 27307  
Code and approved by the racine commission ~~prior to March 29,~~ 27308  
~~1988.~~ 27309

(D) In order to qualify for the reduction in tax, a permit 27310  
holder shall apply to the racine commission in such form as the 27311  
commission may require and shall provide full details of the major 27312  
capital improvement project, including plans and specifications, a 27313  
schedule for the project's construction and completion, and a 27314  
breakdown of proposed costs. In addition, the permit holder shall 27315  
have commenced construction of the major capital improvement 27316  
project or shall have had the application for the project approved 27317  
by the racine commission prior to March 29, 1988. The racine 27318  
commission shall not approve an application unless the permit 27319  
holder shows that a contract for the major capital improvement 27320  
project has been let under an unrestricted competitive bidding 27321  
procedure, unless the contract is exempted by the controlling 27322  
board because of its unusual nature. In determining whether to 27323  
approve an application, the racine commission shall consider 27324  
whether the major capital improvement project will promote the 27325  
safety, convenience, and comfort of the racing public and horse 27326  
owners and generally tend toward the improvement of racing in this 27327  
state. 27328

(E) If the major capital improvement project is approved by 27329  
the racine commission and construction has started, the tax 27330  
~~adjustment~~ reduction may be authorized by the commission upon 27331  
presentation of copies of paid bills in excess of five hundred 27332  
thousand dollars. After the initial authorization, the permit 27333  
holder shall present copies of paid bills in the amount of not 27334  
less than five hundred thousand dollars. If the permit holder is 27335  
in substantial compliance with the schedule for construction and 27336  
completion of the major capital improvement project, the racine 27337

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commission may authorize the continuance of the tax ~~adjustment~~ 27338  
reduction upon the presentation of ~~such the~~ additional paid bills 27339  
in increments of five hundred thousand dollars. The racine 27340  
commission may terminate the tax ~~adjustment~~ reduction if a permit 27341  
holder fails to complete the major capital improvement project or 27342  
fails to comply substantially with the schedule for construction 27343  
and completion of the major capital improvement project. If the 27344  
time for completion of the major capital improvement project is 27345  
delayed by acts of God, strikes, or the unavailability of labor or 27346  
materials, the time for completion as set forth in the schedule 27347  
shall be extended by the period of the delay. If a permit holder 27348  
fails to complete the major capital improvement project, the 27349  
racine commission shall order the permit holder to repay to the 27350  
state the total amount of tax reduced, unless the permit holder 27351  
has spent at least six million dollars on the project. The normal 27352  
tax paid by the permit holder under section 3769.08 of the Revised 27353  
Code shall be increased by one per cent of the total amount 27354  
wagered until the total amount of the additional tax collected 27355  
equals the total amount of tax reduced. Any action taken by the 27356  
racine commission pursuant to this section in terminating the tax 27357  
adjustment or requiring repayment of the amount of tax reduced 27358  
shall be subject to Chapter 119. of the Revised Code. 27359

(F) As used in this section, "major capital improvement 27360  
project" means the renovation, reconstruction, or remodeling, 27361  
costing at least six million dollars, of a race track facility, 27362  
including, but not limited to, the construction of barns used 27363  
exclusively for that race track facility, backstretch facilities 27364  
for horsemen, paddock facilities, pari-mutuel and totalizator 27365  
equipment and appurtenances to that equipment purchased by the 27366  
track, new access roads, new parking areas, the complete 27367  
reconstruction, reshaping, and leveling of the ~~race track~~ racine 27368  
surface and appurtenances, grandstand enclosure, installation of 27369  
permanent new heating or air conditioning, roof replacement, and 27370



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installations of a permanent nature forming a part of the track 27371  
structure. 27372

(G) The cost and expenses to which the tax reduction granted 27373  
under this section applies shall be determined by generally 27374  
accepted accounting principles and be verified by an audit of the 27375  
permit holder's records, upon completion of the major capital 27376  
improvement project, either by the racinq commission or by an 27377  
independent certified public accountant selected by the permit 27378  
holder and approved by the commission. 27379

(H) This section and section 3769.201 of the Revised Code 27380  
govern any tax reduction granted to a permit holder for the cost 27381  
to the permit holder of any cleanup, repair, or improvement 27382  
required as a result of damage caused by the 1997 Ohio river flood 27383  
to the place, track, or enclosure for which the permit is issued. 27384

**Sec. 3770.06.** (A) There is hereby created the state lottery 27385  
gross revenue fund, which shall be in the custody of the treasurer 27386  
of state but shall not be part of the state treasury. All gross 27387  
revenues received from sales of lottery tickets, fines, fees, and 27388  
related proceeds shall be deposited into the fund. The treasurer 27389  
of state shall invest any portion of the fund not needed for 27390  
immediate use in the same manner as, and subject to all provisions 27391  
of law with respect to the investment of, state funds. The 27392  
treasurer of state shall disburse money from the fund on order of 27393  
the director of the state lottery commission or the director's 27394  
designee. All revenues of the state lottery gross revenue fund 27395  
that are not paid to holders of winning lottery tickets, that are 27396  
not required to meet short-term prize liabilities, that are not 27397  
paid to lottery sales agents in the form of ~~agent~~ bonuses, 27398  
commissions, or reimbursements, and that are not paid to financial 27399  
institutions to reimburse ~~such~~ those institutions for sales agent 27400  
nonsufficient funds shall be transferred to the state lottery 27401  
fund, which is hereby created in the state treasury. All 27402

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investment earnings of the fund shall be credited to the fund. 27403

Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to 27404

vouchers approved by the director ~~of the state lottery commission~~. 27405

Total disbursements for monetary prize awards to holders of 27406

winning lottery tickets and purchases of goods and services 27407

awarded as prizes to holders of winning lottery tickets shall be 27408

of an amount equal to at least fifty per cent of the total revenue 27409

accruing from the sale of lottery tickets. 27410

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 27411

there is hereby established in the state treasury the lottery 27412

profits education fund. Whenever, in the judgment of the director 27413

of budget and management, the amount to the credit of the state 27414

lottery fund is in excess of that needed to meet the maturing 27415

obligations of the commission and as working capital for its 27416

further operations, the director shall transfer the excess to the 27417

lottery profits education fund, ~~provided that the amount to be~~ 27418

~~transferred into the lottery profits education fund shall equal no~~ 27419

~~less than thirty per cent of the total revenue accruing from the~~ 27420

~~sale of lottery tickets~~. Investment earnings of the lottery 27421

profits education fund shall be credited to the fund. There shall 27422

also be credited to the fund any repayments of moneys loaned from 27423

the educational excellence investment fund. The lottery profits 27424

education fund shall be used solely for the support of elementary, 27425

secondary, vocational, and special education programs as 27426

determined in appropriations made by the general assembly, or as 27427

provided in applicable bond proceedings for the payment of debt 27428

service on obligations issued to pay costs of capital facilities, 27429

including those for a system of common schools throughout the 27430

state pursuant to section 2n of Article VIII, Ohio Constitution. 27431

When determining the availability of money in the lottery profits 27432

education fund, the director of budget and management may consider 27433

all balances and estimated revenues of the fund. 27434

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From the amounts that the director of budget and management 27435  
transfers in any fiscal year from the state lottery fund to the 27436  
lottery profits education fund, the director shall transfer the 27437  
initial ten million dollars of ~~such~~ those amounts from the lottery 27438  
profits education fund to the school building program bond service 27439  
fund created in division (Q) of section 3318.26 of the Revised 27440  
Code to be pledged for the purpose of paying bond service charges 27441  
as defined in division (C) of section 3318.21 of the Revised Code 27442  
on one or more issuances of obligations, which obligations are 27443  
issued to provide moneys for the school building program 27444  
assistance fund created in section 3318.25 of the Revised Code. 27445

(C) There is hereby established in the state treasury the 27446  
deferred prizes trust fund. With the approval of the director of 27447  
budget and management, an amount sufficient to fund annuity prizes 27448  
shall be transferred from the state lottery fund and credited to 27449  
the trust fund. The treasurer of state shall credit all earnings 27450  
arising from investments purchased under this division to the 27451  
fund. Within sixty days after the end of each fiscal year, the 27452  
director of budget and management shall certify the amount of 27453  
investment earnings necessary to have been credited to the trust 27454  
fund during the fiscal year just ending to provide for continued 27455  
funding of deferred prizes. Any earnings credited in excess of 27456  
this certified amount shall be transferred to the lottery profits 27457  
education fund. To provide all or a part of the amounts necessary 27458  
to fund deferred prizes awarded by the commission, the treasurer 27459  
of state, in consultation with the commission, may invest moneys 27460  
contained in the deferred prizes trust fund in obligations of the 27461  
type permitted for the investment of state funds but whose 27462  
maturities are thirty years or less. Investments of the deferred 27463  
prizes trust fund are not subject to the provisions of division 27464  
(A)(10) of section 135.143 of the Revised Code limiting to five 27465  
per cent the amount of the state's total average portfolio that 27466

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may be invested in debt interests and limiting to one-half of one 27467  
per cent the amount that may be invested in debt interests of a 27468  
single issuer. 27469

All purchases made under this division shall be effected on a 27470  
delivery versus payment method and shall be in the custody of the 27471  
treasurer of state. 27472

The treasurer of state may retain an investment advisor, if 27473  
necessary. The commission shall pay any costs incurred by the 27474  
treasurer of state in retaining an investment advisor. 27475

(D) The auditor of state shall conduct annual audits of all 27476  
funds and ~~such~~ any other audits as the auditor of state or the 27477  
general assembly considers necessary. The auditor of state may 27478  
examine all records, files, and other documents of the commission, 27479  
and ~~such~~ records of lottery sales agents ~~as~~ that pertain to their 27480  
activities as agents, for purposes of conducting authorized 27481  
audits. 27482

The state lottery commission shall establish an internal 27483  
audit program before the beginning of each fiscal year, subject to 27484  
the approval of the auditor of state. At the end of each fiscal 27485  
year, the commission shall prepare and submit an annual report to 27486  
the auditor of state for the auditor of state's review and 27487  
approval, specifying the internal audit work completed by the end 27488  
of that fiscal year and reporting on compliance with the annual 27489  
internal audit program. The form and content of the report shall 27490  
be prescribed by the auditor of state under division (C) of 27491  
section 117.20 of the Revised Code. 27492

(E) Whenever, in the judgment of the director of budget and 27493  
management, an amount of net state lottery proceeds is necessary 27494  
to be applied to the payment of debt service on obligations, all 27495  
as defined in sections 151.01 and 151.03 of the Revised Code, the 27496  
director shall transfer that amount directly from the state 27497

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lottery fund or from the lottery profits education fund to the 27498  
bond service fund defined in those sections. The provisions of 27499  
~~this division (E) of this section~~ are subject to any prior pledges 27500  
or obligation of those amounts to the payment of bond service 27501  
charges as defined in division (C) of section 3318.21 of the 27502  
Revised Code, as referred to in division (B) of this section. 27503

**Sec. 3793.04.** The department of alcohol and drug addiction 27504  
services shall develop, administer, and revise as necessary a 27505  
comprehensive statewide alcohol and drug addiction services plan 27506  
for the implementation of this chapter. The plan shall emphasize 27507  
abstinence from the use of alcohol and drugs of abuse as the 27508  
primary goal of alcohol and drug addiction services. The council 27509  
on alcohol and drug addiction services shall advise the department 27510  
in the development and implementation of the plan. 27511

The plan shall provide for the allocation of state and 27512  
federal funds for service furnished by alcohol and drug addiction 27513  
programs under contract with boards of alcohol, drug addiction, 27514  
and mental health services and for distribution of the funds to 27515  
such boards. The plan shall specify the methodology that the 27516  
department will use for determining how funds will be allocated 27517  
and distributed. A portion of the funds shall be allocated on the 27518  
basis of the ratio of the population of each alcohol, drug 27519  
addiction, and mental health service district to the total 27520  
population of the state ~~as~~. The portion of the funds allocated on 27521  
that basis for a fiscal year shall be not less than the average of 27522  
the amount that was allocated on that basis the three previous 27523  
fiscal years. The ratio shall be determined from the most recent 27524  
federal census or the most recent official estimate made by the 27525  
United States census bureau, whichever is more recent. 27526

The plan shall ensure that alcohol and drug addiction 27527  
services of a high quality are accessible to, and responsive to 27528

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the needs of, all persons, especially those who are members of 27529  
underserved groups, including, but not limited to, African 27530  
Americans, Hispanics, native Americans, Asians, juvenile and adult 27531  
offenders, women, and persons with special services needs due to 27532  
age or disability. The plan shall include a program to promote and 27533  
protect the rights of those who receive services. 27534

To aid in formulating the plan and in evaluating the 27535  
effectiveness and results of alcohol and drug addiction services, 27536  
the department, in consultation with the department of mental 27537  
health, shall establish and maintain an information system. The 27538  
department of alcohol and drug addiction services shall specify 27539  
the information that must be provided by boards of alcohol, drug 27540  
addiction, and mental health services and by alcohol and drug 27541  
addiction programs for inclusion in the system. The department 27542  
shall not collect any information for the purpose of identifying 27543  
by name any person who receives a service through a board, except 27544  
as required by the state or federal law to validate appropriate 27545  
reimbursement. 27546

In consultation with boards, programs, and persons receiving 27547  
services, the department shall establish guidelines for the use of 27548  
state and federal funds and for the boards' development of plans 27549  
for services required by sections 340.033 and 3793.05 of the 27550  
Revised Code. 27551

In any fiscal year, the department shall spend, or allocate 27552  
to boards, for methadone maintenance programs or any similar 27553  
programs not more than eight per cent of the total amount 27554  
appropriated to the department for the fiscal year. 27555

**Sec. 3902.23.** Beginning one hundred eighty days after rules 27556  
adopted under section 3902.22 of the Revised Code take effect, no 27557  
third-party payer shall fail to use the standard claim form and 27558  
proof of loss prescribed in those rules, ~~except as provided in~~ 27559

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~~section 3729.15 of the Revised Code.~~ 27560

**Sec. 3923.28.** (A) Every policy of group sickness and accident 27561  
 insurance providing hospital, surgical, or medical expense 27562  
 coverage for other than specific diseases or accidents only, and 27563  
 delivered, issued for delivery, or renewed in this state on or 27564  
 after January 1, 1979, and that provides coverage for mental or 27565  
 emotional disorders, shall provide benefits for services on an 27566  
 outpatient basis for each eligible person under the policy who 27567  
 resides in this state for mental or emotional disorders, or for 27568  
 evaluations, that are at least equal to five hundred fifty dollars 27569  
 in any calendar year or twelve-month period. The services shall be 27570  
 legally performed by or under the clinical supervision of a 27571  
 licensed physician or licensed psychologist, whether performed in 27572  
 an office, in a hospital, or in a community mental health facility 27573  
 so long as the hospital or community mental health facility is 27574  
 approved by the joint commission on accreditation of healthcare 27575  
 organizations, the council on accreditation for children and 27576  
family services, or ~~certified by the department of mental health~~ 27577  
~~as being in compliance with standards established under division~~ 27578  
~~(I) of section 5119.01 of the Revised Code~~ the commission on 27579  
accreditation of rehabilitation facilities. 27580

(B) For purposes of this section "community mental health 27581  
 facility" means a facility approved by a regional health planning 27582  
 agency or a facility providing services under a board of alcohol, 27583  
 drug addiction, and mental health services established under 27584  
 Chapter 340. of the Revised Code, except that where a board 27585  
 provides direct community mental health service, the approval of 27586  
 such a board, as to the adequacy of a specific program of such 27587  
 services that it provides as a community mental health facility 27588  
 shall be by the director of mental health. 27589

(C) Outpatient benefits offered under division (A) of this 27590  
 section shall be subject to reasonable contract limitations and 27591

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may be subject to reasonable deductibles and co-insurance costs. 27592  
Persons entitled to such benefit under more than one service or 27593  
insurance contract may be limited to a single 27594  
five-hundred-fifty-dollar outpatient benefit for services under 27595  
all contracts. 27596

(D) In order to qualify for participation under division (A) 27597  
of this section, every facility specified in such division shall 27598  
have in effect a plan for utilization review and a plan for peer 27599  
review and every person specified in such division shall have in 27600  
effect a plan for peer review. Such plans shall have the purpose 27601  
of ensuring high quality patient care and effective and efficient 27602  
utilization of available health facilities and services. 27603

(E) Nothing in this section shall be construed to require an 27604  
insurer to pay benefits which are greater than usual, customary, 27605  
and reasonable. 27606

(F)(1) Services performed under the clinical supervision of a 27607  
licensed physician or licensed psychologist, in order to be 27608  
reimbursable under the coverage required in division (A) of this 27609  
section, shall meet both of the following requirements: 27610

(a) The services shall be performed in accordance with a 27611  
treatment plan that describes the expected duration, frequency, 27612  
and type of services to be performed; 27613

(b) The plan shall be reviewed and approved by a licensed 27614  
physician or licensed psychologist every three months. 27615

(2) Payment of benefits for services reimbursable under 27616  
division (F)(1) of this section shall not be restricted to 27617  
services described in the treatment plan or conditioned upon 27618  
standards of clinical supervision that are more restrictive than 27619  
standards of a licensed physician or licensed psychologist, which 27620  
at least equal the requirements of division (F)(1) of this 27621  
section. 27622



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Sec. 3923.30. Every person, the state and any of its 27623  
 instrumentalities, any county, township, school district, or other 27624  
 political subdivisions and any of its instrumentalities, and any 27625  
 municipal corporation and any of its instrumentalities, which 27626  
 provides payment for health care benefits for any of its employees 27627  
 resident in this state, which benefits are not provided by 27628  
 contract with an insurer qualified to provide sickness and 27629  
 accident insurance, or a health insuring corporation, shall 27630  
 include the following benefits in its plan of health care benefits 27631  
 commencing on or after January 1, 1979: 27632

(A) If such plan of health care benefits provides payment for 27633  
 the treatment of mental or nervous disorders, then such plan shall 27634  
 provide benefits for services on an outpatient basis for each 27635  
 eligible employee and dependent for mental or emotional disorders, 27636  
 or for evaluations, that are at least equal to the following: 27637  
 27638

(1) Payments not less than five hundred fifty dollars in a 27639  
 twelve-month period, for services legally performed by or under 27640  
 the clinical supervision of a licensed physician or a licensed 27641  
 psychologist, whether performed in an office, in a hospital, or in 27642  
 a community mental health facility so long as the hospital or 27643  
 community mental health facility is approved by the joint 27644  
 commission on accreditation of ~~hospitals or certified by the~~ 27645  
~~department of mental health as being in compliance with standards~~ 27646  
~~established under division (I) of section 5119.01 of the Revised~~ 27647  
~~Code~~ healthcare organizations, the council on accreditation for 27648  
children and family services, or the commission on accreditation 27649  
of rehabilitation facilities; 27650

(2) Such benefit shall be subject to reasonable limitations, 27651  
 and may be subject to reasonable deductibles and co-insurance 27652  
 costs. 27653

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(3) In order to qualify for participation under this division, every facility specified in this division shall have in effect a plan for utilization review and a plan for peer review and every person specified in this division shall have in effect a plan for peer review. Such plans shall have the purpose of ensuring high quality patient care and effective and efficient utilization of available health facilities and services.

(4) Such payment for benefits shall not be greater than usual, customary, and reasonable.

(5) For purposes of this division, "community mental health facility" means a facility as defined in section 3923.28 of the Revised Code.

(6)(a) Services performed under the clinical supervision of a licensed physician or licensed psychologist, in order to be reimbursable under the coverage required in division (A) of this section, shall meet both of the following requirements:

(i) The services shall be performed in accordance with a treatment plan that describes the expected duration, frequency, and type of services to be performed;

(ii) The plan shall be reviewed and approved by a licensed physician or licensed psychologist every three months.

(b) Payment of benefits for services reimbursable under division (A)(6)(a) of the section shall not be restricted to services described in the treatment plan or conditioned upon standards of a licensed physician or licensed psychologist, which at least equal the requirements of division (A)(6)(a) of this section.

(B) Payment for benefits for alcoholism treatment for outpatient, inpatient, and intermediate primary care for each eligible employee and dependent that are at least equal to the following:

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(1) Payments not less than five hundred fifty dollars in a 27685  
twelve-month period for services legally performed by or under the 27686  
clinical supervision of a licensed physician or licensed 27687  
psychologist, whether performed in an office, or in a hospital or 27688  
a community mental health facility or alcoholism treatment 27689  
facility so long as the hospital, community mental health 27690  
facility, or alcoholism treatment facility is approved by the 27691  
joint commission on accreditation of hospitals or certified by the 27692  
department of health; 27693

(2) The benefits provided under this division shall be 27694  
subject to reasonable limitations and may be subject to reasonable 27695  
deductibles and co-insurance costs. 27696

(3) A licensed physician or licensed psychologist shall every 27697  
three months certify a patient's need for continued services 27698  
performed by such facilities. 27699

(4) In order to qualify for participation under this 27700  
division, every facility specified in this division shall have in 27701  
effect a plan for utilization review and a plan for peer review 27702  
and every person specified in this division shall have in effect a 27703  
plan for peer review. Such plans shall have the purpose of 27704  
ensuring high quality patient care and efficient utilization of 27705  
available health facilities and services. Such person or 27706  
facilities shall also have in effect a program of rehabilitation 27707  
or a program of rehabilitation and detoxification. 27708

(5) Nothing in this section shall be construed to require 27709  
reimbursement for benefits which is greater than usual, customary, 27710  
and reasonable. 27711

**Sec. 4105.17.** (A) The fee for any inspection, or attempted 27712  
inspection that, due to no fault of a general inspector or the 27713  
division of industrial compliance, is not successfully completed, 27714  
by a general inspector of an elevator required to be inspected 27715

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under this chapter is thirty dollars plus five dollars for each 27716  
floor where the elevator stops. The superintendent of the division 27717  
of industrial compliance may assess a fee of ~~thirty one hundred~~ 27718  
~~twenty-five~~ dollars plus five dollars for each floor where an 27719  
elevator stops for the reinspection of an elevator when a previous 27720  
attempt to inspect that elevator has been unsuccessful through no 27721  
fault of a general inspector or the division of industrial 27722  
compliance. The fee for issuing or renewing a certificate of 27723  
operation under section 4105.15 of the Revised Code is thirty-five 27724  
dollars. 27725

(B) All other fees to be charged for any examination given or 27726  
other service performed by the division of industrial compliance 27727  
pursuant to this chapter shall be prescribed by the board of 27728  
building standards established by section 3781.07 of the Revised 27729  
Code. The fees shall be reasonably related to the costs of such 27730  
examination or other service. 27731

(C) The board of building standards, subject to the approval 27732  
of the controlling board, may establish fees in excess of the fees 27733  
provided in division (A) of this section, provided that the fees 27734  
do not exceed the amounts established in division (A) of this 27735  
section by more than fifty per cent. Any moneys collected under 27736  
this section shall be paid into the state treasury to the credit 27737  
of the industrial compliance operating fund created in section 27738  
121.084 of the Revised Code. 27739

(D) Any person who fails to pay an inspection fee required 27740  
for any inspection conducted by the division pursuant to this 27741  
chapter within forty-five days after the inspection is conducted 27742  
shall pay a late payment fee equal to twenty-five per cent of the 27743  
inspection fee. 27744

(E) In addition to the fee assessed in division (A) of this 27745  
section, the board of building standards shall assess a fee of 27746  
three dollars and twenty-five cents for each certificate of 27747

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operation or renewal thereof issued under division (A) of this 27748  
 section and for each permit issued under section 4105.16 of the 27749  
 Revised Code. The board shall adopt rules, in accordance with 27750  
 Chapter 119. of the Revised Code, specifying the manner by which 27751  
 the superintendent of the division of industrial compliance shall 27752  
 collect and remit to the board the fees assessed under this 27753  
 division and requiring that remittance of the fees be made at 27754  
 least quarterly. 27755

**Sec. 4115.10.** (A) No person, firm, corporation, or public 27756  
 authority that constructs a public improvement with its own 27757  
 forces, the total overall project cost of which is fairly 27758  
 estimated to be more than the amounts set forth in division (B)(1) 27759  
 or (2) of section 4115.03 of the Revised Code, adjusted biennially 27760  
 by the director of commerce pursuant to section 4115.034 of the 27761  
 Revised Code, shall violate the wage provisions of sections 27762  
 4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 27763  
 require any employee to work for less than the rate of wages so 27764  
 fixed, or violate the provisions of section 4115.07 of the Revised 27765  
 Code. Any employee upon any public improvement, except an employee 27766  
 to whom or on behalf of whom restitution is made pursuant to 27767  
 division (C) of section 4115.13 of the Revised Code, who is paid 27768  
 less than the fixed rate of wages applicable thereto may recover 27769  
 from such person, firm, corporation, or public authority that 27770  
 constructs a public improvement with its own forces the difference 27771  
 between the fixed rate of wages and the amount paid to the 27772  
 employee and in addition thereto a sum equal to twenty-five per 27773  
 cent of that difference. The person, firm, corporation, or public 27774  
 authority who fails to pay the rate of wages so fixed also shall 27775  
 pay a penalty to the director of seventy-five per cent of the 27776  
 difference between the fixed rate of wages and the amount paid to 27777  
 the employees on the public improvement. The director shall 27778  
 deposit all moneys received from penalties paid to the director 27779

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pursuant to this section into the penalty enforcement fund, which 27780  
is hereby created. ~~The penalty enforcement fund shall be in the~~ 27781  
~~custody of the treasurer of state but shall not be part of the~~ 27782  
state treasury. The director shall use the fund for the 27783  
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 27784  
The employee may file suit for recovery within sixty days of the 27785  
director's determination of a violation of sections 4115.03 to 27786  
4115.16 of the Revised Code or is barred from further action under 27787  
this division. Where the employee prevails in a suit, the employer 27788  
shall pay the costs and reasonable attorney's fees allowed by the 27789  
court. 27790

(B) Any employee upon any public improvement who is paid less 27791  
than the prevailing rate of wages applicable thereto may file a 27792  
complaint in writing with the director upon a form furnished by 27793  
the director. At the written request of any employee paid less 27794  
than the prevailing rate of wages applicable, the director shall 27795  
take an assignment of a claim in trust for the assigning employee 27796  
and bring any legal action necessary to collect the claim. The 27797  
employer shall pay the costs and reasonable attorney's fees 27798  
allowed by the court if the employer is found in violation of 27799  
sections 4115.03 to 4115.16 of the Revised Code. 27800

(C) If after investigation pursuant to section 4115.13 of the 27801  
Revised Code, the director determines there is a violation of 27802  
sections 4115.03 to 4115.16 of the Revised Code and a period of 27803  
sixty days has elapsed from the date of the determination, and if: 27804

(1) No employee has brought suit pursuant to division (A) of 27805  
this section; 27806

(2) No employee has requested that the director take an 27807  
assignment of a wage claim pursuant to division (B) of this 27808  
section; 27809

The director shall bring any legal action necessary to 27810  
collect any amounts owed to employees and the ~~bureau~~ director. The 27811

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director shall pay over to the affected employees the amounts 27812  
 collected to which the affected employees are entitled under 27813  
 division (A) of this section. In any action in which the director 27814  
 prevails, the employer shall pay the costs and reasonable 27815  
 attorney's fees allowed by the court. 27816

(D) Where persons are employed and their rate of wages has 27817  
 been determined as provided in section 4115.04 of the Revised 27818  
 Code, no person, either for self or any other person, shall 27819  
 request, demand, or receive, either before or after the person is 27820  
 engaged, that the person so engaged pay back, return, donate, 27821  
 contribute, or give any part or all of the person's wages, salary, 27822  
 or thing of value, to any person, upon the statement, 27823  
 representation, or understanding that failure to comply with such 27824  
 request or demand will prevent the procuring or retaining of 27825  
 employment, and no person shall, directly or indirectly, aid, 27826  
 request, or authorize any other person to violate this section. 27827  
 This division does not apply to any agent or representative of a 27828  
 duly constituted labor organization acting in the collection of 27829  
 dues or assessments of such organization. 27830

(E) The director shall enforce sections 4115.03 to 4115.16 of 27831  
 the Revised Code. 27832

(F) For the purpose of supplementing existing resources and 27833  
 to assist in enforcing division (E) of this section, the director 27834  
 may contract with a person registered as a public accountant under 27835  
 Chapter 4701. of the Revised Code to conduct an audit of a person, 27836  
 firm, corporation, or public authority. 27837

**Sec. 4117.102.** The state employment relations board shall 27838  
compile a list of the school districts in the state that have 27839  
filed with the board agreements entered into with teacher employee 27840  
organizations under this chapter. The board shall annually update 27841  
the list to reflect, for each district, for the current fiscal 27842

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year, the starting salary in the district for teachers with no 27843  
prior teaching experience who hold bachelors degrees. The board 27844  
shall send a copy of each annually updated list to the state board 27845  
of education. 27846

**Sec. 4121.44.** (A) The administrator of workers' compensation 27847  
shall oversee the implementation of the Ohio workers' compensation 27848  
qualified health plan system as established under section 4121.442 27849  
of the Revised Code. 27850

(B) The administrator shall direct the implementation of the 27851  
health partnership program administered by the bureau as set forth 27852  
in section 4121.441 of the Revised Code. To implement the health 27853  
partnership program, the bureau: 27854

(1) Shall certify one or more external vendors, which shall 27855  
be known as "managed care organizations," to provide medical 27856  
management and cost containment services in the health partnership 27857  
program for a period of two years beginning on the date of 27858  
certification, consistent with the standards established under 27859  
this section; 27860

(2) May recertify external vendors for additional periods of 27861  
two years; and 27862

(3) May integrate the certified vendors with bureau staff and 27863  
existing bureau services for purposes of operation and training to 27864  
allow the bureau to assume operation of the health partnership 27865  
program at the conclusion of the certification periods set forth 27866  
in division (B)(1) or (2) of this section. 27867

(C) Any vendor selected shall demonstrate all of the 27868  
following: 27869

(1) Arrangements and reimbursement agreements with a 27870  
substantial number of the medical, professional and pharmacy 27871



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providers currently being utilized by claimants.	27872
(2) Ability to accept a common format of medical bill data in an electronic fashion from any provider who wishes to submit medical bill data in that form.	27873 27874 27875
(3) A computer system able to handle the volume of medical bills and willingness to customize that system to the bureau's needs and to be operated by the vendor's staff, bureau staff, or some combination of both staffs.	27876 27877 27878 27879
(4) A prescription drug system where pharmacies on a statewide basis have access to the eligibility and pricing, at a discounted rate, of all prescription drugs.	27880 27881 27882
(5) A tracking system to record all telephone calls from claimants and providers regarding the status of submitted medical bills so as to be able to track each inquiry.	27883 27884 27885
(6) Data processing capacity to absorb all of the bureau's medical bill processing or at least that part of the processing which the bureau arranges to delegate.	27886 27887 27888
(7) Capacity to store, retrieve, array, simulate, and model in a relational mode all of the detailed medical bill data so that analysis can be performed in a variety of ways and so that the bureau and its governing authority can make informed decisions.	27889 27890 27891 27892
(8) Wide variety of software programs which translate medical terminology into standard codes, and which reveal if a provider is manipulating the procedures codes, commonly called "unbundling."	27893 27894 27895 27896
(9) Necessary professional staff to conduct, at a minimum, authorizations for treatment, medical necessity, utilization review, concurrent review, post-utilization review, and have the attendant computer system which supports such activity and measures the outcomes and the savings.	27897 27898 27899 27900 27901

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(10) Management experience and flexibility to be able to 27902  
react quickly to the needs of the bureau in the case of required 27903  
change in federal or state requirements. 27904

(D)(1) Information contained in a vendor's application for 27905  
certification in the health partnership program, and other 27906  
information furnished to the bureau by a vendor for purposes of 27907  
obtaining certification or to comply with performance and 27908  
financial auditing requirements established by the administrator, 27909  
is for the exclusive use and information of the bureau in the 27910  
discharge of its official duties, and shall not be open to the 27911  
public or be used in any court in any proceeding pending therein, 27912  
unless the bureau is a party to the action or proceeding, but the 27913  
information may be tabulated and published by the bureau in 27914  
statistical form for the use and information of other state 27915  
departments and the public. No employee of the bureau, except as 27916  
otherwise authorized by the administrator, shall divulge any 27917  
information secured by the employee while in the employ of the 27918  
bureau in respect to a vendor's application for certification or 27919  
in respect to the business or other trade processes of any vendor 27920  
to any person other than the administrator or to the employee's 27921  
superior. 27922

(2) Notwithstanding the restrictions imposed by division 27923  
(D)(1) of this section, the governor, members of select or 27924  
standing committees of the senate or house of representatives, the 27925  
auditor of state, the attorney general, or their designees, 27926  
pursuant to the authority granted in this chapter and Chapter 27927  
4123. of the Revised Code, may examine any vendor application or 27928  
other information furnished to the bureau by the vendor. None of 27929  
those individuals shall divulge any information secured in the 27930  
exercise of that authority in respect to a vendor's application 27931  
for certification or in respect to the business or other trade 27932  
processes of any vendor to any person. 27933

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(E) On and after January 1, 2001, a vendor shall not be any insurance company holding a certificate of authority issued pursuant to Title XXXIX of the Revised Code or any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code.

(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

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care, and effectiveness of medical care delivered by all 27966  
components of the workers' compensation system. 27967

(2) Compile data to support activities of the selected vendor 27968  
or vendors and to measure the outcomes and savings of the health 27969  
partnership program. 27970

(3) Publish and report compiled data to the governor, the 27971  
speaker of the house of representatives, and the president of the 27972  
senate on the first day of each January and July, the measures of 27973  
outcomes and savings of the health partnership program and the 27974  
qualified health plan system. The administrator shall protect the 27975  
confidentiality of all proprietary pricing data. 27976

(I) Any rehabilitation facility the bureau operates is 27977  
eligible for inclusion in the Ohio workers' compensation qualified 27978  
health plan system or the health partnership program under the 27979  
same terms as other providers within health care plans or the 27980  
program. 27981

(J) In areas outside the state or within the state where no 27982  
qualified health plan or an inadequate number of providers within 27983  
the health partnership program exist, the administrator shall 27984  
permit employees to use a nonplan or nonprogram health care 27985  
provider and shall pay the provider for the services or supplies 27986  
provided to or on behalf of an employee for an injury or 27987  
occupational disease that is compensable under this chapter or 27988  
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 27989  
schedule the administrator adopts. 27990

(K) No certified health care provider shall charge, assess, 27991  
or otherwise attempt to collect from an employee, employer, a 27992  
managed care organization, or the bureau any amount for covered 27993  
services or supplies that is in excess of the allowed amount paid 27994  
by a managed care organization, the bureau, or a qualified health 27995  
plan. 27996

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(L) The administrator shall permit any employer or group of employers who agree to abide by the rules adopted under this section and sections 4121.441 and 4121.442 of the Revised Code to provide services or supplies to or on behalf of an employee for an injury or occupational disease that is compensable under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code through qualified health plans of the Ohio workers' compensation qualified health plan system pursuant to section 4121.442 of the Revised Code or through the health partnership program pursuant to section 4121.441 of the Revised Code. No amount paid under the qualified health plan system pursuant to section 4121.442 of the Revised Code by an employer who is a state fund employer shall be charged to the employer's experience or otherwise be used in merit-rating or determining the risk of that employer for the purpose of the payment of premiums under this chapter, and if the employer is a self-insuring employer, the employer shall not include that amount in the paid compensation the employer reports under section 4123.35 of the Revised Code.

**Sec. 4123.27.** Information contained in the annual statement provided for in section 4123.26 of the Revised Code, and such other information as may be furnished to the bureau of workers' compensation by employers in pursuance of that section, is for the exclusive use and information of the bureau in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the bureau is a party to the action or proceeding; but the information contained in the statement may be tabulated and published by the bureau in statistical form for the use and information of other state departments and the public. No person in the employ of the bureau, except those who are authorized by the administrator of workers' compensation, shall divulge any information secured by the person while in the employ of the

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bureau in respect to the transactions, property, claim files, 28029  
records, or papers of the bureau or in respect to the business or 28030  
mechanical, chemical, or other industrial process of any company, 28031  
firm, corporation, person, association, partnership, or public 28032  
utility to any person other than the administrator or to the 28033  
superior of such employee of the bureau. 28034

Notwithstanding the restrictions imposed by this section, the 28035  
governor, select or standing committees of the general assembly, 28036  
the auditor of state, the attorney general, or their designees, 28037  
pursuant to the authority granted in this chapter and Chapter 28038  
4121. of the Revised Code, may examine any records, claim files, 28039  
or papers in possession of the industrial commission or the 28040  
bureau. They also are bound by the privilege that attaches to 28041  
these papers. 28042

The administrator shall report to the director of job and 28043  
family services or to the county director of job and family 28044  
services the name, address, and social security number or other 28045  
identification number of any person receiving workers' 28046  
compensation whose name or social security number or other 28047  
identification number is the same as that of a person required by 28048  
a court or child support enforcement agency to provide support 28049  
payments to a recipient or participant of public assistance, and 28050  
whose name is submitted to the administrator by the director under 28051  
section 5101.36 of the Revised Code. The administrator also shall 28052  
inform the director of the amount of workers' compensation paid to 28053  
the person during such period as the director specifies. 28054

Within fourteen days after receiving from the director of job 28055  
and family services a list of the names and social security 28056  
numbers of recipients or participants of public assistance 28057  
pursuant to section 5101.181 of the Revised Code, the 28058  
administrator shall inform the auditor of state of the name, 28059  
current or most recent address, and social security number of each 28060

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person receiving workers' compensation pursuant to this chapter 28061  
 whose name and social security number are the same as that of a 28062  
 person whose name or social security number was submitted by the 28063  
 director. The administrator also shall inform the auditor of state 28064  
 of the amount of workers' compensation paid to the person during 28065  
 such period as the director specifies. 28066

The bureau and its employees, except for purposes of 28067  
 furnishing the auditor of state with information required by this 28068  
 section, shall preserve the confidentiality of recipients or 28069  
 participants of public assistance in compliance with division (A) 28070  
 of section 5101.181 of the Revised Code. 28071

For the purposes of this section, "public assistance" means 28072  
 medical assistance provided through the medical assistance program 28073  
 established under section 5111.01 of the Revised Code, Ohio works 28074  
 first provided under Chapter 5107. of the Revised Code, 28075  
 prevention, retention, and contingency ~~assistance~~ benefits and 28076  
services provided under Chapter 5108. of the Revised Code, or 28077  
 disability assistance provided under Chapter 5115. of the Revised 28078  
 Code. 28079

**Sec. 4301.12.** The division of liquor control shall provide 28080  
 for the custody, safekeeping, and deposit of all moneys, checks, 28081  
 and drafts received by it or any of its employees or agents prior 28082  
 to paying them to the treasurer of state as provided by section 28083  
 113.08 of the Revised Code. 28084

A sum equal to three dollars and thirty-eight cents for each 28085  
 gallon of spirituous liquor sold by the division during the period 28086  
 covered by the payment shall be paid into the state treasury to 28087  
 the credit of the general revenue fund. All moneys received from 28088  
 permit fees shall be paid to the credit of the undivided liquor 28089  
 permit fund established by section 4301.30 of the Revised Code. 28090

Except as otherwise provided by law, all moneys collected 28091

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under Chapters 4301. and 4303. of the Revised Code shall be paid 28092  
 by the division into the state treasury to the credit of the 28093  
 liquor control fund, which is hereby created. Amounts in the 28094  
 liquor control fund may be used to pay the operating expenses of 28095  
 the liquor control commission. 28096

Whenever, in the judgment of the director of budget and 28097  
 management, the amount in ~~the custody of the treasurer of state to~~ 28098  
~~the credit of~~ the liquor control fund is in excess of that needed 28099  
 to meet the maturing obligations of the division, as working 28100  
 capital for its further operations ~~and~~, to pay the operating 28101  
 expenses of the commission, and ~~as required~~ for the alcohol 28102  
 testing program under section 3701.143 of the Revised Code, the 28103  
 director shall transfer the excess to the ~~state treasury to the~~ 28104  
 credit of the general revenue fund. 28105

**Sec. 4301.17.** (A) Subject to local option as provided in 28106  
 sections 4301.32 to 4301.40 of the Revised Code, five state liquor 28107  
 stores or agencies may be established in each county. One 28108  
 additional store may be established in any county for each thirty 28109  
 thousand of population of ~~such~~ that county or major fraction 28110  
 thereof in excess of the first forty thousand, according to the 28111  
 last preceding federal census. A person engaged in a mercantile 28112  
 business may act as the agent for the division of liquor control 28113  
 for the sale of spirituous liquor in a municipal corporation, in 28114  
 the unincorporated area of a township of not less than two 28115  
 thousand population, or in an area designated and approved as a 28116  
 resort area under section 4303.262 of the Revised Code, provided 28117  
 that not more than one agency contract shall be awarded in the 28118  
 unincorporated area of a county for each fifty thousand population 28119  
 of the county. The division shall fix the compensation for such an 28120  
 agent in ~~such~~ the manner ~~as~~ it ~~deems~~ considers best, but ~~such~~ the 28121  
 compensation shall not exceed seven per cent of the gross sales 28122  
 made by ~~such~~ the agent in any one year. 28123



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Except as otherwise provided in this section, no mercantile business that sells beer or intoxicating liquor for consumption on the premises under a permit issued by the division shall operate an agency store at ~~such~~ the premises or at any adjacent premises. An agency to which a D-1 permit has been issued may offer for sale tasting samples of beer, an agency to which a D-2 permit has been issued may offer for sale tasting samples of wine and mixed beverages, and an agency to which a D-5 permit has been issued may offer for sale tasting samples of beer, wine, and mixed beverages, but not spirituous liquor. A tasting sample shall not be sold for the purpose of general consumption. As used in this section, "tasting sample" means a small amount of beer, wine, or mixed beverages that is provided in not more than four servings of not more than two ounces each to an authorized purchaser and that allows the purchaser to determine, by tasting only, the quality and character of the beverage.

(B) When an agency contract is proposed or when an existing agency contract is assigned, before entering into any ~~such~~ contract or consenting to any assignment, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract or assignment, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the ~~agency~~ contract or consenting to the assignment. When the division sends notice to the legislative authority of the political subdivision, the department shall notify, by certified mail or by personal service, the chief peace officer of the political subdivision, who may

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appear and testify, either in person or through a representative, 28156  
 at any hearing held on the advisability of entering into the 28157  
 agency contract or consenting to the assignment. 28158

~~On or after July 21, 1986, if~~ If the proposed agency store 28159  
 would be located within five hundred feet of a school, church, 28160  
 library, public playground, or township park, the division shall 28161  
 not enter into an agency contract until it has provided notice of 28162  
 the proposed contract to the authorities in control of the school, 28163  
 church, library, public playground, or township park and has 28164  
 provided ~~such officials~~ those authorities with an opportunity for 28165  
 a complete hearing upon the advisability of entering into the 28166  
 contract. If an agency store so located is operating under an 28167  
 agency contract, the division may consent to the assignment of 28168  
 that contract to operate an agency store at the same location, 28169  
~~provided that~~ but the division shall not consent to an assignment 28170  
 until it has notified the authorities in control of the school, 28171  
 church, library, public playground, or township park and has 28172  
 provided ~~such officials~~ those authorities with an opportunity for 28173  
 a complete hearing upon the advisability of consenting to the 28174  
 assignment. 28175

Any hearing provided for in this division shall be held in 28176  
 the central office of the division, except that upon written 28177  
 request of the legislative authority of the municipal corporation, 28178  
 the board of county commissioners, or board of township trustees, 28179  
 the hearing shall be held in the county seat of the county where 28180  
 the proposed agency store is to be located. 28181

(C) All agency contracts entered into by the division 28182  
 pursuant to this section shall be in writing and shall contain a 28183  
 clause providing for the termination of the contract at will by 28184  
 the division upon its giving ninety days' notice in writing to 28185  
~~such~~ the agent of its intention to do so. Any agency contract may 28186  
 include a clause requiring the agent to report to the appropriate 28187

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law enforcement agency the name and address of any individual 28188  
under twenty-one years of age who attempts to make an illegal 28189  
purchase. 28190

An agent may engage in the selling of beer, mixed beverages, 28191  
and wine pursuant to permits issued to the agent under Chapter 28192  
4303. of the Revised Code. 28193

The division shall issue a C-1 and C-2 permit to each agent 28194  
who prior to November 1, 1994, had not been issued both of these 28195  
permits, notwithstanding the population quota restrictions 28196  
contained in section 4303.29 of the Revised Code or in any rule of 28197  
the liquor control commission and notwithstanding the requirements 28198  
of section 4303.31 of the Revised Code. The location of a C-1 or 28199  
C-2 permit issued to such an agent shall not be transferred. The 28200  
division shall revoke any C-1 or C-2 permit issued to an agent 28201  
under this paragraph if the agent no longer operates an agency 28202  
store. 28203

No person shall operate, or have any interest, directly or 28204  
indirectly, in more than ~~four~~ eight state agencies in any one 28205  
county or more than ~~eight~~ twelve state agencies in the state for 28206  
the sale of spirituous liquor. For purposes of this section, a 28207  
person has an interest in a state agency if the person is a 28208  
partner, member, officer, or director of, or a shareholder owning 28209  
ten per cent or more of the capital stock of, any legal entity 28210  
with which the department has entered into an agency contract. 28211

The division may enter into agreements with the department of 28212  
development to implement a minority loan program to provide 28213  
low-interest loans to minority business enterprises, as defined in 28214  
section 122.71 of the Revised Code, that are awarded liquor agency 28215  
contracts or assignments. 28216

(D) If the division closes a state liquor store and replaces 28217  
that store with an agency store, any employees of the division 28218  
employed at that state liquor store who lose their jobs at that 28219

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store as a result shall be given preference by the agent who 28220  
operates the agency store in filling any vacancies that occur 28221  
among the agent's employees, if ~~such~~ that preference does not 28222  
conflict with the agent's obligations pursuant to a collective 28223  
bargaining agreement. 28224

If the division closes a state liquor store and replaces the 28225  
store with an agency store, any employees of the division employed 28226  
at the state liquor store who lose their jobs at that store as a 28227  
result may displace other employees as provided in sections 28228  
124.321 to 124.328 of the Revised Code. If an employee cannot 28229  
displace other employees and is laid off, the employee shall be 28230  
reinstated in another job as provided in sections 124.321 to 28231  
124.328 of the Revised Code, except that the employee's rights of 28232  
reinstatement in a job at a state liquor store shall continue for 28233  
a period of two years after the date of the employee's layoff and 28234  
shall apply to jobs at state liquor stores located in the 28235  
employee's layoff jurisdiction and any layoff jurisdiction 28236  
adjacent to the employee's layoff jurisdiction. 28237

(E) The division shall require every ~~such~~ agent to give bond 28238  
with surety to the satisfaction of the division, in ~~such~~ the 28239  
amount ~~as~~ the division fixes, conditioned for the faithful 28240  
performance of the agent's duties as prescribed by the division. 28241

**Sec. 4301.422.** (A) Any person who makes sales of beer, cider, 28242  
wine, or mixed beverages to persons for resale at retail in a 28243  
county in which a tax has been enacted pursuant to section 28244  
4301.421 or 4301.424 of the Revised Code, and any manufacturer, 28245  
bottler, importer, or other person who makes sales at retail in 28246  
the county upon which the tax has not been paid, is liable for the 28247  
tax. Each person liable for the tax shall register with the tax 28248  
commissioner on a form prescribed by the commissioner and provide 28249  
whatever information the commissioner considers necessary. 28250

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(B) Each person liable for the tax shall file a return and pay the tax to the ~~treasurer of state~~ tax commissioner by the last day of the month following the month in which the sale occurred. The return is considered to be filed when received by the ~~treasurer of state~~ tax commissioner. The return shall be prescribed by the commissioner, and no person filing such a return shall fail to provide the information specified on the return. If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the person required to file the return shall receive an administrative fee of two and one-half per cent of that person's total tax liability under section 4301.421 of the Revised Code for the purpose of offsetting additional costs incurred in collecting and remitting the tax. Any person required to file a return who fails to file timely may be required to forfeit and pay into the state treasury an amount not exceeding fifty dollars or ten per cent of the tax due, whichever is greater, as revenue arising from the tax. That amount may be collected by assessment in the manner specified in sections 4305.13 and 4305.131 of the Revised Code.

(C) A tax levied pursuant to section 4301.421 or 4301.424 of the Revised Code shall be administered by the tax commissioner. The commissioner shall have all powers and authority incident to such administration, including examination of records, audit, refund, assessment, and seizure and forfeiture of untaxed beverages. The procedures, rights, privileges, limitations, prohibitions, responsibilities, and duties specified in sections 4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of the Revised Code apply in the administration of the tax.

(D) Each person required to pay the tax levied pursuant to section 4301.421 or 4301.424 of the Revised Code who sells beer, cider, wine, or mixed beverages for resale at retail within a county in which the tax is levied shall clearly mark on all

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invoices, billings, and similar documents the amount of tax and the name of the county in which the tax is levied. 28283 28284

(E) Each person required to pay the tax levied by section 4301.421 or 4301.424 of the Revised Code shall maintain complete records of all sales for at least three years. The records shall be open to inspection by the tax commissioner. 28285 28286 28287 28288

(F) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the tax imposed by section 4301.421 or 4301.424 of the Revised Code. 28289 28290 28291 28292

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of the Revised Code: 28293 28294

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces. 28295 28296

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale. 28297 28298 28299

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From 28300 28301 28302 28303 28304 28305 28306 28307 28308 28309 28310 28311 28312

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the tax paid under this section on wine, vermouth, and sparkling  
and carbonated wine and champagne, the treasurer of state shall  
credit to the Ohio grape industries fund created under section  
924.54 of the Revised Code a sum equal to one cent per gallon for  
each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of  
the state, there is hereby levied a tax on prepared and bottled  
highballs, cocktails, cordials, and other mixed beverages at the  
rate of one dollar and twenty cents per wine gallon to be paid by  
holders of A-4 permits or by any other person selling or  
distributing those products upon which no tax has been paid. Only  
one sale of the same article shall be used in computing the amount  
of tax due. The tax on mixed beverages to be paid by holders of  
A-4 permits under this section shall not attach until the  
ownership of the mixed beverage is transferred for valuable  
consideration to a wholesaler or retailer, and no payment of the  
tax shall be required prior to that time.

(D) During the period ~~from June 30, 1995, until~~ of July 1,  
2001, through June 30, 2003, from the tax paid under this section  
on wine, vermouth, and sparkling and carbonated wine and  
champagne, the treasurer of state shall credit to the Ohio grape  
industries fund created under section 924.54 of the Revised Code a  
sum equal to two cents per gallon upon which the tax is paid. The  
amount credited under this division is in addition to the amount  
credited to the Ohio grape industries fund under division (B) of  
this section.

(E) For the purpose of providing revenues for the support of  
the state, there is hereby levied a tax on cider at the rate of  
twenty-four cents per wine gallon to be paid by the holders of A-2  
and B-5 permits or by any other person selling or distributing  
cider upon which no tax has been paid. Only one sale of the same  
article shall be used in computing the amount of the tax due.

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**Sec. 4303.33.** (A) Every A-1 permit holder in this state, 28345  
every bottler, importer, wholesale dealer, broker, producer, or 28346  
manufacturer of beer outside this state and within the United 28347  
States, and every B-1 permit holder and importer importing beer 28348  
from any manufacturer, bottler, person, or group of persons 28349  
however organized outside the United States for sale or 28350  
distribution for sale in this state, on or before the eighteenth 28351  
day of each month, shall make and file with the ~~treasurer of state~~ 28352  
~~tax commissioner~~ upon a form prescribed by the tax commissioner an 28353  
advance tax payment in an amount estimated to equal the taxpayer's 28354  
tax liability for the month in which the advance tax payment is 28355  
made. If the advance tax payment credits claimed on the report are 28356  
for advance tax payments received by the ~~treasurer of state tax~~ 28357  
~~commissioner~~ on or before the eighteenth day of the month covered 28358  
by the report, the taxpayer is entitled to an additional credit of 28359  
three per cent of the advance tax payment and a discount of three 28360  
per cent shall be allowed the taxpayer at the time of filing the 28361  
report if filed as provided in division (B) of this section on any 28362  
amount by which the tax liability reflected in the report exceeds 28363  
the advance tax payment estimate by not more than ten per cent. 28364  
The additional three per cent credit and three per cent discount 28365  
shall be in consideration for advancing the payment of the tax and 28366  
other services performed by the permit holder and other taxpayers 28367  
in the collection of the tax. ~~The treasurer of state shall stamp~~ 28368  
~~or otherwise mark thereon the date the advance tax payment was~~ 28369  
~~received by the treasurer and the amount of the advance tax~~ 28370  
~~payment, and shall transmit that information to the tax~~ 28371  
~~commissioner.~~ 28372

"Advance tax payment credit" means credit for payments made 28373  
by an A-1 or B-1 permit holder and any other persons during the 28374  
period covered by a report which was made in anticipation of the 28375  
tax liability required to be reported on that report. 28376



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"Tax liability" as used in division (A) of this section means 28377  
the total gross tax liability of an A-1 or B-1 permit holder and 28378  
any other persons for the period covered by a report before any 28379  
allowance for credits and discount. 28380

(B) Every A-1 permit holder in this state, every bottler, 28381  
importer, wholesale dealer, broker, producer, or manufacturer of 28382  
beer outside this state and within the United States, and every 28383  
B-1 permit holder importing beer from any manufacturer, bottler, 28384  
person, or group of persons however organized outside the United 28385  
States, on or before the tenth day of each month, shall make and 28386  
file a report for the preceding month upon a form prescribed by 28387  
the tax commissioner which report shall show the amount of beer 28388  
produced, sold, and distributed for sale in this state by the A-1 28389  
permit holder, sold and distributed for sale in this state by each 28390  
manufacturer, bottler, importer, wholesale dealer, or broker 28391  
outside this state and within the United States, and the amount of 28392  
beer imported into this state from outside the United States and 28393  
sold and distributed for sale in this state by the B-1 permit 28394  
holder or importer. 28395

The report shall be filed by mailing it to the ~~treasurer of~~ 28396  
~~state tax commissioner~~, together with payment of the tax levied by 28397  
sections 4301.42 and 4305.01 of the Revised Code shown to be due 28398  
on the report after deduction of advance payment credits and any 28399  
additional credits or discounts provided for under this section. 28400  
~~The treasurer of state shall stamp or otherwise mark on each~~ 28401  
~~report the date it was received by the treasurer, the amount of~~ 28402  
~~the tax payment accompanying the report, and shall transmit the~~ 28403  
~~report to the tax commissioner.~~ 28404

(C) Every A-2 and A-4, B-2, B-3, B-4, and B-5 permit holder 28405  
in this state, on or before the eighteenth day of each month, 28406  
shall make and file a report with the ~~treasurer of state tax~~ 28407  
~~commissioner~~ upon a form prescribed by the tax commissioner which 28408

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report shall show, on the report of each A-2 and A-4 permit holder 28409  
the amount of wine, cider, and mixed beverages produced and sold, 28410  
or sold in this state by each such A-2 and A-4 permit holder for 28411  
the next preceding calendar month and such other information as 28412  
the tax commissioner requires, and on the report of each such B-2, 28413  
B-3, B-4, and B-5 permit holder the amount of wine, cider, and 28414  
mixed beverages purchased from an importer, broker, wholesale 28415  
dealer, producer, or manufacturer located outside this state and 28416  
sold and distributed in this state by such B-2, B-3, B-4, and B-5 28417  
permit holder, for the next preceding calendar month and such 28418  
other information as the tax commissioner requires. 28419

Every such A-2, A-4, B-2, B-3, B-4, and B-5 permit holder in 28420  
this state shall remit with the report the tax levied by sections 28421  
4301.43 and, if applicable, 4301.432 of the Revised Code less a 28422  
discount thereon of three per cent of the total tax so levied and 28423  
paid, provided the return is filed together with remittance of the 28424  
amount of tax shown to be due thereon, within the time prescribed. 28425  
~~The treasurer of state shall stamp or otherwise mark on all 28426~~  
~~reports the date it was received by the treasurer and the amount 28427~~  
~~of tax payment accompanying all reports and shall transmit the 28428~~  
~~return to the commissioner. Any permit holder or other persons who 28429~~  
fail to file a report under this section, for each day the person 28430  
so fails, may be required to forfeit and pay into the state 28431  
treasury the sum of one dollar as revenue arising from the tax 28432  
imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the 28433  
Revised Code, and that sum may be collected by assessment in the 28434  
manner provided in section 4305.13 of the Revised Code. 28435

(D) Every B-1 permit holder and importer in this state 28436  
importing beer from any manufacturer, bottler, person, or group of 28437  
persons however organized, outside the United States, if required 28438  
by the tax commissioner shall post a bond payable to the state in 28439  
such form and amount as the commissioner prescribes with surety to 28440

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the satisfaction of the tax commissioner, conditioned upon the payment to the ~~treasurer of state~~ tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code.

(E) No such wine, beer, cider, or mixed beverages sold or distributed in this state shall be taxed more than once under sections 4301.42, 4301.43, and 4305.01 of the Revised Code.

(F) As used in this section:

(1) "Cider" has the same meaning as in section 4301.01 of the Revised Code.

(2) "Wine" has the same meaning as in section 4301.01 of the Revised Code, except that "wine" does not include cider.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code.

**Sec. 4303.331.** No permit holder shall purchase and import into this state any beer from any manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States unless and until such manufacturer, bottler, importer, wholesale dealer, or broker registers with the tax commissioner and supplies such information as the commissioner may require.

The commissioner may by rule require any registrant to file with the commissioner a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner conditioned upon the making of the report to be made to the ~~treasurer of state~~ tax commissioner and the payment to the ~~treasurer of state~~ tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code, all as provided in section 4303.33 of the

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Revised Code. 28471

Any such manufacturer, bottler, importer, wholesale dealer, 28472  
or broker shall, as a part of such registration, make the 28473  
secretary of state ~~his~~ its agent for the service of process or 28474  
notice of any assessment, action, or proceedings instituted in the 28475  
state against such person under sections 4303.33, 4301.42, and 28476  
4305.01 of the Revised Code. 28477

Such process or notice shall be served, by the officer to 28478  
whom it is directed or by the tax commissioner, or by the sheriff 28479  
of Franklin county, who may be deputized for such purpose by the 28480  
officer to whom the service is directed, upon the secretary of 28481  
state by leaving at the office of the secretary of state, at least 28482  
fifteen days before the return day of such process or notice, a 28483  
true and attested copy thereof, and by sending to the defendant by 28484  
certified mail, postage prepaid, a like and true attested copy, 28485  
with an endorsement thereon of the service upon the secretary of 28486  
state, addressed to such defendant at the address listed in the 28487  
registration or at the defendant's last known address. 28488

Any B-1 permit holder who purchases beer from any 28489  
manufacturer, bottler, importer, wholesale dealer, or broker 28490  
outside this state and within the United States who has not 28491  
registered with the tax commissioner and filed a bond as provided 28492  
in this section shall be liable for any tax due on any beer 28493  
purchased from such unregistered manufacturer, bottler, importer, 28494  
wholesale dealer, or broker and shall be subject to any penalties 28495  
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 28496  
Code. 28497

Any B-1 permit holder who purchases beer from any 28498  
manufacturer, bottler, importer, wholesale dealer, or broker 28499  
outside this state and within the United States who has complied 28500  
with this section shall not be liable for any tax due to the state 28501  
on any beer purchased from any such manufacturer, bottler, 28502

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importer, wholesale dealer, or broker. 28503

All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code. 28504  
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**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff or chief of police of the municipal or township police with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the 28508  
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Revised Code. A motor vehicle owner also may elect to renew a 28535  
motor vehicle registration by electronic means using electronic 28536  
signature in accordance with rules adopted by the registrar. 28537  
Except as provided in division (J) of this section, applications 28538  
for registration shall be made on blanks furnished by the 28539  
registrar for that purpose, containing the following information: 28540

(1) A brief description of the motor vehicle to be 28541  
registered, including the name of the manufacturer, the factory 28542  
number of the vehicle, the year's model, and, in the case of 28543  
commercial cars, the gross weight of the vehicle fully equipped 28544  
computed in the manner prescribed in section 4503.08 of the 28545  
Revised Code; 28546

(2) The name and residence address of the owner, and the 28547  
township and municipal corporation in which the owner resides; 28548

(3) The district of registration, which shall be determined 28549  
as follows: 28550

(a) In case the motor vehicle to be registered is used for 28551  
hire or principally in connection with any established business or 28552  
branch business, conducted at a particular place, the district of 28553  
registration is the municipal corporation in which that place is 28554  
located or, if not located in any municipal corporation, the 28555  
county and township in which that place is located. 28556

(b) In case the vehicle is not so used, the district of 28557  
registration is the municipal corporation or county in which the 28558  
owner resides at the time of making the application. 28559

(4) Whether the motor vehicle is a new or used motor vehicle; 28560  
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(5) The date of purchase of the motor vehicle; 28562

(6) Whether the fees required to be paid for the registration 28563  
or transfer of the motor vehicle, during the preceding 28564  
registration year and during the preceding period of the current 28565

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registration year, have been paid. Each application for 28566  
registration shall be signed by the owner, either manually or by 28567  
electronic signature, or pursuant to obtaining a limited power of 28568  
attorney authorized by the registrar for registration, or other 28569  
document authorizing such signature. If the owner elects to renew 28570  
the motor vehicle registration with the registrar by electronic 28571  
means, the owner's manual signature is not required. 28572

(7) The owner's social security number, if assigned, or, 28573  
where a motor vehicle to be registered is used for hire or 28574  
principally in connection with any established business, the 28575  
owner's federal taxpayer identification number. 28576

(B) Each time the applicant first registers a motor vehicle 28577  
in the applicant's name, the applicant shall present for 28578  
inspection a certificate of title or a memorandum certificate 28579  
showing title to the motor vehicle to be registered in the 28580  
applicant. When a motor vehicle inspection and maintenance program 28581  
is in effect under section 3704.14 of the Revised Code and rules 28582  
adopted under it, each application for registration for a vehicle 28583  
required to be inspected under that section and those rules shall 28584  
be accompanied by an inspection certificate for the motor vehicle 28585  
issued in accordance with that section. The application shall be 28586  
refused if any of the following applies: 28587

(1) The application is not in proper form. 28588

(2) The application is prohibited from being accepted by 28589  
division (D) of section 2935.27, division (A) of section 2937.221, 28590  
division (A) of section 4503.13, division (B) of section 4507.168, 28591  
or division (B)(1) of section 4521.10 of the Revised Code. 28592

(3) A certificate of title or memorandum certificate of title 28593  
does not accompany the application. 28594

(4) All registration and transfer fees for the motor vehicle, 28595  
for the preceding year or the preceding period of the current 28596

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registration year, have not been paid. 28597

(5) The owner or lessee does not have an inspection 28598  
certificate for the motor vehicle as provided in section 3704.14 28599  
of the Revised Code, and rules adopted under it, if that section 28600  
is applicable. 28601

This section does not require the payment of license or 28602  
registration taxes on a motor vehicle for any preceding year, or 28603  
for any preceding period of a year, if the motor vehicle was not 28604  
taxable for that preceding year or period under sections 4503.02, 28605  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 28606  
Revised Code. When a certificate of registration is issued upon 28607  
the first registration of a motor vehicle by or on behalf of the 28608  
owner, the official issuing the certificate shall indicate the 28609  
issuance with a stamp on the certificate of title or memorandum 28610  
certificate and on the inspection certificate for the motor 28611  
vehicle, if any. The official also shall indicate, by a stamp or 28612  
by such other means as the registrar prescribes, on the 28613  
registration certificate issued upon the first registration of a 28614  
motor vehicle by or on behalf of the owner the odometer reading of 28615  
the motor vehicle as shown in the odometer statement included in 28616  
or attached to the certificate of title. Upon each subsequent 28617  
registration of the motor vehicle by or on behalf of the same 28618  
owner, the official also shall so indicate the odometer reading of 28619  
the motor vehicle as shown on the immediately preceding 28620  
certificate of registration. 28621

The registrar shall include in the permanent registration 28622  
record of any vehicle required to be inspected under section 28623  
3704.14 of the Revised Code the inspection certificate number from 28624  
the inspection certificate that is presented at the time of 28625  
registration of the vehicle as required under this division. 28626

(C) In addition, a charge of twenty-five cents shall be made 28627  
for each reflectorized safety license plate issued, and a single 28628



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charge of twenty-five cents shall be made for each county  
 identification sticker or each set of county identification  
 stickers issued, as the case may be, to cover the cost of  
 producing the license plates and stickers, including material,  
 manufacturing, and administrative costs. Those fees shall be in  
 addition to the license tax. If the total cost of producing the  
 plates is less than twenty-five cents per plate, or if the total  
 cost of producing the stickers is less than twenty-five cents per  
 sticker or per set issued, any excess moneys accruing from the  
 fees shall be distributed in the same manner as provided by  
 section 4501.04 of the Revised Code for the distribution of  
 license tax moneys. If the total cost of producing the plates  
 exceeds twenty-five cents per plate, or if the total cost of  
 producing the stickers exceeds twenty-five cents per sticker or  
 per set issued, the difference shall be paid from the license tax  
 moneys collected pursuant to section 4503.02 of the Revised Code.

(D) Each deputy registrar shall be allowed a fee of ~~two~~  
~~dollars and twenty-five cents~~ three dollars commencing on July 1,  
2001, three dollars and twenty-five cents commencing on January 1,  
2003, and three dollars and fifty cents commencing on January 1,  
2004, for each application for registration and registration  
 renewal notice the deputy registrar receives, which shall be for  
 the purpose of compensating the deputy registrar for the deputy  
 registrar's services, and such office and rental expenses, as may  
 be necessary for the proper discharge of the deputy registrar's  
 duties in the receiving of applications and renewal notices and  
 the issuing of licenses.

(E) Upon the certification of the registrar, the county  
 sheriff or local police officials shall recover license plates  
 erroneously or fraudulently issued.

(F) Each deputy registrar, upon receipt of any application  
 for registration or registration renewal notice, together with the

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license fee and any local motor vehicle license tax levied 28661  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 28662  
fee and tax, if any, in the manner provided in this section, 28663  
together with the original and duplicate copy of the application, 28664  
to the registrar. The registrar, subject to the approval of the 28665  
director of public safety, may deposit the funds collected by 28666  
those deputies in a local bank or depository to the credit of the 28667  
"state of Ohio, bureau of motor vehicles." Where a local bank or 28668  
depository has been designated by the registrar, each deputy 28669  
registrar shall deposit all moneys collected by the deputy 28670  
registrar into that bank or depository not more than one business 28671  
day after their collection and shall make reports to the registrar 28672  
of the amounts so deposited, together with any other information, 28673  
some of which may be prescribed by the treasurer of state, as the 28674  
registrar may require and as prescribed by the registrar by rule. 28675  
The registrar, within three days after receipt of notification of 28676  
the deposit of funds by a deputy registrar in a local bank or 28677  
depository, shall draw on that account in favor of the treasurer 28678  
of state. The registrar, subject to the approval of the director 28679  
and the treasurer of state, may make reasonable rules necessary 28680  
for the prompt transmittal of fees and for safeguarding the 28681  
interests of the state and of counties, townships, municipal 28682  
corporations, and transportation improvement districts levying 28683  
local motor vehicle license taxes. The registrar may pay service 28684  
charges usually collected by banks and depositories for such 28685  
service. If deputy registrars are located in communities where 28686  
banking facilities are not available, they shall transmit the fees 28687  
forthwith, by money order or otherwise, as the registrar, by rule 28688  
approved by the director and the treasurer of state, may 28689  
prescribe. The registrar may pay the usual and customary fees for 28690  
such service. 28691

(G) This section does not prevent any person from making an 28692

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application for a motor vehicle license directly to the registrar 28693  
by mail, by electronic means, or in person at any of the 28694  
registrar's offices, upon payment of a service fee of ~~two dollars~~ 28695  
~~and twenty-five cents~~ three dollars commencing on July 1, 2001, 28696  
three dollars and twenty-five cents commencing on January 1, 2003, 28697  
and three dollars and fifty cents commencing on January 1, 2004, 28698  
for each application. 28699

(H) No person shall make a false statement as to the district 28700  
of registration in an application required by division (A) of this 28701  
section. Violation of this division is falsification under section 28702  
2921.13 of the Revised Code and punishable as specified in that 28703  
section. 28704

(I)(1) Where applicable, the requirements of division (B) of 28705  
this section relating to the presentation of an inspection 28706  
certificate issued under section 3704.14 of the Revised Code and 28707  
rules adopted under it for a motor vehicle, the refusal of a 28708  
license for failure to present an inspection certificate, and the 28709  
stamping of the inspection certificate by the official issuing the 28710  
certificate of registration apply to the registration of and 28711  
issuance of license plates for a motor vehicle under sections 28712  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 28713  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 28714  
4503.47, and 4503.51 of the Revised Code. 28715

(2)(a) The registrar shall adopt rules ensuring that each 28716  
owner registering a motor vehicle in a county where a motor 28717  
vehicle inspection and maintenance program is in effect under 28718  
section 3704.14 of the Revised Code and rules adopted under it 28719  
receives information about the requirements established in that 28720  
section and those rules and about the need in those counties to 28721  
present an inspection certificate with an application for 28722  
registration or preregistration. 28723

(b) Upon request, the registrar shall provide the director of 28724

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environmental protection, or any person that has been awarded a contract under division (D) of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding passenger cars, noncommercial motor vehicles, and commercial cars for which a multi-year registration is in effect under section 4503.103 of the Revised Code or rules adopted under it, including, without limitation, the date of issuance of the multi-year registration, the registration deadline established under rules adopted under section 4503.101 of the Revised Code that was applicable in the year in which the multi-year registration was issued, and the registration deadline for renewal of the multi-year registration.

(J) Application for registration under the international registration plan, as set forth in sections 4503.60 to 4503.66 of the Revised Code, shall be made to the registrar on forms furnished by the registrar. In accordance with international registration plan guidelines and pursuant to rules adopted by the registrar, the forms shall include the following:

- (1) A uniform mileage schedule;
- (2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;
- (3) Any other information the registrar requires by rule.

**Sec. 4503.102.** (A) The registrar of motor vehicles shall adopt rules to establish a centralized system of motor vehicle registration renewal by mail or by electronic means. Any person owning a motor vehicle that was registered in the person's name

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during the preceding registration year shall renew the 28756  
registration of the motor vehicle not more than ninety days prior 28757  
to the expiration date of the registration either by mail or by 28758  
electronic means through the centralized system of registration 28759  
established under this section, or in person at any office of the 28760  
registrar or at a deputy registrar's office. 28761

(B)(1) No less than forty-five days prior to the expiration 28762  
date of any motor vehicle registration, the registrar shall mail a 28763  
renewal notice to the person in whose name the motor vehicle is 28764  
registered. The renewal notice shall clearly state that the 28765  
registration of the motor vehicle may be renewed by mail or 28766  
electronic means through the centralized system of registration or 28767  
in person at any office of the registrar or at a deputy 28768  
registrar's office and shall be preprinted with information 28769  
including, but not limited to, the owner's name and residence 28770  
address as shown in the records of the bureau of motor vehicles, a 28771  
brief description of the motor vehicle to be registered, notice of 28772  
the license taxes and fees due on the motor vehicle, the toll-free 28773  
telephone number of the registrar as required under division 28774  
(D)(1) of section 4503.031 of the Revised Code, and any additional 28775  
information the registrar may require by rule. The renewal notice 28776  
shall be sent by regular mail to the owner's last known address as 28777  
shown in the records of the bureau of motor vehicles. 28778

(2) If the application for renewal of the registration of a 28779  
motor vehicle is prohibited from being accepted by the registrar 28780  
or a deputy registrar by division (D) of section 2935.27, division 28781  
(A) of section 2937.221, division (A) of section 4503.13, division 28782  
(B) of section 4507.168, or division (B)(1) of section 4521.10 of 28783  
the Revised Code, the registrar is not required to send a renewal 28784  
notice to the vehicle owner or vehicle lessee. 28785

(C) The owner of the motor vehicle shall verify the 28786  
information contained in the notice, sign it either manually or by 28787

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electronic means, and return it, either by mail or electronic 28788  
means, or the owner may take it in person to any office of the 28789  
registrar or of a deputy registrar, together with a financial 28790  
transaction device number, when permitted by rule of the 28791  
registrar, check, or money order in the amount of the registration 28792  
taxes and fees payable on the motor vehicle and a mail fee of ~~two~~ 28793  
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 28794  
2001, three dollars and twenty-five cents commencing on January 1, 28795  
2003, and three dollars and fifty cents commencing on January 1, 28796  
2004, plus postage as indicated on the notice, if the registration 28797  
is renewed by mail, and an inspection certificate for the motor 28798  
vehicle as provided in section 3704.14 of the Revised Code. If the 28799  
motor vehicle owner chooses to renew the motor vehicle 28800  
registration by electronic means, the owner shall proceed in 28801  
accordance with the rules the registrar adopts. 28802

(D) If all registration and transfer fees for the motor 28803  
vehicle for the preceding year or the preceding period of the 28804  
current registration year have not been paid, if division (D) of 28805  
section 2935.27, division (A) of section 2937.221, division (A) of 28806  
section 4503.13, division (B) of section 4507.168, or division 28807  
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 28808  
of the renewal notice, or if the owner or lessee does not have an 28809  
inspection certificate for the motor vehicle as provided in 28810  
section 3704.14 of the Revised Code, if that section is 28811  
applicable, the license shall be refused, and the registrar or 28812  
deputy registrar shall so notify the owner. This section does not 28813  
require the payment of license or registration taxes on a motor 28814  
vehicle for any preceding year, or for any preceding period of a 28815  
year, if the motor vehicle was not taxable for that preceding year 28816  
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 28817  
4503.16 or Chapter 4504. of the Revised Code. 28818

(E)(1) Failure to receive a renewal notice does not relieve a 28819

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motor vehicle owner from the responsibility to renew the 28820  
 registration for the motor vehicle. Any person who has a motor 28821  
 vehicle registered in this state and who does not receive a 28822  
 renewal notice as provided in division (B) of this section prior 28823  
 to the expiration date of the registration shall request an 28824  
 application for registration from the registrar or a deputy 28825  
 registrar and sign the application manually or by electronic means 28826  
 and submit the application and pay any applicable license taxes 28827  
 and fees to the registrar or deputy registrar. 28828

(2) If the owner of a motor vehicle submits an application 28829  
 for registration and the registrar is prohibited by division (D) 28830  
 of section 2935.27, division (A) of section 2937.221, division (A) 28831  
 of section 4503.13, division (B) of section 4507.168, or division 28832  
 (B)(1) of section 4521.10 of the Revised Code from accepting the 28833  
 application, the registrar shall return the application and the 28834  
 payment to the owner. If the owner of a motor vehicle submits a 28835  
 registration renewal application to the registrar by electronic 28836  
 means and the registrar is prohibited from accepting the 28837  
 application as provided in this division, the registrar shall 28838  
 notify the owner of this fact and deny the application and return 28839  
 the payment or give a credit on the financial transaction device 28840  
 account of the owner in the manner the registrar prescribes by 28841  
 rule adopted pursuant to division (A) of this section. 28842

(F) Every deputy registrar shall post in a prominent place at 28843  
 the deputy's office a notice informing the public of the mail 28844  
 registration system required by this section and also shall post a 28845  
 notice that every owner of a motor vehicle and every chauffeur 28846  
 holding a certificate of registration is required to notify the 28847  
 registrar in writing of any change of residence within ten days 28848  
 after the change occurs. The notice shall be in such form as the 28849  
 registrar prescribes by rule. 28850

(G) The ~~two dollars and twenty-five cents~~ three dollars fee 28851

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collected from July 1, 2001, through December 31, 2002, the three 28852  
dollars and twenty-five cents fee collected from January 1, 2003, 28853  
through December 31, 2003, and the three dollars and fifty cents 28854  
fee collected after January 1, 2004, plus postage and any 28855  
financial transaction device surcharge collected by the registrar 28856  
for registration by mail, shall be paid to the credit of the state 28857  
bureau of motor vehicles fund established by section 4501.25 of 28858  
the Revised Code. 28859

(H) Pursuant to section 113.40 of the Revised Code, the 28860  
registrar may implement a program permitting payment of motor 28861  
vehicle registration taxes and fees, driver's license and 28862  
commercial driver's license fees, and any other taxes, fees, 28863  
penalties, or charges imposed or levied by the state by means of a 28864  
financial transaction device. The registrar may adopt rules as 28865  
necessary for this purpose. 28866

(I) For persons who reside in counties where tailpipe 28867  
emissions inspections are required under the motor vehicle 28868  
inspection and maintenance program, the notice required by 28869  
division (B) of this section shall also include the toll-free 28870  
telephone number maintained by the Ohio environmental protection 28871  
agency to provide information concerning the locations of 28872  
emissions testing centers. 28873

**Sec. 4503.12.** Upon the transfer of ownership of a motor 28874  
vehicle, the registration of the motor vehicle expires and the 28875  
original owner immediately shall remove the license plates from 28876  
the motor vehicle, except that: 28877

(A) If a statutory merger or consolidation results in the 28878  
transfer of ownership of a motor vehicle from a constituent 28879  
corporation to the surviving corporation, or if the incorporation 28880  
of a proprietorship or partnership results in the transfer of 28881  
ownership of a motor vehicle from the proprietorship or 28882



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partnership to the corporation, the registration shall be  
continued upon the filing by the surviving or new corporation,  
within thirty days of such transfer, of an application for an  
amended certificate of registration, unless such registration is  
prohibited by division (D) of section 2935.27, division (A) of  
section 2937.221, division (B) of section 4507.168, or division  
(B)(1) of section 4521.10 of the Revised Code. The application  
shall be accompanied by a service fee of ~~two dollars and  
twenty-five cents~~ three dollars commencing on July 1, 2001, three  
dollars and twenty-five cents commencing on January 1, 2003, and  
three dollars and fifty cents commencing on January 1, 2004, a  
transfer fee of one dollar, and the original certificate of  
registration. Upon a proper filing, the registrar of motor  
vehicles shall issue an amended certificate of registration in the  
name of the new owner.

(B) If the death of the owner of a motor vehicle results in  
the transfer of ownership of the motor vehicle to the surviving  
spouse of the owner or if a motor vehicle is owned by two persons  
under joint ownership with right of survivorship established under  
section 2106.17 of the Revised Code and one of those persons dies,  
the registration shall be continued upon the filing by the  
surviving spouse of an application for an amended certificate of  
registration, unless such registration is prohibited by division  
(D) of section 2935.27, division (A) of section 2937.221, division  
(A) of section 4503.13, division (B) of section 4507.168, or  
division (B)(1) of section 4521.10 of the Revised Code. The  
application shall be accompanied by a service fee of ~~two dollars  
and twenty-five cents~~ three dollars commencing on July 1, 2001,  
three dollars and twenty-five cents commencing on January 1, 2003,  
and three dollars and fifty cents commencing on January 1, 2004, a  
transfer fee of one dollar, the original certificate of  
registration, and, in relation to a motor vehicle that is owned by

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two persons under joint ownership with right of survivorship 28915  
 established under section 2106.17 of the Revised Code, by a copy 28916  
 of the certificate of title that specifies that the vehicle is 28917  
 owned under joint ownership with right of survivorship. Upon a 28918  
 proper filing, the registrar shall issue an amended certificate of 28919  
 registration in the name of the surviving spouse. 28920

(C) If the original owner of a motor vehicle that has been 28921  
 transferred makes application for the registration of another 28922  
 motor vehicle at any time during the remainder of the registration 28923  
 period for which the transferred motor vehicle was registered, the 28924  
 owner, unless such registration is prohibited by division (D) of 28925  
 section 2935.27, division (A) of section 2937.221, division (A) of 28926  
 section 4503.13, division (E) of section 4503.234, division (B) of 28927  
 section 4507.168, or division (B)(1) of section 4521.10 of the 28928  
 Revised Code, may file an application for transfer of the 28929  
 registration and, where applicable, the license plates, 28930  
 accompanied by a service fee of ~~two dollars and twenty-five cents~~ 28931  
three dollars commencing on July 1, 2001, three dollars and 28932  
twenty-five cents commencing on January 1, 2003, and three dollars 28933  
and fifty cents commencing on January 1, 2004, a transfer fee of 28934  
 one dollar, and the original certificate of registration. The 28935  
 transfer of the registration and, where applicable, the license 28936  
 plates from the motor vehicle for which they originally were 28937  
 issued to a succeeding motor vehicle purchased by the same person 28938  
 in whose name the original registration and license plates were 28939  
 issued shall be done within a period not to exceed thirty days. 28940  
 During that thirty-day period, the license plates from the motor 28941  
 vehicle for which they originally were issued may be displayed on 28942  
 the succeeding motor vehicle, and the succeeding motor vehicle may 28943  
 be operated on the public roads and highways in this state. 28944

At the time of application for transfer, the registrar shall 28945  
 compute and collect the amount of tax due on the succeeding motor 28946

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vehicle, based upon the amount that would be due on a new  
registration as of the date on which the transfer is made less a  
credit for the unused portion of the original registration  
beginning on that date. If the credit exceeds the amount of tax  
due on the new registration, no refund shall be made. In computing  
the amount of tax due and credits to be allowed under this  
division, the provisions of division (B)(1)(a) and (b) of section  
4503.11 of the Revised Code shall apply. As to passenger cars,  
noncommercial vehicles, motor homes, and motorcycles, transfers  
within or between these classes of motor vehicles only shall be  
allowed. If the succeeding motor vehicle is of a different class  
than the motor vehicle for which the registration originally was  
issued, new license plates also shall be issued upon the surrender  
of the license plates originally issued and payment of the fees  
provided in divisions (C) and (D) of section 4503.10 of the  
Revised Code.

(D) The owner of a commercial car having a gross vehicle  
weight or combined gross vehicle weight of more than ten thousand  
pounds may transfer the registration of that commercial car to  
another commercial car the owner owns without transferring  
ownership of the first commercial car, unless registration of the  
second commercial car is prohibited by division (D) of section  
2935.27, division (A) of section 2937.221, division (A) of section  
4503.13, division (B) of section 4507.168, or division (B)(1) of  
section 4521.10 of the Revised Code. At any time during the  
remainder of the registration period for which the first  
commercial car was registered, the owner may file an application  
for the transfer of the registration and, where applicable, the  
license plates, accompanied by a service fee of ~~two dollars and  
twenty-five cents~~ three dollars commencing on July 1, 2001, three  
dollars and twenty-five cents commencing on January 1, 2003, and  
three dollars and fifty cents commencing on January 1, 2004, a

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transfer fee of one dollar, and the certificate of registration of 28979  
 the first commercial car. The amount of any tax due or credit to 28980  
 be allowed for a transfer of registration under this division 28981  
 shall be computed in accordance with division (C) of this section. 28982

No commercial car to which a registration is transferred 28983  
 under this division shall be operated on a public road or highway 28984  
 in this state until after the transfer of registration is 28985  
 completed in accordance with this division. 28986

(E) Upon application to the registrar or a deputy registrar, 28987  
 a person who owns or leases a motor vehicle may transfer special 28988  
 license plates assigned to that vehicle to any other vehicle that 28989  
 the person owns or leases or that is owned or leased by the 28990  
 person's spouse. The application shall be accompanied by a service 28991  
 fee of ~~two dollars and twenty-five cents~~ three dollars commencing 28992  
on July 1, 2001, three dollars and twenty-five cents commencing on 28993  
January 1, 2003, and three dollars and fifty cents commencing on 28994  
January 1, 2004, a transfer fee of one dollar, and the original 28995  
 certificate of registration. As appropriate, the application also 28996  
 shall be accompanied by a power of attorney for the registration 28997  
 of a leased vehicle and a written statement releasing the special 28998  
 plates to the applicant. Upon a proper filing, the registrar or 28999  
 deputy registrar shall assign the special license plates to the 29000  
 motor vehicle owned or leased by the applicant and issue a new 29001  
 certificate of registration for that motor vehicle. 29002

As used in division (E) of this section, "special license 29004  
 plates" means either of the following: 29005

(1) Any license plates for which the person to whom the 29006  
 license plates are issued must pay an additional fee in excess of 29007  
 the fees prescribed in section 4503.04 of the Revised Code, 29008  
 Chapter 4504. of the Revised Code, and the service fee prescribed 29009  
 in division (D) or (G) of section 4503.10 of the Revised Code; 29010

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(2) License plates issued under section 4503.44 of the Revised Code. 29011  
29012

**Sec. 4503.182.** (A) A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license placard or windshield sticker for the motor vehicle. 29013  
29014  
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The purchaser of a vehicle applying for a temporary license placard or windshield sticker under this section shall execute an affidavit stating that the purchaser has not been issued previously during the current registration year a license plate that could legally be transferred to such vehicle. 29017  
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29020  
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Placards or windshield stickers shall be issued only for the applicant's use of the vehicle to enable the applicant to legally operate the motor vehicle while proper title, license plates, and a certificate of registration are being obtained, and shall be displayed on no other motor vehicle. 29022  
29023  
29024  
29025  
29026

Placards or windshield stickers issued under this section are valid for a period of thirty days from date of issuance and are not transferable or renewable. 29027  
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29029

The fee for such placards or windshield stickers is two dollars plus a fee of ~~two dollars and twenty-five cents~~ three dollars commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each such placard issued by a deputy registrar. 29030  
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29032  
29033  
29034  
29035

(B) The registrar of motor vehicles may issue to a motorized bicycle dealer or a licensed motor vehicle dealer temporary license placards to be issued to purchasers for use on vehicles sold by the licensed dealer, in accordance with rules prescribed by the registrar. The dealer shall notify the registrar within 29036  
29037  
29038  
29039  
29040

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forty-eight hours of proof of issuance on a form prescribed by the registrar. 29041  
29042

The fee for each such placard issued by the registrar to a licensed motor vehicle dealer is two dollars plus a fee of ~~two~~ three dollars commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004. 29043  
29044  
29045  
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29047  
29048

(C) The registrar of motor vehicles, at the registrar's discretion, may issue a temporary license placard. Such a placard may be issued in the case of extreme hardship encountered by a citizen from this state or another state who has attempted to comply with all registration laws, but for extreme circumstances is unable to properly register the citizen's vehicle. 29049  
29050  
29051  
29052  
29053  
29054

(D) The registrar shall adopt rules, in accordance with division (B) of section 111.15 of the Revised Code, to specify the procedures for reporting the information from applications for temporary license placards and windshield stickers and for providing the information from these applications to law enforcement agencies. 29055  
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29057  
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(E) Temporary license placards issued under this section shall bear a distinctive combination of seven letters, numerals, or letters and numerals, and shall incorporate a security feature that, to the greatest degree possible, prevents tampering with any of the information that is entered upon a placard when it is issued. 29061  
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29063  
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(F) As used in this section, "motorized bicycle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in motorized bicycles who is not subject to section 4503.09 of the Revised Code. 29067  
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Sec. 4504.05. The moneys received from a county motor vehicle license tax shall be allocated and distributed as follows:

(A) First, for payment of the costs and expenses incurred by the county in the enforcement and administration of the tax;

(B) The remainder of such moneys shall be credited to funds as follows:

(1) With respect to county motor vehicle tax moneys received under section 4504.02 of the Revised Code, that part of the total amount which is in the same proportion to the total as the number of motor vehicles registered in the municipal corporations in the county that did not levy a municipal motor vehicle license tax immediately prior to the adoption of the county motor vehicle license tax is to the total number of motor vehicles registered in the county in the most recent registration year, shall be placed in a separate fund to be allocated and distributed as provided in section 4504.04 of the Revised Code.

The remaining portion shall be placed in the county motor vehicle license and gasoline tax fund and shall be allocated and disbursed only for the purposes specified in section 4504.02 of the Revised Code, other than paying all or part of the costs and expenses of municipal corporations in constructing, reconstructing, improving, maintaining, and repairing highways, roads, and streets designated as necessary and conducive to the orderly and efficient flow of traffic within and through the county pursuant to section 4504.03 of the Revised Code.

(2) With respect to county motor vehicle tax moneys received under section 4504.15 of the Revised Code:

(a) That arising from motor vehicles the district of registration of which is a municipal corporation within the county that is not levying the tax authorized by section 4504.17 of the Revised Code shall be allocated fifty per cent to the county and

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fifty per cent to such municipal corporation in an amount equal to 29102  
the amount of the tax per motor vehicle registered during the 29103  
preceding month in that part of the municipal corporation located 29104  
within the county. Moneys allocated to a municipal corporation 29105  
under this section shall be paid directly into the treasury of the 29106  
municipal corporation as provided in section 4501.042 of the 29107  
Revised Code and used only for the purposes described in section 29108  
4504.06 of the Revised Code. The first distribution shall be made 29109  
to a municipal corporation under this division in the second month 29110  
after the county motor vehicle license tax is imposed under 29111  
section 4504.15 of the Revised Code. 29112

(b) That arising from motor vehicles the district of 29113  
registration of which is in an unincorporated area of the county 29114  
shall be allocated seventy per cent to the county and thirty per 29115  
cent to the townships in which the owners of the motor vehicles 29116  
reside in an amount equal to the amount of the tax per motor 29117  
vehicle owned by such a resident in each such township and 29118  
registered during the preceding month in the county. The moneys 29119  
allocated to townships shall be paid into the treasuries of the 29120  
townships and shall be used only for the purposes described in 29121  
section 4504.18 of the Revised Code. The first distribution shall 29122  
be made under this division in the second month after the county 29123  
motor vehicle license tax is imposed under section 4504.15 of the 29124  
Revised Code. 29125

(3) With respect to county motor vehicle tax moneys received 29126  
under section 4504.16 of the Revised Code: 29127

(a) That arising from motor vehicles the district of 29128  
registration of which is a municipal corporation within the county 29129  
that is not levying the tax authorized by section 4504.171 of the 29130  
Revised Code shall be allocated to the county; 29131

(b) ~~That~~ Except as otherwise provided in division (B)(3)(b) 29132  
of this section, that arising from motor vehicles the district of 29133



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registration of which is in an unincorporated area of the county 29134  
 shall be allocated seventy per cent to the county and thirty per 29135  
 cent to the townships in which the owners of the motor vehicles 29136  
 reside in an amount equal to the amount of the tax per motor 29137  
 vehicle owned by such a resident in each such township and 29138  
 registered during the preceding month in the county. ~~The~~ 29139

A board of township trustees may pass a resolution requesting 29140  
an increase in the percentage of moneys allocated to the township 29141  
under division (B)(3)(b) of this section and, upon passage, shall 29142  
forward the resolution to the board of county commissioners. 29143  
Within ninety days after receipt of a resolution from a township 29144  
requesting an increase in the percentage of moneys allocated to 29145  
it, a board of county commissioners shall consider and may pass a 29146  
resolution increasing the percentage of moneys allocated to a 29147  
township under division (B)(3)(b) of this section. A board of 29148  
county commissioners also may initiate and pass a resolution 29149  
increasing the percentage of moneys allocated to a township under 29150  
division (B)(3)(b) of this section. If a board of county 29151  
commissioners passes a resolution under division (B)(3)(b) of this 29152  
section, it shall forward the resolution to the county treasurer, 29153  
and the resolution shall continue until revoked by the board of 29154  
county commissioners. The county treasurer shall make the first 29155  
distribution under any new allocation in the second month after 29156  
receiving the resolution. 29157

The moneys allocated to townships shall be paid into the 29158  
 treasuries of the townships and shall be used only for the 29159  
 purposes described in section 4504.18 of the Revised Code. The 29160  
 first distribution shall be made under this division in the second 29161  
 month after the county motor vehicle license tax is imposed under 29162  
 section 4504.16 of the Revised Code. 29163

**Sec. 4505.061.** If the application for a certificate of title 29164  
 refers to a motor vehicle last previously registered in another 29165

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state, the application shall be accompanied by a physical 29166  
inspection certificate issued by the department of public safety 29167  
verifying the make, body type, model, and manufacturer's vehicle 29168  
identification number of the motor vehicle for which the 29169  
certificate of title is desired. The physical inspection 29170  
certificate shall be in such form as is designated by the 29171  
registrar of motor vehicles. The physical inspection of the motor 29172  
vehicle shall be made at a deputy registrar's office, or at an 29173  
established place of business operated by a licensed motor vehicle 29174  
dealer. Additionally, the physical inspection of a salvage vehicle 29175  
owned by an insurance company may be made at an established place 29176  
of business operated by a salvage motor vehicle dealer licensed 29177  
under Chapter 4738. of the Revised Code. The deputy registrar, the 29178  
motor vehicle dealer, or the salvage motor vehicle dealer may 29179  
charge a maximum fee of ~~one dollar and fifty cents~~ three dollars 29180  
commencing on July 1, 2001, three dollars and twenty-five cents 29181  
commencing on January 1, 2003, and three dollars and fifty cents 29182  
commencing on January 1, 2004, for conducting the physical 29183  
inspection. 29184

The clerk of the court of common pleas shall charge a fee of 29185  
one dollar and fifty cents for the processing of each physical 29186  
inspection certificate. The clerk shall retain fifty cents of the 29187  
one dollar and fifty cents so charged and shall pay the remaining 29188  
one dollar to the registrar by monthly returns, which shall be 29189  
forwarded to the registrar not later than the fifth day of the 29190  
month next succeeding that in which the certificate is received by 29191  
the clerk. The registrar shall pay such remaining sums into the 29192  
state bureau of motor vehicles fund established by section 4501.25 29193  
of the Revised Code. 29194

**Sec. 4506.08.** (A) Each application for a commercial driver's 29195  
license temporary instruction permit shall be accompanied by a fee 29196  
of ten dollars; except as provided in division (B) of this 29197

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section, each application for a commercial driver's license, 29198  
 restricted commercial driver's license, or renewal of such a 29199  
 license shall be accompanied by a fee of twenty-five dollars; and 29200  
 each application for a duplicate commercial driver's license shall 29201  
 be accompanied by a fee of ten dollars. In addition, the registrar 29202  
 of motor vehicles or deputy registrar may collect and retain an 29203  
 additional fee of no more than ~~two dollars and twenty-five cents~~ 29204  
three dollars commencing on July 1, 2001, three dollars and 29205  
twenty-five cents commencing on January 1, 2003, and three dollars 29206  
and fifty cents commencing on January 1, 2004, for each 29207  
 application for a commercial driver's license temporary 29208  
 instruction permit, commercial driver's license, renewal of a 29209  
 commercial driver's license, or duplicate commercial driver's 29210  
 license received by the registrar or deputy. No fee shall be 29211  
 charged for the annual issuance of a waiver for farm-related 29212  
 service industries pursuant to section 4506.24 of the Revised 29213  
 Code. 29214

Each deputy registrar shall transmit the fees collected to 29215  
 the registrar at the time and in the manner prescribed by the 29216  
 registrar by rule. The registrar shall pay the fees into the state 29217  
 highway safety fund established in section 4501.06 of the Revised 29218  
 Code. 29219

(B) Information regarding the driving record of any person 29220  
 holding a commercial driver's license issued by this state shall 29221  
 be furnished by the registrar, upon request and payment of a fee 29222  
 of three dollars, to the employer or prospective employer of such 29223  
 a person and to any insurer. 29224

**Sec. 4507.23.** (A) Except as provided in division (H) of this 29225  
 section, each application for a temporary instruction permit and 29226  
 examination shall be accompanied by a fee of four dollars. 29227

(B) Except as provided in division (H) of this section, each 29228

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application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.

(C) Except as provided in divisions (E) and (H) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars. Except as provided in division (H) of this section, each application for a duplicate driver's license shall be accompanied by a fee of two dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.

(D) Except as provided in division (H) of this section, each application for a motorized bicycle license or duplicate thereof shall be accompanied by a fee of two dollars and fifty cents.

(E) Except as provided in division (H) of this section, each application for a driver's license or renewal of a driver's license that will be issued to a person who is less than twenty-one years of age shall be accompanied by whichever of the following fees is applicable:

(1) If the person is sixteen years of age or older, but less than seventeen years of age, a fee of seven dollars and twenty-five cents;

(2) If the person is seventeen years of age or older, but less than eighteen years of age, a fee of six dollars;

(3) If the person is eighteen years of age or older, but less than nineteen years of age, a fee of four dollars and seventy-five cents;

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(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents; 29260  
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(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents. 29263  
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(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section. 29266  
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(G) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees collected under divisions (A), (B), (C), (D), and (E), and those portions of the fees specified in and collected under division (F) of this section to the registrar. The registrar shall pay two dollars and fifty cents of each fee collected under divisions (A), (B), (C), (D), and (E)(1) to (4) of this section, and the entire fee collected under division (E)(5) of this section, into the state highway safety fund established in section 4501.06 of the Revised Code, and such fees shall be used for the sole purpose of supporting driver licensing activities. The remaining fees collected by the registrar under this section shall be paid into the state bureau of motor vehicles fund established in section 29279  
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4501.25 of the Revised Code.	29292
(H) A disabled veteran who has a service-connected disability	29293
rated at one hundred per cent by the veterans' administration may	29294
apply to the registrar or a deputy registrar for the issuance to	29295
that veteran, without the payment of any fee prescribed in this	29296
section, of any of the following items:	29297
(1) A temporary instruction permit and examination;	29298
(2) A new, renewal, or duplicate driver's or commercial	29299
driver's license;	29300
(3) A motorcycle operator's endorsement;	29301
(4) A motorized bicycle license or duplicate thereof;	29302
(5) Lamination of a driver's license or motorized bicycle	29303
license as provided in division (F) of this section, if the	29304
circumstances specified in division (H)(5) of this section are	29305
met.	29306
If the driver's license or motorized bicycle license of a	29307
disabled veteran described in division (H) of this section is	29308
laminated by a deputy registrar who is acting as a deputy	29309
registrar pursuant to a contract with the registrar that is in	29310
effect on <del>the effective date of this amendment</del> <u>October 14, 1997</u> ,	29311
the disabled veteran shall be required to pay the deputy registrar	29312
the lamination fee provided in division (F) of this section. If	29313
the driver's license or motorized bicycle license of such a	29314
disabled veteran is laminated by a deputy registrar who is acting	29315
as a deputy registrar pursuant to a contract with the registrar	29316
that is executed after <del>the effective date of this amendment</del>	29317
<u>October 14, 1997</u> , the disabled veteran is not required to pay the	29318
deputy registrar the lamination fee provided in division (F) of	29319
this section.	29320
A disabled veteran whose driver's license or motorized	29321

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bicycle license is laminated by the registrar is not required to 29322  
pay the registrar any lamination fee. 29323

An application made under division (H) of this section shall 29324  
be accompanied by such documentary evidence of disability as the 29325  
registrar may require by rule. 29326

**Sec. 4507.24.** (A) Except as provided in division (B) of this 29327  
section, each deputy registrar may collect a fee not to exceed the 29328  
following: 29329

(1) ~~Three dollars and twenty-five cents~~ Four dollars 29330  
commencing on July 1, 2001, four dollars and twenty-five cents 29331  
commencing on January 1, 2003, and four dollars and fifty cents 29332  
commencing on January 1, 2004, for each application for renewal of 29333  
a driver's license received by the deputy registrar, when the 29334  
applicant is required to submit to a screening of the applicant's 29335  
vision under section 4507.12 of the Revised Code; 29336

(2) ~~Two dollars and twenty-five cents~~ Three dollars 29337  
commencing on July 1, 2001, three dollars and twenty-five cents 29338  
commencing on January 1, 2003, and three dollars and fifty cents 29339  
commencing on January 1, 2004, for each application for a driver's 29340  
license, or motorized bicycle license, or for renewal of such a 29341  
license, received by the deputy registrar, when the applicant is 29342  
not required to submit to a screening of the applicant's vision 29343  
under section 4507.12 of the Revised Code. 29344

(B) The fees prescribed by division (A) of this section shall 29345  
be in addition to the fee for a temporary instruction permit and 29346  
examination, a driver's license, a motorized bicycle license, or 29347  
duplicates thereof, and shall compensate the deputy registrar for 29348  
the deputy registrar's services, for office and rental expense, 29349  
and for costs as provided in division (C) of this section, as are 29350  
necessary for the proper discharge of the deputy registrar's 29351  
duties under sections 4507.01 to 4507.39 of the Revised Code. 29352

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A disabled veteran who has a service-connected disability  
rated at one hundred per cent by the veterans' administration is  
required to pay the applicable fee prescribed in division (A) of  
this section if the disabled veteran submits an application for a  
driver's license or motorized bicycle license or a renewal of  
either of these licenses to a deputy registrar who is acting as a  
deputy registrar pursuant to a contract with the registrar that is  
in effect on the effective date of this amendment. The disabled  
veteran also is required to submit with the disabled veteran's  
application such documentary evidence of disability as the  
registrar may require by rule.

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A disabled veteran who submits an application described in  
this division is not required to pay either of the fees prescribed  
in division (A) of this section if the disabled veteran submits  
the application to a deputy registrar who is acting as a deputy  
registrar pursuant to a contract with the registrar that is  
executed after the effective date of this amendment. The disabled  
veteran still is required to submit with the disabled veteran's  
application such documentary evidence of disability as the  
registrar may require by rule.

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A disabled veteran who submits an application described in  
this division directly to the registrar is not required to pay  
either of the fees prescribed in division (A) of this section if  
the disabled veteran submits with the disabled veteran's  
application such documentary evidence of disability as the  
registrar may require by rule.

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(C) Each deputy registrar shall transmit to the registrar of  
motor vehicles, at such time and in such manner as the registrar  
shall require by rule, an amount of each fee collected under  
division (A)(1) of this section as shall be determined by the  
registrar. The registrar shall pay all such moneys so received

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into the state bureau of motor vehicles fund created in section 29385  
4501.25 of the Revised Code. 29386

**Sec. 4507.50.** (A) The registrar of motor vehicles or a deputy 29387  
registrar, upon receipt of an application filed in compliance with 29388  
section 4507.51 of the Revised Code by any person who is a 29389  
resident or a temporary resident of this state and, except as 29390  
otherwise provided in this section, is not licensed as an operator 29391  
of a motor vehicle in this state or another licensing 29392  
jurisdiction, and, except as provided in division (B) of this 29393  
section, upon receipt of a fee of three dollars and fifty cents, 29394  
shall issue an identification card to that person. 29395

Any person who is a resident or temporary resident of this 29396  
state whose Ohio driver's or commercial driver's license has been 29397  
suspended or revoked, upon application in compliance with section 29398  
4507.51 of the Revised Code and, except as provided in division 29399  
(B) ~~if~~ of this section, payment of a fee of three dollars and 29400  
fifty cents, may be issued a temporary identification card. The 29401  
temporary identification card shall be identical to an 29402  
identification card, except that it shall be printed on its face 29403  
with a statement that the card is valid during the effective dates 29404  
of the suspension or revocation of the cardholder's license, or 29405  
until the birthday of the cardholder in the fourth year after the 29406  
date on which it is issued, whichever is shorter. The cardholder 29407  
shall surrender the identification card to the registrar or any 29408  
deputy registrar before the cardholder's driver's or commercial 29409  
driver's license is restored or reissued. 29410

Except as provided in division (B) of this section, the 29411  
deputy registrar shall be allowed a fee of ~~two dollars and~~ 29412  
~~twenty-five cents~~ three dollars commencing on July 1, 2001, three 29413  
dollars and twenty-five cents commencing on January 1, 2003, and 29414  
three dollars and fifty cents commencing on January 1, 2004, for 29415

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each identification card issued under this section. The fee 29416  
 allowed to the deputy registrar shall be in addition to the fee 29417  
 for issuing an identification card. 29418

Neither the registrar nor any deputy registrar shall charge a 29419  
 fee in excess of one dollar and fifty cents for laminating an 29420  
 identification card ~~or~~, temporary identification card, or 29421  
temporary permit packet identification card. A deputy registrar 29422  
 laminating such a card shall retain the entire amount of the fee 29423  
 charged for lamination, less the actual cost to the registrar of 29424  
 the laminating materials used for that lamination, as specified in 29425  
 the contract executed by the bureau for the laminating materials 29426  
 and laminating equipment. The deputy registrar shall forward the 29427  
 amount of the cost of the laminating materials to the registrar 29428  
 for deposit as provided in this section. 29429

The fee collected for issuing an identification card under 29430  
 this section, except the fee allowed to the deputy registrar, 29431  
 shall be paid into the state treasury to the credit of the state 29432  
 bureau of motor vehicles fund created in section 4501.25 of the 29433  
 Revised Code. 29434

(B) A disabled veteran who has a service-connected disability 29435  
 rated at one hundred per cent by the veterans' administration may 29436  
 apply to the registrar or a deputy registrar for the issuance to 29437  
 that veteran of an identification card or a temporary 29438  
 identification card under this section without payment of any fee 29439  
 prescribed in division (A) of this section, including any 29440  
 lamination fee. 29441

If the identification card or temporary identification card 29442  
 of a disabled veteran described in this division is laminated by a 29443  
 deputy registrar who is acting as a deputy registrar pursuant to a 29444  
 contract with the registrar that is in effect on the effective 29445  
 date of this amendment, the disabled veteran shall pay the deputy 29446  
 registrar the lamination fee prescribed in division (A) of this 29447

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section. If the identification card or temporary identification  
card is laminated by a deputy registrar who is acting as a deputy  
registrar pursuant to a contract with the registrar that is  
executed after ~~the effective date of this amendment~~ July 29, 1998,  
the disabled veteran is not required to pay the deputy registrar  
the lamination fee prescribed in division (A) of this section.

A disabled veteran whose identification card or temporary  
identification card is laminated by the registrar is not required  
to pay the registrar any lamination fee.

An application made under division (A) of this section shall  
be accompanied by such documentary evidence of disability as the  
registrar may require by rule.

**Sec. 4507.52.** Each identification card issued by the  
registrar of motor vehicles or a deputy registrar shall display a  
distinguishing number assigned to the cardholder, and shall  
display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor  
vehicle. It is provided solely for the purpose of establishing the  
identity of the bearer described on the card, who currently is not  
licensed to operate a motor vehicle in the state of Ohio."

The identification card shall display substantially the same  
information as contained in the application and as described in  
division (A)(1) of section 4507.51 of the Revised Code, including  
the cardholder's social security number unless the cardholder  
specifically requests that the cardholder's social security number  
not be displayed on the card. If federal law requires the  
cardholder's social security number to be displayed on the  
identification card, the social security number shall be displayed  
on the card notwithstanding a request to not display the number  
pursuant to this section. The identification card also shall

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display the color photograph of the cardholder. If the cardholder  
has executed a durable power of attorney for health care or a  
declaration governing the use or continuation, or the withholding  
or withdrawal, of life-sustaining treatment and has specified that  
the cardholder wishes the identification card to indicate that the  
cardholder has executed either type of instrument, the card also  
shall display any symbol chosen by the registrar to indicate that  
the cardholder has executed either type of instrument. The card  
shall be sealed in transparent plastic or similar material and  
shall be so designed as to prevent its reproduction or alteration  
without ready detection.

The identification card for persons under twenty-one years of  
age shall have characteristics prescribed by the registrar  
distinguishing it from that issued to a person who is twenty-one  
years of age or older, except that an identification card issued  
to a person who applies no more than thirty days before the  
applicant's twenty-first birthday shall have the characteristics  
of an identification card issued to a person who is twenty-one  
years of age or older.

Every identification card issued to a resident of this state  
shall expire, unless canceled or surrendered earlier, on the  
birthday of the cardholder in the fourth year after the date on  
which it is issued. Every identification card issued to a  
temporary resident shall expire in accordance with rules adopted  
by the registrar and is nonrenewable, but may be replaced with a  
new identification card upon the applicant's compliance with all  
applicable requirements. A cardholder may renew the cardholder's  
identification card within ninety days prior to the day on which  
it expires by filing an application and paying the prescribed fee  
in accordance with section 4507.50 of the Revised Code.

If a cardholder applies for a driver's or commercial driver's  
license in this state or another licensing jurisdiction, the

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cardholder shall surrender the cardholder's identification card to 29511  
the registrar or any deputy registrar before the license is 29512  
issued. 29513

If a card is lost, destroyed, or mutilated, the person to 29514  
whom the card was issued may obtain a duplicate by doing both of 29515  
the following: 29516

(A) Furnishing suitable proof of the loss, destruction, or 29517  
mutilation to the registrar or a deputy registrar; 29518

(B) Filing an application and presenting documentary evidence 29519  
under section 4507.51 of the Revised Code. 29520

Any person who loses a card and, after obtaining a duplicate, 29521  
finds the original, immediately shall surrender the original to 29522  
the registrar or a deputy registrar. 29523

A cardholder may obtain a replacement identification card 29524  
that reflects any change of the cardholder's name by furnishing 29525  
suitable proof of the change to the registrar or a deputy 29526  
registrar and surrendering the cardholder's existing card. 29527

When a cardholder applies for a duplicate or obtains a 29528  
replacement identification card, the cardholder shall pay a fee of 29529  
~~two dollars and fifty cents~~ three dollars commencing on July 1, 29530  
2001, three dollars and twenty-five cents commencing on January 1, 29531  
2003, and three dollars and fifty cents commencing on January 1, 29532  
2004. A deputy registrar shall be allowed an additional fee of two 29533  
dollars and twenty-five cents for issuing a duplicate or 29534  
replacement identification card. A disabled veteran who is a 29535  
cardholder and has a service-connected disability rated at one 29536  
hundred per cent by the veterans' administration may apply to the 29537  
registrar or a deputy registrar for the issuance of a duplicate or 29538  
replacement identification card without payment of any fee 29539  
prescribed in this section, and without payment of any lamination 29540  
fee if the disabled veteran would not be required to pay a 29541

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lamination fee in connection with the issuance of an 29542  
identification card or temporary identification card as provided 29543  
in division (B) of section 4507.50 of the Revised Code. 29544

A duplicate or replacement identification card shall expire 29545  
on the same date as the card it replaces. 29546

The registrar shall cancel any card upon determining that the 29547  
card was obtained unlawfully, issued in error, or was altered. The 29548  
registrar also shall cancel any card that is surrendered to the 29549  
registrar or to a deputy registrar after the holder has obtained a 29550  
duplicate, replacement, or driver's or commercial driver's 29551  
license. 29552

No agent of the state or its political subdivisions shall 29553  
condition the granting of any benefit, service, right, or 29554  
privilege upon the possession by any person of an identification 29555  
card. Nothing in this section shall preclude any publicly operated 29556  
or franchised transit system from using an identification card for 29557  
the purpose of granting benefits or services of the system. 29558

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No person shall be required to apply for, carry, or possess 29560  
an identification card. 29561

(C) Except in regard to an identification card issued to a 29562  
person who applies no more than thirty days before the applicant's 29563  
twenty-first birthday, neither the registrar nor any deputy 29564  
registrar shall issue an identification card to a person under 29565  
twenty-one years of age that does not have the characteristics 29566  
prescribed by the registrar distinguishing it from the 29567  
identification card issued to persons who are twenty-one years of 29568  
age or older. 29569

**Sec. 4511.81.** (A) When any child who is in either or both of 29570  
the following categories is being transported in a motor vehicle, 29571  
other than a taxicab or public safety vehicle as defined in 29572

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section 4511.01 of the Revised Code, that is registered in this 29573  
state and is required by the United States department of 29574  
transportation to be equipped with seat belts at the time of 29575  
manufacture or assembly, the operator of the motor vehicle shall 29576  
have the child properly secured in accordance with the 29577  
manufacturer's instructions in a child restraint system that meets 29578  
federal motor vehicle safety standards: 29579

(1) A child who is less than four years of age; 29580

(2) A child who weighs less than forty pounds. 29581

(B) When any child who is in either or both of the following 29582  
categories is being transported in a motor vehicle, other than a 29583  
taxicab, that is registered in this state and is owned, leased, or 29584  
otherwise under the control of a nursery school, kindergarten, or 29585  
day-care center, the operator of the motor vehicle shall have the 29586  
child properly secured in accordance with the manufacturer's 29587  
instructions in a child restraint system that meets federal motor 29588  
vehicle safety standards: 29589

(1) A child who is less than four years of age; 29590

(2) A child who weighs less than forty pounds. 29591

(C) The director of public safety shall adopt such rules as 29592  
are necessary to carry out this section. 29593

(D) The failure of an operator of a motor vehicle to secure a 29594  
child in a child restraint system as required by this section is 29595  
not negligence imputable to the child, is not admissible as 29596  
evidence in any civil action involving the rights of the child 29597  
against any other person allegedly liable for injuries to the 29598  
child, is not to be used as a basis for a criminal prosecution of 29599  
the operator of the motor vehicle other than a prosecution for a 29600  
violation of this section, and is not admissible as evidence in 29601  
any criminal action involving the operator of the motor vehicle 29602  
other than a prosecution for a violation of this section. 29603

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(E) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(F) If a person who is not a resident of this state is charged with a violation of division (A) or (B) of this section and does not prove to the court, by a preponderance of the evidence, that the person's use or nonuse of a child restraint system was in accordance with the law of the state of which the person is a resident, the court shall impose the fine levied by division (H)(2) of section 4511.99 of the Revised Code.

(G) There is hereby created in the state treasury the "child highway safety fund," consisting of fines imposed pursuant to divisions (H)(1) and (2) of section 4511.99 of the Revised Code for violations of divisions (A) and (B) of this section. The money in the fund shall be used by the department of health only to defray the cost of ~~verifying~~ designating hospitals as pediatric trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use.

The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program; provided that rules



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relating to the verification of pediatric trauma centers shall not be adopted under this section. 29636 29637

Sec. 4519.03. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration with the registrar of motor vehicles or a deputy registrar, on blanks furnished by the registrar for that purpose and containing all of the following information: 29638 29639 29640 29641 29642 29643

(1) A brief description of the snowmobile, off-highway motorcycle, or all-purpose vehicle, including the name of the manufacturer, the factory or model number, and the vehicle identification number; 29644 29645 29646 29647

(2) The name, residence, and business address of the owner; 29648

(3) A statement that the snowmobile, off-highway motorcycle, or all-purpose vehicle is equipped as required by section 4519.20 of the Revised Code, and any rule adopted thereunder. The statement shall include a check list of the required equipment items in such form as the registrar shall prescribe. 29649 29650 29651 29652 29653

The application shall be signed by the owner of the snowmobile, off-highway motorcycle, or all-purpose vehicle and shall be accompanied by a fee as provided in division (C) of section 4519.04 of the Revised Code. 29654 29655 29656 29657

If the application is not in proper form, or if the vehicle for which registration is sought does not appear to be equipped as required by section 4519.20 of the Revised Code or any rule adopted thereunder, the registration shall be refused and no registration sticker shall be issued. 29658 29659 29660 29661 29662

(B) On and after ~~the effective date of this amendment~~ July 1, 1999, no certificate of registration or renewal of such a certificate shall be issued for an off-highway motorcycle or 29663 29664 29665

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all-purpose vehicle required to be registered under section 29666  
 4519.02 of the Revised Code, and no certificate of registration 29667  
 issued under this chapter for an off-highway motorcycle or 29668  
 all-purpose vehicle that is sold or otherwise transferred shall be 29669  
 transferred to the new owner of the off-highway motorcycle or 29670  
 all-purpose vehicle as permitted by division (B) of section 29671  
 4519.05 of the Revised Code, unless a certificate of title has 29672  
 been issued under this chapter for the motorcycle or vehicle, and 29673  
 the owner or new owner, as the case may be, presents the 29674  
 certificate of title or a memorandum certificate of title for 29675  
 inspection at the time the owner or new owner first submits a 29676  
 registration application, registration renewal application, or 29677  
 registration transfer application for the motorcycle or vehicle on 29678  
 or after ~~the effective date of this amendment~~ July 1, 1999. 29679

(C) When the owner of an off-highway motorcycle or 29680  
 all-purpose vehicle first registers it in the owner's name, and a 29681  
 certificate of title has been issued for the motorcycle or 29682  
 vehicle, the owner shall present for inspection a certificate of 29683  
 title or memorandum certificate of title showing title to the 29684  
 off-highway motorcycle or all-purpose vehicle in the name of the 29685  
 owner. If, when the owner of such a motorcycle or vehicle first 29686  
 makes application to register it in the owner's name, the 29687  
 application is not in proper form or if the certificate of title 29688  
 or memorandum certificate of title does not accompany the 29689  
 registration, the registration shall be refused and neither a 29690  
 certificate of registration nor a registration sticker shall be 29691  
 issued. When a certificate of registration and registration 29692  
 sticker are issued upon the first registration of an off-highway 29693  
 motorcycle or all-purpose vehicle by or on behalf of the owner, 29694  
 the official issuing them shall indicate the issuance with a stamp 29695  
 on the certificate of title or memorandum certificate of title. 29696

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 29697

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~~dollars and twenty-five cents~~ three dollars commencing on July 1, 29698  
2001, three dollars and twenty-five cents commencing on January 1, 29699  
2003, and three dollars and fifty cents commencing on January 1, 29700  
2004, for each application or renewal application received by the 29701  
deputy registrar, which shall be for the purpose of compensating 29702  
the deputy registrar for services, and office and rental expense, 29703  
as may be necessary for the proper discharge of the deputy 29704  
registrar's duties in the receiving of applications and the 29705  
issuing of certificates of registration. 29706

Each deputy registrar, upon receipt of any application for 29707  
registration, together with the registration fee, shall transmit 29708  
the fee, together with the original and duplicate copy of the 29709  
application, to the registrar in such manner and at such times as 29710  
the registrar, subject to the approval of the director of public 29711  
safety and the treasurer of state, shall prescribe by rule. 29712

**Sec. 4519.10.** (A) The purchaser of an off-highway motorcycle 29713  
or all-purpose vehicle, upon application and proof of purchase, 29714  
may obtain a temporary license placard for it. The application for 29715  
such a placard shall be signed by the purchaser of the off-highway 29716  
motorcycle or all-purpose vehicle. The temporary license placard 29717  
shall be issued only for the applicant's use of the off-highway 29718  
motorcycle or all-purpose vehicle to enable the applicant to 29719  
operate it legally while proper title and a registration sticker 29720  
are being obtained and shall be displayed on no other off-highway 29721  
motorcycle or all-purpose vehicle. A temporary license placard 29722  
issued under this section shall be in a form prescribed by the 29723  
registrar of motor vehicles, shall differ in some distinctive 29724  
manner from a placard issued under section 4503.182 of the Revised 29725  
Code, shall be valid for a period of thirty days from the date of 29726  
issuance, and shall not be transferable or renewable. The placard 29727  
either shall consist of or be coated with such material as will 29728  
enable it to remain legible and relatively intact despite the 29729

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environmental conditions to which the placard is likely to be 29730  
 exposed during the thirty-day period for which it is valid. The 29731  
 purchaser of an off-highway motorcycle or all-purpose vehicle 29732  
 shall attach the temporary license placard to it, in a manner 29733  
 prescribed by rules the registrar shall adopt, so that the placard 29734  
 numerals or letters are clearly visible. 29735

29736  
 The fee for a temporary license placard issued under this 29737  
 section shall be two dollars. If the placard is issued by a deputy 29738  
 registrar, the deputy registrar shall charge an additional fee of 29739  
~~two dollars and twenty-five cents~~ three dollars commencing on July 29740  
1, 2001, three dollars and twenty-five cents commencing on January 29741  
1, 2003, and three dollars and fifty cents commencing on January 29742  
1, 2004, which the deputy registrar shall retain. The deputy 29743  
 registrar shall transmit each two-dollar fee received by the 29744  
 deputy registrar under this section to the registrar, who shall 29745  
 pay the two dollars to the treasurer of state for deposit into the 29746  
 state bureau of motor vehicles fund established by section 4501.25 29747  
 of the Revised Code. 29748

(B) The registrar may issue temporary license placards to a 29749  
 dealer to be issued to purchasers for use on vehicles sold by the 29750  
 dealer, in accordance with rules prescribed by the registrar. The 29751  
 dealer shall notify the registrar within forty-eight hours of 29752  
 proof of issuance on a form prescribed by the registrar. 29753

The fee for each such placard issued by the registrar to a 29754  
 dealer shall be two dollars plus a fee of two dollars and 29755  
 twenty-five cents. 29756

**Sec. 4519.56.** (A) An application for a certificate of title 29757  
 shall be sworn to before a notary public or other officer 29758  
 empowered to administer oaths by the lawful owner or purchaser of 29759  
 the off-highway motorcycle or all-purpose vehicle and shall 29760

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contain at least the following information in a form and together 29761  
with any other information the registrar of motor vehicles may 29762  
require: 29763

(1) Name, address, and social security number or employer's 29764  
tax identification number of the applicant; 29765

(2) Statement of how the off-highway motorcycle or 29766  
all-purpose vehicle was acquired; 29767

(3) Name and address of the previous owner; 29768

(4) A statement of all liens, mortgages, or other 29769  
encumbrances on the off-highway motorcycle or all-purpose vehicle, 29770  
and the name and address of each holder thereof; 29771

(5) If there are no outstanding liens, mortgages, or other 29772  
encumbrances, a statement of that fact; 29773

(6) A description of the off-highway motorcycle or 29774  
all-purpose vehicle, including the make, year, series or model, if 29775  
any, body type, and manufacturer's vehicle identification number. 29776

If the off-highway motorcycle or all-purpose vehicle contains 29777  
a permanent identification number placed thereon by the 29778  
manufacturer, this number shall be used as the vehicle 29779  
identification number. Except as provided in division (B) of this 29780  
section, if the application for a certificate of title refers to 29781  
an off-highway motorcycle or all-purpose vehicle that contains 29782  
such a permanent identification number, but for which no 29783  
certificate of title has been issued previously by this state, the 29784  
application shall be accompanied by a physical inspection 29785  
certificate as described in that division. 29786

If there is no manufacturer's vehicle identification number 29787  
or if the manufacturer's vehicle identification number has been 29788  
removed or obliterated, the registrar, upon receipt of a 29789  
prescribed application and proof of ownership, but prior to 29790  
issuance of a certificate of title, shall assign a vehicle 29791

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identification number for the off-highway motorcycle or  
 all-purpose vehicle. This assigned vehicle identification number  
 shall be permanently affixed to or imprinted upon the off-highway  
 motorcycle or all-purpose vehicle by the state highway patrol. The  
 state highway patrol shall assess a fee of fifty dollars for  
 affixing the number to the off-highway motorcycle or all-purpose  
 vehicle and shall deposit each such fee in the state highway  
 safety fund established by section 4501.06 of the Revised Code.

(B) Except in the case of a new off-highway motorcycle or  
 all-purpose vehicle sold by a dealer licensed under Chapter 4517.  
 of the Revised Code title to which is evidenced by a  
 manufacturer's or importer's certificate, if the application for a  
 certificate of title refers to an off-highway motorcycle or  
 all-purpose vehicle that contains a permanent identification  
 number placed thereon by the manufacturer, but for which no  
 certificate of title previously has been issued by this state, the  
 application shall be accompanied by a physical inspection  
 certificate issued by the department of public safety verifying  
 the make, year, series or model, if any, body type, and  
 manufacturer's vehicle identification number of the off-highway  
 motorcycle or all-purpose vehicle for which the certificate of  
 title is desired. The physical inspection certificate shall be in  
 such form as is designated by the registrar. The physical  
 inspection shall be made at a deputy registrar's office or at an  
 established place of business operated by a licensed motor vehicle  
 dealer. The deputy registrar or motor vehicle dealer may charge a  
 maximum fee of ~~one dollar and fifty cents~~ three dollars commencing  
on July 1, 2001, three dollars and twenty-five cents commencing on  
January 1, 2003, and three dollars and fifty cents commencing on  
January 1, 2004, for conducting the physical inspection.

The clerk of the court of common pleas shall charge a fee of  
 one dollar and fifty cents for the processing of each physical

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inspection certificate. The clerk shall retain fifty cents of the 29824  
 one dollar and fifty cents so charged and shall pay the remaining 29825  
 one dollar to the registrar by monthly returns, which shall be 29826  
 forwarded to the registrar not later than the fifth day of the 29827  
 month next succeeding that in which the certificate is received by 29828  
 the clerk. The registrar shall pay such remaining sums into the 29829  
 state bureau of motor vehicles fund established by section 4501.25 29830  
 of the Revised Code. 29831

**Sec. 4519.69.** If the application for a certificate of title 29832  
 refers to an off-highway motorcycle or all-purpose vehicle last 29833  
 previously registered in another state, the application shall be 29834  
 accompanied by a physical inspection certificate issued by the 29835  
 department of public safety verifying the make, year, series or 29836  
 model, if any, body type, and manufacturer's identification number 29837  
 of the off-highway motorcycle or all-purpose vehicle for which the 29838  
 certificate of title is desired. The physical inspection 29839  
 certificate shall be in such form as is designated by the 29840  
 registrar of motor vehicles. The physical inspection of the 29841  
 off-highway motorcycle or all-purpose vehicle shall be made at a 29842  
 deputy registrar's office, or at an established place of business 29843  
 operated by a licensed motor vehicle dealer. Additionally, the 29844  
 physical inspection of a salvage off-highway motorcycle or 29845  
 all-purpose vehicle owned by an insurance company may be made at 29846  
 an established place of business operated by a salvage motor 29847  
 vehicle dealer licensed under Chapter 4738. of the Revised Code. 29848  
 The deputy registrar, the motor vehicle dealer, or the salvage 29849  
 motor vehicle dealer may charge a maximum fee of ~~one dollar and~~ 29850  
~~fifty cents~~ three dollars commencing on July 1, 2001, three 29851  
dollars and twenty-five cents commencing on January 1, 2003, and 29852  
three dollars and fifty cents commencing on January 1, 2004, for 29853  
 conducting the physical inspection. 29854

The clerk of the court of common pleas shall charge a fee of 29855

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one dollar and fifty cents for the processing of each physical inspection certificate. The clerk shall retain fifty cents of the one dollar and fifty cents so charged and shall pay the remaining one dollar to the registrar by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is received by the clerk. The registrar shall pay such remaining sums into the state treasury to the credit of the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

**Sec. 4701.10.** (A) The accountancy board, upon application, shall issue Ohio permits to practice public accounting to holders of the CPA certificate of certified public accountant issued under section 4701.06 or 4701.061 of the Revised Code and to persons registered under sections 4701.07 and 4701.09 of the Revised Code or the PA registration. Subject to division ~~(D)~~(H)(1) of this section, there shall be a triennial Ohio permit fee in an amount to be determined by the board not to exceed one hundred fifty dollars. All Ohio permits shall expire on the last day of December of the year assigned by the board and, subject to division ~~(D)~~(H)(1) of this section, shall be renewed triennially for a period of three years by certificate holders and registrants in good standing upon payment of a triennial renewal fee not to exceed one hundred fifty dollars. ~~For the purpose of implementing this section and enforcing section 4701.11 of the Revised Code, the board may issue an Ohio permit for less than three years' duration. A prorated fee shall be determined by the board for that Ohio permit.~~

(B) The accountancy board may issue Ohio registrations to holders of the CPA certificate and the PA registration who are not engaged in the practice of public accounting. Such persons shall not convey to the general public that they are actively engaged in the practice of public accounting in this state. Subject to



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division (H)(1) of this section, there shall be a triennial Ohio registration fee in an amount to be determined by the board but not exceeding fifty-five dollars. All Ohio registrations shall expire on the last day of December of the year assigned by the board and, subject to division (H)(1) of this section, shall be renewed triennially for a period of three years upon payment by certificate holders and registrants in good standing of a renewal fee not to exceed fifty-five dollars.

(C) Any person who receives a CPA certificate and who applies for an initial Ohio permit or Ohio registration more than sixty days after issuance of the CPA certificate may, at the board's discretion, be subject to a late filing fee not exceeding one hundred dollars.

(D) Any person to whom the board has issued an Ohio permit who is engaged in the practice of public accounting and who fails to renew the permit by the expiration date shall be subject to a late filing fee not exceeding one hundred dollars for each full month or part of a month after the expiration date in which such person did not possess a permit, up to a maximum of one thousand two hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

(E) Any person to whom the board has issued an Ohio permit or Ohio registration who is not engaged in the practice of public accounting and who fails to renew the permit or registration by the expiration date shall be subject to a late filing fee not exceeding fifty dollars for each full month or part of a month after the expiration date in which such person did not possess a permit or registration, up to a maximum of three hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

(F) Failure of any a CPA certificate holder or registrant PA

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registration holder to apply for a ~~triennial~~ either an Ohio permit 29920  
~~to practice or an Ohio registration~~ within ~~three years~~ one year 29921  
 from the expiration date of the Ohio permit ~~to practice or Ohio~~ 29922  
registration last obtained or renewed, or ~~three years~~ one year 29923  
 from the date upon which the CPA certificate holder ~~or registrant~~ 29924  
 was granted a CPA certificate ~~or registration~~, shall result in 29925  
 suspension of the CPA certificate or PA registration until all 29926  
fees required under divisions (D) and (E) of this section have 29927  
been paid, unless the board determines the failure to have been 29928  
 due to excusable neglect. In that case, the ~~renewal fee or the fee~~ 29929  
 for the issuance or renewal of the ~~original~~ Ohio permit or Ohio 29930  
registration, as the case may be, shall be the amount that the 29931  
 board shall determine, but not in excess of fifty dollars plus the 29932  
 fee for each triennial period or part of a period the certificate 29933  
 holder or registrant did not have either an Ohio permit or an Ohio 29934  
registration. 29935

~~(B) All certificate holders and registrants who are not in~~ 29936  
~~the practice of public accounting in this state shall register~~ 29937  
~~with the board every three years at a fee, not to exceed~~ 29938  
~~fifty-five dollars, established by the board. Such persons shall~~ 29939  
~~not convey to the general public that they are actively engaged in~~ 29940  
~~the practice of public accounting in this state.~~ 29941

~~(C)(G) The board shall suspend the certificate or~~ 29942  
~~registration of any person failing to obtain an Ohio permit in~~ 29943  
~~accordance with this section, except that the board by rule may~~ 29944  
 exempt persons from the requirement of holding an Ohio permit or 29945  
Ohio registration for specified reasons, including, but not 29946  
 limited to, retirement, health reasons, military service, foreign 29947  
 residency, or other just cause. 29948

~~(D)(H)(1) On and after January 1, 1995, the~~ The board, by 29949  
 rule ~~adopted in accordance with Chapter 119. of the Revised Code,~~ 29950  
~~shall increase:~~ 29951

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(a) May provide for the issuance of Ohio permits and Ohio registrations for less than three years' duration at prorated fees; 29952  
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(b) Shall add a surcharge to the ~~triennial~~ Ohio permit and renewal Ohio registration fee imposed pursuant to this section by of at least fifteen dollars but no more than thirty dollars for a three-year Ohio permit or Ohio registration, at least ten dollars but no more than twenty dollars for a two-year Ohio permit or Ohio registration, and at least five dollars but no more than ten dollars for a one-year Ohio permit or Ohio registration. 29955  
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(2) Beginning with the first quarter of 1995 and each Each quarter thereafter, the board, for the purpose provided in section 4743.05 of the Revised Code, shall certify to the director of budget and management the number of ~~triennial~~ Ohio permits and Ohio registrations issued or renewed under this chapter during the preceding quarter and the amount equal to that number times the amount by which of the ~~triennial~~ surcharge added to each Ohio permit and renewal Ohio registration fee is increased by the board under division ~~(D)~~(H)(1) of this section. 29962  
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**Sec. 4701.16.** (A) After notice and hearing as provided in Chapter 119. of the Revised Code, the accountancy board may discipline as described in division (B) of this section a person holding an Ohio permit, an Ohio registration, a firm registration, a CPA certificate, or a PA registration or any other person whose activities are regulated by the board for any one or any combination of the following causes: 29971  
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(1) Fraud or deceit in obtaining a firm registration or in obtaining a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration; 29978  
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(2) Dishonesty, fraud, or gross negligence in the practice of public accounting; 29981  
29982

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(3) Violation of any of the provisions of section 4701.14 of the Revised Code;	29983 29984
(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;	29985 29986
(5) Conviction of a felony under the laws of any state or of the United States;	29987 29988
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	29989 29990 29991
(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;	29992 29993 29994 29995 29996
(8) Suspension or revocation of the right to practice before any state or federal agency;	29997 29998
(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;	29999 30000 30001 30002
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	30003 30004 30005
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	30006 30007
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	30008 30009
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	30010 30011 30012

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- (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;
- (3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;
- (4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed ~~one~~ five thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.
- (5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;
- (6) In the case of violations of division (A)(2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;
- (7) Revoke or suspend the privileges to offer or render attest services in this state or to use a CPA title or designation in this state of an individual who holds a foreign certificate.
- (C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A)(2) or (4) of this section, it may waive all or any portion of the fine or suspension if the holder of the CPA certificate, PA registration, or firm registration complies

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fully with division (B)(5) or (6) of this section. 30044

**Sec. 4707.01.** As used in sections 4707.01 to 4707.22 and 30045  
4707.99 of the Revised Code: 30046

(A) "Auction" means a sale of real or personal property, 30047  
goods, or chattels by means of verbal exchange or physical gesture 30048  
between an auctioneer or apprentice auctioneer and members of ~~his~~ 30049  
the audience, the exchanges and gestures consisting of a series of 30050  
invitations for offers made by the auctioneer and offers by 30051  
members of the audience, with the right to acceptance of offers 30052  
with the auctioneer or apprentice auctioneer. 30053

(B) "Auctioneer" means any person who engages, or who by 30054  
advertising or otherwise holds ~~himself~~ self out as being able to 30055  
engage, in the calling for, recognition of, and the acceptance of, 30056  
offers for the purchase of real or personal property, goods, or 30057  
chattels at auction either directly or through the use of other 30058  
licensed auctioneers or apprentice auctioneers. 30059

(C) "Apprentice auctioneer" means any individual who is 30060  
sponsored by an auctioneer to deal or engage in any activities 30061  
mentioned in division (A) of this section. 30062

(D) "Auction company" means any person, excluding licensed 30063  
auctioneers, who does business solely in ~~his~~ the auctioneer's 30064  
individual name, who sells, either directly or through agents, 30065  
real or personal property, goods, or chattels at auction, or who 30066  
arranges, sponsors, manages, conducts, or advertises auctions and 30067  
who was licensed as an auction company by the department of 30068  
~~commerce~~ agriculture as of May 1, 1991. An auction company does 30069  
not mean either of the following: 30070

(1) A sale barn or livestock auction market that is used 30071  
exclusively for the auctioneering of livestock and is licensed by 30072  
the department of agriculture under Chapter 943. of the Revised 30073

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Code;	30074
(2) A business that is licensed by the bureau of motor vehicles under Chapter 4517. of the Revised Code and is exclusively engaged in the auction sale of motor vehicles to dealers licensed by either the bureau of motor vehicles or a bureau of motor vehicles of another jurisdiction or its equivalent.	30075 30076 30077 30078 30079 30080
(E) "Special auctioneer" means any person who is licensed as an auction company by the department of <del>commerce</del> <u>agriculture</u> as of May 1, 1991, and currently is subject to section 4707.071 of the Revised Code.	30081 30082 30083 30084
<b>Sec. 4707.011.</b> The department of <del>commerce</del> <u>agriculture</u> shall administer this chapter <del>through the division of real estate and professional licensing and the superintendent of real estate and professional licensing.</del>	30085 30086 30087 30088
<b>Sec. 4707.02.</b> No person shall act as an auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of <del>commerce</del> <u>agriculture</u> . No auction shall be conducted in this state except by an auctioneer licensed by the department.	30089 30090 30091 30092 30093
The department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud in this or another state at any time during the ten years immediately preceding application or renewal.	30094 30095 30096 30097
This section does not apply to:	30098
(A) Sales at auction conducted by or under the direction of any public authority, or sales required by law to be at auction other than sales pursuant to a judicial order or decree;	30099 30100 30101
(B) The owner of any real or personal property desiring to	30102

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sell the property at auction, provided that the property was not 30103  
 acquired for the purpose of resale. 30104

**Sec. 4707.03.** A state auctioneers commission shall be created 30105  
 within the department of ~~commerce~~ agriculture as follows: 30106

(A) The governor, with the advice and consent of the senate, 30107  
 shall appoint a commission consisting of three members, each of 30108  
 whom immediately prior to the date of ~~his~~ appointment has been a 30109  
 resident of this state for five years, and whose vocation for a 30110  
 period of at least five years has been that of an auctioneer. 30111  
 Terms of office shall be for three years, commencing on the tenth 30112  
 day of October and ending on the ninth day of October. Each member 30113  
 shall hold office from the date of ~~his~~ appointment until the end 30114  
 of the term for which ~~he was~~ appointed. Any member appointed to 30115  
 fill a vacancy occurring prior to the expiration of the term for 30116  
 which ~~his~~ the member's predecessor was appointed shall hold office 30117  
 for the remainder of such term. Any member shall continue in 30118  
 office subsequent to the expiration date of ~~his~~ the member's term 30119  
 until ~~his~~ the member's successor takes office, or until a period 30120  
 of sixty days has elapsed, whichever occurs first. 30121

(B) At no time shall there be more than two members of the 30123  
 same political party serving on the commission. 30124

**Sec. 4707.04.** (A) The state auctioneers commission shall, 30125  
 upon qualification of the member appointed in each year, select 30126  
 from its members a ~~chairman~~ chairperson, and shall serve in an 30127  
 advisory capacity to the department of ~~commerce~~ agriculture for 30128  
 the purpose of carrying out sections 4707.01 to 4707.22 of the 30129  
 Revised Code. The commission shall meet not less than four times 30130  
 annually. 30131

(B) Each commissioner shall receive ~~his~~ the commissioner's 30132



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actual and necessary expenses incurred in the discharge of such 30133  
duties. 30134

**Sec. 4707.05.** All fees and charges collected by the 30135  
department of ~~commerce~~ agriculture pursuant to this chapter shall 30136  
be paid into the state treasury to the credit of the auctioneers 30137  
fund, which is hereby created. All expenses incurred by the 30138  
department in administering this chapter shall be paid out of the 30139  
fund. The total expenses incurred by the department in the 30140  
administration of this chapter shall not exceed the total fees, 30141  
charges, fines, and penalties imposed under sections 4707.08, 30142  
4707.10, and 4707.99 of the Revised Code and paid to the treasurer 30143  
of state. The department may conduct education programs for the 30144  
enlightenment and benefit of all auctioneers who have paid fees 30145  
pursuant to sections 4707.08 and 4707.10 of the Revised Code. 30146

Out of the moneys credited pursuant to this section, the fund 30147  
shall be assessed a proportionate share of the administrative 30148  
costs of the department in accordance with procedures prescribed 30149  
by the director of ~~commerce~~ agriculture and approved by the 30150  
director of budget and management. The assessment shall be paid 30151  
from the auctioneers fund to the division of administration fund. 30152

**Sec. 4707.06.** The department of ~~commerce~~ agriculture shall 30153  
maintain a record of the names and addresses of all auctioneers 30154  
and apprentice auctioneers, and special auctioneers licensed by 30155  
the department. This record shall also include a list of all 30156  
persons whose licenses have been suspended or revoked, as well as 30157  
any other information relative to the enforcement of sections 30158  
4707.01 to 4707.22 of the Revised Code, as the department may deem 30159  
of interest to the public. 30160

**Sec. 4707.07.** (A) The department of ~~commerce~~ agriculture may 30161  
grant auctioneers' licenses to those persons deemed qualified by 30162

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the department. Each person who applies for an auctioneer's	30163
license shall furnish to the department, on forms provided by the	30164
department, satisfactory proof that the applicant:	30165
(1) Has a good reputation;	30166
(2) Is of trustworthy character;	30167
(3) Has attained the age of at least eighteen years;	30168
(4) Has done one of the following:	30169
(a) Met the apprenticeship requirements set forth in section	30170
4707.09 of the Revised Code;	30171
(b) Met the requirements of section 4707.12 of the Revised	30172
Code.	30173
(5) Has a general knowledge of the following:	30174
(a) The requirements of the Revised Code relative to	30175
auctioneers;	30176
(b) The auction profession;	30177
(c) The principles involved in conducting an auction.	30178
(B) Auctioneers who served apprenticeships and who hold	30179
licenses issued before May 1, 1991, and who seek renewal of their	30180
licenses, are not subject to the additional apprenticeship	30181
requirements imposed by section 4707.08 of the Revised Code.	30182
(C) The department may issue an auctioneer's license to a	30183
partnership, association, or corporation if all the partners,	30184
members, or officers thereof who are authorized to perform the	30185
functions of an auctioneer as agents of the applicant are	30186
themselves licensed as auctioneers under this chapter.	30187
An application for an auctioneer's license filed by a	30188
partnership or association shall contain a listing of the names of	30189
all of the licensed partners, members, or other persons who are	30190
authorized to perform the functions of an auctioneer as agents of	30191

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the applicant. An application filed by a corporation shall contain  
the names of its president and of each of its licensed officers  
and any other person who is authorized to perform the functions of  
an auctioneer as an agent of the applicant.

(D) A licensee may do business under more than one registered  
name if the names have been approved by the department. The  
department may reject the application of any person seeking  
licensure under this chapter if the name or names to be used by  
the applicant are likely to mislead the public, or if the name or  
names do not distinguish the applicant from the name or names of  
any existing person licensed under this chapter. If an applicant  
applies to the department to do business under more than two  
names, the department may charge a fee of ten dollars for the  
third name and each additional name.

**Sec. 4707.071.** (A) On May 1, 1991, all persons licensed as  
auction companies under former section 4707.071 of the Revised  
Code shall comply with all provisions of this chapter that are  
applicable to auctioneers except as provided in divisions (B) and  
(C) of this section. Such persons, however, do not have to serve  
an apprenticeship or attend a course of study under section  
4707.09 of the Revised Code or submit to an examination under  
section 4707.08 of the Revised Code as long as they do not engage  
in the calling for, recognition of, and the acceptance of, offers  
for the purchase of personal property at auction and do not  
conduct auctions at any location other than the definite place of  
business required in section 4707.14 of the Revised Code.

(B) The principal owner of each auction company which is  
licensed as of May 1, 1991, who pays the annual renewal fee  
specified in division (A) of section 4707.10 of the Revised Code  
during the first renewal period following May 1, 1991, shall be  
issued a special auctioneer's license, for the sale of personal

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property subject to division (A) of this section. Each principal  
owner shall apply for an annual license. In applying for an annual  
license, each person licensed as an auction company on May 1,  
1991, shall designate an individual as principal owner by  
submitting documentation substantiating that the individual is in  
fact the principal owner and shall identify a definite place of  
business as required in section 4707.14 of the Revised Code. A  
person licensed as an auctioneer shall not be entitled to a  
special auctioneer's license.

(C) A special auctioneer's license issued under this section  
to the principal owner of a former auction company does not  
entitle the principal owner or former auction company to conduct  
auctions at any location other than the definite place of business  
required in section 4707.14 of the Revised Code. Notwithstanding  
section 4707.10 of the Revised Code, the department of agriculture  
shall not issue a new special auctioneer's license if the definite  
place of business identified by the licensee in the licensee's  
initial application for a special auctioneer license has changed  
or if the name under which the licensee is doing business has  
changed. No person other than an owner, officer, member, or agent  
of the former auction company who personally has ~~himself~~ passed  
the examination prescribed in section 4707.08 of the Revised Code  
and been licensed as an auctioneer shall engage in the calling  
for, recognition of, and the acceptance of, offers for the  
purchase of real or personal property, goods, or chattels at  
auction in connection with a former auction company that has been  
issued a special auctioneer's license.

(D) A person licensed as a special auctioneer shall not  
engage in the sale of real property at auction.

**Sec. 4707.072.** The department of ~~commerce~~ agriculture may  
grant one-auction licenses to any nonresident person deemed

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qualified by the department. Any person who applies for a one-auction license shall attest, on forms provided by the department, and furnish to the department, satisfactory proof that the license applicant or any auctioneer affiliated with the applicant meets the following requirements:

(A) Has a good reputation;

(B) Is of trustworthy character;

(C) Has attained the age of at least eighteen years;

(D) Has a general knowledge of the requirements of the Revised Code relative to auctioneers, the auction profession, and the principles involved in conducting an auction;

(E) Has two years of professional auctioneering experience immediately preceding the date of application and the experience includes the personal conduct by the applicant of at least twelve auction sales in any state, or has met the requirements of section 4707.12 of the Revised Code;

(F) Has paid a fee of one hundred dollars, which shall be credited to the auctioneers fund;

(G) Has provided proof of the bond required under section 4707.11 of the Revised Code.

**Sec. 4707.08.** (A) The department of ~~commerce~~ agriculture shall hold written examinations four times each year for the purpose of testing the qualifications required for obtaining a license under section 4707.07 of the Revised Code and twelve times each year for obtaining a license under section 4707.09 of the Revised Code. In addition to the written examination, auctioneer license applicants shall pass an oral examination administered by the state auctioneers commission on the same date and at the same location as the written examination. An examination shall not be required for the renewal of any license unless such license has

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been revoked, suspended, or allowed to expire without renewal, in 30284  
 which case the applicant shall take and pass the appropriate 30285  
 examinations offered by the department. 30286

An examination fee of twenty-five dollars shall be collected 30287  
 from each person taking the auctioneer examination and fifteen 30288  
 dollars from each person taking the apprentice auctioneer 30289  
 examination to defray expenses of holding such examinations. 30290

(B) All applications and proofs must be filed by each 30291  
 applicant before the scheduled date of examination, and must be 30292  
 accompanied by a bond and license fee. 30293

**Sec. 4707.09.** The department of ~~commerce~~ agriculture may 30294  
 grant apprentice auctioneers' licenses to those persons deemed 30295  
 qualified by the department. Every applicant for an apprentice 30296  
 auctioneer's license must pass an examination relating to the 30297  
 skills, knowledge, and statutes and regulations governing 30298  
 auctioneers. Every applicant for an apprentice auctioneer's 30299  
 license shall furnish to the department, on forms provided by the 30300  
 department, satisfactory proof that the applicant: 30301

(A) Has a good reputation; 30302

(B) Is of trustworthy character; 30303

(C) Has attained the age of at least eighteen years; 30304

(D) Has obtained a written promise of a licensed auctioneer 30305  
 to sponsor the applicant during ~~his~~ the applicant's 30306  
 apprenticeship. 30307

Before an apprentice may take the auctioneer's license 30308  
 examination, ~~he~~ the apprentice shall serve an apprenticeship of at 30309  
 least twelve months, successfully complete a course of study in 30310  
 auctioneering at an institution that is approved every three years 30311  
 by the state auctioneers commission, and conduct, as a bid caller, 30312  
 at least twelve auction sales under the direct supervision of the 30313

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sponsoring licensed auctioneer, which sales shall be certified by 30314  
the licensed auctioneer on the apprentice's application for an 30315  
auctioneer's license. 30316

If an auctioneer intends to terminate ~~his~~ sponsorship of an 30317  
apprentice auctioneer, the sponsoring auctioneer shall notify the 30318  
apprentice auctioneer of ~~his~~ the sponsoring auctioneer's intention 30319  
by certified mail, return receipt requested, at least ten days 30320  
prior to the effective date of termination and, at the same time, 30321  
shall deliver or mail by certified mail to the department of 30322  
~~commerce~~ agriculture a copy of the termination notice and the 30323  
license of the apprentice auctioneer. No apprentice auctioneer 30324  
shall perform any acts under authority of ~~his~~ the apprentice's 30325  
license after the effective date of the termination until ~~he~~ the 30326  
apprentice receives a new license bearing the name and address of 30327  
~~his~~ the apprentice's new sponsor. No more than one license shall 30328  
be issued to any apprentice auctioneer for the same period of 30329  
time. 30330

No licensed auctioneer shall have under ~~his~~ the licensed 30331  
auctioneer's sponsorship more than two apprentice auctioneers at 30332  
one time. 30333

An apprentice auctioneer may terminate ~~his~~ the apprentice's 30334  
sponsorship with an auctioneer by notifying the auctioneer of ~~his~~ 30335  
the apprentice's intention by certified mail, return receipt 30336  
requested, at least ten days prior to the effective date of 30337  
termination. At the same time, ~~he~~ the apprentice shall deliver or 30338  
mail by certified mail to the department of ~~commerce~~ agriculture a 30339  
copy of the termination notice. Upon receiving the termination 30340  
notice, the sponsoring auctioneer shall promptly deliver or mail 30341  
by certified mail to the department the license of the apprentice 30342  
auctioneer. 30343

The termination of a sponsorship, regardless of who initiates 30344  
the termination, shall not be cause for an apprentice auctioneer 30345

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to lose credit for any certified sales ~~he~~ the apprentice conducted 30346  
 or apprenticeship time ~~he~~ the apprentice served under the direct 30347  
 supervision of the former sponsor. 30348

**Sec. 4707.10.** (A) The fee for each auctioneer's, apprentice 30349  
 auctioneer's, or special auctioneer's license issued by the 30350  
 department of ~~commerce~~ agriculture is one hundred dollars, and the 30351  
 annual renewal fee for any such license is one hundred dollars. 30352  
 All licenses expire annually on the last day of June of each year 30353  
 and shall be renewed according to the standard renewal procedures 30354  
 of Chapter 4745. of the Revised Code, or the procedures of this 30355  
 section. Any licensee under this chapter who wishes to renew ~~his~~ 30356  
~~the licensee's~~ license but fails to do so before the first day of 30357  
 July shall reapply for licensure in the same manner and pursuant 30358  
 to the same requirements as for initial licensure, unless before 30359  
 the first day of September of the year of expiration, the former 30360  
 licensee pays to the department, in addition to the regular 30361  
 renewal fee, a late renewal penalty of one hundred dollars. 30362

(B) Any person who fails to renew ~~his~~ the person's license 30363  
 before the first day of July is prohibited from engaging in any 30364  
 activity specified or comprehended in section 4707.01 of the 30365  
 Revised Code until such time as ~~his~~ the person's license is 30366  
 renewed or a new license is issued. Renewal of a license between 30367  
 the first day of July and the first day of September does not 30368  
 relieve any person from complying with this division. The 30369  
 department may refuse to renew the license of or issue a new 30370  
 license to any person who violates this division. 30371

(C) The department shall prepare and deliver to each licensee 30372  
 a permanent license certificate and an annual renewal card, the 30373  
 appropriate portion of which shall be carried on the person of the 30374  
 licensee at all times when engaged in any type of auction 30375  
 activity, and part of which shall be posted with the permanent 30376



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certificate in a conspicuous location at the licensee's place of  
business. 30377  
30378

(D) Notice in writing shall be given to the department by 30379  
each auctioneer or apprentice auctioneer licensee of any change of 30380  
principal business location or any change or addition to the name 30381  
or names under which business is conducted, whereupon the 30382  
department shall issue a new license for the unexpired period. Any 30383  
change of business location or change or addition of names without 30384  
notification to the department shall automatically cancel any 30385  
license previously issued. For each new auctioneer or apprentice 30386  
auctioneer license issued upon the occasion of a change in 30387  
business location or a change in or an addition of names under 30388  
which business is conducted, the department may collect a fee of 30389  
ten dollars for each change in location, or name or each added 30390  
name unless the notification of the change occurs concurrently 30391  
with the renewal application. 30392

**Sec. 4707.11.** Each application for an auctioneer's, 30393  
apprentice auctioneer's, or auction company license shall be 30394  
accompanied by a bond in the sum of ten thousand dollars, except 30395  
that: 30396

(A) An individual licensed as an auctioneer under this 30397  
chapter that applies for an auction company license shall not be 30398  
required to file a bond for the auction company license if the 30399  
applicant has filed a bond in connection with the auctioneer's 30400  
license. 30401

(B) A partnership, association, or corporation that applies 30402  
for an auction company license shall file a blanket bond in the 30403  
name of such partnership, association, or corporation in an amount 30404  
equal to ten thousand dollars times the number of members, 30405  
employees, or officers thereof who are authorized to perform the 30406  
functions of an auctioneer as agents of the applicant. The maximum 30407

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total amount payable under such blanket bond for a failure of each 30408  
such individual member or officer of the applicant to conduct 30409  
business in accordance with sections 4707.01 to 4707.22 of the 30410  
Revised Code shall be ten thousand dollars. 30411

(C) A licensed auctioneer member, employee, or officer of a 30412  
partnership, association, or corporation licensed as an auction 30413  
company under this chapter shall not be required to file a bond in 30414  
~~his~~ the licensee's own name in connection with ~~his~~ the 30415  
auctioneer's license; except that if such auctioneer acts at any 30416  
time in any auction capacity other than as an agent for such 30417  
auction company, the auctioneer must file an individual bond, as 30418  
set forth in this section. The bond may be either a cash bond or a 30419  
surety bond and, if a surety bond, it shall be executed by a 30420  
surety company authorized to do business in this state. Such 30421  
surety bond shall be made to the department of agriculture and the 30422  
bond shall be conditioned that the applicant shall conduct ~~his~~ the 30423  
applicant's business in accordance with sections 4707.01 to 30424  
4707.22 of the Revised Code. All bonds shall be in a form approved 30425  
by the department. 30426

The department shall not issue an auctioneer's, apprentice 30427  
auctioneer's, or auction company license until bond has been filed 30428  
in accordance with this section. 30429

**Sec. 4707.111.** The state, through the department of ~~commerce~~ 30430  
agriculture and in accordance with this chapter, shall solely 30431  
regulate auctioneers and the conduct of auction sales. 30432

By enactment of this chapter, it is the intent of the general 30433  
assembly to preempt municipal corporations and other political 30434  
subdivisions from the regulation and licensing of auctioneers and 30435  
auction sales. 30436

At least twenty-four hours prior to an auction, the person 30437  
licensed under this chapter to conduct the auction shall notify 30438

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the chief of police of the municipal corporation in which the  
auction site is located, or if the site is in the unincorporated  
area of a county, the county sheriff as to the location and time  
of the auction and give to that officer a general description of  
the items offered for sale.

**Sec. 4707.12.** A nonresident may operate as an auctioneer,  
apprentice auctioneer, or special auctioneer within the state by  
conforming to this chapter.

The department of ~~commerce~~ agriculture may, within its  
discretion, waive the testing and schooling requirements for a  
nonresident, provided ~~he~~ the nonresident holds a valid auctioneer  
or apprentice auctioneer license issued by a state with which the  
department has entered into a reciprocal licensing agreement.  
Nonresidents wishing to so operate in this state shall make  
application in writing to the department and furnish the  
department with proof of their ability to conduct an auction,  
proof of license and bond if they reside in a state with these  
requirements, as well as other information which the department  
may request.

This section does not apply to nonresident auctioneers who  
reside in states under the laws of which similar recognition and  
courtesies are not extended to licensed auctioneers of this state.

**Sec. 4707.13.** Any nonresident who applies for permission to  
operate as an auctioneer within this state shall file an  
irrevocable consent with the department of ~~commerce~~ agriculture  
that suits and actions may be commenced against such applicant in  
any court of competent jurisdiction within this state by service  
of process upon the secretary of state. Said consent shall agree

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that the service of such process shall be held in all courts to be 30467  
 valid and binding as if service had been made upon the applicant 30468  
 within this state. 30469

**Sec. 4707.15.** The department of ~~commerce~~ agriculture may 30470  
 suspend or revoke the license of any auctioneer, apprentice 30471  
 auctioneer, or special auctioneer for any of the following causes: 30472

(A) Obtaining a license through false or fraudulent 30473  
 representation; 30474

(B) Making any substantial misrepresentation in an 30475  
 application for an auctioneer's, apprentice auctioneer's, or 30476  
 special auctioneer's license; 30477

(C) A continued course of misrepresentation or for making 30478  
 false promises through agents, advertising, or otherwise; 30479

(D) Failing to account for or remit, within a reasonable 30480  
 time, any money belonging to others that comes into ~~his~~ the 30481  
licensee's possession, and for commingling funds of others with 30482  
~~his~~ the licensee's own, or failing to keep such funds of others in 30483  
 an escrow or trustee account, except that in the case of a 30484  
 transaction involving real estate, such funds shall be maintained 30485  
 in accordance with division (A)(26) of section 4735.18 of the 30486  
 Revised Code; 30487

(E) Paying valuable consideration to any person who has 30488  
 violated this chapter; 30489

(F) Conviction in a court of competent jurisdiction of this 30490  
 state or any other state of a criminal offense involving fraud or 30491  
 a felony; 30492

(G) Violation of this chapter; 30493

(H) Failure to furnish voluntarily at the time of execution, 30494  
 copies of all written instruments prepared by the auctioneer; 30495

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(I) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;	30496
(J) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;	30498
(K) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which such licensee received the property for sale;	30499
(L) The use of any power of attorney to circumvent this chapter;	30500
(M) Failure to display a notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the sale, the name of the auctioneer or special auctioneer conducting the sale, and that the auctioneer or special auctioneer is licensed by the department of <del>commerce</del> <u>agriculture</u> and has filed a bond;	30501
(N) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;	30502
(O) Acting in the capacity of an auctioneer, whether for valuable consideration or not, for any special auctioneer that is not licensed under this chapter.	30503
<b>Sec. 4707.152.</b> In lieu of suspending or revoking a license under section 4707.15 of the Revised Code, the department of <del>commerce</del> <u>agriculture</u> may issue a written reprimand to any licensee who violates any provision of this chapter.	30504
<b>Sec. 4707.16.</b> (A) The department of <del>commerce</del> <u>agriculture</u> may, upon its own motion, and shall upon the verified written complaint of any person, investigate the actions of any auctioneer, apprentice auctioneer, or special auctioneer, any applicant for an	30505
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auctioneer's, apprentice auctioneer's, or special auctioneer's 30525  
license, or any person who assumes to act in that capacity, if the 30526  
complaint, together with other evidence presented in connection 30527  
with it, makes out a prima-facie case. 30528

If the department determines that any such applicant is not 30529  
entitled to receive a license, a license shall not be granted to 30530  
such applicant, and if the department determines that any licensee 30531  
is guilty of a violation of section 4707.14 or 4707.15 of the 30532  
Revised Code, the department may suspend or revoke the license. 30533  
Any auctioneer, apprentice auctioneer, or special auctioneer who 30534  
has had ~~his~~ the auctioneer's, apprentice auctioneer's, or special 30535  
auctioneer's license revoked shall not be issued another such 30536  
license for a period of two years from the date of revocation. 30537

(B) The department ~~of commerce~~ may investigate complaints 30538  
concerning the violation of sections 4707.02 and 4707.15 of the 30539  
Revised Code and may subpoena witnesses in connection with such 30540  
investigations as provided in this section. The department may 30541  
make application to the court of common pleas for an order 30542  
enjoining the violation of sections 4707.02 and 4707.15 of the 30543  
Revised Code, and upon a showing by the department that any 30544  
licensed auctioneer, apprentice auctioneer, or special auctioneer 30545  
has violated or is about to violate section 4707.15 of the Revised 30546  
Code, or any person has violated or is about to violate section 30547  
4707.02 of the Revised Code, an injunction, restraining order, or 30548  
other order as may be appropriate shall be granted by the court. 30549

(C) The department ~~of commerce~~ may compel by subpoena the 30550  
attendance of witnesses to testify in relation to any matter over 30551  
which it has jurisdiction and which is the subject of inquiry and 30552  
investigation by it, and require the production of any book, 30553  
paper, or document pertaining to such matter. In case any person 30554  
fails to file any statement or report, obey any subpoena, give 30555  
testimony, or produce any books, records, or papers as required by 30556

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such a subpoena, the court of common pleas of any county in the 30557  
state, upon application made to it by the department, shall compel 30558  
obedience by attachment proceedings for contempt, as in the case 30559  
of disobedience of the requirements of a subpoena issued from such 30560  
court, or a refusal to testify therein. 30561

(D) When the department determines that a person not licensed 30562  
under this chapter is engaged in or is believed to be engaged in 30563  
activities for which a license is required under this chapter, the 30564  
department may issue an order to that person requiring ~~him~~ the 30565  
person to show cause as to why ~~he~~ the person should not be subject 30566  
to licensing under this chapter. If the department, after a 30567  
hearing, determines that the activities in which the person is 30568  
engaged are subject to licensing under this chapter, the 30569  
department may issue a cease-and-desist order which shall describe 30570  
the person and activities which are subject to the order. A 30571  
cease-and-desist order issued under this section shall be 30572  
enforceable in and may be appealed to the common pleas courts of 30573  
this state under Chapter 119. of the Revised Code. 30574

**Sec. 4707.19.** The department of ~~commerce~~ agriculture may make 30575  
reasonable rules necessary for the implementation of the 30576  
provisions of this chapter pursuant to Chapter 119. of the Revised 30577  
Code. The department may hear testimony in matters relating to the 30578  
duties imposed on it, and any person authorized by the director of 30579  
~~commerce~~ agriculture may administer oaths. The department may 30580  
require other proof of the honesty, truthfulness, and good 30581  
reputation of any person named in the application for an 30582  
auctioneer's, apprentice auctioneer's, or special auctioneer's 30583  
license before admitting the applicant to an examination or 30584  
issuing a license. 30585

**Sec. 4707.20.** (A) No person shall act as an auctioneer or 30586  
special auctioneer on a sale at auction until the person has first 30587

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entered into a written contract or agreement in duplicate with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee receives or accepts the property for sale at auction. The contracts or agreements shall, for a period of two years, be kept on file in the office of every person so licensed. No apprentice auctioneer shall be authorized to enter into such contract or agreement without the written consent of the apprentice auctioneer's sponsoring auctioneer and all contracts or agreements shall be made in the name of and on behalf of the sponsoring auctioneer.

(B) On all contracts or agreements between an auctioneer or special auctioneer and the owner or consignee, there shall appear a prominent statement indicating that the auctioneer or special auctioneer is licensed by the department of ~~commerce~~ agriculture, and is bonded in favor of the state.

(C) The auctioneer or special auctioneer who contracts with the owner is liable for the settlement of all money received, including the payment of all expenses incurred only by the licensee and the distribution of all funds, in connection with an auction.

**Sec. 4707.21.** No auctioneer, apprentice auctioneer, or special auctioneer shall willfully neglect or refuse to furnish the department of ~~commerce~~ agriculture statistics or other information in ~~his~~ the auctioneer's, apprentice auctioneer's, or special auctioneer's possession or under ~~his~~ the auctioneer's, apprentice auctioneer's, or special auctioneer's control, which ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer is authorized to collect; nor shall ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer neglect or refuse, for more than thirty days, to answer questions submitted on circulars; nor shall ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer knowingly answer any such questions falsely; nor shall ~~he~~ the



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auctioneer, apprentice auctioneer, or special auctioneer refuse to 30620  
obey subpoenas and give testimony. Licensees shall keep records 30621  
relative to any auction sale for at least two years from the date 30622  
of sale. These records shall include settlement sheets, written 30623  
contracts, and copies of any advertising that lists the items for 30624  
sale. 30625

**Sec. 4707.23.** On receipt of a notice pursuant to section 30626  
3123.43 of the Revised Code, the department of ~~commerce~~ 30627  
agriculture shall comply with sections 3123.41 to 3123.50 of the 30628  
Revised Code and any applicable rules adopted under section 30629  
3123.63 of the Revised Code with respect to a license issued 30630  
pursuant to this chapter. 30631

**Sec. 4707.99.** (A) Whoever acts as an auctioneer, apprentice 30632  
auctioneer, or special auctioneer as defined in section 4707.01 of 30633  
the Revised Code, without first obtaining a license, upon 30634  
conviction thereof, shall be fined not less than one hundred nor 30635  
more than one thousand dollars, or imprisoned not more than ninety 30636  
days, or both. 30637

(B) Whoever violates this chapter or any rule promulgated by 30638  
the department of ~~commerce~~ agriculture in the administration of 30639  
this chapter, for the violation of which no penalty is provided, 30640  
shall be fined not less than fifty nor more than two hundred 30641  
dollars. 30642

(C) Whoever violates section 4707.151 of the Revised Code 30643  
shall be fined not more than fifty thousand dollars, or imprisoned 30644  
not more than one year, or both. 30645

**Sec. 4713.10.** The state board of cosmetology shall charge and 30646  
collect the following fees: 30647

(A) For application to take the examination for a license to 30648

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practice cosmetology, or any branch thereof, twenty-one dollars;	30649
(B) For the re-examination of any applicant who has	30650
previously failed to pass the examination, <del>fourteen</del> <u>twenty-one</u>	30651
dollars;	30652
(C) For the issuance or renewal of a cosmetology, manicurist,	30653
or esthetics instructor's license, thirty dollars;	30654
(D) For the issuance or renewal of a managing	30655
cosmetologist's, managing manicurist's, or managing esthetician's	30656
license, thirty dollars;	30657
(E) For the issuance or renewal of a cosmetology school	30658
license, two hundred fifty dollars;	30659
(F) For the inspection and issuance of a new beauty salon,	30660
nail salon, or esthetics salon or the change of name or ownership	30661
of a beauty salon, nail salon, or esthetics salon license, sixty	30662
dollars;	30663
(G) For the renewal of a beauty salon, nail salon, or	30664
esthetics salon license, fifty dollars;	30665
(H) For the issuance or renewal of a cosmetologist's,	30666
manicurist's, or esthetician's license, thirty dollars;	30667
(I) For the restoration of any lapsed license which may be	30668
restored pursuant to section 4713.11 of the Revised Code, and in	30669
addition to the payments required by that section, thirty dollars;	30670
(J) For the issuance of a license under section 4713.09 of	30671
the Revised Code, sixty dollars;	30672
(K) For the issuance of a duplicate of any license, fifteen	30673
dollars;	30674
(L) For the preparation and mailing of a licensee's records	30675
to another state for a reciprocity license, fifty dollars;	30676
(M) For the processing of any fees related to a check from a	30677

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licensee returned to the board for insufficient funds, an 30678  
additional twenty dollars. 30679

Each applicant shall, in addition to the fees specified, 30680  
furnish the applicant's own models. 30681

**Sec. 4715.03.** (A) The state dental board shall organize by 30682  
the election from its members of a president and a secretary. It 30683  
shall hold meetings monthly at least eight months a year at such 30684  
times and places as the board designates. A majority of the 30685  
members of the board shall constitute a quorum. The board shall 30686  
make such reasonable rules as it determines necessary pursuant to 30687  
Chapter 119. of the Revised Code. 30688

(B) A concurrence of a majority of the members of the board 30689  
shall be required to grant, refuse, suspend, place on probationary 30690  
status, revoke, refuse to renew, or refuse to reinstate a license 30691  
or censure a license holder. 30692

(C) The board shall adopt rules establishing standards for 30693  
the safe practice of dentistry and dental hygiene by qualified 30694  
practitioners and shall, through its policies and activities, 30695  
promote such practice. 30696

The board shall adopt rules in accordance with Chapter 119. 30697  
of the Revised Code establishing universal blood and body fluid 30698  
precautions that shall be used by each person licensed under this 30699  
chapter who performs exposure prone invasive procedures. The rules 30700  
shall define and establish requirements for universal blood and 30701  
body fluid precautions that include the following: 30702

(1) Appropriate use of hand washing; 30703

(2) Disinfection and sterilization of equipment; 30704

(3) Handling and disposal of needles and other sharp 30705  
instruments; 30706

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(4) Wearing and disposal of gloves and other protective garments and devices. 30707  
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(D) The board shall administer and enforce the provisions of this chapter. The board shall investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of his making the report or providing testimony. If after investigation the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall conduct disciplinary proceedings pursuant to Chapter 119. of the Revised Code or provide for a license holder to participate in the quality intervention program established under section 4715.031 of the Revised Code. The board shall not dismiss any complaint or terminate any investigation except by a majority vote of its members. For the purpose of any disciplinary proceeding or any investigation conducted ~~prior to a disciplinary proceeding~~ under this division, the board may administer oaths, order the taking of depositions, issue subpoenas, compel the attendance and testimony of persons at depositions and compel the production of books, accounts, papers, documents, or other tangible things. The hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code. Notwithstanding section 121.22 of the Revised Code, proceedings of the board relative to the investigation of a complaint or the determination whether there are reasonable grounds to believe that a violation of this chapter has occurred are confidential and are not subject to discovery in

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any civil action. 30739

(E) The board shall examine or cause to be examined eligible 30740  
applicants to practice dentistry and dental hygiene. The board may 30741  
distinguish by rule different classes of qualified personnel 30742  
according to skill levels and require all or only certain of these 30743  
classes of qualified personnel to be examined and certified by the 30744  
board. 30745

(F) In accordance with Chapter 119. of the Revised Code, the 30746  
board shall adopt, and may amend or rescind, rules establishing 30747  
the eligibility criteria, the application and permit renewal 30748  
procedures, and safety standards applicable to a dentist licensed 30749  
under this chapter who applies for a permit to employ or use 30750  
conscious intravenous sedation. These rules shall include all of 30751  
the following: 30752

(1) The eligibility requirements and application procedures 30753  
for an eligible dentist to obtain a conscious intravenous sedation 30754  
permit; 30755

(2) The minimum educational and clinical training standards 30756  
required of applicants, which shall include satisfactory 30757  
completion of an advanced cardiac life support course; 30758

(3) The facility equipment and inspection requirements; 30759

(4) Safety standards; 30760

(5) Requirements for reporting adverse occurrences. 30761

**Sec. 4715.031.** (A) The state dental board shall develop and 30762  
implement a quality intervention program. The board may propose 30763  
that the holder of a license issued by the board participate in 30764  
the program if the board determines pursuant to an investigation 30765  
conducted under section 4715.03 of the Revised Code that there are 30766  
reasonable grounds to believe the license holder has violated a 30767  
provision of this chapter due to a clinical or communication 30768

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problem that could be improved through participation in the 30769  
program and determines that the license holder's participation in 30770  
the program is appropriate. The board shall refer a license holder 30771  
who agrees to participate in the program to an educational and 30772  
assessment service provider selected by the board. 30773

The board shall select educational and assessment service 30774  
providers, which may include quality intervention program panels 30775  
of case reviewers. A provider selected by the board to provide 30776  
services to a license holder shall recommend to the board the 30777  
educational and assessment services the license holder should 30778  
receive under the program. The license holder may begin 30779  
participation in the program if the board approves the services 30780  
the provider recommends. The license holder shall pay the amounts 30781  
charged by the provider for the services. 30782

The board shall monitor a license holder's progress in the 30783  
program and determine whether the license holder has successfully 30784  
completed the program. If the board determines that the license 30785  
holder has successfully completed the program, it may continue to 30786  
monitor the license holder, take other action it considers 30787  
appropriate, or both. If the board determines that the license 30788  
holder has not successfully completed the program, it shall 30789  
commence disciplinary proceedings against the license holder under 30790  
section 4715.03 of the Revised Code. 30791

The board may adopt rules in accordance with Chapter 119. of 30792  
the Revised Code to further implement the quality intervention 30793  
program. 30794

**Sec. 4715.13.** Applicants for licenses to practice dentistry 30795  
 or for a general anesthesia permit or a conscious intravenous 30796  
 sedation permit shall pay to the secretary of the state dental 30797  
 board the following fees: 30798

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(A) For license by examination, one hundred <del>forty-one</del> <u>ninety</u>	30799
dollars if issued in an odd-numbered year or <del>two</del> <u>three</u> hundred	30800
<del>thirty-five</del> <u>seventeen</u> dollars if issued in an even-numbered year;	30801
(B) For license by endorsement, one hundred <del>forty-one</del> <u>ninety</u>	30802
dollars if issued in an odd-numbered year or <del>two</del> <u>three</u> hundred	30803
<del>thirty-five</del> <u>seventeen</u> dollars if issued in an even-numbered year;	30804
(C) For duplicate license, to be granted upon proof of loss	30805
of the original, <del>fifteen</del> <u>twenty</u> dollars;	30806
(D) For a general anesthesia permit, <del>ninety-four</del> <u>one hundred</u>	30807
<u>twenty-seven</u> dollars;	30808
(E) For a conscious intravenous sedation permit, <del>ninety-four</del>	30809
<u>one hundred twenty-seven</u> dollars.	30810
The fee in division (A) of this section may be refunded to an	30811
applicant who is unavoidably prevented from attending the	30812
examination, or the applicant may be examined at the next regular	30813
or special meeting of the board without an additional fee.	30814
An applicant who fails the first examination may be	30815
re-examined at the next regular or special meeting of the board	30816
without an additional fee.	30817
<b>Sec. 4715.14.</b> (A) Each person who is licensed to practice	30818
dentistry in Ohio shall, on or before the first day of January of	30819
each even-numbered year, register with the state dental board. The	30820
registration shall be made on a form prescribed by the board and	30821
furnished by the secretary, shall include the licensee's name,	30822
address, license number, and such other reasonable information as	30823
the board may consider necessary, and shall include payment of a	30824
biennial registration fee of <del>one</del> <u>two</u> hundred <del>sixty-three</del> <u>twenty</u>	30825
dollars. This fee shall be paid to the treasurer of state. All	30826
such registrations shall be in effect for the two-year period	30827
beginning on the first day of January of the even-numbered year	30828

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and ending on the last day of December of the following 30829  
odd-numbered year, and shall be renewed in accordance with the 30830  
standard renewal procedure of sections 4745.01 to 4745.03 of the 30831  
Revised Code. The failure of a licensee to renew the licensee's 30832  
registration in accordance with this section shall result in an 30833  
automatic suspension of the licensee's license to practice 30834  
dentistry. 30835

(B) Any dentist whose license has been suspended under this 30836  
section may be reinstated by the payment of the biennial 30837  
registration fee and in addition thereto ~~sixty~~ eighty-one dollars 30838  
to cover costs of the reinstatement; excepting that to any 30839  
licensed dentist who desires to temporarily retire from practice, 30840  
and who has given the board notice in writing to that effect, the 30841  
board shall grant such a retirement, provided only that at that 30842  
time all previous registration fees and additional costs of 30843  
reinstatement have been paid. 30844

(C) Each dentist licensed to practice, whether a resident or 30845  
not, shall notify the secretary in writing of any change in the 30846  
dentist's office address or employment within ten days after such 30847  
change has taken place. On the first day of July of every 30848  
even-numbered year, the secretary shall issue a printed roster of 30849  
the names and addresses so registered. 30850

**Sec. 4715.16.** (A) Upon payment of a fee of ~~seven~~ ten dollars 30851  
~~and fifty cents~~, the state dental board may without examination 30852  
issue a limited resident's license to any person who is a graduate 30853  
of a dental college, is authorized to practice in another state or 30854  
country or qualified to take the regular licensing examination in 30855  
this state, and furnishes the board satisfactory proof of having 30856  
been appointed a dental resident at an accredited dental college 30857  
in this state or at an accredited program of a hospital in this 30858  
state, but has not yet been licensed as a dentist by the board. 30859  
Any person receiving a limited resident's license may practice 30860



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dentistry only in connection with programs operated by the dental 30861  
college or hospital at which the person is appointed as a resident 30862  
as designated on the person's limited resident's license, and only 30863  
under the direction of a licensed dentist who is a member of the 30864  
dental staff of the college or hospital or a dentist holding a 30865  
current limited teaching license issued under division (B) of this 30866  
section, and only on bona fide patients of such programs. The 30867  
holder of a limited resident's license may be disciplined by the 30868  
board pursuant to section 4715.30 of the Revised Code. 30869

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(B) Upon payment of ~~seventy-five~~ one hundred one dollars and 30871  
upon application endorsed by an accredited dental college in this 30872  
state, the board may without examination issue a limited teaching 30873  
license to a dentist who is a graduate of a dental college, is 30874  
authorized to practice dentistry in another state or country, and 30875  
has full-time appointment to the faculty of the endorsing dental 30876  
college. A limited teaching license is subject to annual renewal 30877  
in accordance with the standard renewal procedure of Chapter 4745. 30878  
of the Revised Code, and automatically expires upon termination of 30879  
the full-time faculty appointment. A person holding a limited 30880  
teaching license may practice dentistry only in connection with 30881  
programs operated by the endorsing dental college. The board may 30882  
discipline the holder of a limited teaching license pursuant to 30883  
section 4715.30 of the Revised Code. 30884

(C)(1) As used in this division: 30885

(a) "Continuing dental education practicum" or "practicum" 30886  
means a course of instruction, approved by the American dental 30887  
association, Ohio dental association, or academy of general 30888  
dentistry, that is designed to improve the clinical skills of a 30889  
dentist by requiring the dentist to participate in clinical 30890  
exercises on patients. 30891

(b) "Director" means the person responsible for the operation 30892

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of a practicum. 30893

(2) Upon payment of ~~seventy-five~~ one hundred one dollars and 30894  
application endorsed by the director of a continuing dental 30895  
education practicum, the board shall, without examination, issue a 30896  
temporary limited continuing education license to a resident of a 30897  
state other than Ohio who is licensed to practice dentistry in 30898  
such state and is in good standing, is a graduate of an accredited 30899  
dental college, and is registered to participate in the endorsing 30900  
practicum. The determination of whether a dentist is in good 30901  
standing shall be made by the board. 30902

A dentist holding a temporary limited continuing education 30903  
license may practice dentistry only on residents of the state in 30904  
which the dentist is permanently licensed or on patients referred 30905  
by a dentist licensed pursuant to section 4715.12 or 4715.15 of 30906  
the Revised Code to an instructing dentist licensed pursuant to 30907  
one of those sections, and only while participating in a required 30908  
clinical exercise of the endorsing practicum on the premises of 30909  
the facility where the practicum is being conducted. 30910

Practice under a temporary limited continuing education 30911  
license shall be under the direct supervision and full 30912  
professional responsibility of an instructing dentist licensed 30913  
pursuant to section 4715.12 or 4715.15 of the Revised Code, shall 30914  
be limited to the performance of those procedures necessary to 30915  
complete the endorsing practicum, and shall not exceed thirty days 30916  
of actual patient treatment in any year. 30917

(3) A director of a continuing dental education practicum who 30918  
endorses an application for a temporary limited continuing 30919  
education license shall, prior to making the endorsement, notify 30920  
the state dental board in writing of the identity of the sponsors 30921  
and the faculty of the practicum and the dates and locations at 30922  
which it will be offered. The notice shall also include a brief 30923  
description of the course of instruction. The board may prohibit a 30924

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continuing dental education practicum from endorsing applications 30925  
for temporary limited continuing education licenses if the board 30926  
determines that the practicum is engaged in activities that 30927  
constitute a threat to public health and safety or do not 30928  
constitute bona fide continuing dental education, or that the 30929  
practicum permits activities which otherwise violate this chapter. 30930  
Any continuing dental education practicum prohibited from 30931  
endorsing applications may request an adjudication pursuant to 30932  
Chapter 119. of the Revised Code. 30933

A temporary limited continuing education license shall be 30934  
valid only when the dentist is participating in the endorsing 30935  
continuing dental education practicum and shall expire at the end 30936  
of one year. If the dentist fails to complete the endorsing 30937  
practicum in one year, the board may, upon the dentist's 30938  
application and payment of a fee of seventy-five dollars, renew 30939  
the temporary limited continuing education license for a 30940  
consecutive one-year period. Only two renewals may be granted. The 30941  
holder of a temporary limited continuing education license may be 30942  
disciplined by the board pursuant to section 4715.30 of the 30943  
Revised Code. 30944

(D) The board shall act either to approve or to deny any 30945  
application for a limited license pursuant to division (A), (B), 30946  
or (C) of this section not later than sixty days of the date the 30947  
board receives the application. 30948

**Sec. 4715.21.** Each person who desires to practice as a dental 30949  
hygienist shall file with the secretary of the state dental board 30950  
a written application for a license, under oath, upon the form 30951  
prescribed. Such applicant shall furnish satisfactory proof of 30952  
being at least eighteen years of age and of good moral character. 30953  
An applicant shall present a diploma or certificate of graduation 30954  
from an accredited dental hygiene school and shall pay the 30955

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examination fee of ~~seventy-one~~ ninety-six dollars if the license 30956  
 is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven 30957  
 dollars if issued in an even-numbered year. Those passing such 30958  
 examination as the board prescribes relating to dental hygiene 30959  
 shall receive a certificate of registration entitling them to 30960  
 practice. If an applicant fails to pass the first examination the 30961  
 applicant may apply for a re-examination at the next regular or 30962  
 special examination meeting of the board. 30963

No applicant shall be admitted to more than two examinations 30964  
 without first presenting satisfactory proof that the applicant has 30965  
 successfully completed such refresher courses in an accredited 30966  
 dental hygiene school as the state dental board may prescribe. 30967

An accredited dental hygiene school shall be one accredited 30968  
 by the council on dental education of the American dental 30969  
 association or whose educational standards are recognized by the 30970  
 council on dental education of the American dental association and 30971  
 approved by the state dental board. 30972

**Sec. 4715.24.** (A) Each person who is licensed to practice as 30973  
 a dental hygienist in Ohio shall, on or before the first day of 30974  
 January of each even-numbered year, register with the state dental 30975  
 board. The registration shall be made on a form prescribed by the 30976  
 board and furnished by the secretary, shall include the licensee's 30977  
 name, address, license number, and such other reasonable 30978  
 information as the board may consider necessary, and shall include 30979  
 payment of a biennial registration fee of ~~seventy-five~~ one hundred 30980  
one dollars. This fee shall be paid to the treasurer of state. All 30981  
 such registrations shall be in effect for the two-year period 30982  
 beginning on the first day of January of each even-numbered year 30983  
 and ending on the last day of December of the following 30984  
 odd-numbered year, and shall be renewed in accordance with the 30985  
 standard renewal procedure of sections 4745.01 to 4745.03 of the 30986  
 Revised Code. The failure of a licensee to renew registration in 30987

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accordance with this section shall result in the automatic 30988  
suspension of the licensee's license to practice as a dental 30989  
hygienist. 30990

(B) Any dental hygienist whose license has been suspended 30991  
under this section may be reinstated by the payment of the 30992  
biennial registration fee and in addition thereto ~~twenty-three~~ 30993  
thirty-one dollars to cover the costs of reinstatement. 30994

(C) The license of a dental hygienist shall be exhibited in a 30995  
conspicuous place in the room in which the dental hygienist 30996  
practices. Each dental hygienist licensed to practice, whether a 30997  
resident or not, shall notify the secretary in writing of any 30998  
change in the dental hygienist's office address or employment 30999  
within ten days after the change takes place. 31000

**Sec. 4715.27.** The state dental board may issue a license to 31001  
an applicant who furnishes satisfactory proof of being at least 31002  
eighteen years of age, of good moral character and who 31003  
demonstrates, to the satisfaction of the board, knowledge of the 31004  
laws, regulations, and rules governing the practice of a dental 31005  
hygienist; who proves, to the satisfaction of the board, intent to 31006  
practice as a dental hygienist in this state; who is a graduate 31007  
from an accredited school of dental hygiene and who holds a 31008  
license by examination from a similar dental board, and who passes 31009  
an examination as prescribed by the board relating to dental 31010  
hygiene. 31011

Upon payment of ~~forty-three~~ fifty-eight dollars and upon 31012  
application endorsed by an accredited dental hygiene school in 31013  
this state, the state dental board may without examination issue a 31014  
teacher's certificate to a dental hygienist, authorized to 31015  
practice in another state or country. A teacher's certificate 31016  
shall be subject to annual renewal in accordance with the standard 31017  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 31018

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Code, and shall not be construed as authorizing anything other 31019  
than teaching or demonstrating the skills of a dental hygienist in 31020  
the educational programs of the accredited dental hygiene school 31021  
which endorsed the application. 31022

**Sec. 4717.02.** (A) There is hereby created the board of 31023  
embalmers and funeral directors consisting of seven members to be 31024  
appointed by the governor with the advice and consent of the 31025  
senate. ~~Four~~ Five members shall be licensed embalmers and 31026  
practicing funeral directors, each with at least ten consecutive 31027  
years of experience in this state immediately preceding the date 31028  
of the person's appointment. ~~One member; one of these members~~ 31029  
shall be knowledgeable and experienced in operating a crematory 31030  
~~and is not required to be, but may be, a licensed embalmer or~~ 31031  
~~funeral director.~~ Two members shall represent the public; at least 31032  
one of ~~the two~~ these members shall be at least sixty years of age. 31033  
31034

(B) Terms of office are for five years, commencing on the 31035  
first day of July and ending on the last day of June. Each member 31036  
shall hold office from the date of the member's appointment until 31037  
the end of the term for which the member was appointed. Before 31038  
entering upon the duties of the office, each member shall take and 31039  
file with the secretary of state an oath of office as required by 31040  
Section 7 of Article XV, Ohio Constitution. 31041

(C) The governor may remove a member of the board for neglect 31042  
of duty, incompetency, or immoral conduct. Vacancies shall be 31043  
filled in the manner provided for original appointments. Any 31044  
member appointed to fill a vacancy occurring prior to the 31045  
expiration date of the term for which the member's predecessor was 31046  
appointed shall hold office as a member for the remainder of that 31047  
term. A member shall continue in office subsequent to the 31048  
expiration date of the member's term until the member's successor 31049  
takes office, or until a period of sixty days has elapsed, 31050

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whichever occurs first.	31051
(D) Each member of the board shall receive an amount fixed	31052
under division (J) of section 124.15 of the Revised Code for each	31053
day, not to exceed sixty days per year, employed in the discharge	31054
of the member's duties as a board member, together with any	31055
necessary expenses incurred in the performance of those duties.	31056
<b>Sec. 4717.07.</b> (A) The board of embalmers and funeral	31057
directors shall charge and collect the following fees:	31058
(1) For the issuance of an initial embalmer's or funeral	31059
director's license, five dollars;	31060
(2) For the issuance of an embalmer or funeral director	31061
registration, twenty-five dollars;	31062
(3) For filing an embalmer or funeral director certificate of	31063
apprenticeship, ten dollars;	31064
(4) For the application to take the examination for a license	31065
to practice as an embalmer or funeral director, or to retake a	31066
section of the examination, thirty-five dollars;	31067
(5) For the <u>biennial</u> renewal of an embalmer's or funeral	31068
director's license, <del>sixty one hundred twenty</del> dollars;	31069
(6) For the <u>initial</u> issuance <del>and renewal</del> of a license to	31070
operate a funeral home, one hundred twenty-five dollars <u>and</u>	31071
<u>biennial renewal of a license to operate a funeral home, two</u>	31072
<u>hundred fifty dollars;</u>	31073
(7) For the reinstatement of a lapsed embalmer's or funeral	31074
director's license, the renewal fee prescribed in division (A)(5)	31075
of this section plus fifty dollars for each month or portion of a	31076
month the license is lapsed until reinstatement;	31077
(8) For the reinstatement of a lapsed license to operate a	31078
funeral home, the renewal fee prescribed in division (A)(6) of	31079

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<p>this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;</p>	31080 31081
<p>(9) For the <u>initial</u> issuance <del>and renewal</del> of a license to operate an embalming facility, one hundred dollars <u>and biennial renewal of a license to operate an embalming facility, two hundred dollars;</u></p>	31082 31083 31084 31085
<p>(10) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;</p>	31086 31087 31088 31089
<p>(11) For the <u>initial</u> issuance <del>and renewal</del> of a license to operate a crematory facility, one hundred dollars <u>and biennial renewal of a license to operate a crematory facility, two hundred dollars;</u></p>	31090 31091 31092 31093
<p>(12) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;</p>	31094 31095 31096 31097
<p>(13) For the issuance of a duplicate of a license issued under this chapter, four dollars.</p>	31098 31099
<p>(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.</p>	31100 31101 31102 31103
<p>(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.</p>	31104 31105 31106 31107 31108
<p><b>Sec. 4717.08.</b> (A) Every license issued under this chapter</p>	31109



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expires on the last day of December of ~~the~~ each even-numbered year 31110  
~~of its issuance~~ and shall be renewed on or before that date 31111  
 according to the standard license renewal procedure set forth in 31112  
 Chapter 4745. of the Revised Code. Licenses not renewed by the 31113  
 last day of December of each even-numbered year are lapsed. 31114

(B) A holder of a lapsed license to operate a funeral home, 31115  
 license to operate an embalming facility, or license to operate a 31116  
 crematory facility may reinstate the license with the board by 31117  
 paying the lapsed license fee established under section 4717.07 of 31118  
 the Revised Code. 31119

(C) A holder of a lapsed embalmer's or funeral director's 31120  
 license may reinstate the license with the board by paying the 31121  
 lapsed license fee established under section 4717.07 of the 31122  
 Revised Code, except that if the license is lapsed for more than 31123  
 one hundred eighty days after its expiration date, the holder also 31124  
 shall take and pass the Ohio laws examination for each license as 31125  
 a condition for reinstatement. 31126

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 31127  
 funeral directors shall attend between twelve and thirty hours of 31128  
 educational programs as a condition for renewal of their licenses. 31129  
 The board of embalmers and funeral directors shall ~~determine, by~~ 31130  
~~rule, the educational programs that meet the continuing education~~ 31131  
~~requirements and the number of hours a licensee shall attend~~ adopt 31132  
rules governing the administration and enforcement of the 31133  
continuing education requirements of this section. The board may 31134  
contract with a professional organization or association or other 31135  
third party to assist it in performing functions necessary to 31136  
administer and enforce the continuing education requirements of 31137  
this section. A professional organization or association or other 31138  
third party with whom the board so contracts may charge a 31139  
reasonable fee for performing these functions to licensees or to 31140  
the persons who provide continuing education programs. 31141

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(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(C) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or exemption under division (D) of this section.

(D) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for a waiver or an exemption. The board shall determine, by rule, the procedures for applying for a waiver or an exemption from continuing education requirements under this section and under what conditions a waiver or an exemption may be granted.

Sec. 4723.062. The board of nursing may solicit and accept grants and services to develop and maintain a program that addresses patient safety and health care issues related to the supply of and demand for nurses and other health care workers. The board shall not solicit or accept a grant or service that interferes with the board's independence or objectivity.

All money received by the board under this section shall be deposited into the nursing special issue fund which is hereby created in the state treasury. The board shall use money in the fund to pay the costs it incurs in implementing this section.

**Sec. 4723.08.** (A) The board of nursing may impose fees not to exceed the following limits:

(1) For application for licensure by examination to practice

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nursing as a registered nurse or as a licensed practical nurse,	31172
fifty dollars;	31173
(2) For application for licensure by endorsement to practice	31174
nursing as a registered nurse or as a licensed practical nurse,	31175
fifty dollars;	31176
(3) For application for a certificate of authority to	31177
practice nursing as a certified registered nurse anesthetist,	31178
clinical nurse specialist, certified nurse-midwife, or certified	31179
nurse practitioner, one hundred dollars;	31180
(4) For application for a temporary dialysis technician	31181
certificate, the amount specified in rules adopted under section	31182
4723.79 of the Revised Code;	31183
(5) For application for a full dialysis technician	31184
certificate, the amount specified in rules adopted under section	31185
4723.79 of the Revised Code;	31186
(6) For application for a certificate to prescribe, fifty	31187
dollars;	31188
(7) For verification of a nursing license, certificate of	31189
authority, or dialysis technician certificate to another	31190
jurisdiction, fifteen dollars;	31191
(8) For providing a replacement copy of a nursing license,	31192
certificate of authority, or dialysis technician certificate,	31193
fifteen dollars;	31194
(9) For biennial renewal of a nursing license <u>that expires on</u>	31195
<u>or before August 31, 2003</u> , thirty-five dollars;	31196
(10) <del>Except as provided in division (C) of this section, for</del>	31197
<u>For biennial renewal of a nursing license that expires on or after</u>	31198
<u>September 1, 2003, forty-five dollars;</u>	31199
(11) <u>For biennial renewal of a certificate of authority to</u>	31200
<u>practice nursing as a certified registered nurse anesthetist,</u>	31201

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<u>clinical nurse specialist, certified nurse mid-wife, or certified</u>	31202
<u>nurse practitioner that expires on or before August 31, 2005, one</u>	31203
<u>hundred dollars;</u>	31204
<u>(12) For</u> biennial renewal of a certificate of authority to	31205
practice nursing as a certified registered nurse anesthetist,	31206
clinical nurse specialist, certified nurse-midwife, or certified	31207
nurse practitioner <u>that expires on or after September 1, 2005,</u>	31208
eighty-five dollars;	31209
<del>(11)</del> <u>(13)</u> For renewal of a certificate to prescribe, fifty	31210
dollars;	31211
<del>(12)</del> <u>(14)</u> For biennial renewal of a dialysis technician	31212
certificate, the amount specified in rules adopted under section	31213
4723.79 of the Revised Code;	31214
<del>(13)</del> <u>(15)</u> For processing a late application for renewal of a	31215
nursing license, certificate of authority, or dialysis technician	31216
certificate, fifty dollars;	31217
<del>(14)</del> <u>(16)</u> For application for authorization to approve	31218
continuing nursing education programs and courses from an	31219
applicant accredited by a national accreditation system for	31220
nursing, five hundred dollars;	31221
<del>(15)</del> <u>(17)</u> For application for authorization to approve	31222
continuing nursing education programs and courses from an	31223
applicant not accredited by a national accreditation system for	31224
nursing, one thousand dollars;	31225
<del>(16)</del> <u>(18)</u> For each year for which authorization to approve	31226
continuing nursing education programs and courses is renewed, one	31227
hundred fifty dollars;	31228
<del>(17)</del> <u>(19)</u> For application for approval to operate a dialysis	31229
training program, the amount specified in rules adopted under	31230
section 4723.79 of the Revised Code;	31231

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~~(18)~~(20) For reinstatement of a lapsed nursing license or, 31232  
certificate of authority, or dialysis technician certificate, one 31233  
 hundred dollars; 31234

~~(19)~~(21) For written verification of a nursing license, 31235  
 certificate of authority, or dialysis technician certificate, 31236  
 other than verification to another jurisdiction, five dollars. The 31237  
 board may contract for services pertaining to this verification 31238  
 process and the collection of the fee, and may permit the 31239  
 contractor to retain a portion of the fees as compensation, before 31240  
 any amounts are deposited into the state treasury. 31241

(22) For processing a check returned to the board by a 31242  
financial institution as noncollectible, twenty-five dollars. 31243

(B) Each quarter, for purposes of transferring funds under 31244  
 section 4743.05 of the Revised Code to the nurse education 31245  
 assistance fund created in section 3333.28 of the Revised Code, 31246  
 the board of nursing shall certify to the director of budget and 31247  
 management the number of biennial licenses renewed under this 31248  
 chapter during the preceding quarter and the amount equal to that 31249  
 number times five dollars. 31250

~~(C) The fee for biennial renewal of a certificate of~~ 31251  
~~authority to practice nursing as a certified nurse-midwife,~~ 31252  
~~certified registered nurse anesthetist, certified nurse~~ 31253  
~~practitioner, or clinical nurse specialist that expires on or~~ 31254  
~~before August 31, 2005, is one hundred dollars.~~ 31255

**Sec. 4723.32.** This chapter does not prohibit any of the 31256  
 following: 31257

(A) The practice of nursing by a student currently enrolled 31258  
 in and actively pursuing completion of a prelicensure nursing 31259  
 education program approved by the board of nursing, if the 31260  
 student's practice is under the auspices of the program and the 31261

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student acts under the supervision of a registered nurse serving	31262
for the program as a faculty member, teaching assistant, or	31263
preceptor;	31264
(B) The rendering of medical assistance to a licensed	31265
physician, licensed dentist, or licensed podiatrist by a person	31266
under the direction, supervision, and control of such licensed	31267
physician, dentist, or podiatrist;	31268
(C) The activities of persons employed as nursing aides,	31269
attendants, orderlies, or other auxiliary workers in patient	31270
homes, nurseries, nursing homes, hospitals, home health agencies,	31271
or other similar institutions;	31272
	31273
(D) The provision of nursing services to family members or in	31274
emergency situations;	31275
(E) The care of the sick when done in connection with the	31276
practice of religious tenets of any church and by or for its	31277
members;	31278
(F) The practice of nursing as a certified registered nurse	31279
anesthetist, clinical nurse specialist, certified nurse-midwife,	31280
or certified nurse practitioner by a student currently enrolled in	31281
and actively pursuing completion of a program of study leading to	31282
initial authorization by the board to practice nursing in the	31283
specialty, if the program qualifies the student to sit for the	31284
examination of a national certifying organization listed in	31285
division (A)(3) of section 4723.41 of the Revised Code or approved	31286
by the board under section 4723.46 of the Revised Code, <u>or the</u>	31287
<u>program</u> prepares the student to receive a master's degree in	31288
accordance with division (A)(2) of section 4723.41 of the Revised	31289
<u>Code, the student's practice is under the auspices of the program,</u>	31290
<u>and the student acts under the supervision of a registered nurse</u>	31291
<u>serving for the program as a faculty member, teaching assistant,</u>	31292

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<u>or preceptor;</u>	31293
(G) The activities of an individual who currently holds a	31294
license to practice nursing in another jurisdiction, if the	31295
individual's license has not been revoked, the individual is not	31296
currently under suspension or on probation, the individual does	31297
not represent the individual as being licensed under this chapter,	31298
and one of the following is the case:	31299
(1) The individual is engaging in the practice of nursing by	31300
discharging official duties while employed by or under contract	31301
with the United States government or any agency thereof;	31302
(2) The individual is engaging in the practice of nursing as	31303
an employee of an individual, agency, or corporation located in	31304
the other jurisdiction in a position with employment	31305
responsibilities that include transporting patients into, out of,	31306
or through this state, as long as each trip in this state does not	31307
exceed seventy-two hours;	31308
(3) The individual is consulting with an individual licensed	31309
in this state to practice any health-related profession;	31310
(4) The individual is engaging in activities associated with	31311
teaching in this state as a guest lecturer at or for a nursing	31312
education program, continuing nursing education program, or	31313
in-service presentation;	31314
(5) The individual is conducting evaluations of nursing care	31315
that are undertaken on behalf of an accrediting organization,	31316
including the national league for nursing accrediting committee,	31317
the joint commission on accreditation of healthcare organizations,	31318
or any other nationally recognized accrediting organization;	31319
(6) The individual is providing nursing care to an individual	31320
who is in this state on a temporary basis, not to exceed six	31321
months in any one calendar year, if the nurse is directly employed	31322
by or under contract with the individual or a guardian or other	31323

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person acting on the individual's behalf;	31324
(7) The individual is providing nursing care during any	31325
disaster, natural or otherwise, that has been officially declared	31326
to be a disaster by a public announcement issued by an appropriate	31327
federal, state, county, or municipal official.	31328
<b>Sec. 4723.79.</b> The board of nursing shall adopt rules to	31329
administer and enforce sections 4723.71 to 4723.79 of the Revised	31330
Code. The board shall adopt the rules in accordance with Chapter	31331
119. of the Revised Code. The rules shall establish or specify all	31332
of the following:	31333
(A) The application process, fee, and requirements for	31334
approval, reapproval, and withdrawing the approval of a dialysis	31335
training program under section 4723.74 of the Revised Code. The	31336
requirements shall include standards that must be satisfied	31337
regarding curriculum, length of training, and instructions in	31338
patient care.	31339
(B) The application process, fee, and requirements for	31340
issuance of a certificate under section 4723.75 of the Revised	31341
Code, except that the amount of the fee shall be no greater than	31342
the fee charged under division (A)(1) of section 4723.08 of the	31343
Revised Code;	31344
(C) The application process, fee, and requirements for	31345
issuance of a temporary certificate under section 4723.76 of the	31346
Revised Code;	31347
(D) The process for approval of testing organizations under	31348
section 4723.751 of the Revised Code;	31349
(E) Subjects to be included in a certification examination	31350
provided for in division (B)(1) of section 4723.75 of the Revised	31351
Code;	31352
(F) The schedule, fees, and continuing education requirements	31353



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for renewal of a certificate under section 4723.77 of the Revised Code, except that the fee for the renewal of a certificate shall be no greater than the fee charged under division (A)(9) of section 4723.08 of the Revised Code or, effective September 1, 2003, division (A)(10) of that section;

(G) Standards and procedures for establishing and maintaining the dialysis registry required by section 4723.78 of the Revised Code, including standards and procedures that persons must follow in providing the information to be included in the registry;

(H) Standards for the administration of medication by dialysis technicians under section 4723.72 of the Revised Code;

(I) The information a dialysis provider is to provide to the board when attesting to a person's competence to perform dialysis;

(J) Standards and procedures for the supervision of dialysis technicians who provide dialysis care in a patient's home, including monthly home visits by a registered nurse to monitor the quality of the dialysis care;

(K) Any other procedures or requirements necessary for the administration and enforcement of sections 4723.71 to 4723.79 of the Revised Code.

**Sec. 4725.44.** (A) The Ohio optical dispensers board shall be responsible for the administration of sections 4725.40 to 4725.59 of the Revised Code and, in particular, shall process applications for licensure as licensed dispensing opticians; schedule, administer, and supervise the qualifying examinations for licensure or contract with a testing service to schedule, administer, and supervise the qualifying examination for licensure; issue licenses to qualified individuals; revoke and suspend licenses; and maintain adequate records with respect to

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its operations and responsibilities. 31384

(B) The board shall adopt, amend, or rescind rules, pursuant 31385  
to Chapter 119. of the Revised Code, for the licensure of 31386  
dispensing opticians, and such other rules as are required by or 31387  
necessary to carry out the responsibilities imposed by sections 31388  
4725.40 to 4725.59 of the Revised Code. 31389

(C) The board shall have no authority to adopt rules 31390  
governing the employment of dispensing opticians, the location or 31391  
number of optical stores, advertising of optical products or 31392  
services, or the manner in which such products can be displayed. 31393

**Sec. 4725.48.** (A) Any person who desires to engage in optical 31394  
dispensing, except as provided in section 4725.47 of the Revised 31395  
Code, shall file a properly completed written application for an 31396  
examination with the Ohio optical dispensers board or with the 31397  
testing service the board has contracted with pursuant to section 31398  
4725.49 of the Revised Code. The application for examination shall 31399  
be made on a form provided by the board or testing service and 31400  
shall be accompanied by an examination fee the board shall 31401  
establish by rule. Applicants must return the application to the 31402  
board or testing service at least sixty days prior to the date the 31403  
examination is scheduled to be administered. 31404

(B) Except as provided in section 4725.47 of the Revised 31405  
Code, any person who desires to engage in optical dispensing shall 31406  
file a properly completed written application for a license with 31407  
the board with the appropriate license fee as set forth under 31408  
section 4725.50 of the Revised Code. 31409

No person shall be eligible to ~~take any examination~~ apply for 31410  
a license under this division, unless ~~he~~ the person is at least 31411  
eighteen years of age, is of good moral character, is free of 31412  
contagious or infectious disease, ~~and~~ has received a passing 31413  
score, as determined by the board, on the examination administered 31414

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under division (A) of this section, is a graduate of an accredited 31415  
high school of any state, or has received an equivalent education 31416  
~~equivalent thereto.~~ 31417

~~(B) Except as provided in division (C) of this section, each 31418  
person who desires to dispense optical aids shall be eligible to 31419  
take the qualifying examination for such practice, if, in addition 31420  
to satisfying the criteria of division (A) of this section, he and 31421  
has successfully completed either of the following: 31422~~

(1) Two years of supervised experience under a licensed 31423  
dispensing optician, optometrist, or physician engaged in the 31424  
practice of ophthalmology, up to one year of which may be 31425  
continuous experience of not less than thirty hours a week in an 31426  
optical laboratory; 31427

(2) A two-year college level program in optical dispensing 31428  
that has been approved by the board and that includes, but is not 31429  
limited to, courses of study in mathematics, science, English, 31430  
anatomy and physiology of the eye, applied optics, ophthalmic 31431  
optics, measurement and inspection of lenses, lens grinding and 31432  
edging, ophthalmic lens design, keratometry, and the fitting and 31433  
adjusting of spectacle lenses and frames and contact lenses, 31434  
including methods of fitting contact lenses and post-fitting care. 31435

~~(C) A registered apprentice or a student in an approved 31436  
college level program in optical dispensing may take the 31437  
qualifying examination after completion of one year of the 31438  
apprenticeship or program but shall not be eligible for licensure 31439  
until he has completed the second year of the apprenticeship or 31440  
program. 31441~~

~~(D)~~ Any person who desires to obtain a license to practice as 31442  
an ocularist shall file a properly completed written application 31443  
with the board accompanied by the appropriate fee and proof that 31444  
the applicant has met the requirements for licensure. The board 31445  
shall establish, by rule, the application fee and the minimum 31446

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requirements for licensure, including education, examination, or 31447  
experience standards recognized by the board as national standards 31448  
for ocularists. The board shall issue a license to practice as an 31449  
ocularist to an applicant who satisfies the requirements of this 31450  
division and rules adopted pursuant to this division. 31451  
31452

**Sec. 4725.49.** (A) The Ohio optical dispensers board ~~shall~~ 31453  
~~examine each applicant eligible for examination under section~~ 31454  
~~4725.48 of the Revised Code. The board~~ may provide for the 31455  
examination of applicants by designing, preparing, and 31456  
administering the qualifying examinations or by contracting with a 31457  
testing service that is nationally recognized as being capable of 31458  
determining competence to dispense optical aids as a licensed 31459  
spectacle dispensing optician, a licensed contact lens dispensing 31460  
optician, or a licensed spectacle-contact lens dispensing 31461  
optician. Any examination used shall be designed to measure 31462  
specific performance requirements, be professionally constructed 31463  
and validated, and be independently and objectively administered 31464  
and scored in order to determine the applicant's competence to 31465  
dispense optical aids. 31466

(B) The board shall ensure that it, or the testing service it 31467  
contracts with, does all of the following: 31468

(1) Provides public notice as to the date, time, and place 31469  
for each examination at least ninety days prior to the 31470  
examination; 31471

(2) Offers each qualifying examination at least twice each 31472  
year in Columbus, except as provided in division (C) of this 31473  
section; 31474

(3) Provides to each applicant all forms necessary to apply 31475  
for examination; 31476

(4) Provides all materials and equipment necessary for the 31477

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applicant to take the examination. 31478

(C) If the number of applicants for any qualifying 31479  
examination is less than ten, the examination may be postponed. 31480  
The board or testing service shall provide the applicant with 31481  
written notification of the postponement and of the next date the 31482  
examination is scheduled to be administered. 31483

(D) No limitation shall be placed upon the number of times 31484  
that an applicant may repeat any qualifying examination, except 31485  
that, if an applicant fails an examination for a third time, the 31486  
board may require that the applicant, prior to retaking the 31487  
examination, undergo additional study in the areas of the 31488  
examination in which he the applicant experienced difficulty. 31489

**Sec. 4729.65.** (A) Except as provided in division (B) of this 31490  
section, all receipts of the state board of pharmacy, from any 31491  
source, shall be deposited into the state treasury to the credit 31492  
of the ~~occupational licensing and regulatory~~ pharmacy board 31493  
operating fund, which is hereby created. All moneys derived from 31494  
fees the board is entitled to collect under this chapter shall be 31495  
deposited to the credit of the fund. All moneys deposited into the 31496  
state treasury pursuant to this section shall be used solely for 31497  
the administration and enforcement of this chapter. All vouchers 31498  
of the board shall be approved by the president or executive 31499  
director of the board, or both, as authorized by the board. All 31500  
initial issuance fees and renewal fees required by sections 31501  
4729.01 to 4729.54 of the Revised Code shall be payable by the 31502  
applicant at the time of making application. 31503

(B)(1) There is hereby created in the state treasury the 31504  
board of pharmacy drug law enforcement fund. All moneys that are 31505  
derived from any fines, mandatory fines, or forfeited bail to 31506  
which the board may be entitled under Chapter 2925., division 31507  
(C)(1) of section 2923.42, or division (B)(5) of section 2925.42 31508

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of the Revised Code and all moneys that are derived from 31509  
 forfeitures of property to which the board may be entitled 31510  
 pursuant to Chapter 2925. of the Revised Code, section 2923.32, 31511  
 2923.35, 2923.44, 2923.45, 2923.46, or 2933.43 of the Revised 31512  
 Code, any other section of the Revised Code, or federal law shall 31513  
 be deposited into the fund. Subject to division (B)(2) of this 31514  
 section, division (D)(2)(c) of section 2923.35, division (B)(5) of 31515  
 section 2923.44, division (B)(7)(c) of section 2923.46, and 31516  
 divisions (D)(1)(c) and (3) of section 2933.43 of the Revised 31517  
 Code, the moneys in the fund shall be used solely to subsidize the 31518  
 drug law enforcement efforts of the board. 31519

(2) Notwithstanding any contrary provision in the Revised 31520  
 Code, moneys that are derived from forfeitures of property 31521  
 pursuant to federal law and that are deposited into the board of 31522  
 pharmacy drug law enforcement fund in accordance with division 31523  
 (B)(1) of this section shall be used and accounted for in 31524  
 accordance with the applicable federal law, and the board 31525  
 otherwise shall comply with that law in connection with the 31526  
 moneys. 31527

(C) All fines and forfeited bonds assessed and collected 31528  
 under prosecution or prosecution commenced in the enforcement of 31529  
 this chapter shall be paid to the executive director of the board 31530  
 within thirty days and by the executive director paid into the 31531  
 state treasury to the credit of the ~~occupational licensing and~~ 31532  
~~regulatory~~ pharmacy board operating fund. The board, subject to 31533  
 the approval of the controlling board and except for fees required 31534  
 to be established by the board at amounts "adequate" to cover 31535  
 designated expenses, may establish fees in excess of the amounts 31536  
 provided by this chapter, provided that such fees do not exceed 31537  
 the amounts permitted by this chapter by more than fifty per cent. 31538

**Sec. 4731.14.** (A) As used in this section, "graduate medical 31539

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education" has the same meaning as in section 4731.091 of the Revised Code.

(B) The state medical board shall issue its certificate to practice medicine and surgery or osteopathic medicine and surgery as follows:

(1) The board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(1) or (3) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, and submits evidence satisfactory to the board that the individual has successfully completed not less than twelve months of graduate medical education or its equivalent as determined by the board.

(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board, and, if the individual passed the examination prior to completing twenty-four months of graduate medical education or its equivalent, the individual continues to meet the moral character requirements for admission to the board's examination.

(C) Each certificate issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the

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certificate is issued. If the individual holds the degree of  
doctor of medicine, the certificate shall state that the  
individual is authorized to practice medicine and surgery pursuant  
to the laws of this state. If the individual holds the degree of  
doctor of osteopathic medicine, the certificate shall state that  
the individual is authorized to practice osteopathic medicine and  
surgery pursuant to the laws of this state. If the individual  
holds a medical degree other than the degree of doctor of medicine  
or doctor of osteopathic medicine, the certificate shall indicate  
the diploma, degree, or other document issued by the medical  
school or institution the individual attended and shall state that  
the individual is authorized to practice medicine and surgery  
pursuant to the laws of this state.

(D) The certificate shall be prominently displayed in the  
certificate holder's office or place where a major portion of the  
certificate holder's practice is conducted and shall entitle the  
holder to practice either medicine and surgery or osteopathic  
medicine and surgery provided the certificate holder maintains  
current registration as required by section 4731.281 of the  
Revised Code and provided further that such certificate has not  
been revoked, suspended, or limited by action of the state medical  
board pursuant to this chapter.

(E) An affirmative vote of not less than six members of the  
board is required for the issuance of a certificate.

~~(F) If an individual receives an initial or renewed training  
certificate under section 4731.291 of the Revised Code and not  
later than four months thereafter applies for a certificate under  
this section, the fee required by division (B)(1) of this section  
shall be reduced by the amount of the fee paid for the training  
certificate.~~

**Sec. 4731.53.** At the time an applicant files an application,



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the applicant shall file with the secretary of the state medical board evidence of preliminary education showing that the applicant has satisfactorily completed at least two years of collegiate work in an approved college of arts and sciences in addition to high school graduation. When the entrance examiner finds the preliminary education of the applicant sufficient, the entrance examiner shall issue a certificate of preliminary examination upon the payment to the treasurer of the board of a fee of thirty-five dollars. Such certificate shall be attested by the secretary.

The applicant shall also present a diploma from a college of podiatric medicine and surgery in good standing as defined by the board at the time the diploma was issued. The applicant shall present an affidavit that the applicant is the person named in the diploma and is the lawful possessor thereof stating the applicant's age, residence, the school at which the applicant obtained education in podiatric medicine and surgery, the time spent in the study of podiatric medicine and surgery, and such other facts as the board may require.

The applicant shall also present proof of completion of one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medical education or the American podiatric medical association.

**Sec. 4731.573.** (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric 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.

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An applicant for a training certificate shall furnish to the board all of the following: 31635  
31636

(1) Evidence satisfactory to the board that the applicant is at least eighteen years of age and is of good moral character; 31637  
31638

(2) Evidence satisfactory to the board that the applicant has been accepted or appointed to participate in this state in one of the following: 31639  
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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; 31642  
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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. 31645  
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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; 31650  
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(4) Any other information that the board requires. 31654

(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. 31655  
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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 31661  
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training certificate shall be thirty-five dollars.

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The board shall maintain a register of all individuals who hold training certificates.

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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.

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(D) The board may adopt rules as the board finds necessary to effect the purpose of this section.

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**Sec. 4734.20.** (A) Except for persons seeking to practice chiropractic under a special limited license issued pursuant to section 4734.27 of the Revised Code, each person seeking to practice chiropractic in this state shall apply in writing to the state chiropractic board for a license to practice chiropractic. The application shall be made under oath, on a form prescribed by the board, and shall be accompanied by a fee of two hundred fifty dollars.

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(B) Except as provided in sections 4734.23 and 4734.24 of the Revised Code, to receive a chiropractic license, an applicant must meet the following conditions:

(1) The applicant must be at least twenty-one years of age, be of good moral character, and possess a high school education or its equivalent.

(2) The applicant must have successfully completed, prior to matriculation at a school or college of chiropractic, at least two years of college credit in the arts and sciences at a college or university accredited by a state or regional accrediting organization recognized by the board, except that the board may adopt rules in accordance with Chapter 119. of the Revised Code that require completion of additional years of college credit or receipt of a college degree in an area specified in the rules.

(3) The applicant must be a graduate of and hold the degree of doctor of chiropractic from a school or college of chiropractic approved by the board under section 4734.21 of the Revised Code.

(4) The applicant must have received one of the following from the national board of chiropractic examiners, as appropriate according to the date of the applicant's graduation from a school or college of chiropractic:

(a) If the applicant graduated on or after January 1, 1970, but before January 1, 1989, a "diplomate certificate" or "certificate of attainment" evidencing passage of parts I and II and the physiotherapy section of the national board's examinations;

(b) If the applicant graduated on or after January 1, 1989, but before January 1, ~~2000~~ 2002, a "certificate of attainment" evidencing passage of parts I, II, and III and the physiotherapy section of the national board's examinations;

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(c) If the applicant graduated on or after January 1, ~~2000~~ 31728  
2002, a "certificate of attainment" evidencing passage of parts I, 31729  
 II, III, and IV and the physiotherapy section of the national 31730  
 board's examinations. 31731

(5) The applicant must have passed the board's jurisprudence 31732  
 examination conducted under section 4734.22 of the Revised Code. 31733

(C) The board shall issue a license to practice chiropractic 31734  
 to each applicant who files a complete application, pays all 31735  
 applicable fees, and meets the conditions specified in division 31736  
 (B) of this section. The burden of proof is on the applicant, to 31737  
 prove by clear and convincing evidence to the board, that the 31738  
 applicant meets the conditions for receipt of the license. 31739

The board may conduct any investigation it considers 31740  
 appropriate to verify an applicant's credentials, moral character, 31741  
 and fitness to receive a license. In conducting an investigation, 31742  
 the board may request information from the records maintained by 31743  
 the federal bureau of investigation, the bureau of criminal 31744  
 identification and investigation, and any other repositories of 31745  
 criminal records held in this or another state. The board may 31746  
 charge the applicant a fee for conducting the investigation. The 31747  
 amount of the fee shall not exceed the expenses the board incurs 31748  
 in conducting the investigation and may include any fees that must 31749  
 be paid to obtain information in the criminal record. 31750

**Sec. 4736.12.** (A) The state board of sanitarian registration 31751  
 shall charge the following fees: 31752

(1) To apply as a sanitarian-in-training, ~~fifty-five~~ 31753  
fifty-seven dollars; 31754

(2) For sanitarians-in-training to apply for registration as 31755  
 sanitarians, ~~fifty-five~~ fifty-seven dollars. The applicant shall 31756  
 pay this fee only once regardless of the number of times the 31757

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applicant takes an examination required under section 4736.08 of the Revised Code. 31758  
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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. 31760  
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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. 31766  
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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. 31769  
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(6) For late application for renewal, twenty-five dollars. 31772

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. 31773  
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(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the board of conducting the examinations. 31777  
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(C) The board of sanitarian registration may adopt rules establishing fees for all of the following: 31781  
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(1) Application for the registration of a training agency approved under rules adopted by the board pursuant to section 4736.11 of the Revised Code and for the annual registration renewal of an approved training agency. 31783  
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(2) Application for the review of continuing education hours 31787

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submitted for the board's approval by approved training agencies 31788  
 or by registered sanitarians or sanitarians-in-training. 31789

**Sec. 4736.14.** The state board of sanitarian registration may, 31790  
 upon application and proof of valid registration, issue a 31791  
 certificate of registration to any ~~resident of this state~~ person 31792  
 who is or has been registered as a sanitarian by any other state, 31793  
 if the requirements of that state at the time of such registration 31794  
 are determined by the board to be at least equivalent to the 31795  
 requirements of this chapter. 31796

**Sec. 4743.05.** Except as otherwise provided in ~~sections~~ 31797  
~~section~~ 4701.20, ~~and 4729.65~~ of the Revised Code, all money 31798  
 collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 31799  
 4717., 4723., 4725., ~~4729.~~, 4732., 4733., 4734., 4736., 4741., 31800  
 4753., 4755., 4757., 4759., and 4761. of the Revised Code, and 31801  
 until December 31, 2004, money collected under Chapter 4779. of 31802  
 the Revised Code, shall be paid into the state treasury to the 31803  
 credit of the occupational licensing and regulatory fund, which is 31804  
 hereby created for use in administering such chapters. ~~Money~~ 31805  
~~deposited to the credit of the fund under section 4731.24 of the~~ 31806  
~~Revised Code shall be used until July 1, 1998, for administering~~ 31807  
~~Chapters 4730. and 4731. of the Revised Code.~~ 31808

At the end of each quarter, the director of budget and 31809  
 management shall transfer from the occupational licensing and 31810  
 regulatory fund to the nurse education assistance fund created in 31811  
 section 3333.28 of the Revised Code the amount certified to the 31812  
 director under division (B) of section 4723.08 of the Revised 31813  
 Code. 31814

~~At the end of the first quarter of 1995 and at the end of~~ 31815  
~~each quarter thereafter,~~ the director shall transfer from the 31816  
 occupational licensing and regulatory fund to the certified public 31817

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accountant education assistance fund created in section 4701.26 of 31818  
 the Revised Code the amount certified to the director under 31819  
 division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code. 31820

**Sec. 4755.01.** As used in sections 4755.01 to 4755.12 and 31821  
 section 4755.99 of the Revised Code: 31822

(A) "Occupational therapy" means the evaluation of learning 31823  
 and performance skills and the analysis, selection, and adaptation 31824  
 of activities for an individual whose abilities to cope with daily 31825  
 living, perform tasks normally performed at ~~his~~ the individual's 31826  
 stage of development, and perform vocational tasks are threatened 31827  
 or impaired by developmental deficiencies, the aging process, 31828  
 environmental deprivation, or physical, psychological, or social 31829  
 injury or illness, through specific techniques which include: 31830

(1) Planning and implementing activities and programs to 31831  
 improve sensory and motor functioning at the level of performance 31832  
 normal for the individual's stage of development; 31833

(2) Teaching skills, behaviors, and attitudes crucial to the 31834  
 individual's independent, productive, and satisfying social 31835  
 functioning; 31836

(3) Designing, fabricating, applying, recommending, and 31837  
 instructing in the use of selected orthotic or prosthetic devices 31838  
 and other equipment which assists the individual to adapt to ~~his~~ 31839  
the individual's potential or actual impairment; 31840

(4) Analyzing, selecting, and adapting activities to maintain 31841  
 the individual's optimal performance of tasks and to prevent 31842  
 further disability; 31843

(5) Administration of topical drugs that have been prescribed 31844  
by a licensed health professional authorized to prescribe drugs, 31845  
as defined in section 4729.01 of the Revised Code. 31846

(B) "Occupational therapist" means a person who is licensed 31847



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to practice occupational therapy and who offers such services to 31848  
the public under any title incorporating the words "occupational 31849  
therapy," "occupational therapist," or any similar title or 31850  
description of services. 31851

(C) "Occupational therapy assistant" means a person licensed 31852  
to apply the more standard occupational therapy techniques under 31853  
the general supervision of an occupational therapist. 31854

**Sec. 4761.05.** (A) The Ohio respiratory care board shall issue 31855  
a license to any applicant who complies with the requirements of 31856  
section 4761.04 of the Revised Code, files the prescribed 31857  
application form, and pays the fee or fees required under section 31858  
4761.07 of the Revised Code. The license entitles the holder to 31859  
practice respiratory care. The licensee shall display the license 31860  
in a conspicuous place at the licensee's principal place of 31861  
business. 31862

(B)(1) The board shall issue a limited permit to any 31863  
applicant who meets the requirements of division (A)(1) of section 31864  
4761.04 of the Revised Code, files the prescribed application 31865  
form, pays the fee required under section 4761.07 of the Revised 31866  
Code, and meets either of the following requirements: 31867

(a) Is enrolled in and is in good standing in a respiratory 31868  
care educational program approved by the board that meets the 31869  
requirements of division (A)(2) of section 4761.04 of the Revised 31870  
Code leading to a degree or certificate of completion or is a 31871  
graduate of the program; 31872

(b) Is employed as a provider of respiratory care in this 31873  
state and was employed as a provider of respiratory care in this 31874  
state prior to March 14, 1989. 31875

(2) The limited permit authorizes the holder to provide 31876  
respiratory care under the supervision of a respiratory care 31877

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professional. A person issued a limited permit under division	31878
(B)(1)(a) of this section may practice respiratory care under the	31879
limited permit for not more than the earliest of the following:	31880
(a) Three years after the date the limited permit is issued;	31881
(b) One year following the date of receipt of a certificate	31882
of completion from a board-approved respiratory care education	31883
program;	31884
(c) Until the holder <del>completes</del> or discontinues participation	31885
in the educational program.	31886
The board may extend the term of a limited permit in cases of	31887
unusual hardship. The holder seeking an extension shall petition	31888
the board in the form and manner prescribed by the board in rules	31889
adopted under section 4761.03 of the Revised Code. This division	31890
does not require a student enrolled in an educational program	31891
leading to a degree or certificate of completion in respiratory	31892
care approved by the board to obtain a limited permit to perform	31893
any duties that are part of the required course of study.	31894
(3) A person issued a limited permit under division (B)(1)(b)	31895
of this section may practice under a limited permit for not more	31896
than three years, except that this restriction does not apply to a	31897
permit holder who, on March 14, 1989, has been employed as a	31898
provider of respiratory care for an average of not less than	31899
twenty-five hours per week for a period of not less than five	31900
years by a hospital.	31901
(C) All holders of licenses and limited permits issued under	31902
this section shall display, in a conspicuous place on their	31903
persons, information that identifies the type of authorization	31904
under which they practice.	31905
<b>Sec. 4775.01.</b> As used in this chapter:	31906
(A) "Motor vehicle" has the same meaning as in section	31907

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4501.01 of the Revised Code.	31908
(B) <u>"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.</u>	31909 31910 31911 31912 31913
(C) <u>"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.</u>	31914 31915 31916 31917 31918 31919 31920 31921 31922 31923
(D) <u>"Motor vehicle collision repair operator" means a <del>any</del> person who <del>owns or manages, in whole or in part, a motor vehicle collision repair facility, whether or not mechanical or other repairs also are performed at the facility, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that is not an employee or agent of a principal and performs five or more motor vehicle collision repairs in a calendar year,</del> but does not mean any of the following:</u>	31924 31925 31926 31927 31928 31929 31930 31931 31932
(1) An employee, other than a manager, of a motor vehicle collision repair operator;	31933 31934
(2) A motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	31935 31936
(3) A motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code who also is the owner, part	31937 31938

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owner, or operator of a motor vehicle collision repair facility;	31939
(4) A motor vehicle auction owner licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	31940 31941
(5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	31942 31943
(6) A motor vehicle salvage dealer licensed pursuant to <del>sections 4738.01 to 4738.18</del> <u>Chapter 4738.</u> of the Revised Code;	31944 31945
(7) A person or lessee who owns or leases ten or more motor vehicles used principally in connection with any established business and who does not perform motor vehicle collision repairs on motor vehicles other than the motor vehicles used principally in connection with the established business;	31946 31947 31948 31949 31950
(8) A motor vehicle renting dealer as defined in division (A)(2) of section 4549.65 of the Revised Code who does not perform motor vehicle collision repairs on motor vehicles other than the motor vehicles used in connection with the established motor vehicle renting business;	31951 31952 31953 31954 31955
(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;	31956 31957 31958 31959
(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.	31960 31961 31962 31963 31964
<del>(C)</del> <u>(E)</u> "Motor vehicle collision repair facility" means a <del>business</del> location <del>in</del> <u>from</u> which five or more separate motor vehicle collision repairs are performed <del>for the general public on</del> <u>motor vehicles</u> in a twelve-month period, commencing with the day	31965 31966 31967 31968

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of the month in which the first such repair is made.	31969
<b>Sec. 4775.02.</b> (A) No person shall act as a motor vehicle collision repair operator unless the person is registered in accordance with this chapter.	31970 31971 31972
(B) <u>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.</u>	31973 31974 31975 31976
<b>Sec. 4775.08.</b> (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 <u>fifty</u> dollars for each business location at which the motor vehicle collision repair operator conducts business as an operator, except that the board of motor vehicle collision repair registration, with the approval of the controlling board, may establish fees in excess of or less than that amount, provided that such fees do not exceed or are not less than that amount by more than fifty per cent.	31977 31978 31979 31980 31981 31982 31983 31984 31985 31986
The board shall adjust the fees as necessary in order to provide for the expenses associated with carrying out this chapter without causing an excessive build-up of surplus funds in the motor vehicle collision repair registration fund, <u>which is hereby created in the state treasury.</u>	31987 31988 31989 31990 31991
(B) <u>If the board has notified or attempted to notify a motor vehicle collision repair operator that the operator is required to be registered under this chapter, and the operator fails to register, the initial fee for the registration of such an unregistered operator for each business location at which the operator conducts business as an operator, is the initial fee then in effect plus an additional amount equal to the initial fee then</u>	31992 31993 31994 31995 31996 31997 31998

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in effect for each calendar year that the operator is not 31999  
registered after the board has notified or attempted to notify the 32000  
operator. 32001

(C) The board shall deposit all fees and fines collected 32002  
under this chapter into the motor vehicle collision repair 32003  
registration fund, which is hereby created in the state treasury. 32004  
 The board shall use the fund solely for the administration and 32005  
 enforcement of this chapter. 32006

**Sec. 4775.99.** (A) Whoever violates section 4775.02 of the 32007  
 Revised Code shall be fined not more than one thousand dollars on 32008  
 a first offense. On each subsequent offense, the offender shall be 32009  
 fined not less than one thousand nor more than five thousand 32010  
 dollars. 32011

(B) After conducting an investigation and upon establishing 32012  
that a violation of section 4775.02 of the Revised Code has 32013  
occurred, the board of motor vehicle collision repair 32014  
registration, in addition to any other action it may take or any 32015  
other penalty imposed pursuant to this chapter, may impose an 32016  
administrative fine on the person or entity that committed the 32017  
violation in an amount of not more than one thousand dollars on a 32018  
first offense. On each subsequent offense, the board may impose an 32019  
administrative fine of not less than one thousand dollars nor more 32020  
than five thousand dollars. If the administrative fine is not 32021  
paid, the attorney general, upon the board's request, shall 32022  
commence a civil action to collect the administrative fine. 32023

**Sec. 4779.01.** As used in this chapter: 32024

(A) "Accommodative" means designed with the primary goal of 32025  
 conforming to the anatomy of a particular individual. 32026

(B) "Full-time" means not less than one thousand six hundred 32027  
 hours per year. 32028

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(C) "Inlay" means any removable material on which the foot rests inside a shoe and that may be an integral design component of the shoe. 32029  
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(D) "Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting, nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician. 32032  
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(E) "Orthotic device" means a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. 32046  
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(F) "Pedorthics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a pedorthic device, or the repair, replacement, adjustment, or servicing of a pedorthic device. 32050  
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(G) "Pedorthics device" means a custom fabricated or fitted therapeutic shoe, shoe modification for therapeutic purposes, prosthetic filler of the forefoot, or foot orthosis for use from the apex of the ~~medical malleus~~ medial malleolus and below. It does not include an arch support, a nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified, over-the-counter shoes. 32054  
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(H) "Prosthetics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a prosthesis or pedorthic device, or the repair, replacement, adjustment, or service of a prosthesis or pedorthic device.

(I) "Prosthesis" means a custom fabricated or fitted medical device used to replace a missing appendage or other external body part. It includes an artificial limb, hand, or foot, but does not include devices implanted into the body by a physician, artificial eyes, intraocular lenses, dental appliances, ostomy products, cosmetic devices such as breast prostheses, eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

**Sec. 4779.02.** (A) Except as provided in division (B) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession;

(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;

(3) An individual who provides orthotic, prosthetic, or



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pedorthic services under the supervision of a licensed orthotist,	32091
prosthetist, or pedorthist in accordance with section 4779.04 of	32092
the Revised Code;	32093
(4) An individual who provides orthotic, prosthetic, or	32094
pedorthic services as part of an educational, certification, or	32095
residency program approved by the board under sections 4779.25 to	32096
4779.27 of the Revised Code;	32097
<u>(5) An individual who provides orthotic, prosthetic, or</u>	32098
<u>pedorthic services under the direct supervision of an individual</u>	32099
<u>authorized under Chapter 4731. of the Revised Code to practice</u>	32100
<u>medicine and surgery or osteopathic medicine and surgery.</u>	32101
<b>Sec. 4779.16.</b> The state board of orthotics, prosthetics, and	32102
pedorthics shall issue a license under section 4779.09 of the	32103
Revised Code to practice orthotics, prosthetics, orthotics and	32104
prosthetics, or pedorthics without examination to an applicant who	32105
meets the requirements of divisions (A) and (B) of this section:	32106
(A) Not later than July 27, 2001, applies to the board in	32107
accordance with section 4779.09 of the Revised Code;	32108
(B)(1) In the case of an applicant for a license to practice	32109
orthotics, is actively practicing or teaching orthotics on October	32110
27, 2000, and complies with division (B) <del>(2)</del> <u>(1)</u> (a) or (b) of this	32111
section:	32112
(a) The applicant meets all of the following requirements:	32113
(i) Holds a bachelor's degree or higher from a nationally	32114
accredited college or university in the United States;	32115
(ii) Has completed a certificate program in orthotics	32116
approved by the board under section 4779.26 of the Revised Code;	32117
(iii) Is certified in orthotics by the American board for	32118
certification in orthotics and prosthetics, the board of	32119

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orthotist/prosthetist certification, or an equivalent successor	32120
organization recognized by the board;	32121
(iv) Has completed a residency program approved by the board	32122
under section 4779.27 of the Revised Code.	32123
(b) The individual meets both of the following requirements:	32124
(i) Has a minimum of three years of documented, full-time	32125
experience practicing or teaching orthotics;	32126
(ii) Has passed the certification examination in orthotics	32127
developed by the American board of certification in orthotics and	32128
prosthetics, the board of orthotist/prosthetist certification, or	32129
an equivalent organization recognized by the board.	32130
(2) In the case of an applicant for a license to practice	32131
prosthetics, is actively practicing or teaching prosthetics on	32132
October 27, 2000, and complies with division (B)(2)(a) or (b) of	32133
this section:	32134
(a) The applicant meets all of the following requirements:	32135
(i) Holds a bachelor's degree or higher from a nationally	32136
accredited college or university in the United States;	32137
(ii) Has completed a certificate program in prosthetics	32138
approved by the board under section 4779.26 of the Revised Code;	32139
(iii) Is certified in prosthetics by the American board for	32140
certification in orthotics and prosthetics, the board of	32141
orthotist/prosthetist certification, or an equivalent successor	32142
organization recognized by the board;	32143
(iv) Has completed a residency program approved by the board	32144
under section 4779.27 of the Revised Code.	32145
(b) The applicant meets both of the following requirements:	32146
(i) Has a minimum of three years of documented, full-time	32147
experience practicing or teaching prosthetics;	32148

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(ii) Has passed the certification examination in prosthetics	32149
of the American board of certification in orthotics and	32150
prosthetics, the board of orthotist/prosthetist certification, or	32151
an equivalent organization recognized by the board.	32152
(3) In the case of an applicant for a license to practice	32153
orthotics and prosthetics, the applicant complies with division	32154
(B)(3)(a) or (b) of this section:	32155
(a) The applicant meets all of the following requirements:	32156
(i) Holds a bachelor's degree or higher from an accredited	32157
college or university in the United States;	32158
(ii) Has completed a certificate program in orthotics and	32159
prosthetics approved by the board under section 4779.26 of the	32160
Revised Code;	32161
(iii) Has completed a residency program in orthotics and	32162
prosthetics approved under section 4779.27 of the Revised Code;	32163
(iv) Is certified in orthotics and prosthetics by the	32164
American board for certification in orthotics and prosthetics, the	32165
board of orthotist/prosthetist certification, or an equivalent	32166
successor organization recognized by the board;	32167
(b) The applicant meets both of the following requirements:	32168
(i) Has a minimum of six years of documented, full-time	32169
experience practicing or teaching orthotics and prosthetics;	32170
(ii) Has passed the orthotics and prosthetics certification	32171
examination requirements of the American board for certification	32172
in orthotics and prosthetics, the board of orthotist/prosthetist	32173
certification, or an equivalent organization recognized by the	32174
board.	32175
(4) In the case of an applicant for a license to practice	32176
pedorthics, is actively practicing or teaching pedorthics on	32177
October 27, 2000, and is certified in pedorthics by the board for	32178

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certification in pedorthics.	32179
<b>Sec. 4779.19.</b> A license issued under section 4779.09 of the Revised Code or renewed under section 4779.20 of the Revised Code is valid for <del>not less than three years and not more than four years and</del> <u>from the date of issuance until the date it expires, unless earlier suspended or revoked. An initial license and each renewed license</u> expires on the thirty-first day of January immediately succeeding the date of issuance.	32180 32181 32182 32183 32184 32185 32186
<b>Sec. 4779.20.</b> (A) An individual seeking to renew a license issued under section 4779.09 of the Revised Code shall, on or before the <del>thirty-first day of January of the year in which the license expires</del> <u>pursuant to section 4779.19 of the Revised Code,</u> apply for renewal. The state board of orthotics, prosthetics, and pedorthics shall send renewal notices at least one month prior to the expiration date.	32187 32188 32189 32190 32191 32192 32193
Applications shall be submitted to the board on forms the board prescribes and furnishes. Each application shall be accompanied by a renewal fee specified in rules adopted by the board under section 4779.08 of the Revised Code, <u>except that the board may waive part of the renewal fee for the first renewal of an initial license that expires one hundred days or less after it is issued.</u>	32194 32195 32196 32197 32198 32199 32200
(B) <del>To be eligible for renewal other than a first renewal, the</del> <u>Beginning with the fourth renewal and every third renewal thereafter,</u> a license holder must certify to the board one of the following:	32201 32202 32203 32204
(1) In the case of an individual licensed as an orthotist or prosthetist, the individual has completed within the preceding three years forty-five continuing education units granted by the board under section 4779.24 of the Revised Code;	32205 32206 32207 32208

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(2) In the case of an individual licensed as a prosthetist and orthotist, the individual has completed within the preceding three years seventy-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the board for certification in pedorthics or an equivalent organization recognized by the board.

**Sec. 4779.26.** The state board of orthotics, prosthetics, and pedorthics shall recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section ~~4779.24~~ 4779.25 of the Revised Code;

(B) In the case of a certificate program in orthotics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of instruction in orthotics;

(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics;

(3) Meets the requirements in divisions (G) and (H) of section 4779.25 of the Revised Code.

(C) In the case of a certificate program in prosthetics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of

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instruction in prosthetics;	32238
(2) Requires students to complete not less than two hundred	32239
fifty hours of supervised clinical experience that focuses on	32240
patient-related activities, recommendation, measurement,	32241
impression-taking, model rectification, fabrication, fitting, and	32242
evaluating patients in the use and function of prosthetics;	32243
(3) Meets the requirements in divisions (F) and (I) of	32244
section 4779.25 of the Revised Code.	32245
(D) In the case of a certificate program in orthotics and	32246
prosthetics, the program does both of the following:	32247
(1) Provides not less than two semesters or three quarters of	32248
instruction in orthotics and two semesters or three quarters of	32249
instruction in prosthetics;	32250
(2) Meets the requirements in divisions (H) and (I) of	32251
section 4779.25 of the Revised Code.	32252
<b><u>Sec. 4905.87.</u></b> (A) To the extent funding is available in the	32253
<u>biomass energy program fund, the public utilities commission shall</u>	32254
<u>maintain a program to promote the development and use of biomass</u>	32255
<u>energy.</u>	32256
(B) <u>The biomass energy program fund is hereby created in the</u>	32257
<u>state treasury. Money received by the commission for the program</u>	32258
<u>maintained under this section shall be credited to the fund, and</u>	32259
<u>used for that program.</u>	32260
<b>Sec. 4911.02.</b> (A) The consumers' counsel shall be appointed	32262
by the consumers' counsel governing board, and shall hold office	32263
at the pleasure of the board.	32264
(B)(1) The counsel may sue or be sued and has the powers and	32265
duties granted <del>him</del> <u>the counsel</u> under this chapter, and all	32266
necessary powers to carry out the purposes of this chapter.	32267

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(2) Without limitation because of enumeration, the counsel:	32268
(a) Shall have all the rights and powers of any party in interest appearing before the public utilities commission regarding examination and cross-examination of witnesses, presentation of evidence, and other matters;	32269 32270 32271 32272
(b) May take appropriate action with respect to residential consumer complaints concerning quality of service, service charges, and the operation of the public utilities commission;	32273 32274 32275
(c) May institute, intervene in, or otherwise participate in proceedings in both state and federal courts and administrative agencies on behalf of the residential consumers concerning review of decisions rendered by, or failure to act by, the public utilities commission;	32276 32277 32278 32279 32280
(d) May conduct long range studies concerning various topics relevant to the rates charged to <del>residential</del> <u>residential</u> consumers;	32281 32282
(e) <u>May promote and encourage training opportunities, awareness initiatives, educational programs, research, and dissemination of information helpful and useful to residential consumers. To carry out those purposes, the counsel may promote the availability of the office of the consumers' counsel's services, educational efforts, awareness initiatives, and programs.</u>	32283 32284 32285 32286 32287 32288 32289
<b>Sec. 4911.17.</b> There is hereby created a nine-member consumers' counsel governing board consisting of three representatives of organized groups representing each of the following areas: labor; residential consumers; <u>and</u> family farmers. No more than five members of this board may be members of the same political party.	32290 32291 32292 32293 32294 32295
The members of the board shall be appointed by the attorney general with the advice and consent of the senate.	32296 32297

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No later than January 1, 1977, the attorney general shall 32298  
make initial appointments to the board. Of the initial 32299  
appointments made to the board, three shall be for a term ending 32300  
one year after September 1, 1976, three shall be for a term ending 32301  
two years after that date, and three shall be for a term ending 32302  
three years after that date. Thereafter, terms of office shall be 32303  
for three years, each term ending on the same day of the same 32304  
month of the year as did the term that it succeeds. Each member 32305  
shall hold office from the date of the member's appointment until 32306  
the end of the term for which the member was appointed. Any member 32307  
appointed to fill a vacancy occurring prior to the expiration of 32308  
the term for which the member's predecessor was appointed shall 32309  
hold office for the remainder of that term. Any member shall 32310  
continue in office subsequent to the expiration date of the 32311  
member's term until the member's successor takes office. 32312

The governing board ~~shall meet within thirty days after all~~ 32313  
~~appointments have been made and select from among its membership a~~ 32314  
~~chairperson and vice-chairperson. The board shall meet at least~~ 32315  
every other third month thereafter of the year. Meetings may be 32316  
held more often at the request of a majority of the members or 32317  
upon call of the chairperson. A At the first meeting of each year, 32318  
the board shall select a chairperson and vice-chairperson. With 32319  
the approval of the board, the chairperson may designate the 32320  
vice-chairperson to perform the duties of the chairperson, 32321  
including those provided in section 4901.021 of the Revised Code. 32322

A majority of the members constitutes a quorum. No action 32323  
shall be taken without the concurrence of a majority of the full 32324  
membership of the board. The consumers' counsel shall at all times 32325  
remain responsible to the governing board. Members of the board 32326  
shall be compensated at the rate of one hundred fifty dollars per 32327  
board meeting attended in person, not to exceed one thousand two 32328  
hundred dollars per year. All members shall be reimbursed for 32329



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actual and necessary expenses incurred in the performance of ~~the~~ 32330  
their official duties. 32331

The board shall submit to the general assembly no later than 32332  
the first day of April, annually, a report outlining the 32333  
expenditures of the office of consumers' counsel, a full record of 32334  
participation in any and all proceedings, and an outline of other 32335  
relevant activities of the office. 32336

**Sec. 5101.14.** (A) Within available funds, the department of 32337  
job and family services shall make payments to the counties within 32338  
thirty days after the beginning of each calendar quarter for a 32339  
part of their costs for services to children performed pursuant to 32340  
Chapter 5153. of the Revised Code. 32341

Funds provided to the county under this section shall be 32342  
deposited into the children services fund created pursuant to 32343  
section 5101.144 of the Revised Code. 32344

(B)(1) The funds distributed under this section shall be used 32345  
for the following: 32346

- (a) Home-based services to children and families; 32347
- (b) Protective services to children; 32348
- (c) To find, develop, and approve adoptive homes; 32349
- (d) Short-term, out-of-home care and treatment for children; 32350
- (e) Costs for the care of a child who resides with a 32351  
caretaker relative, other than the child's parent, and is in the 32352  
legal custody of a public children services agency pursuant to a 32353  
voluntary temporary custody agreement entered into under division 32354  
(A) of section 5103.15 of the Revised Code or in the legal custody 32355  
of a public children services agency or the caretaker relative 32356  
pursuant to an allegation or adjudication of abuse, neglect, or 32357  
dependency made under Chapter 2151. of the Revised Code; 32358

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(f) Other services a public children services agency 32359  
 considers necessary to protect children from abuse, neglect, or 32360  
 dependency. 32361

(2) No funds distributed under this section shall be used for 32362  
 the costs of maintaining a child in a children's home owned and 32363  
 operated by the county. 32364

(C) In each fiscal year, the amount of funds available for 32365  
 distribution under this section shall be allocated to counties as 32366  
 follows: 32367

(1) If the amount is less than the amount initially 32368  
 appropriated for the immediately preceding fiscal year, each 32369  
 county shall receive an amount equal to the percentage of the 32370  
 funding it received in the immediately preceding fiscal year, 32371  
 exclusive of any releases from or additions to the allocation or 32372  
 any sanctions imposed under this section; 32373

(2) If the amount is equal to the amount initially 32374  
 appropriated for the immediately preceding fiscal year, each 32375  
 county shall receive an amount equal to the amount it received in 32376  
 the preceding fiscal year, exclusive of any releases from or 32377  
 additions to the allocation or any sanctions imposed under this 32378  
 section; 32379

(3) If the amount is greater than the amount initially 32380  
 appropriated for the immediately preceding fiscal year, each 32381  
 county shall receive the amount determined under division (C)(2) 32382  
 of this section as a base allocation, plus a percentage of the 32383  
 amount that exceeds the amount initially appropriated for the 32384  
 immediately preceding fiscal year. The amount exceeding the amount 32385  
 initially appropriated in the immediately preceding fiscal year 32386  
 shall be allocated to the counties as follows: 32387

(a) Twelve per cent divided equally among all counties; 32388

(b) Forty-eight per cent in the ratio that the number of 32389

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residents of the county under the age of eighteen bears to the 32390  
total number of such persons residing in this state; 32391

(c) Forty per cent in the ratio that the number of residents 32392  
of the county with incomes under the federal poverty guideline 32393  
bears to the total number of such persons in this state. 32394

As used in division (C)(3)(c) of this section, "federal 32395  
poverty guideline" means the poverty guideline as defined by the 32396  
United States office of management and budget and revised by the 32397  
United States secretary of health and human services in accordance 32398  
with section 673 of the "Community Services Block Grant Act," 95 32399  
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 32400

(D) The director of job and family services may adopt rules 32401  
as necessary for the allocation of funds under this section. The 32402  
rules shall be adopted in accordance with section 111.15 of the 32403  
Revised Code. 32404

(E)(1) As used in this division, "services to children" 32405  
~~includes only~~ means children's protective services, home-based 32406  
services to children and families, foster home services, 32407  
residential treatment services, adoptive services, and independent 32408  
living services. 32409

(2) Except as otherwise provided in this section, the 32410  
allocation of funds for a fiscal year to a county under this 32411  
section shall be reduced by the department if in the preceding 32412  
calendar year the total amount expended for services to children 32413  
from local funds ~~and funds distributed to the county under section~~ 32414  
~~5101.46 of the Revised Code~~ was less than the total expended from 32415  
~~those sources~~ that source in the second preceding calendar year. 32416  
The reduction shall be equal to the difference between the total 32417  
expended in the preceding calendar year and the total expended in 32418  
the second preceding calendar year. 32419

The determination of whether the amount expended for services 32420

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to children was less in the preceding calendar year than in the second preceding calendar year shall not include a difference due to any of the following factors to the extent that the difference does not exceed the amount attributable to that factor:

(a) An across-the-board reduction in the county budget as a whole;

(b) A reduced or failed levy specifically earmarked for children services;

(c) ~~A reduced allocation of funds to the county under section 5101.24 of the Revised Code;~~

~~(d)~~ The closure of, or a reduction in the operating capacity of, a children's home owned and operated by the county.

(3) Funds withheld under this division may be reallocated by the department to other counties. The department may grant whole or partial waivers of the provisions of this division.

(F) Children who are in the temporary or permanent custody of a certified public or private nonprofit agency or institution, or who are in adoptions subsidized under division (B) of section 5153.163 of the Revised Code are eligible for medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

(G) Within ninety days after the end of each fiscal year, each county shall return any unspent funds to the department.

~~(H) The department shall prepare an annual report detailing on a county-by-county basis the services provided with funds distributed under this section. The report shall be submitted to the general assembly by the thirtieth day of September each year and also shall be made available to the public.~~

~~(I)~~ In accordance with Chapter 119. of the Revised Code, the director shall adopt, and may amend and rescind, rules prescribing

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reports on expenditures to be submitted by the counties as 32451  
necessary for the implementation of this section. 32452

**Sec. 5101.141.** (A) The department of job and family services 32453  
shall act as the single state agency to administer federal 32454  
payments for foster care and adoption assistance made pursuant to 32455  
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 32456  
670 (1980), as amended. The director of job and family services 32457  
shall adopt rules to implement this authority. Internal management 32458  
rules governing financial and administrative requirements 32459  
applicable to public children services agencies, private child 32460  
placing agencies, and private noncustodial agencies shall be 32461  
adopted in accordance with section 111.15 of the Revised Code. 32462  
Rules establishing eligibility, program participation, and other 32463  
requirements shall be adopted in accordance with Chapter 119. of 32464  
the Revised Code. A public children services agency to which the 32465  
department distributes Title IV-E funds shall administer the funds 32466  
in accordance with those rules. 32467

(B)(1) The county, on behalf of each child eligible for 32468  
foster care maintenance payments under Title IV-E of the "Social 32469  
Security Act," shall make payments to cover the cost of providing 32470  
all of the following: 32471

(a) The child's food, clothing, shelter, daily supervision, 32472  
and school supplies; 32473

(b) The child's personal incidentals; 32474

(c) Reasonable travel to the child's home for visitation. 32475

(2) In addition to payments made under division (B)(1) of 32476  
this section, the county may, on behalf of each child eligible for 32477  
foster care maintenance payments under Title IV-E of the "Social 32478  
Security Act," make payments to cover the cost of providing the 32479  
following: 32480

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(a) Liability insurance with respect to the child;	32481
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.	32482 32483 32484
(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (B)(1) and (2) of this section.	32485 32486 32487 32488 32489 32490 32491 32492 32493
(C) To the extent that either foster care maintenance payments under division (B) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.	32494 32495 32496 32497 32498 32499
(D) The department shall distribute to public children services agencies that incur and report such expenditures federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than <del>two</del> <u>three</u> per cent of the federal financial participation received. The funds withheld may be used only to fund the Ohio child welfare training program established under section 5153.60 of the Revised Code <u>and the university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation</u> . The funds withheld shall be in addition to any administration and training cost for which the department is	32500 32501 32502 32503 32504 32505 32506 32507 32508 32509 32510 32511 32512

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reimbursed through its own cost allocation plan. 32513

(E) All federal financial participation funds received by a 32514  
 county pursuant to this section shall be deposited into the 32515  
 county's children services fund created pursuant to section 32516  
 5101.144 of the Revised Code. 32517

(F) The department shall periodically publish and distribute 32518  
 the maximum amounts that the department will reimburse public 32519  
 children services agencies for making payments on behalf of 32520  
 children eligible for foster care maintenance payments. 32521

(G) The department, by and through its director, is hereby 32522  
 authorized to develop, participate in the development of, 32523  
 negotiate, and enter into one or more interstate compacts on 32524  
 behalf of this state with agencies of any other states, for the 32525  
 provision of medical assistance and other social services to 32526  
 children in relation to whom all of the following apply: 32527

(1) They have special needs. 32528

(2) This state or another state that is a party to the 32529  
 interstate compact is providing adoption assistance on their 32530  
 behalf. 32531

(3) They move into this state from another state or move out 32532  
 of this state to another state. 32533

**Sec. 5101.145.** (A) For the purposes of this section, "Title 32534  
 IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 32535  
 42 U.S.C.A. 670 (1980). 32536

(B) In adopting rules under section 5101.141 of the Revised 32537  
 Code regarding financial requirements applicable to public 32538  
 children services agencies, private child placing agencies, and 32539  
 private noncustodial agencies, the department of job and family 32540  
 services shall establish both of the following: 32541

(1) A single form for the agencies to report costs 32542

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reimbursable under Title IV-E and costs reimbursable under	32543
medicaid;	32544
(2) Procedures to monitor cost reports submitted by the	32545
agencies.	32546
<u>(C) The procedures established under division (B)(2) of this</u>	32547
<u>section shall be implemented not later than October 1, 2003. The</u>	32548
<u>procedures shall be used to do both of the following:</u>	32549
<u>(1) Determine which of the costs are reimbursable under Title</u>	32550
<u>IV-E;</u>	32551
<u>(2) Ensure that costs reimbursable under medicaid are</u>	32552
<u>excluded from determinations made under division (C)(1) of this</u>	32553
<u>section.</u>	32554
<b>Sec. 5101.184.</b> (A) The director of job and family services	32555
shall work with the tax commissioner to collect overpayments of	32556
assistance under Chapter 5107., 5111., or 5115., former Chapter	32557
5113., or <del>sections</del> <u>section</u> 5101.54 to <del>5101.543</del> of the Revised Code	32558
from refunds of state income taxes for taxable year 1992 and	32559
thereafter that are payable to the recipients of such	32560
overpayments.	32561
Any overpayment of assistance, whether obtained by fraud or	32562
misrepresentation, as the result of an error by the recipient or	32563
by the agency making the payment, or in any other manner, may be	32564
collected under this section. Any reduction under section 5747.12	32565
or 5747.121 of the Revised Code to an income tax refund shall be	32566
made before a reduction under this section. No reduction shall be	32567
made under this section if the amount of the refund is less than	32568
twenty-five dollars after any reduction under section 5747.12 of	32569
the Revised Code. A reduction under this section shall be made	32570
before any part of the refund is contributed under section	32571
5747.113 of the Revised Code to the natural areas and preserves	32572



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fund or the nongame and endangered wildlife fund, or is credited 32573  
 under section 5747.12 of the Revised Code against tax due in any 32574  
 subsequent year. 32575

The director and the tax commissioner, by rules adopted in 32576  
 accordance with Chapter 119. of the Revised Code, shall establish 32577  
 procedures to implement this division. The procedures shall 32578  
 provide for notice to a recipient of assistance and an opportunity 32579  
 for the recipient to be heard before the recipient's income tax 32580  
 refund is reduced. 32581

(B) The director of job and family services may enter into 32582  
 agreements with the federal government to collect overpayments of 32583  
 assistance from refunds of federal income taxes that are payable 32584  
 to recipients of the overpayments. 32585

**Sec. ~~5101.071~~ 5101.251.** (A) Not later than ninety days after 32586  
~~the effective date of this section~~ December 8, 1994, the director 32587  
 of job and family services shall develop and provide a training 32588  
 program to assist caseworkers in county departments of job and 32589  
 family services and public children services agencies in 32590  
 understanding the dynamics of domestic violence and the 32591  
 relationship domestic violence has to child abuse. ~~The program~~ 32592  
~~shall be coordinated with other department of job and family~~ 32593  
~~services programs regarding family violence.~~ 32594

(B) Not later than ninety days after ~~the effective date of~~ 32595  
~~this section~~ December 9, 1994, the director of job and family 32596  
 services shall adopt internal management rules in accordance with 32597  
 section 111.15 of the Revised Code establishing policies for 32598  
 dealing with domestic violence and the victims of domestic 32599  
 violence. The rules shall include all of the following: 32600

(1) A rule designating types and categories of employees of 32601  
 county departments of job and family services and employees of 32602  
 public children services agencies to receive training in the 32603

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handling of domestic violence cases and a policy for the training 32604  
of the designated types and categories of employees in the 32605  
handling of those cases. 32606

(2) Guidelines directing how county departments of job and 32607  
family services and county children services boards shall respond 32608  
to identified domestic violence problems and to the needs of 32609  
children directly or indirectly involved in situations involving 32610  
domestic violence. 32611

(C) Each county department of job and family services and 32612  
each public children services agency shall require its employees 32613  
to complete the training described in divisions (A) and (B) of 32614  
this section in accordance with the rules adopted by the director 32615  
of job and family services pursuant to division (B) of this 32616  
section. 32617

**Sec. 5101.36.** Any application for public assistance gives a 32618  
right of subrogation to the department of job and family services 32619  
for any workers' compensation benefits payable to a person who is 32620  
subject to a support order, as defined in section 3119.01 of the 32621  
Revised Code, on behalf of the applicant, to the extent of any 32622  
public assistance payments made on the applicant's behalf. If the 32623  
director of job and family services, in consultation with a child 32624  
support enforcement agency and the administrator of the bureau of 32625  
workers' compensation, determines that a person responsible for 32626  
support payments to a recipient of public assistance is receiving 32627  
workers' compensation, the director shall notify the administrator 32628  
of the amount of the benefit to be paid to the department of job 32629  
and family services. 32630

For purposes of this section, "public assistance" means 32631  
medical assistance provided through the medical assistance program 32632  
established under section 5111.01 of the Revised Code<sub>7i</sub> Ohio works 32633  
first provided under Chapter 5107. of the Revised Code<sub>7i</sub> 32634

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prevention, retention, and contingency ~~assistance~~ benefits and 32635  
services provided under Chapter 5108. of the Revised Code,~~;~~ or 32636  
disability assistance provided under Chapter 5115. of the Revised 32637  
Code. 32638

**Sec. 5101.521.** When the body of a dead person is found in a 32639  
township or municipal corporation, and such person was not an 32640  
inmate of a correctional, benevolent, or charitable institution of 32641  
this state, and the body is not claimed by any person for private 32642  
interment or cremation at the person's own expense, or delivered 32643  
for the purpose of medical or surgical study or dissection in 32644  
accordance with section 1713.34 of the Revised Code, ~~or the person~~ 32645  
~~was not eligible for burial assistance under section 5101.52 of~~ 32646  
~~the Revised Code,~~ it shall be disposed of as follows: 32647

(A) If the person was a legal resident of the county, the 32648  
proper officers of the township or municipal corporation in which 32649  
the person's body was found shall cause it to be buried or 32650  
cremated at the expense of the township or municipal corporation 32651  
in which the person had a legal residence at the time of death. 32652

(B) If the person had a legal residence in any other county 32653  
of the state at the time of death, the superintendent of the 32654  
county home of the county in which such body was found shall cause 32655  
it to be buried or cremated at the expense of the township or 32656  
municipal corporation in which the person had a legal residence at 32657  
the time of death. 32658

(C) If the person was an inmate of a correctional institution 32659  
of the county or a patient or resident of a benevolent institution 32660  
of the county, the person had no legal residence in the state, or 32661  
the person's legal residence is unknown, the superintendent shall 32662  
cause the person to be buried or cremated at the expense of the 32663  
county. 32664

Such officials shall provide, at the grave of the person or, 32665

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if the person's cremated remains are buried, at the grave of the 32666  
person's cremated remains, a stone or concrete marker on which the 32667  
person's name and age, if known, and date of death shall be 32668  
inscribed. 32669

A political subdivision is not relieved of its duty to bury 32670  
or cremate a person at its expense under this section when the 32671  
body is claimed by an indigent person. 32672

**Sec. 5101.54.** (A) The director of job and family services 32673  
shall administer the food stamp program in accordance with the 32674  
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 32675  
amended. The department may: 32676

(1) Prepare and submit to the secretary of the United States 32677  
department of agriculture a plan for the administration of the 32678  
food stamp program; 32679

(2) Prescribe forms for applications, certificates, reports, 32680  
records, and accounts of county departments of job and family 32681  
services, and other matters; 32682

(3) Require such reports and information from each county 32683  
department of job and family services as may be necessary and 32684  
advisable; 32685

(4) Administer and expend any sums appropriated by the 32686  
general assembly for the purposes of this section and all sums 32687  
paid to the state by the United States as authorized by the Food 32688  
Stamp Act of 1977; 32689

(5) Conduct such investigations as are necessary; 32690

(6) Enter into interagency agreements and cooperate with 32691  
investigations conducted by the department of public safety, 32692  
including providing information for investigative purposes, 32693  
exchanging property and records, passing through federal financial 32694  
participation, modifying any agreements with the United States 32695

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department of agriculture, providing for the supply, security, and 32696  
accounting of food stamp ~~coupons~~ benefits for investigative 32697  
purposes, and meeting any other requirements necessary for the 32698  
detection and deterrence of illegal activities in the state food 32699  
stamp program; 32700

(7) Adopt rules in accordance with Chapter 119. of the 32701  
Revised Code governing employment and training requirements of 32702  
recipients of food stamp benefits, including rules specifying 32703  
which recipients are subject to the requirements and establishing 32704  
sanctions for failure to satisfy the requirements. The rules shall 32705  
be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, 32706  
may provide for food stamp benefit recipients to participate in 32707  
work activities, developmental activities, and alternative work 32708  
activities established under sections 5107.40 to 5107.69 of the 32709  
Revised Code that are comparable to programs authorized by 7 32710  
U.S.C.A. 2015(d)(4). The rules may reference rules adopted under 32711  
section 5107.05 of the Revised Code governing work activities, 32712  
developmental activities, and alternative work activities 32713  
established under sections 5107.40 to 5107.69 of the Revised Code. 32714  
32715

(8) Adopt rules in accordance with section 111.15 of the 32716  
Revised Code that are consistent with the Food Stamp Act of 1977, 32717  
as amended, and regulations adopted thereunder governing the 32718  
following: 32719

(a) Eligibility requirements for the food stamp program; 32720

(b) Sanctions for failure to comply with eligibility 32721  
requirements; 32722

(c) Allotment of food stamp ~~coupons~~ benefits; 32723

(d) To the extent permitted under federal statutes and 32724  
regulations, a system under which some or all recipients of food 32725  
stamp benefits subject to employment and training requirements 32726

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established by rules adopted under division (A)(7) of this section	32727
receive food stamp benefits after satisfying the requirements;	32728
(e) Administration of the program by county departments of job and family services;	32729 32730
(f) Other requirements necessary for the efficient administration of the program.	32731 32732
(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.	32733 32734 32735 32736 32737 32738 32739
(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.	32740 32741 32742 32743 32744 32745 32746 32747
(C) A household that is entitled to receive food stamps under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, and that is determined to be in immediate need of food assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:	32748 32749 32750 32751 32752 32753 32754
(1) The results of the application interview indicate that the household will be eligible upon full verification;	32755 32756
(2) Information sufficient to confirm the statements in the	32757

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application has been obtained from at least one additional source,	32758
not a member of the applicant's household. Such information shall	32759
be recorded in the case file, and shall include:	32760
(a) The name of the person who provided the name of the	32761
information source;	32762
(b) The name and address of the information source;	32763
(c) A summary of the information obtained.	32764
The period of temporary eligibility shall not exceed one	32765
month from the date of certification of temporary eligibility. If	32766
eligibility is established by full verification, benefits shall	32767
continue without interruption as long as eligibility continues.	32768
At the time of application, the county department of job and	32769
family services shall provide to a household described in this	32770
division a list of community assistance programs that provide	32771
emergency food.	32772
(D) All applications shall be approved or denied through full	32773
verification within thirty days from receipt of the application by	32774
the county department of job and family services.	32775
(E) Nothing in this section shall be construed to prohibit	32776
the certification of households that qualify under federal	32777
regulations to receive food stamps without charge under the "Food	32778
Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended.	32779
(F) Any person who applies for food stamps under this section	32780
shall receive a voter registration application under section	32781
3503.10 of the Revised Code.	32782
<b>Sec. 5101.80.</b> (A) The department of job and family services	32783
shall do all of the following:	32784
(1) Prepare and submit to the United States secretary of	32785
health and human services a Title IV-A state plan, and amendments	32786

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to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; 32787  
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(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters related to the Ohio works first program and the prevention, retention, and contingency program; 32791  
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(3) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding the Ohio works first program and the prevention, retention, and contingency program; 32795  
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(4) Require reports and information from each county department of job and family services as may be necessary or advisable regarding the Ohio works first program and the prevention, retention, and contingency program; 32800  
32801  
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32803

(5) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, the Ohio works first program or the prevention, retention, and contingency program aggrieved by a decision regarding either program; 32804  
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32806  
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(6) Administer and expend, pursuant to Chapters 5107. and 5108. of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and all sums paid to 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; 32809  
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(7) Conduct investigations as are necessary regarding the Ohio works first program and the prevention, retention, and contingency program; 32815  
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- (8) Enter into reciprocal agreements with other states 32818  
relative to the provision of Ohio works first and prevention, 32819  
retention, and contingency to residents and nonresidents; 32820
- (9) Contract with a private entity to conduct an independent 32821  
on-going evaluation of the Ohio works first program and the 32822  
prevention, retention, and contingency program. The contract must 32823  
require the private entity to do all of the following: 32824
- (a) Examine issues of process, practice, impact, and 32825  
outcomes; 32826
- (b) Study former participants of Ohio works first who have 32827  
not participated in Ohio works first for at least one year to 32828  
determine whether they are employed, the type of employment in 32829  
which they are engaged, the amount of compensation they are 32830  
receiving, whether their employer provides health insurance, 32831  
whether and how often they have received ~~assistance~~ benefits or 32832  
services under the prevention, retention, and contingency program, 32833  
and whether they are successfully self sufficient; 32834
- (c) Provide the department ~~an initial report of the~~ 32835  
~~evaluation not later than two years after October 1, 1997, and~~ 32836  
~~provide subsequent~~ with reports at times the department specifies. 32837
- (10) ~~Not later than March 1, 1998, and the first day of each~~ 32838  
~~September and March thereafter until September 1, 2001, prepare a~~ 32839  
~~county by county report concerning individuals who cease to~~ 32840  
~~participate in Ohio works first that contains the reasons the~~ 32841  
~~individuals ceased to participate, including employment, marital~~ 32842  
~~status, and relocation;~~ 32843
- (11) Not later than January 1, 2001, and the first day of 32844  
each January and July thereafter, prepare a report containing 32845  
information on the following: 32846
- (a) ~~A county by county breakdown of individuals who cease to~~ 32847  
~~participate in Ohio works first and the reasons the individuals~~ 32848

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~~ceased to participate, including Individuals~~ exhausting the time 32849  
limits for participation set forth in section 5107.18 of the 32850  
Revised Code. 32851

(b) Individuals who have been exempted from the time limits 32852  
set forth in section 5107.18 of the Revised Code and the reasons 32853  
for the exemption. 32854

~~(12)~~(11) Not later than January 1, 2001, and on a quarterly 32855  
basis thereafter until December 1, 2003, prepare, to the extent 32856  
the necessary data is available to the department, a report based 32857  
on information determined under section 5107.80 of the Revised 32858  
Code that states how many former Ohio works first participants 32859  
entered the workforce during the most recent previous quarter for 32860  
which the information is known and includes information regarding 32861  
the earnings of those former participants. The report shall 32862  
include a county-by-county breakdown and shall not contain the 32863  
names or social security numbers of former participants. 32864

(B) The department shall provide copies of the reports it 32865  
receives under division (A)(9) of this section and prepares under 32866  
divisions (A)(10), (11), and (12) of this section to the governor, 32867  
the president and minority leader of the senate, and the speaker 32868  
and minority leader of the house of representatives. The 32869  
department shall provide copies of the reports to any private or 32870  
government entity on request. 32871

(C) An authorized representative of the department or a 32872  
county department of job and family services shall have access to 32873  
all records and information bearing thereon for the purposes of 32874  
investigations conducted pursuant to this section. 32875

Sec. 5101.821. Except as otherwise approved by the director 32876  
of budget and management, the department of job and family 32877  
services shall deposit federal funds received under Title IV-A of 32878  
the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), 32879

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into the temporary assistance for needy families (TANF) federal 32880  
fund, which is hereby created in the state treasury. The 32881  
department shall use money in the fund for the Ohio works first 32882  
program established under Chapter 5107. of the Revised Code; the 32883  
prevention, retention, and contingency program established under 32884  
Chapter 5108. of the Revised Code; and any other purposes 32885  
consistent with Title IV-A, federal regulations, federal waivers 32886  
granted by the United States secretary of health and human 32887  
services, state law, the Title IV-A state plan and amendments 32888  
submitted to the United States secretary of health and human 32889  
services under section 5101.80 of the Revised Code, and rules 32890  
adopted by the department under section 5107.05 of the Revised 32891  
Code. 32892

**Sec. 5101.83.** (A) As used in this section: 32893

(1) "Assistance group" has the same meaning as in sections 32894  
 5107.02 and 5108.01 of the Revised Code, except that it also means 32895  
a group provided benefits and services under the prevention, 32896  
retention, and contingency program because the members of the 32897  
group share a common need for benefits and services. 32898

(2) "Fraudulent assistance" means assistance and service, 32899  
 including cash assistance, provided under the Ohio works first 32900  
 program established under Chapter 5107., or benefits and services 32901  
provided under the prevention, retention, and contingency program 32902  
 established under Chapter 5108. of the Revised Code, to or on 32903  
 behalf of an assistance group that is provided as a result of 32904  
 fraud by a member of the assistance group, including an 32905  
 intentional violation of the program's requirements. "Fraudulent 32906  
 assistance" does not include assistance or ~~services~~ services to or 32907  
 on ~~be-half~~ behalf of an assistance group that is provided as a 32908  
 result of an error that is the fault of a county department of job 32909  
 and family services or the state department of job and family 32910

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services. 32911

(B) If a county director of job and family services 32912
determines that an assistance group has received fraudulent 32913
assistance, the assistance group is ineligible to participate in 32914
the Ohio works first program or the prevention, retention, and 32915
contingency program until a member of the assistance group repays 32916
the cost of the fraudulent assistance. If a member repays the cost 32917
of the fraudulent assistance and the assistance group otherwise 32918
meets the eligibility requirements for the Ohio works first 32919
program or the prevention, retention, and contingency program, the 32920
assistance group shall not be denied the opportunity to 32921
participate in the program. 32922

This section does not limit the ability of a county 32923
department of job and family services to recover erroneous 32924
payments under section 5107.76 of the Revised Code. 32925

The state department of job and family services shall adopt 32926
rules in accordance with Chapter 119. of the Revised Code to 32927
implement this section. 32928

Sec. 5101.85. As used in sections 5101.851 to ~~5101.854~~ 32929
~~5101.853~~ of the Revised Code, "kinship caregiver" means any of the 32930
following who is eighteen years of age or older and is caring for 32931
a child in place of the child's parents: 32932

(A) The following individuals related by blood or adoption to 32933
the child: 32934

(1) Grandparents, including grandparents with the prefix 32935
"great," "great-great," or "great-great-great"; 32936

(2) Siblings; 32937

(3) Aunts, uncles, nephews, and nieces, including such 32938
relatives with the prefix "great," "great-great," "grand," or 32939
"great-grand"; 32940

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(4) First cousins and first cousins once removed.	32941
(B) Stepparents and stepsiblings of the child;	32942
(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;	32943 32944
(D) A legal guardian of the child;	32945
(E) A legal custodian of the child.	32946
<b>Sec. <del>5101.853</del> <u>5101.851</u>.</b> <del>(A) As used in this section,</del>	32947
<del>"qualified state expenditures" has the meaning provided by section</del>	32948
<del>409(a)(7)(B)(i) of the "Personal Responsibility and Work</del>	32949
<del>Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42</del>	32950
<del>U.S.C.A. 609(a)(7)(B)(i).</del>	32951
<del>(B) Using qualified state expenditures and based on the</del>	32952
<del>recommendations of the kinship care services planning council, the</del>	32953
<del>The department of job and family services shall <u>may</u> establish a</del>	32954
<del>program providing support services to kinship caregivers statewide</del>	32955
<del>program of kinship care navigators to assist kinship caregivers</del>	32956
<del>who are seeking information regarding, or assistance obtaining,</del>	32957
<del>services and benefits available at the state and local level that</del>	32958
<del>addresses <u>address</u> the needs of those caregivers <u>residing in each</u></del>	32959
<del>county. The department shall establish the program no later than</del>	32960
<del>March 31, 2000. The program shall provide <u>to kinship caregivers</u></del>	32961
<del><u>information and referral services and assistance obtaining</u> support</del>	32962
<del>services that include <u>including</u> the following:</del>	32963
<del>(1)(A) Publicly funded child day-care;</del>	32964
<del>(2)(B) Respite care;</del>	32965
<del>(3)(C) Training related to caring for special needs children;</del>	32966 32967
<del>(4)(D) A toll-free telephone number that may be called to</del>	32968
<del>obtain basic information about the rights of, and services</del>	32969

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available to, kinship caregivers;	32970
<del>(5)(E)</del> Legal services.	32971
<u>Sec. 5101.852. Within available funds, the department of job</u>	32972
<u>and family services shall make payments to public children</u>	32973
<u>services agencies for the purpose of permitting the agencies to</u>	32974
<u>provide kinship care navigator information and referral services</u>	32975
<u>and assistance obtaining support services to kinship caregivers</u>	32976
<u>pursuant to the kinship care navigator program. The department may</u>	32977
<u>provide training and technical assistance concerning the needs of</u>	32978
<u>kinship caregivers to employees of public children services</u>	32979
<u>agencies and to persons or entities that serve kinship caregivers</u>	32980
<u>or perform the duties of a kinship care navigator and are under</u>	32981
<u>contract with an agency.</u>	32982
<del>Sec. 5101.854</del> <u>5101.853.</u> The department of job and family	32983
services <del>shall may</del> adopt rules <del>in accordance with Chapter 119. of</del>	32984
<del>the Revised Code</del> to implement the <u>kinship care navigators</u> program	32985
<del>to provide support services to kinship caregivers. To the extent</del>	32986
<del>permitted by federal law and the Revised Code, the rules may</del>	32987
<del>expand eligibility for programs administered by the department in</del>	32988
<del>a manner making kinship caregivers eligible for the programs. The</del>	32989
<u>rules shall be adopted under Chapter 119. of the Revised Code,</u>	32990
<u>except that rules governing fiscal and administrative matters</u>	32991
<u>related to implementation of the navigators program are internal</u>	32992
<u>management rules and shall be adopted under section 111.15 of the</u>	32993
<u>Revised Code.</u>	32994
<u>Sec. 5103.031.</u> (A) Except as provided in section 5103.033 of	32995
the Revised Code, the department of job and family services may	32996
not issue a certificate under section 5103.03 of the Revised Code	32997
to a foster home unless the foster caregiver successfully	32998
completes the following amount of preplacement training through	32999

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<u>the Ohio child welfare training program</u> or a preplacement training	33000
program operated under section 5103.034 of the Revised Code:	33001
(1) If the foster home is a family foster home, at least	33002
twelve hours;	33003
(2) If the foster home is a specialized foster home, at least	33004
thirty-six hours.	33005
(B) No child may be placed in a family foster home unless the	33006
foster caregiver completes at least twelve additional hours of	33007
preplacement training through <u>the Ohio child welfare training</u>	33008
<u>program</u> or a preplacement training program operated under section	33009
5103.034 of the Revised Code.	33010
<b>Sec. 5103.033.</b> The department of job and family services may	33011
issue or renew a certificate under section 5103.03 of the Revised	33012
Code to a foster home for the care of a child who is in the	33013
custody of a public children services agency or private child	33014
placing agency pursuant to an agreement entered into under section	33015
5103.15 of the Revised Code regarding a child who was less than	33016
six months of age on the date the agreement was executed if the	33017
foster caregiver successfully completes the following amount of	33018
training:	33019
(A) For an initial certificate, at least twelve hours of	33020
preplacement training through <u>the Ohio child welfare training</u>	33021
<u>program</u> or a preplacement training program operated under section	33022
5103.034 of the Revised Code;	33023
(B) For renewal of a certificate, at least twelve hours each	33024
year of continuing training in accordance with the foster	33025
caregiver's needs assessment and continuing training plan	33026
developed and implemented under section <del>5103.034</del> <u>5103.035</u> of the	33027
Revised Code.	33028
<b>Sec. 5103.036.</b> For the purpose of determining whether a	33029

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foster caregiver has satisfied the requirement of section 5103.031 33030  
 or 5103.032 of the Revised Code, a recommending agency shall 33031  
 accept training obtained from the Ohio child welfare training 33032  
program or pursuant to a preplacement training program or 33033  
 continuing training program operated under section 5103.034 of the 33034  
 Revised Code regardless of whether the agency operated the 33035  
 preplacement training program or continuing training program. The 33036  
 agency may require that the foster caregiver successfully complete 33037  
 additional training as a condition of the agency recommending that 33038  
 the department of job and family services certify or recertify the 33039  
 foster caregiver's foster home under section 5103.03 of the 33040  
 Revised Code. 33041

**Sec. 5103.0312.** ~~The department of job and family services~~ A 33042  
~~public children services agency, private child placing agency, or~~ 33043  
~~private noncustodial agency acting as a recommending agency for~~ 33044  
~~foster caregivers who hold certificates issued under section~~ 33045  
~~5103.03 of the Revised Code shall pay those~~ foster caregivers who 33046  
~~have been issued a foster home certificate and had at least one~~ 33047  
~~foster child placed in their home~~ a stipend to reimburse them for 33048  
~~attending training courses~~ provided by the Ohio child welfare 33049  
training program or pursuant to a preplacement training program or 33050  
 continuing training program operated under section 5103.034 of the 33051  
 Revised Code. The payment shall be based on a ~~per diem stipend~~ 33052  
 rate established by the department of job and family services. The 33053  
~~payment to foster caregivers~~ stipend rate shall be the same 33054  
 regardless of the type of recommending agency from which a foster 33055  
 caregiver seeks a recommendation. The department shall ~~pay a~~ 33056  
~~foster caregiver for attending preplacement training courses~~ 33057  
~~during the first month a foster child is placed in the foster~~ 33058  
~~caregiver's home,~~ pursuant to rules adopted under section 33059  
5103.0316 of the Revised Code, reimburse the recommending agency 33060  
for stipend payments it makes in accordance with this section. 33061



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**Sec. 5103.0313.** The department of job and family services 33062  
shall reimburse ~~a~~ the following for the cost of providing 33063  
preplacement and continuing training to foster caregivers: 33064

(A) The Ohio child welfare training program; 33065

(B) A public children services agency, private child placing 33066  
agency, or private noncustodial agency ~~for the cost to the agency~~ 33067  
~~of providing training to a foster caregiver~~ through a preplacement 33068  
training program or continuing training program operated under 33069  
section 5103.034 of the Revised Code. ~~The~~ 33070

The reimbursement shall be on a per diem basis and limited to 33071  
the cost associated with the trainer, obtaining a site at which 33072  
the training is provided, and the administration of the training. 33073  
A reimbursement rate shall be the same regardless of whether the 33074  
training program is operated by the Ohio child welfare training 33075  
program or a public children services agency, private child 33076  
placing agency, or private noncustodial agency. 33077

**Sec. 5103.0314.** The department of job and family services 33078  
shall not reimburse a recommending agency for the cost of any 33079  
training the agency requires a foster caregiver to undergo as a 33080  
condition of the agency recommending the department certify or 33081  
recertify the foster caregiver's foster home under section 5103.03 33082  
of the Revised Code if the training is in addition to the minimum 33083  
training required by section 5103.031 or 5103.032 of the Revised 33084  
Code. 33085

**Sec. 5103.0316.** Not later than ninety days after ~~the~~ 33086  
~~effective date of this section~~ January 1, 2001, the department of 33087  
job and family services shall adopt rules in accordance with 33088  
Chapter 119. of the Revised Code as necessary for the efficient 33089  
administration of sections 5103.031 to 5103.0316 of the Revised 33090

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Code. The rules shall provide for all of the following: 33091

(A) For the purpose of section 5103.038 of the Revised Code, 33092  
 the date by which a public children services agency, private child 33093  
 placing agency, or private noncustodial agency that seeks to 33094  
 operate a preplacement training program or continuing training 33095  
 program under section 5103.034 of the Revised Code must submit to 33096  
 the department a proposal outlining the program; 33097

(B) Requirements governing the department's reimbursement of 33098  
the Ohio child welfare training program and public children 33099  
 services agencies, private child placing agencies, and private 33100  
 noncustodial agencies under ~~section~~ sections 5103.0312 and 33101  
 5103.0313 of the Revised Code; 33102

(C) Any other matter the department considers appropriate. 33103

**Sec. 5103.07.** The department of job and family services shall 33104  
 administer funds received under Title IV-B of the "Social Security 33105  
 Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the 33106  
 "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 33107  
 U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and~~ 33108  
~~Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as~~ 33109  
~~amended.~~ In administering these funds, the department may 33110  
 establish a child welfare services program, and a child abuse and 33111  
 neglect prevention and adoption reform program, ~~and a family~~ 33112  
~~violence prevention program.~~ The department has all powers 33113  
 necessary for the adequate administration of these funds and 33114  
 programs. The director of job and family services may adopt 33115  
internal management rules in accordance with section 111.15 of the 33116  
 Revised Code ~~and issue appropriate orders~~ as necessary for the 33117  
~~adequate administration of these funds and programs~~ to carry out 33118  
the purposes of this section. 33119

**Sec. 5107.02.** As used in this chapter: 33120

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- (A) "Adult" means an individual who is not a minor child. 33121
- (B) "Assistance group" means a group of individuals treated 33122  
as a unit for purposes of determining eligibility for and the 33123  
amount of assistance provided under Ohio works first. 33124
- (C) "Custodian" means an individual who has legal custody, as 33125  
defined in section 2151.011 of the Revised Code, of a minor child 33126  
or comparable status over a minor child created by a court of 33127  
competent jurisdiction in another state. 33128
- (D) "Guardian" means an individual that is granted authority 33129  
by a probate court pursuant to Chapter 2111. of the Revised Code, 33130  
or a court of competent jurisdiction in another state, to exercise 33131  
parental rights over a minor child to the extent provided in the 33132  
court's order and subject to residual parental rights of the minor 33133  
child's parents. 33134
- (E) "Minor child" means either of the following: 33135
- (1) An individual who has not attained age eighteen; 33136
- (2) An individual who has not attained age nineteen and is a 33137  
full-time student in a secondary school or in the equivalent level 33138  
of vocational or technical training. 33139
- (F) "Minor head of household" means a minor child who is a 33140  
either of the following: 33141
- (1) At least six months pregnant and a member of an 33142  
assistance group that does not include an adult; 33143
- (2) A parent of a child included in the same assistance group 33144  
that does not include an adult. 33145
- (G) "Ohio works first" means the program established by this 33146  
chapter known as temporary assistance for needy families in Title 33147  
IV-A. 33148
- (H) "Payment standard" means the amount specified in rules 33149

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adopted under section 5107.05 of the Revised Code that is the 33150  
 maximum amount of cash assistance an assistance group may receive 33151  
 under Ohio works first from state and federal funds. 33152

(I) "Specified relative" means the following individuals who 33153  
 are age eighteen or older: 33154

(1) The following individuals related by blood or adoption: 33155

(a) Grandparents, including grandparents with the prefix 33156  
"great," "great-great," or "great-great-great"; 33157

(b) Siblings; 33158

(c) Aunts, uncles, nephews, and nieces, including such 33159  
 relatives with the prefix "great," "great-great," "grand," or 33160  
"great-grand"; 33161

(d) First cousins and first cousins once removed. 33162

(2) Stepparents and stepsiblings; 33163

(3) Spouses and former spouses of individuals named in 33164  
 division (I)(1) or (2) of this section. 33165

(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title 33166  
 IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 33167  
 301, as amended. 33168

**Sec. 5107.10.** (A) As used in this section: 33169

(1) "Countable income," "gross earned income," and "gross 33170  
 unearned income" have the meanings established in rules adopted 33171  
 under section 5107.05 of the Revised Code. 33172

(2) "Gross income" means gross earned income and gross 33173  
 unearned income. 33174

(3) "Strike" means continuous concerted action in failing to 33175  
 report to duty; willful absence from one's position; or stoppage 33176  
 of work in whole from the full, faithful, and proper performance 33177

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of the duties of employment, for the purpose of inducing, 33178  
influencing, or coercing a change in wages, hours, terms, and 33179  
other conditions of employment. "Strike" does not include a 33180  
stoppage of work by employees in good faith because of dangerous 33181  
or unhealthful working conditions at the place of employment that 33182  
are abnormal to the place of employment. 33183

(B) Under the Ohio works first program, an assistance group 33184  
shall receive, except as otherwise provided by this chapter, 33185  
time-limited cash assistance. In the case of an assistance group 33186  
that includes a minor head of household or adult, assistance shall 33187  
be provided in accordance with the self-sufficiency contract 33188  
entered into under section 5107.14 of the Revised Code. 33189

(C) To be eligible to participate in Ohio works first, an 33190  
assistance group must meet all of the following requirements: 33191

(1) The assistance group, except as provided in division (E) 33192  
of this section, must include at least one of the following: 33193

(a) A minor child who, except as provided in section 5107.24 33194  
of the Revised Code, resides with a parent, or specified relative 33195  
caring for the child, or, to the extent permitted by Title IV-A 33196  
and federal regulations adopted until Title IV-A, resides with a 33197  
guardian or custodian caring for the child; 33198

(b) A parent residing with and caring for the parent's minor 33199  
child who receives supplemental security income under Title XVI of 33200  
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 33201  
as amended, or federal, state, or local adoption assistance; 33202

(c) A specified relative residing with and caring for a minor 33203  
child who is related to the specified relative in a manner that 33204  
makes the specified relative a specified relative and receives 33205  
supplemental security income or federal, state, or local foster 33206  
care or adoption assistance; 33207

(d) A woman at least six months pregnant. 33208

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(2) The assistance group must meet the income requirements established by division (D) of this section. 33209 33210

(3) No member of the assistance group may be involved in a strike. 33211 33212

(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. 33213 33214 33215

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code. 33216 33217 33218

(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: 33219 33220 33221 33222

(a) Determine whether the assistance group's gross income exceeds the following amount: 33223 33224

Size of Assistance Group	Gross Income	
1	\$423	33225 33226
2	\$537	33227
3	\$630	33228
4	\$750	33229
5	\$858	33230
6	\$942	33231
7	\$1,038	33232
8	\$1,139	33233
9	\$1,241	33234
10	\$1,343	33235
11	\$1,440	33236
12	\$1,542	33237
13	\$1,643	33238
14	\$1,742	33239

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\$1,844

33240

For each person in the assistance group that brings the 33241  
 assistance group to more than fifteen persons, add one hundred two 33242  
 dollars to the amount of gross income for an assistance group of 33243  
 fifteen specified in division (D)(1)(a) of this section. 33244

In making this determination, the county department shall 33245  
 disregard amounts that federal statutes or regulations and 33246  
 sections 5101.17 and 5117.10 of the Revised Code require be 33247  
 disregarded. The assistance group is ineligible to participate in 33248  
 Ohio works first if the assistance group's gross income, less the 33249  
 amounts disregarded, exceeds the amount specified in division 33250  
 (D)(1)(a) of this section. 33251

(b) If the assistance group's gross income, less the amounts 33252  
 disregarded pursuant to division (D)(1)(a) of this section, does 33253  
 not exceed the amount specified in that division, determine 33254  
 whether the assistance group's countable income is less than the 33255  
 payment standard. The assistance group is ineligible to 33256  
 participate in Ohio works first if the assistance group's 33257  
 countable income equals or exceeds the payment standard. 33258

(2) To determine whether an assistance group participating in 33259  
 Ohio works first continues to be eligible to participate, a county 33260  
 department of job and family services shall determine whether the 33261  
 assistance group's countable income continues to be less than the 33262  
 payment standard. In making this determination, the county 33263  
 department shall disregard the first two hundred fifty dollars and 33264  
 fifty per cent of the remainder of the assistance group's gross 33265  
 earned income. No amounts shall be disregarded from the assistance 33266  
 group's gross unearned income. The assistance group ceases to be 33267  
 eligible to participate in Ohio works first if its countable 33268  
 income, less the amounts disregarded, equals or exceeds the 33269  
 payment standard. 33270

(3) If an assistance group reapplies to participate in Ohio 33271

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works first not more than four months after ceasing to 33272  
 participate, a county department of job and family services shall 33273  
 use the income requirement established by division (D)(2) of this 33274  
 section to determine eligibility for resumed participation rather 33275  
 than the income requirement established by division (D)(1) of this 33276  
 section. 33277

(E)(1) An assistance group may continue to participate in 33278  
 Ohio works first even though a public children services agency 33279  
 removes the assistance group's minor children from the assistance 33280  
 group's home due to abuse, neglect, or dependency if the agency 33281  
 does both of the following: 33282

(a) Notifies the county department of job and family services 33283  
 at the time the agency removes the children that it believes the 33284  
 children will be able to return to the assistance group within six 33285  
 months; 33286

(b) Informs the county department at the end of each of the 33287  
 first five months after the agency removes the children that the 33288  
 parent, guardian, custodian, or specified relative of the children 33289  
 is cooperating with the case plans prepared for the children under 33290  
 section 2151.412 of the Revised Code and that the agency is making 33291  
 reasonable efforts to return the children to the assistance group. 33292

(2) An assistance group may continue to participate in Ohio 33293  
 works first pursuant to division (E)(1) of this section for not 33294  
 more than six payment months. This division does not affect the 33295  
 eligibility of an assistance group that includes a woman at least 33296  
 six months pregnant. 33297

**Sec. 5107.14.** An assistance group is ineligible to 33298  
 participate in Ohio works first unless the minor head of household 33299  
 or each adult member of the assistance group, not later than 33300  
 thirty days after applying for or undergoing a redetermination of 33301  
 eligibility for the program, enters into a written 33302



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self-sufficiency contract with the county department of job and 33303  
family services. The contract shall set forth the rights and 33304  
responsibilities of the assistance group as applicants for and 33305  
participants of the program, including work responsibilities 33306  
established under sections 5107.40 to 5107.69 of the Revised Code 33307  
and other requirements designed to assist the assistance group in 33308  
achieving self sufficiency and personal responsibility. The county 33309  
department shall provide without charge a copy of the contract to 33310  
each assistance group member who signs it. 33311

Each self-sufficiency contract shall include, based on 33312  
appraisals conducted under section 5107.41 of the Revised Code and 33313  
assessments conducted under section 5107.70 of the Revised Code, 33314  
the following: 33315

(A) The assistance group's plan, developed under section 33316  
5107.41 of the Revised Code, to achieve the goal of self 33317  
sufficiency and personal responsibility through unsubsidized 33318  
employment within the time limit for participating in Ohio works 33319  
first established by section 5107.18 of the Revised Code; 33320

(B) Work activities, developmental activities, and 33321  
alternative work activities to which members of the assistance 33322  
group are assigned under sections 5107.40 to 5107.69 of the 33323  
Revised Code; 33324

(C) The responsibility of a caretaker member of the 33325  
assistance group to cooperate in establishing a minor child's 33326  
paternity and establishing, modifying, and enforcing a support 33327  
order for the child in accordance with section 5107.22 of the 33328  
Revised Code; 33329

(D) Other responsibilities that members of the assistance 33330  
group must satisfy to participate in Ohio works first and the 33331  
consequences for failure or refusal to satisfy the 33332  
responsibilities; 33333

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(E) An agreement that the assistance group will comply with 33334  
the conditions of participating in Ohio works first established by 33335  
this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 33336  
of the Revised Code; 33337

(F) Assistance and services the county department will 33338  
provide to the assistance group; 33339

(G) Assistance and services the child support enforcement 33340  
agency and public children services agency will provide to the 33341  
assistance group pursuant to a plan of cooperation entered into 33342  
under section 307.983 of the Revised Code; 33343

(H) Other provisions designed to assist the assistance group 33344  
in achieving self sufficiency and personal responsibility; 33345

(I) Procedures for assessing whether responsibilities are 33346  
being satisfied and whether the contract should be amended; 33347

(J) Procedures for amending the contract. 33348

**Sec. 5107.18.** (A) Except as provided in divisions (B), (C), 33349  
(D), and (E) of this section, an assistance group is ineligible to 33350  
participate in Ohio works first if the assistance group includes 33351  
an ~~adult~~ individual who has participated in the program for 33352  
thirty-six months as any of the following: an adult head of 33353  
household, minor head of household, or spouse of an adult head of 33354  
household or minor head of household. The time limit applies 33355  
regardless of whether the thirty-six months are consecutive. 33356

(B) An assistance group that has ceased to participate in 33357  
Ohio works first pursuant to division (A) of this section for at 33358  
least twenty-four months, whether consecutive or not, may reapply 33359  
to participate in the program if good cause exists as determined 33360  
by the county department of job and family services. Good cause 33361  
may include losing employment, inability to find employment, 33362  
divorce, domestic violence considerations, and unique personal 33363

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circumstances. The assistance group must provide a county 33364  
 department of job and family services verification acceptable to 33365  
 the county department of whether any members of the assistance 33366  
 group had employment during the period the assistance group was 33367  
 not participating in Ohio works first and the amount and sources 33368  
 of the assistance group's income during that period. If a county 33369  
 department is satisfied that good cause exists for the assistance 33370  
 group to reapply to participate in Ohio works first, the 33371  
 assistance group may reapply. Except as provided in divisions (C), 33372  
 (D), and (E) of this section, the assistance group may not 33373  
 participate in Ohio works first for more than twenty-four 33374  
 additional months. The time limit applies regardless of whether 33375  
 the twenty-four months are consecutive. 33376

(C) In determining the number of months a parent or pregnant 33377  
 woman has received assistance under Title IV-A, a county 33378  
 department of job and family services shall disregard any month 33379  
 during which the parent or pregnant woman was a minor child but 33380  
 was neither a minor head of household nor married to the head of 33381  
 an assistance group. 33382

(D) In determining the number of months an adult has received 33383  
 assistance under Title IV-A, a county department of job and family 33384  
 services shall disregard any month during which the adult lived on 33385  
 an Indian reservation or in an Alaska native village, as those 33386  
 terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 33387  
 at least one thousand individuals lived on the reservation or in 33388  
 the village and at least fifty per cent of the adults living on 33389  
 the reservation or in the village were unemployed. 33390

(E) A county department of job and family services may exempt 33392  
 not more than twenty per cent of the average monthly number of 33393  
 Ohio works first ~~participants~~ assistance groups from the time 33394  
 limit established by this section on the grounds that the county 33395

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department determines that the time limit is a hardship. In the 33396  
 case of the time limit established by division (A) of this 33397  
 section, a county department may not exempt an assistance group 33398  
 until the group has exhausted its thirty-six months of cash 33399  
 assistance. 33400

(F) The department of job and family services shall 33401  
 continually monitor the percentage of the average monthly number 33402  
 of Ohio works first ~~participants~~ assistance groups in each county 33403  
 that is exempted under division (E) of this section from the time 33404  
 limit established by this section. On determining that the 33405  
 percentage in any county equals or exceeds eighteen per cent, the 33406  
 department shall immediately notify the county department of job 33407  
 and family services. 33408

(G) Only participation in Ohio works first on or after 33409  
 October 1, 1997, applies to the time limit established by this 33410  
 section. The time limit applies regardless of the source of 33411  
 funding for the program. Assistance under Title IV-A provided by 33412  
 any state applies to the time limit. The time limit is a lifetime 33413  
 limit. No assistance group shall receive assistance under the 33414  
 program in violation of the time limit for assistance under Title 33415  
 IV-A established by section 408(a)(7) of the "Social Security 33416  
 Act," as amended by the "Personal Responsibility and Work 33417  
 Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 33418  
 U.S.C.A. 608 (a)(7). 33419

**Sec. 5108.01.** As used in this chapter: 33420

(A) "Assistance group" means a group of individuals treated 33421  
 as a unit for purposes of determining eligibility for the 33422  
 prevention, retention, and contingency program. 33423

~~(B) "Minor child" means either of the following:~~ 33424

~~(1) An individual who has not attained age eighteen;~~ 33425

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~~(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.~~ 33426  
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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. 33429  
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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. 33432  
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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. 33434  
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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 33447  
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design. The department shall provide each county department a 33456  
written copy of the model design. 33457

**Sec. ~~5108.08~~ 5108.06.** Each county department of job and 33458  
family services shall either adopt the model design for the 33459  
prevention, retention, and contingency program the department of 33460  
job and family services develops under section ~~5108.07~~ 5108.05 of 33461  
the Revised Code or develop its own policies for the program. To 33462  
develop its own policies, a county department shall adopt a 33463  
written statement of the policies governing the program. The 33464  
policies may be a modification of the model design, different from 33465  
the model design, or a combination. ~~The policies shall establish~~ 33466  
~~or specify eligibility requirements, assistance or services to be~~ 33467  
~~provided under the program, administrative requirements, and other~~ 33468  
~~matters the county department determines necessary.~~ A county 33469  
department may amend its statement of policies to modify, 33470  
terminate, and establish new policies. ~~The policies must be~~ 33471  
~~consistent with Title IV-A, federal regulations, state law, the~~ 33472  
~~Title IV-A state plan submitted to the United States secretary of~~ 33473  
~~health and human services under section 5101.80 of the Revised~~ 33474  
~~Code, and amendments to the plan.~~ 33475

A county department of job and family services shall inform 33476  
the department of job and family services of whether it has 33477  
adopted the model design or developed its own policies for the 33478  
prevention, retention, and contingency program. If a county 33479  
department develops its own policies, it shall provide the 33480  
department a written copy of the statement of policies and any 33481  
amendments it adopts to the statement. 33482

**Sec. 5108.07.** The model design for the prevention, retention, 33483  
and contingency program that the department of job and family 33484  
services develops under section 5108.05 of the Revised Code and 33485  
policies for the program that a county department of job and 33486

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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.

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.

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.

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

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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



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a county department of job and family services using an 33548  
 application containing information the county department requires. 33549

When a county department receives an application for 33550  
 participation in the prevention, retention, and contingency 33551  
 program, it shall promptly make an investigation and record of the 33552  
 circumstances of the applicant in order to ascertain the facts 33553  
 surrounding the application and to obtain such other information 33554  
 as may be required. On completion of the investigation, the county 33555  
 department shall determine whether the applicant is eligible to 33556  
 participate, the ~~assistance~~ benefits or services the applicant 33557  
 should receive, and the approximate date when participation is to 33558  
 begin. 33559

**Sec. 5111.01.** As used in this chapter, "medical assistance 33560  
 program" or "medicaid" means the program that is authorized by 33561  
 this ~~section~~ chapter and provided by the department ~~if~~ of job and 33562  
 family services under this chapter, Title XIX of the "Social 33563  
 Security Act," 49 79 Stat. 620 286 (1935 1965), 42 U.S.C.A. 301 33564  
1396, as amended, and the waivers of Title XIX requirements 33565  
 granted to the department by the health care financing 33566  
 administration of the United States department of health and human 33567  
 services. 33568

The department of job and family services shall act as the 33569  
 single state agency to supervise the administration of the 33570  
 medicaid program. As the single state agency, the department shall 33571  
 comply with 42 C.F.R. 431.10(e). The department's rules governing 33572  
 medicaid are binding on other agencies that administer components 33573  
 of the medicaid program. No agency may establish, by rule or 33574  
 otherwise, a policy governing medicaid that is inconsistent with a 33575  
 medicaid policy established, in rule or otherwise, by the director 33576  
 of job and family services. 33577

(A) The department of job and family services may provide 33578

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medical assistance under the medicaid program as long as federal	33579
funds are provided for such assistance, to the following:	33580
(1) Families with children that meet either of the following	33581
conditions:	33582
(a) The family meets the income, resource, and family	33583
composition requirements in effect on July 16, 1996, for the	33584
former aid to dependent children program as those requirements	33585
were established by Chapter 5107. of the Revised Code, federal	33586
waivers granted pursuant to requests made under former section	33587
5101.09 of the Revised Code, and rules adopted by the department	33588
or any changes the department makes to those requirements in	33589
accordance with paragraph (a)(2) of section 114 of the "Personal	33590
Responsibility and Work Opportunity Reconciliation Act of 1996,"	33591
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of	33592
implementing section 5111.019 of the Revised Code. An adult loses	33593
eligibility for medical assistance under division (A)(1)(a) of	33594
this section pursuant to division (E) of section 5107.16 of the	33595
Revised Code.	33596
(b) The family does not meet the requirements specified in	33597
division (A)(1)(a) of this section but is eligible for medical	33598
assistance pursuant to section 5101.18 of the Revised Code.	33599
(2) Aged, blind, and disabled persons who meet the following	33600
conditions:	33601
(a) Receive federal aid under Title XVI of the "Social	33602
Security Act," or are eligible for but are not receiving such aid,	33603
provided that the income from all other sources for individuals	33604
with independent living arrangements shall not exceed one hundred	33605
seventy-five dollars per month. The income standards hereby	33606
established shall be adjusted annually at the rate that is used by	33607
the United States department of health and human services to	33608
adjust the amounts payable under Title XVI.	33609

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(b) Do not receive aid under Title XVI, but meet any of the following criteria:	33610 33611
(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;	33612 33613 33614 33615 33616 33617 33618 33619 33620
(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;	33621 33622 33623
(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code.	33624 33625
(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided;	33626 33627 33628
(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.	33629 33630 33631 33632 33633 33634 33635 33636
(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	33637 33638 33639 33640

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program. 33641

(C) The department may expand eligibility for medical 33642  
 assistance to include individuals under age nineteen with family 33643  
 incomes at or below one hundred fifty per cent of the federal 33644  
 poverty guidelines, except that the eligibility expansion shall 33645  
 not occur unless the department receives the approval of the 33646  
 federal government. The department may implement the eligibility 33647  
 expansion authorized under this division on any date selected by 33648  
 the department, but not sooner than January 1, 1998. 33649

(D) In addition to any other authority or requirement to 33650  
 adopt rules under this chapter, the director may adopt rules in 33651  
 accordance with section 111.15 of the Revised Code as the director 33652  
 considers necessary to establish standards, procedures, and other 33653  
 requirements regarding the provision of medical assistance. The 33654  
 rules may establish requirements to be followed in applying for 33655  
 medical assistance, making determinations of eligibility for 33656  
 medical assistance, and verifying eligibility for medical 33657  
 assistance. The rules may include special conditions as the 33658  
 department determines appropriate for making applications, 33659  
 determining eligibility, and verifying eligibility for any medical 33660  
 assistance that the department may provide pursuant to division 33661  
 (C) of this section and section 5111.014 or 5111.019 of the 33662  
 Revised Code. 33663

**Sec. 5111.0110.** (A) The director of job and family services 33664  
shall submit to the United States secretary of health and human 33665  
services an amendment to the state medicaid plan to implement the 33666  
"Breast and Cervical Cancer Prevention and Treatment Act of 2000," 33667  
114 Stat. 1381, 42 U.S.C.A. 1396a, as amended, to provide medical 33668  
assistance to women who meet all of the following requirements: 33669

(1) Are under age sixty-five; 33670

(2) Are not otherwise eligible for medicaid; 33671

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(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; 33672  
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(4) Need treatment for breast or cervical cancer; 33676

(5) Are not otherwise covered under creditable coverage, as defined in 42 U.S.C.A. 300gg(c). 33677  
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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. 33679  
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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. 33687  
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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. 33692  
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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 33700  
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<u>medicaid program's coverage of habilitation services provided by</u>	33702
<u>habilitation centers. The rules shall establish or provide for all</u>	33703
<u>of the following:</u>	33704
<u>(1) The requirements a habilitation center must meet to</u>	33705
<u>obtain certification under section 5123.041 of the Revised Code;</u>	33706
<u>(2) Making habilitation center services provided by</u>	33707
<u>habilitation centers available to medicaid recipients with a</u>	33708
<u>medical need for the services;</u>	33709
<u>(3) The amount, duration, and scope of the medicaid program's</u>	33710
<u>coverage of the habilitation center services, including all of the</u>	33711
<u>following:</u>	33712
<u>(a) The conditions under which the medicaid program covers</u>	33713
<u>the habilitation center services;</u>	33714
<u>(b) The amount the medicaid program pays for the habilitation</u>	33715
<u>center services or the method by which the amount is determined;</u>	33716
	33717
<u>(c) The manner in which the medicaid program pays for the</u>	33718
<u>habilitation center services.</u>	33719
<u>(D) A county board of mental retardation and developmental</u>	33720
<u>disabilities that has local administrative authority under</u>	33721
<u>division (B) of section 5126.055 of the Revised Code for</u>	33722
<u>habilitation center services shall pay the nonfederal share of</u>	33723
<u>medicaid expenditures for the services if all of the following</u>	33724
<u>apply:</u>	33725
<u>(1) The habilitation center services are provided to a</u>	33726
<u>medicaid recipient who is a current resident of the county that</u>	33727
<u>the county board serves;</u>	33728
<u>(2) The county board has determined, under section 5126.041</u>	33729
<u>of the Revised Code, that the medicaid recipient is eligible for</u>	33730
<u>county board services;</u>	33731

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<u>(3) The habilitation center services are provided by a</u>	33732
<u>habilitation center with a medicaid provider agreement and the</u>	33733
<u>habilitation center meets either of the following requirements:</u>	33734
<u>(a) Is operated by the county board;</u>	33735
<u>(b) Has contracted with the county board or the department of</u>	33736
<u>mental retardation and developmental disabilities to provide the</u>	33737
<u>habilitation center services.</u>	33738
<u>(4) No school district is required to pay the nonfederal</u>	33739
<u>share under division (E) of this section.</u>	33740
<u>(E) A school district shall pay the nonfederal share of</u>	33741
<u>medicaid expenditures for habilitation center services if all of</u>	33742
<u>the following apply:</u>	33743
<u>(1) The habilitation center services are provided to a</u>	33744
<u>medicaid recipient who is a student enrolled in a school of the</u>	33745
<u>district;</u>	33746
<u>(2) The habilitation center services are included in the</u>	33747
<u>student's individualized education program provided under section</u>	33748
<u>3323.08 of the Revised Code;</u>	33749
<u>(3) The habilitation center services are provided by a</u>	33750
<u>habilitation center with a medicaid provider agreement and the</u>	33751
<u>habilitation center meets either of the following requirements:</u>	33752
<u>(a) Is operated by the school district;</u>	33753
<u>(b) Has contracted with the school district to provide the</u>	33754
<u>habilitation center services.</u>	33755
<u>(F) The departments of mental retardation and developmental</u>	33756
<u>disabilities and job and family services may approve, reduce,</u>	33757
<u>deny, or terminate a service included in the individualized</u>	33758
<u>service plan developed for a medicaid recipient eligible for</u>	33759
<u>habilitation center services. The departments shall consider the</u>	33760
<u>recommendations a county board of mental retardation and</u>	33761

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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. 33762  
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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. 33767  
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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. 33780  
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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.~~ 33787  
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~~(B) On receipt of a waiver from the United States department~~ 33791



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of health and human services of any federal requirement that would 33792  
 otherwise be violated, the department of job and family services 33793  
 shall may establish in ~~Franklin, Hamilton, and Lucas~~ some or all 33794  
 counties a managed care system under which designated recipients 33795  
 of medical assistance are required to obtain ~~medical~~ health care 33796  
 services from providers designated by the department. The 33797  
~~department may stagger implementation of the managed care system,~~ 33798  
~~but the system shall be implemented in at least one county not~~ 33799  
~~later than January 1, 1995, and in all three counties not later~~ 33800  
~~than July 1, 1996.~~ 33801

~~(C)(B) The department, by rule adopted under this section,~~ 33802  
~~may require any recipients in any other county to receive all or~~ 33803  
~~some of their care through managed care organizations that~~ 33804  
~~contract with the department and are paid by the department~~ 33805  
~~pursuant to a capitation or other risk-based methodology~~ 33806  
~~prescribed in the rules, and to receive their care only from~~ 33807  
~~providers designated by the organizations may enter into contracts~~ 33808  
~~with managed care organizations to authorize the organizations to~~ 33809  
~~provide health care services to medical assistance recipients~~ 33810  
~~participating in a managed care system established under this~~ 33811  
~~section.~~ 33812

~~(D) In accordance with rules adopted under division (G) of~~ 33813  
~~this section, the department may issue requests for proposals from~~ 33814  
~~managed care organizations interested in contracting with the~~ 33815  
~~department to provide managed care to participating medical~~ 33816  
~~assistance recipients.~~ 33817

~~(E) A health insuring corporation under contract with the~~ 33818  
~~department under this section may enter into an agreement with any~~ 33819  
~~community-based clinic for the provision of medical services to~~ 33820  
~~medical assistance recipients participating in the managed care~~ 33821  
~~system if the clinic is willing to accept the terms, conditions,~~ 33822  
~~and payment procedures established by the health insuring~~ 33823

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corporation. 33824

(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. 33825-33837

(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. 33838-33840

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. 33841-33850

(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 33851-33854

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provider agreements or rules adopted by the department. All 33855  
investment earnings of the fund shall be credited to the fund. 33856  
Moneys credited to the fund shall be used solely for the following 33857  
purposes: 33858

(1) To reimburse managed care organizations that have paid 33859  
finances for failures to meet performance standards or other 33860  
requirements and that have come into compliance by meeting 33861  
requirements as specified by the department; 33862

(2) To provide financial incentive awards established 33863  
pursuant to division (A) of this section and specified in 33864  
contracts between managed care organizations and the department. 33865

**Sec. 5111.25.** (A) The department of job and family services 33866  
shall pay each eligible nursing facility a per resident per day 33867  
rate for its reasonable capital costs established prospectively 33868  
each fiscal year for each facility. Except as otherwise provided 33869  
in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 33870  
be based on the facility's capital costs for the calendar year 33871  
preceding the fiscal year in which the rate will be paid. The rate 33872  
shall equal the sum of divisions (A)(1) to (3) of this section: 33873

(1) The lesser of the following: 33874  
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(a) Eighty-eight and sixty-five one-hundredths per cent of 33876  
the facility's desk-reviewed, actual, allowable, per diem cost of 33877  
ownership and eighty-five per cent of the facility's actual, 33878  
allowable, per diem cost of nonextensive renovation determined 33879  
under division (F) of this section; 33880

(b) Eighty-eight and sixty-five one-hundredths per cent of 33881  
the following limitation: 33882

(i) For the fiscal year beginning July 1, 1993, sixteen 33883  
dollars per resident day; 33884

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(ii) For the fiscal year beginning July 1, 1994, sixteen	33885
dollars per resident day, adjusted to reflect the rate of	33886
inflation for the twelve-month period beginning July 1, 1992, and	33887
ending June 30, 1993, using the consumer price index for shelter	33888
costs for all urban consumers for the north central region,	33889
published by the United States bureau of labor statistics;	33890
(iii) For subsequent fiscal years, the limitation in effect	33891
during the previous fiscal year, adjusted to reflect the rate of	33892
inflation for the twelve-month period beginning on the first day	33893
of July for the calendar year preceding the calendar year that	33894
precedes the fiscal year and ending on the following thirtieth day	33895
of June, using the consumer price index for shelter costs for all	33896
urban consumers for the north central region, published by the	33897
United States bureau of labor statistics.	33898
(2) Any efficiency incentive determined under division (D) of	33899
this section;	33900
(3) Any amounts for return on equity determined under	33901
division (H) of this section.	33902
Buildings shall be depreciated using the straight line method	33903
over forty years or over a different period approved by the	33904
department. Components and equipment shall be depreciated using	33905
the straight-line method over a period designated in rules adopted	33906
by the director of job and family services in accordance with	33907
Chapter 119. of the Revised Code, consistent with the guidelines	33908
of the American hospital association, or over a different period	33909
approved by the department. Any rules adopted under this division	33910
that specify useful lives of buildings, components, or equipment	33911
apply only to assets acquired on or after July 1, 1993.	33912
Depreciation for costs paid or reimbursed by any government agency	33913
shall not be included in cost of ownership or renovation unless	33914
that part of the payment under sections 5111.20 to 5111.32 of the	33915
Revised Code is used to reimburse the government agency.	33916

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(B) The capital cost basis of nursing facility assets shall 33917  
be determined in the following manner: 33918

(1) For purposes of calculating the rate to be paid for the 33919  
fiscal year beginning July 1, 1993, for facilities with dates of 33920  
licensure on or before June 30, 1993, the capital cost basis shall 33921  
be equal to the following: 33922

(a) For facilities that have not had a change of ownership 33923  
during the period beginning January 1, 1993, and ending June 30, 33924  
1993, the desk-reviewed, actual, allowable capital cost basis that 33925  
is listed on the facility's cost report for the cost reporting 33926  
period ending December 31, 1992, plus the actual, allowable 33927  
capital cost basis of any assets constructed or acquired after 33928  
December 31, 1992, but before July 1, 1993, if the aggregate 33929  
capital costs of those assets would increase the facility's rate 33930  
for capital costs by twenty or more cents per resident per day. 33931

(b) For facilities that have a date of licensure or had a 33932  
change of ownership during the period beginning January 1, 1993, 33933  
and ending June 30, 1993, the actual, allowable capital cost basis 33934  
of the person or government entity that owns the facility on June 33935  
30, 1993. 33936

Capital cost basis shall be calculated as provided in 33937  
division (B)(1) of this section subject to approval by the United 33938  
States health care financing administration of any necessary 33939  
amendment to the state plan for providing medical assistance. 33940

The department shall include the actual, allowable capital 33941  
cost basis of assets constructed or acquired during the period 33942  
beginning January 1, 1993, and ending June 30, 1993, in the 33943  
calculation for the facility's rate effective July 1, 1993, if the 33944  
aggregate capital costs of the assets would increase the 33945  
facility's rate by twenty or more cents per resident per day and 33946  
the facility provides the department with sufficient documentation 33947

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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  
time that the transferor held the asset, as calculated by the  
department of job and family services using the "Dodge building  
cost indexes, northeastern and north central states," published by

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Marshall and Swift;	33980
(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.	33981 33982 33983 33984
(5) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (B)(4) of this section for a transfer to a provider that is not a related party if all of the following conditions are met:	33985 33986 33987 33988 33989
(a) The related party is a relative of owner;	33990
(b) Except as provided in division (B)(5)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;	33991 33992 33993
(c) The department of job and family services determines that the transfer is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:	33994 33995 33996 33997 33998 33999
(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.	34000 34001 34002 34003 34004 34005
(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never	34006 34007 34008 34009 34010

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occurred when the department calculates its reimbursement rates 34011  
for capital costs. 34012

(iii) The transfer satisfies any other criteria specified in 34013  
the rules. 34014

(d) Except in the case of hardship caused by a catastrophic 34015  
event, as determined by the department, or in the case of a 34016  
provider making the transfer who is at least sixty-five years of 34017  
age, not less than twenty years have elapsed since, for the same 34018  
facility, the capital cost basis was adjusted most recently under 34019  
division (B)(5) of this section or actual, allowable cost of 34020  
ownership was determined most recently under division (C)(9) of 34021  
this section. 34022

(C) As used in this division, "lease expense" means lease 34023  
payments in the case of an operating lease and depreciation 34024  
expense and interest expense in the case of a capital lease. As 34025  
used in this division, "new lease" means a lease, to a different 34026  
lessee, of a nursing facility that previously was operated under a 34027  
lease. 34028

(1) Subject to the limitation specified in division (A)(1) of 34029  
this section, for a lease of a facility that was effective on May 34030  
27, 1992, the entire lease expense is an actual, allowable cost of 34031  
ownership during the term of the existing lease. The entire lease 34032  
expense also is an actual, allowable cost of ownership if a lease 34033  
in existence on May 27, 1992, is renewed under either of the 34034  
following circumstances: 34035

(a) The renewal is pursuant to a renewal option that was in 34036  
existence on May 27, 1992; 34037

(b) The renewal is for the same lease payment amount and 34038  
between the same parties as the lease in existence on May 27, 34039  
1992. 34040

(2) Subject to the limitation specified in division (A)(1) of 34041



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this section, for a lease of a facility that was in existence but  
not operated under a lease on May 27, 1992, actual, allowable cost  
of ownership shall include the lesser of the annual lease expense  
or the annual depreciation expense and imputed interest expense  
that would be calculated at the inception of the lease using the  
lessor's entire historical capital asset cost basis, adjusted by  
the lesser of the following amounts:

(a) One-half of the change in construction costs during the  
time the lessor held each asset until the beginning of the lease,  
as calculated by the department using the "Dodge building cost  
indexes, northeastern and north central states," published by  
Marshall and Swift;

(b) One-half of the change in the consumer price index for  
all items for all urban consumers, as published by the United  
States bureau of labor statistics, during the time the lessor held  
each asset until the beginning of the lease.

(3) Subject to the limitation specified in division (A)(1) of  
this section, for a lease of a facility with a date of licensure  
on or after May 27, 1992, that is initially operated under a  
lease, actual, allowable cost of ownership shall include the  
annual lease expense if there was a substantial commitment of  
money for construction of the facility after December 22, 1992,  
and before July 1, 1993. If there was not a substantial commitment  
of money after December 22, 1992, and before July 1, 1993, actual,  
allowable cost of ownership shall include the lesser of the annual  
lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated  
at the inception of the lease using the lessor's entire historical  
capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of  
financing costs and interest expense at the inception of the lease

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or the imputed interest expense calculated at the inception of the 34073  
lease using seventy per cent of the lessor's historical capital 34074  
asset cost basis. 34075

(4) Subject to the limitation specified in division (A)(1) of 34076  
this section, for a lease of a facility with a date of licensure 34077  
on or after May 27, 1992, that was not initially operated under a 34078  
lease and has been in existence for ten years, actual, allowable 34079  
cost of ownership shall include the lesser of the annual lease 34080  
expense or the annual depreciation expense and imputed interest 34081  
expense that would be calculated at the inception of the lease 34082  
using the entire historical capital asset cost basis of the 34083  
lessor, adjusted by the lesser of the following: 34084

(a) One-half of the change in construction costs during the 34085  
time the lessor held each asset until the beginning of the lease, 34086  
as calculated by the department using the "Dodge building cost 34087  
indexes, northeastern and north central states," published by 34088  
Marshall and Swift; 34089

(b) One-half of the change in the consumer price index for 34090  
all items for all urban consumers, as published by the United 34091  
States bureau of labor statistics, during the time the lessor held 34092  
each asset until the beginning of the lease. 34093

(5) Subject to the limitation specified in division (A)(1) of 34094  
this section, for a new lease of a facility that was operated 34095  
under a lease on May 27, 1992, actual, allowable cost of ownership 34096  
shall include the lesser of the annual new lease expense or the 34097  
annual old lease payment. If the old lease was in effect for ten 34098  
years or longer, the old lease payment from the beginning of the 34099  
old lease shall be adjusted by the lesser of the following: 34100

(a) One-half of the change in construction costs from the 34101  
beginning of the old lease to the beginning of the new lease, as 34102  
calculated by the department using the "Dodge building cost 34103

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indexes, northeastern and north central states," published by Marshall and Swift; 34104  
34105

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease. 34106  
34107  
34108  
34109

(6) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (C)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (C)(2), (3), (4), or (6) of this section: 34110  
34111  
34112  
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34119  
34120

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift; 34121  
34122  
34123  
34124  
34125

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease. 34126  
34127  
34128  
34129

In the case of a lease under division (C)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount. 34130  
34131  
34132  
34133  
34134

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(7) For any revision of a lease described in division (C)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable cost of ownership attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (C)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party, the related party's actual, allowable cost of ownership shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable cost of ownership shall include the annual lease expense, subject to the limitations specified in divisions (C)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (C)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department of job and family services determines that the lease is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (C)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent

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contractor, or consultant, but excluding interest as a lessor.	34166
	34167
(ii) The lessor does not reacquire an interest in the	34168
facility except through the exercise of a lessor's rights in the	34169
event of a default. If the lessor reacquires an interest in the	34170
facility in this manner, the department shall treat the facility	34171
as if the lease never occurred when the department calculates its	34172
reimbursement rates for capital costs.	34173
(iii) The lease satisfies any other criteria specified in the	34174
rules.	34175
(d) Except in the case of hardship caused by a catastrophic	34176
event, as determined by the department, or in the case of a lessor	34177
who is at least sixty-five years of age, not less than twenty	34178
years have elapsed since, for the same facility, the capital cost	34179
basis was adjusted most recently under division (B)(5) of this	34180
section or actual, allowable cost of ownership was determined most	34181
recently under division (C)(9) of this section.	34182
(10) This division does not apply to leases of specific items	34183
of equipment.	34184
(D)(1) Subject to division (D)(2) of this section, the	34185
department shall pay each nursing facility an efficiency incentive	34186
that is equal to fifty per cent of the difference between the	34187
following:	34188
(a) Eighty-eight and sixty-five one-hundredths per cent of	34189
the facility's desk-reviewed, actual, allowable, per diem cost of	34190
ownership;	34191
(b) The applicable amount specified in division (E) of this	34192
section.	34193
(2) The efficiency incentive paid to a nursing facility shall	34194
not exceed the greater of the following:	34195

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(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994;	34196 34197
(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.	34198 34199 34200 34201 34202 34203 34204 34205 34206
(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.	34207 34208 34209 34210 34211
(E) The following amounts shall be used to calculate efficiency incentives for nursing facilities under this section:	34212 34213
(1) For facilities with dates of licensure prior to January 1, 1958, four dollars and twenty-four cents per patient day;	34214 34215
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968:	34216 34217
(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;	34218 34219 34220
(b) Four dollars and twenty-four cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	34221 34222 34223
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976:	34224 34225

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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;	34226 34227 34228
(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;	34229 34230 34231 34232
(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.	34233 34234 34235
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979:	34236 34237
(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;	34238 34239 34240
(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;	34241 34242 34243 34244
(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;	34245 34246 34247 34248
(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.	34249 34250 34251
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1981:	34252 34253
(a) Seven dollars and seventy-four cents per patient day if the cost of construction was seven thousand six hundred	34254 34255

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twenty-five dollars or more per bed;	34256
(b) Seven dollars and twenty-four cents per patient day if	34257
the cost of construction was less than seven thousand six hundred	34258
twenty-five dollars per bed but exceeded six thousand eight	34259
hundred dollars per bed;	34260
(c) Six dollars and twenty-four cents per patient day if the	34261
cost of construction was six thousand eight hundred dollars or	34262
less per bed but exceeded five thousand one hundred fifty dollars	34263
per bed;	34264
(d) Five dollars and twenty-four cents per patient day if the	34265
cost of construction was five thousand one hundred fifty dollars	34266
or less but exceeded three thousand five hundred dollars per bed;	34267
	34268
(e) Four dollars and twenty-four cents per patient day if the	34269
cost of construction was three thousand five hundred dollars or	34270
less per bed.	34271
(6) For facilities with dates of licensure in 1981 or any	34272
year thereafter prior to December 22, 1992, the following amount:	34273
(a) For facilities with construction costs less than seven	34274
thousand six hundred twenty-five dollars per bed, the applicable	34275
amounts for the construction costs specified in divisions	34276
(E)(5)(b) to (e) of this section;	34277
(b) For facilities with construction costs of seven thousand	34278
six hundred twenty-five dollars or more per bed, six dollars per	34279
patient day, provided that for 1981 and annually thereafter prior	34280
to December 22, 1992, department shall do both of the following to	34281
the six-dollar amount:	34282
(i) Adjust the amount for fluctuations in construction costs	34283
calculated by the department using the "Dodge building cost	34284
indexes, northeastern and north central states," published by	34285



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Marshall and Swift, using 1980 as the base year;	34286
(ii) Increase the amount, as adjusted for inflation under	34287
division (E)(6)(b)(i) of this section, by one dollar and	34288
seventy-four cents.	34289
(7) For facilities with dates of licensure on or after	34290
January 1, 1992, seven dollars and ninety-seven cents, adjusted	34291
for fluctuations in construction costs between 1991 and 1993 as	34292
calculated by the department using the "Dodge building cost	34293
indexes, northeastern and north central states," published by	34294
Marshall and Swift, and then increased by one dollar and	34295
seventy-four cents.	34296
For the fiscal year that begins July 1, 1994, each of the	34297
amounts listed in divisions (E)(1) to (7) of this section shall be	34298
increased by twenty-five cents. For the fiscal year that begins	34299
July 1, 1995, each of those amounts shall be increased by an	34300
additional twenty-five cents. For subsequent fiscal years, each of	34301
those amounts, as increased for the prior fiscal year, shall be	34302
adjusted to reflect the rate of inflation for the twelve-month	34303
period beginning on the first day of July of the calendar year	34304
preceding the calendar year that precedes the fiscal year and	34305
ending on the following thirtieth day of June, using the consumer	34306
price index for shelter costs for all urban consumers for the	34307
north central region, as published by the United States bureau of	34308
labor statistics.	34309
If the amount established for a nursing facility under this	34310
division is less than the amount that applied to the facility	34311
under division (B) of former section 5111.25 of the Revised Code,	34312
as the former section existed immediately prior to December 22,	34313
1992, the amount used to calculate the efficiency incentive for	34314
the facility under division (D)(2) of this section shall be the	34315
amount that was calculated under division (B) of the former	34316
section.	34317

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(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

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renovation or as an extensive renovation. No provider shall  
increase the scope of a project after it is approved by the  
department of job and family services unless the increase in scope  
is approved by the department.

(2) The payment provided for in this division is the only  
payment that shall be made for the costs of a nonextensive  
renovation. Nonextensive renovation costs shall not be included in  
costs of ownership, and a nonextensive renovation shall not affect  
the date of licensure for purposes of calculating the efficiency  
incentive under divisions (D) and (E) of this section.

(G) The owner of a nursing facility operating under a  
provider agreement shall provide written notice to the department  
of job and family services at least forty-five days prior to  
entering into any contract of sale for the facility or voluntarily  
terminating participation in the medical assistance program. After  
the date on which a transaction of sale is closed, the owner shall  
refund to the department the amount of excess depreciation paid to  
the facility by the department for each year the owner has  
operated the facility under a provider agreement and prorated  
according to the number of medicaid patient days for which the  
facility has received payment. If a nursing facility is sold after  
five or fewer years of operation under a provider agreement, the  
refund to the department shall be equal to the excess depreciation  
paid to the facility. If a nursing facility is sold after more  
than five years but less than ten years of operation under a  
provider agreement, the refund to the department shall equal the  
excess depreciation paid to the facility multiplied by twenty per  
cent, multiplied by the difference between ten and the number of  
years that the facility was operated under a provider agreement.  
If a nursing facility is sold after ten or more years of operation  
under a provider agreement, the owner shall not refund any excess  
depreciation to the department. The owner of a facility that is

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sold or that voluntarily terminates participation in the medical 34382  
assistance program also shall refund any other amount that the 34383  
department properly finds to be due after the audit conducted 34384  
under this division. For the purposes of this division, 34385  
"depreciation paid to the facility" means the amount paid to the 34386  
nursing facility for cost of ownership pursuant to this section 34387  
less any amount paid for interest costs, amortization of financing 34388  
costs, and lease expenses. For the purposes of this division, 34389  
"excess depreciation" is the nursing facility's depreciated basis, 34390  
which is the owner's cost less accumulated depreciation, 34391  
subtracted from the purchase price net of selling costs but not 34392  
exceeding the amount of depreciation paid to the facility. 34393  
34394

A cost report shall be filed with the department within 34395  
ninety days after the date on which the transaction of sale is 34396  
closed or participation is voluntarily terminated. The report 34397  
shall show the accumulated depreciation, the sales price, and 34398  
other information required by the department. The department shall 34399  
provide for a bank, trust company, or savings and loan association 34400  
to hold in escrow the amount of the last two monthly payments to a 34401  
nursing facility made pursuant to division (A)(1) of section 34402  
5111.22 of the Revised Code before a sale or termination of 34403  
participation shall be held in escrow by a bank, trust company, or 34404  
savings and loan association, except that if or, if the owner 34405  
fails, within the time required by this division, to notify the 34406  
department before entering into a contract of sale for the 34407  
facility, the amount of the first two monthly payments made to the 34408  
facility after the department learns of the contract, regardless 34409  
of whether a new owner is in possession of the facility. If the 34410  
amount the owner will be required to refund under this section is 34411  
likely to be less than the amount of the ~~last~~ two monthly payments 34412  
otherwise put into escrow under this division, the department 34413  
shall take one of the following actions instead of withholding the 34414

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amount of the ~~last~~ two monthly payments: 34415

(1) In the case of an owner that owns other facilities that 34416  
participate in the medical assistance program, obtain a promissory 34417  
note in an amount sufficient to cover the amount likely to be 34418  
refunded; 34419

(2) In the case of all other owners, withhold the amount of 34420  
the last monthly payment to the nursing facility or, if the owner 34421  
fails, within the time required by this division, to notify the 34422  
department before entering into a contract of sale for the 34423  
facility, the amount of the first monthly payment made to the 34424  
facility after the department learns of the contract, regardless 34425  
of whether a new owner is in possession of the facility. 34426

The department shall, within ninety days following the filing 34427  
of the cost report, audit the cost report and issue an audit 34428  
report to the owner. The department also may audit any other cost 34429  
report that the facility has filed during the previous three 34430  
years. In the audit report, the department shall state its 34431  
findings and the amount of any money owed to the department by the 34432  
nursing facility. The findings shall be subject to adjudication 34433  
conducted in accordance with Chapter 119. of the Revised Code. No 34434  
later than fifteen days after the owner agrees to a settlement, 34435  
any funds held in escrow less any amounts due to the department 34436  
shall be released to the owner and amounts due to the department 34437  
shall be paid to the department. If the amounts in escrow are less 34438  
than the amounts due to the department, the balance shall be paid 34439  
to the department within fifteen days after the owner agrees to a 34440  
settlement. If the department does not issue its audit report 34441  
within the ninety-day period, the department shall release any 34442  
money held in escrow to the owner. For the purposes of this 34443  
section, a transfer of corporate stock, the merger of one 34444  
corporation into another, or a consolidation does not constitute a 34445  
sale. 34446

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If a nursing facility is not sold or its participation is not terminated after notice is provided to the department under this division, the department shall order any payments held in escrow released to the facility upon receiving written notice from the owner that there will be no sale or termination. After written notice is received from a nursing facility that a sale or termination will not take place, the facility shall provide notice to the department at least forty-five days prior to entering into any contract of sale or terminating participation at any future time.

(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~~ fifty cents per patient day.

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.

(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

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of the Revised Code for assets in the facility's possession on 34479  
 July 1, 1993, also shall receive a rate calculated under this 34480  
 section for costs of any assets it constructs or acquires after 34481  
 July 1, 1993. 34482

**Sec. 5111.251.** (A) The department of job and family services 34483  
 shall pay each eligible intermediate care facility for the 34484  
 mentally retarded for its reasonable capital costs, a per resident 34485  
 per day rate established prospectively each fiscal year for each 34486  
 intermediate care facility for the mentally retarded. Except as 34487  
 otherwise provided in sections 5111.20 to 5111.32 of the Revised 34488  
 Code, the rate shall be based on the facility's capital costs for 34489  
 the calendar year preceding the fiscal year in which the rate will 34490  
 be paid. The rate shall equal the sum of the following: 34491

(1) The facility's desk-reviewed, actual, allowable, per diem 34492  
 cost of ownership for the preceding cost reporting period, limited 34493  
 as provided in divisions (C) and (F) of this section; 34494

(2) Any efficiency incentive determined under division (B) of 34495  
 this section; 34496

(3) Any amounts for renovations determined under division (D) 34497  
 of this section; 34498

(4) Any amounts for return on equity determined under 34499  
 division (I) of this section. 34500

Buildings shall be depreciated using the straight line method 34501  
 over forty years or over a different period approved by the 34502  
 department. Components and equipment shall be depreciated using 34503  
 the straight line method over a period designated by the director 34504  
 of job and family services in rules adopted in accordance with 34505  
 Chapter 119. of the Revised Code, consistent with the guidelines 34506  
 of the American hospital association, or over a different period 34507  
 approved by the department of job and family services. Any rules 34508

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adopted under this division that specify useful lives of 34509  
buildings, components, or equipment apply only to assets acquired 34510  
on or after July 1, 1993. Depreciation for costs paid or 34511  
reimbursed by any government agency shall not be included in costs 34512  
of ownership or renovation unless that part of the payment under 34513  
sections 5111.20 to 5111.32 of the Revised Code is used to 34514  
reimburse the government agency. 34515

(B) The department of job and family services shall pay to 34516  
each intermediate care facility for the mentally retarded an 34517  
efficiency incentive equal to fifty per cent of the difference 34518  
between any desk-reviewed, actual, allowable cost of ownership and 34519  
the applicable limit on cost of ownership payments under division 34520  
(C) of this section. For purposes of computing the efficiency 34521  
incentive, depreciation for costs paid or reimbursed by any 34522  
government agency shall be considered as a cost of ownership, and 34523  
the applicable limit under division (C) of this section shall 34524  
apply both to facilities with more than eight beds and facilities 34525  
with eight or fewer beds. The efficiency incentive paid to a 34526  
facility with eight or fewer beds shall not exceed three dollars 34527  
per patient day, adjusted annually for the inflation rate for the 34528  
twelve-month period beginning on the first day of July of the 34529  
calendar year preceding the calendar year that precedes the fiscal 34530  
year for which the efficiency incentive is determined and ending 34531  
on the thirtieth day of the following June, using the consumer 34532  
price index for shelter costs for all urban consumers for the 34533  
north central region, as published by the United States bureau of 34534  
labor statistics. 34535

(C) Cost of ownership payments to intermediate care 34536  
facilities for the mentally retarded with more than eight beds 34537  
shall not exceed the following limits: 34538

(1) For facilities with dates of licensure prior to January 34539  
1, 1958, not exceeding two dollars and fifty cents per patient 34540



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day;	34541
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding:	34542
	34543
(a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;	34544
	34545
	34546
(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	34547
	34548
	34549
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:	34550
	34551
(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;	34552
	34553
	34554
(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;	34555
	34556
	34557
	34558
(c) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	34559
	34560
	34561
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	34562
	34563
(a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per bed;	34564
	34565
	34566
(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;	34567
	34568
	34569
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(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;	34571 34572 34573 34574
(d) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	34575 34576 34577
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	34578 34579
(a) Six dollars per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	34580 34581 34582
(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;	34583 34584 34585 34586
(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;	34587 34588 34589
(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;	34590 34591 34592
(e) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	34593 34594 34595
(6) For facilities with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	34596 34597
(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;	34598 34599 34600

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(b) Six dollars per patient day if the beds were originally licensed as nursing home beds by the department of health.	34601 34602
(7) For facilities with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	34603 34604
(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;	34605 34606 34607
(b) Six dollars and forty-five cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	34608 34609 34610
(8) For facilities with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	34611 34612
(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;	34613 34614 34615
(b) Six dollars and seventy-nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	34616 34617 34618
(9) For facilities with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	34619 34620
(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;	34621 34622 34623
(b) Seven dollars and nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	34624 34625 34626
(10) For facilities with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	34627 34628
(a) Twelve dollars and twenty-four cents per patient day if	34629

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the beds were originally licensed as residential facility beds by	34630
the department of mental retardation and developmental	34631
disabilities;	34632
(b) Seven dollars and twenty-three cents per patient day if	34633
the beds were originally licensed as nursing home beds by the	34634
department of health.	34635
(11) For facilities with dates of licensure after December	34636
31, 1984, but prior to January 1, 1986, not exceeding:	34637
(a) Twelve dollars and fifty-three cents per patient day if	34638
the beds were originally licensed as residential facility beds by	34639
the department of mental retardation and developmental	34640
disabilities;	34641
(b) Seven dollars and forty cents per patient day if the beds	34642
were originally licensed as nursing home beds by the department of	34643
health.	34644
(12) For facilities with dates of licensure after December	34645
31, 1985, but prior to January 1, 1987, not exceeding:	34646
(a) Twelve dollars and seventy cents per patient day if the	34647
beds were originally licensed as residential facility beds by the	34648
department of mental retardation and developmental disabilities;	34649
(b) Seven dollars and fifty cents per patient day if the beds	34650
were originally licensed as nursing home beds by the department of	34651
health.	34652
(13) For facilities with dates of licensure after December	34653
31, 1986, but prior to January 1, 1988, not exceeding:	34654
(a) Twelve dollars and ninety-nine cents per patient day if	34655
the beds were originally licensed as residential facility beds by	34656
the department of mental retardation and developmental	34657
disabilities;	34658
(b) Seven dollars and sixty-seven cents per patient day if	34659

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the beds were originally licensed as nursing home beds by the department of health. 34660  
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(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; 34662  
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(15) For facilities with dates of licensure after December 31, 1988, but prior to January 1, 1990, not exceeding thirteen dollars and forty-six cents per patient day; 34665  
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(16) For facilities with dates of licensure after December 31, 1989, but prior to January 1, 1991, not exceeding thirteen dollars and sixty cents per patient day; 34668  
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(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; 34671  
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(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; 34674  
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(19) For facilities with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents per patient day. 34677  
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(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 34680  
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renovation of an intermediate care facility for the mentally 34691  
retarded. Nonextensive renovation costs shall not be included in 34692  
cost of ownership, and a nonextensive renovation shall not affect 34693  
the date of licensure for purposes of division (C) of this 34694  
section. This division applies to nonextensive renovations 34695  
regardless of whether they are made by an owner or a lessee. If 34696  
the tenancy of a lessee that has made renovations ends before the 34697  
depreciation expense for the renovation costs has been fully 34698  
reported, the former lessee shall not report the undepreciated 34699  
balance as an expense. 34700

For a nonextensive renovation to qualify for payment under 34701  
this division, both of the following conditions must be met: 34702

(1) At least five years have elapsed since the date of 34703  
licensure or date of an extensive renovation of the portion of the 34704  
facility that is proposed to be renovated, except that this 34705  
condition does not apply if the renovation is necessary to meet 34706  
the requirements of federal, state, or local statutes, ordinances, 34707  
rules, or policies. 34708

(2) The provider has obtained prior approval from the 34709  
department of job and family services. The provider shall submit a 34710  
plan that describes in detail the changes in capital assets to be 34711  
accomplished by means of the renovation and the timetable for 34712  
completing the project. The time for completion of the project 34713  
shall be no more than eighteen months after the renovation begins. 34714  
The director of job and family services shall adopt rules in 34715  
accordance with Chapter 119. of the Revised Code that specify 34716  
criteria and procedures for prior approval of renovation projects. 34717  
No provider shall separate a project with the intent to evade the 34718  
characterization of the project as a renovation or as an extensive 34719  
renovation. No provider shall increase the scope of a project 34720  
after it is approved by the department of job and family services 34721  
unless the increase in scope is approved by the department. 34722

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(E) The amounts specified in divisions (C) and (D) of this section shall be adjusted beginning July 1, 1993, for the estimated inflation for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which rate will be paid 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.

(F)(1) For facilities of eight or fewer beds that have dates of licensure or have been granted project authorization by the department of mental retardation and developmental disabilities before July 1, 1993, and for facilities of eight or fewer beds that have dates of licensure or have been granted project authorization after that date if the facilities demonstrate that they made substantial commitments of funds on or before that date, cost of ownership shall not exceed eighteen dollars and thirty cents per resident per day. The eighteen-dollar and thirty-cent amount shall be increased by the change in the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, during the period beginning June 30, 1990, and ending July 1, 1993, and by the change in the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics, annually thereafter.

(2) For facilities with eight or fewer beds that have dates of licensure or have been granted project authorization by the department of mental retardation and developmental disabilities on or after July 1, 1993, for which substantial commitments of funds were not made before that date, cost of ownership payments shall not exceed the applicable amount calculated under division (F)(1) of this section, if the department of job and family services

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gives prior approval for construction of the facility. If the department does not give prior approval, cost of ownership payments shall not exceed the amount specified in division (C) of this section.

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this section, the total payment for cost of ownership, cost of ownership efficiency incentive, and capitalized costs of renovations for an intermediate care facility for the mentally retarded with eight or fewer beds shall not exceed the sum of the limitations specified in divisions (C) and (D) of this section.

(G) Notwithstanding any provision of this section or section 5111.24 of the Revised Code, the director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code that provide for a calculation of a combined maximum payment limit for indirect care costs and cost of ownership for intermediate care facilities for the mentally retarded with eight or fewer beds.

(H) After June 30, 1980, the owner of an intermediate care facility for the mentally retarded 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 is closed, the owner 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 an intermediate care facility for the mentally retarded 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



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an intermediate care facility for the mentally retarded is sold 34787  
 after more than five years but less than ten years of operation 34788  
 under a provider agreement, the refund to the department shall 34789  
 equal the excess depreciation paid to the facility multiplied by 34790  
 twenty per cent, multiplied by the number of years less than ten 34791  
 that a facility was operated under a provider agreement. If an 34792  
 intermediate care facility for the mentally retarded is sold after 34793  
 ten or more years of operation under a provider agreement, the 34794  
 owner shall not refund any excess depreciation to the department. 34795  
 For the purposes of this division, "depreciation paid to the 34796  
 facility" means the amount paid to the intermediate care facility 34797  
 for the mentally retarded for cost of ownership pursuant to this 34798  
 section less any amount paid for interest costs. For the purposes 34799  
 of this division, "excess depreciation" is the intermediate care 34800  
 facility for the mentally retarded's depreciated basis, which is 34801  
 the owner's cost less accumulated depreciation, subtracted from 34802  
 the purchase price but not exceeding the amount of depreciation 34803  
 paid to the facility. 34804

A cost report shall be filed with the department within 34805  
 ninety days after the date on which the transaction of sale is 34806  
 closed or participation is voluntarily terminated for an 34807  
 intermediate care facility for the mentally retarded subject to 34808  
 this division. The report shall show the accumulated depreciation, 34809  
 the sales price, and other information required by the department. 34810  
The department shall provide for a bank, trust company, or savings 34811  
and loan association to hold in escrow the amount of the last two 34812  
 monthly payments to an intermediate care facility for the mentally 34813  
 retarded made pursuant to division (A)(1) of section 5111.22 of 34814  
 the Revised Code before a sale or voluntary termination of 34815  
~~participation shall be held in escrow by a bank, trust company, or~~ 34816  
~~savings and loan association, except that if or, if the owner~~ 34817  
fails, within the time required by this division, to notify the 34818

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department before entering into a contract of sale for the 34819  
facility, the amount of the first two monthly payments made to the 34820  
facility after the department learns of the contract, regardless 34821  
of whether a new owner is in possession of the facility. If the 34822  
amount the owner will be required to refund under this section is 34823  
likely to be less than the amount of the ~~last~~ two monthly payments 34824  
otherwise put into escrow under this division, the department 34825  
shall take one of the following actions instead of withholding the 34826  
amount of the ~~last~~ two monthly payments: 34827

(1) In the case of an owner that owns other facilities that 34828  
participate in the medical assistance program, obtain a promissory 34829  
note in an amount sufficient to cover the amount likely to be 34830  
refunded; 34831  
34832

(2) In the case of all other owners, withhold the amount of 34833  
the last monthly payment to the intermediate care facility for the 34834  
mentally retarded or, if the owner fails, within the time required 34835  
by this division, to notify the department before entering into a 34836  
contract of sale for the facility, the amount of the first monthly 34837  
payment made to the facility after the department learns of the 34838  
contract, regardless of whether a new owner is in possession of 34839  
the facility. 34840

The department shall, within ninety days following the filing 34841  
of the cost report, audit the report and issue an audit report to 34842  
the owner. The department also may audit any other cost reports 34843  
for the facility that have been filed during the previous three 34844  
years. In the audit report, the department shall state its 34845  
findings and the amount of any money owed to the department by the 34846  
intermediate care facility for the mentally retarded. The findings 34847  
shall be subject to an adjudication conducted in accordance with 34848  
Chapter 119. of the Revised Code. No later than fifteen days after 34849  
the owner agrees to a settlement, any funds held in escrow less 34850

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any amounts due to the department shall be released to the owner 34851  
and amounts due to the department shall be paid to the department. 34852  
If the amounts in escrow are less than the amounts due to the 34853  
department, the balance shall be paid to the department within 34854  
fifteen days after the owner agrees to a settlement. If the 34855  
department does not issue its audit report within the ninety-day 34856  
period, the department shall release any money held in escrow to 34857  
the owner. For the purposes of this section, a transfer of 34858  
corporate stock, the merger of one corporation into another, or a 34859  
consolidation does not constitute a sale. 34860

If an intermediate care facility for the mentally retarded is 34861  
not sold or its participation is not terminated after notice is 34862  
provided to the department under this division, the department 34863  
shall order any payments held in escrow released to the facility 34864  
upon receiving written notice from the owner that there will be no 34865  
sale or termination of participation. After written notice is 34866  
received from an intermediate care facility for the mentally 34867  
retarded that a sale or termination of participation will not take 34868  
place, the facility shall provide notice to the department at 34869  
least forty-five days prior to entering into any contract of sale 34870  
or terminating participation at any future time. 34871

(I) The department of job and family services shall pay each 34872  
eligible proprietary intermediate care facility for the mentally 34873  
retarded a return on the facility's net equity computed at the 34874  
rate of one and one-half times the average of interest rates on 34875  
special issues of public debt obligations issued to the federal 34876  
hospital insurance trust fund for the cost reporting period. No 34877  
facility's return on net equity paid under this division shall 34878  
exceed one dollar per patient day. 34879

In calculating the rate for return on net equity, the 34880  
department shall use the greater of the facility's inpatient days 34881  
34882

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during the applicable cost reporting period or the number of 34883  
inpatient days the facility would have had during that period if 34884  
its occupancy rate had been ninety-five per cent. 34885

(J)(1) Except as provided in division (J)(2) of this section, 34886  
if a provider leases or transfers an interest in a facility to 34887  
another provider who is a related party, the related party's 34888  
allowable cost of ownership shall include the lesser of the 34889  
following: 34890

(a) The annual lease expense or actual cost of ownership, 34891  
whichever is applicable; 34892

(b) The reasonable cost to the lessor or provider making the 34893  
transfer. 34894

(2) If a provider leases or transfers an interest in a 34895  
facility to another provider who is a related party, regardless of 34896  
the date of the lease or transfer, the related party's allowable 34897  
cost of ownership shall include the annual lease expense or actual 34898  
cost of ownership, whichever is applicable, subject to the 34899  
limitations specified in divisions (B) to (I) of this section, if 34900  
all of the following conditions are met: 34901

(a) The related party is a relative of owner; 34902

(b) In the case of a lease, if the lessor retains any 34903  
ownership interest, it is, except as provided in division 34904  
(J)(2)(d)(ii) of this section, in only the real property and any 34905  
improvements on the real property; 34906

(c) In the case of a transfer, the provider making the 34907  
transfer retains, except as provided in division (J)(2)(d)(iv) of 34908  
this section, no ownership interest in the facility; 34909

(d) The department of job and family services determines that 34910  
the lease or transfer is an arm's length transaction pursuant to 34911  
rules the department shall adopt in accordance with Chapter 119. 34912

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of the Revised Code no later than December 31, 2000. The rules 34913  
shall provide that a lease or transfer is an arm's length 34914  
transaction if all of the following, as applicable, apply: 34915

(i) In the case of a lease, once the lease goes into effect, 34916  
the lessor has no direct or indirect interest in the lessee or, 34917  
except as provided in division (J)(2)(b) of this section, the 34918  
facility itself, including interest as an owner, officer, 34919  
director, employee, independent contractor, or consultant, but 34920  
excluding interest as a lessor. 34921

(ii) In the case of a lease, the lessor does not reacquire an 34922  
interest in the facility except through the exercise of a lessor's 34923  
rights in the event of a default. If the lessor reacquires an 34924  
interest in the facility in this manner, the department shall 34925  
treat the facility as if the lease never occurred when the 34926  
department calculates its reimbursement rates for capital costs. 34927

(iii) In the case of a transfer, once the transfer goes into 34928  
effect, the provider that made the transfer has no direct or 34929  
indirect interest in the provider that acquires the facility or 34930  
the facility itself, including interest as an owner, officer, 34931  
director, employee, independent contractor, or consultant, but 34932  
excluding interest as a creditor. 34933  
34934

(iv) In the case of a transfer, the provider that made the 34935  
transfer does not reacquire an interest in the facility except 34936  
through the exercise of a creditor's rights in the event of a 34937  
default. If the provider reacquires an interest in the facility in 34938  
this manner, the department shall treat the facility as if the 34939  
transfer never occurred when the department calculates its 34940  
reimbursement rates for capital costs. 34941

(v) The lease or transfer satisfies any other criteria 34942  
specified in the rules. 34943

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(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. 5111.262.** ~~Costs~~ For costs incurred during calendar year 2000 and thereafter, costs reported in nursing facilities' cost reports for purchased nursing services shall be allowable direct care costs up to ~~the following amounts:~~

~~(A) For costs incurred during calendar year 1992, twenty per cent of the nursing facility's direct care costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one-half of the amount by which the reported costs for purchased nursing services exceed that percentage;~~

~~(B) For costs incurred during calendar year 1993, fifteen per cent of the nursing facility's costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one-half of the amount by which the reported costs for purchased nursing services exceed that percentage;~~

~~(C) For costs incurred during calendar year 1994 and each calendar year thereafter, ten twenty per cent of the nursing facility's costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one-half of the amount by which the reported costs for purchased nursing services exceed that percentage.~~

**Sec. 5111.28.** (A) If a provider properly amends its cost

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report under section 5111.27 of the Revised Code and the amended 34974  
report shows that the provider received a lower rate under the 34975  
original cost report than it was entitled to receive, the 34976  
department shall adjust the provider's rate prospectively to 34977  
reflect the corrected information. The department shall pay the 34978  
adjusted rate beginning two months after the first day of the 34979  
month after the provider files the amended cost report. If the 34980  
department finds, from an exception review of resident assessment 34981  
information conducted after the effective date of the rate for 34982  
direct care costs that is based on the assessment information, 34983  
that inaccurate assessment information resulted in the provider 34984  
receiving a lower rate than it was entitled to receive, the 34985  
department prospectively shall adjust the provider's rate 34986  
accordingly and shall make payments using the adjusted rate for 34987  
the remainder of the calendar quarter for which the assessment 34988  
information is used to determine the rate, beginning one month 34989  
after the first day of the month after the exception review is 34990  
completed. 34991

(B) If the provider properly amends its cost report under 34992  
section 5111.27 of the Revised Code, the department makes a 34993  
finding based on an audit under that section, or the department 34994  
makes a finding based on an exception review of resident 34995  
assessment information conducted under that section after the 34996  
effective date of the rate for direct care costs that is based on 34997  
the assessment information, any of which results in a 34998  
determination that the provider has received a higher rate than it 34999  
was entitled to receive, the department shall recalculate the 35000  
provider's rate using the revised information. The department 35001  
shall apply the recalculated rate to the periods when the provider 35002  
received the incorrect rate to determine the amount of the 35003  
overpayment. The provider shall refund the amount of the 35004  
overpayment. 35005

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In addition to requiring a refund under this division, the department may charge the provider interest at the applicable rate specified in this division from the time the overpayment was made.

(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be no greater than one and one-half times the average bank prime rate.

(2) If the overpayment resulted from costs reported for subsequent calendar years:

(a) The interest shall be no greater than two times the average bank prime rate if the overpayment was equal to or less than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.

(b) The interest shall be no greater than two and one-half times the current average bank prime rate if the overpayment was greater than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.

~~(3) The department shall determine the average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the department shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board.~~

(C) The department also may impose the following penalties:

(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty-five per cent of the



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cumulative amount by which the costs for which documentation was  
not furnished increased the total medicaid payments to the  
provider during the fiscal year for which the costs were used to  
establish a rate;

(2) If an owner fails to provide notice of sale of the  
facility or voluntary termination of participation in the medical  
assistance program, as required by section 5111.25 or 5111.251 of  
the Revised Code, no more than ~~two~~ the current average bank prime  
rate plus four per cent of the last two monthly payments.

(D) If the provider continues to participate in the medical  
assistance program, the department shall deduct any amount that  
the provider is required to refund under this section, and the  
amount of any interest charged or penalty imposed under this  
section, from the next available payment from the department to  
the provider. The department and the provider may enter into an  
agreement under which the amount, together with interest, is  
deducted in installments from payments from the department to the  
provider.

(E) The department shall transmit refunds and penalties to  
the treasurer of state for deposit in the general revenue fund.

(F) For the purpose of this section, the department shall  
determine the average bank prime rate using statistical release  
H.15, "selected interest rates," a weekly publication of the  
federal reserve board, or any successor publication. If  
statistical release H.15, or its successor, ceases to contain the  
bank prime rate information or ceases to be published, the  
department shall request a written statement of the average bank  
prime rate from the federal reserve bank of Cleveland or the  
federal reserve board.

**Sec. 5111.29.** (A) The director of job and family services  
shall adopt rules in accordance with Chapter 119. of the Revised

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Code that establish a process under which a nursing facility or 35068  
intermediate care facility for the mentally retarded, or a group 35069  
or association of facilities, may seek reconsideration of rates 35070  
established under sections 5111.23 to 5111.28 of the Revised Code, 35071  
including a rate for direct care costs recalculated before the 35072  
effective date of the rate as a result of an exception review of 35073  
resident assessment information conducted under section 5111.27 of 35074  
the Revised Code. 35075

(1) Except as provided in divisions (A)(2) to (4) of this 35076  
section, the only issue that a facility, group, or association may 35077  
raise in the rate reconsideration shall be whether the rate was 35078  
calculated in accordance with sections 5111.23 to 5111.28 of the 35079  
Revised Code and the rules adopted under those sections. The rules 35080  
shall permit a facility, group, or association to submit written 35081  
arguments or other materials that support its position. The rules 35082  
shall specify time frames within which the facility, group, or 35083  
association and the department must act. If the department 35084  
determines, as a result of the rate reconsideration, that the rate 35085  
established for one or more facilities is less than the rate to 35086  
which it is entitled, the department shall increase the rate. If 35087  
the department has paid the incorrect rate for a period of time, 35088  
the department shall pay the facility the difference between the 35089  
amount it was paid for that period and the amount it should have 35090  
been paid. 35091

(2) The rules shall provide that during a fiscal year, the 35092  
department, by means of the rate reconsideration process, may 35093  
increase a facility's rate as calculated under sections 5111.23 to 35094  
5111.28 of the Revised Code if the facility demonstrates that its 35095  
actual, allowable costs have increased because of extreme 35096  
circumstances. A facility may qualify for a rate increase only if 35097  
its per diem, actual, allowable costs have increased to a level 35098  
that exceeds its total rate, including any efficiency incentive 35099

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and return on equity payment. The rules shall specify the 35100  
circumstances that would justify a rate increase under division 35101  
(A)(2) of this section. The In the case of nursing facilities, the 35102  
rules shall provide that the extreme circumstances include 35103  
increased security costs for an inner-city nursing facility and an 35104  
increase in workers' compensation experience rating but do not 35105  
include a change of ownership that results from bankruptcy, 35106  
foreclosure, or findings of violations of certification 35107  
requirements by the department of health. In the case of 35108  
intermediate care facilities for the mentally retarded, the rules 35109  
shall provide that the extreme circumstances include, but are not 35110  
limited to, renovations approved under division (D) of section 35111  
5111.251 of the Revised Code, an increase in workers' compensation 35112  
experience rating of greater than five per cent for a facility 35113  
that has an appropriate claims management program, increased 35114  
security costs for an inner-city facility, and a change of 35115  
ownership that results from bankruptcy, foreclosure, or findings 35116  
of violations of certification requirements by the department of 35117  
health. An increase under division (A)(2) of this section is 35118  
subject to any rate limitations or maximum rates established by 35119  
sections 5111.23 to 5111.28 of the Revised Code for specific cost 35120  
centers. Any rate increase granted under division (A)(2) of this 35121  
section shall take effect on the first day of the first month 35122  
after the department receives the request. 35123

(3) The rules shall provide that the department, through the 35124  
rate reconsideration process, may increase a facility's rate as 35125  
calculated under sections 5111.23 to 5111.28 of the Revised Code 35126  
if the department, in its sole discretion, determines that the 35127  
rate as calculated under those sections works an extreme hardship 35128  
on the facility. 35129

(4) The rules shall provide that when beds certified for the 35130  
medical assistance program are added to an existing facility, 35131

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replaced at the same site, or subject to a change of ownership or  
lease, the department, through the rate reconsideration process,  
shall increase the facility's rate for capital costs  
proportionately, as limited by any applicable limitation under  
section 5111.25 or 5111.251 of the Revised Code, to account for  
the costs of the beds that are added, replaced, or subject to a  
change of ownership or lease. The department shall make this  
increase one month after the first day of the month after the  
department receives sufficient documentation of the costs. Any  
rate increase granted under division (A)(4) of this section after  
June 30, 1993, shall remain in effect until the effective date of  
a rate calculated under section 5111.25 or 5111.251 of the Revised  
Code that includes costs incurred for a full calendar year for the  
bed addition, bed replacement, or change of ownership or lease.  
The facility shall report double accumulated depreciation in an  
amount equal to the depreciation included in the rate adjustment  
on its cost report for the first year of operation. During the  
term of any loan used to finance a project for which a rate  
adjustment is granted under division (A)(4) of this section, if  
the facility is operated by the same provider, the facility shall  
subtract from the interest costs it reports on its cost report an  
amount equal to the difference between the following:

(a) The actual, allowable interest costs for the loan during  
the calendar year for which the costs are being reported;

(b) The actual, allowable interest costs attributable to the  
loan that were used to calculate the rates paid to the facility  
during the same calendar year.

(5) The department's decision at the conclusion of the  
reconsideration process shall not be subject to any administrative  
proceedings under Chapter 119. or any other provision of the  
Revised Code.

(B) Any audit disallowance that the department makes as the

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result of an audit under section 5111.27 of the Revised Code, any 35164  
 adverse finding that results from an exception review of resident 35165  
 assessment information conducted under that section after the 35166  
 effective date of the facility's rate that is based on the 35167  
 assessment information, and any penalty the department imposes 35168  
 under division (C) of section 5111.28 of the Revised Code shall be 35169  
 subject to an adjudication conducted in accordance with Chapter 35170  
 119. of the Revised Code. 35171

Sec. 5111.63. (A) As used in this section and in section 35172  
5111.64 of the Revised Code: 35173

(1) "Facility" means a facility, or part of a facility, 35174  
certified as a nursing facility or skilled nursing facility under 35175  
Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 35176  
286 (1965), 42 U.S.C. 1395 and 1396, as amended. "Facility" does 35177  
not include an intermediate care facility for the mentally 35178  
retarded, as defined in section 5111.20 of the Revised Code. 35179

(2) "Transfer or discharge" means the movement of resident to 35180  
a bed outside of the facility in which the resident resides, 35181  
regardless of whether the bed is in the same physical plant. 35182  
"Transfer or discharge" does not include the movement of a 35183  
resident to a different bed in the same facility. 35184

(3) "Physician" means an individual authorized under Chapter 35185  
4731. of the Revised Code to practice medicine and surgery or 35186  
osteopathic medicine and surgery. 35187

(4) "Resident" means a resident of a facility who is one of 35188  
the following: 35189

(a) A recipient of medicaid under section 5111.01 of the 35190  
Revised Code; 35191

(b) A beneficiary under Title XVIII of the "Social Security 35192  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 35193

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<u>(B) The administrator of a facility may transfer or discharge</u>	35194
<u>a resident from the facility only under the following</u>	35195
<u>circumstances:</u>	35196
<u>(1) The welfare and needs of the resident cannot be met in</u>	35197
<u>the facility;</u>	35198
<u>(2) The resident's health has improved sufficiently so that</u>	35199
<u>the resident no longer needs the services provided by the</u>	35200
<u>facility;</u>	35201
<u>(3) The safety of individuals in the facility is endangered;</u>	35202
	35203
<u>(4) The health of individuals in the facility would otherwise</u>	35204
<u>be endangered;</u>	35205
<u>(5) The resident has failed, after reasonable and appropriate</u>	35206
<u>notice, to pay for a stay at the facility, regardless of the</u>	35207
<u>method of payment;</u>	35208
<u>(6) The facility ceases to operate;</u>	35209
<u>(7) The reason specified in division (C)(1) or (2) of section</u>	35210
<u>3721.16 of the Revised Code.</u>	35211
<u>In the case of a transfer or discharge described in division</u>	35212
<u>(B)(1), (2), (3), (4), or (5) of this section, the transfer or</u>	35213
<u>discharge shall be documented in the resident's medical record. In</u>	35214
<u>the case of a transfer or discharge described in division (B)(1)</u>	35215
<u>or (2) of this section, the documentation shall be made by the</u>	35216
<u>resident's physician. In the case of a transfer or discharge</u>	35217
<u>described in division (B)(4) of this section, the documentation</u>	35218
<u>shall be made by a physician. In the case of a transfer or</u>	35219
<u>discharge described in division (B)(5) of this section of a</u>	35220
<u>resident who becomes eligible for the medicaid program after</u>	35221
<u>admission to the facility, the facility may assess a resident only</u>	35222
<u>those charges that are allowed under the medicaid program.</u>	35223

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(C) The administrator of a facility proposing to transfer or discharge a resident as described in division (B) of this section shall notify in writing the resident and the resident's sponsor or legal representative of the proposed transfer or discharge. The notice shall be made in accordance with 42 C.F.R. 483.12, as amended. On the date notice is provided to a resident, the administrator shall forward a copy of the notice to the legal services office of the department of job and family services.

Not later than ninety days after the date a resident receives notice of a proposed transfer or discharge, the resident may request a hearing before the department of job and family services under the hearing procedure described in section 5111.64 of the Revised Code. A facility shall permit a resident who requests a hearing not later than ten days after the date the resident receives the notice to remain in the facility pending the order of the hearing officer.

**Sec. 5111.64.** (A) The department of job and family services shall establish and administer a hearing procedure for a resident of a facility to appeal a proposed transfer or discharge from a facility. The department may contract with the department of health to establish and administer the hearing procedure. If the department of job and family services contracts with the department of health, the department of health shall have the same authority under this section as the department of job and family services.

(B) The hearing procedure shall provide for all of the following:

(1) The hearing to be conducted by a hearing officer who shall be an employee of the department of job and family services or a hearing examiner who is under contract with the department;

(2) The hearing to be tape-recorded;

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<u>(3) The hearing officer to issue an order based on the facts presented at the hearing not later than ninety days after receipt of the request for hearing;</u>	35255
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<u>(4) Notice of the contents of the order to be provided to the resident and the administrator of the facility.</u>	35258
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<u>(C) The order of a hearing officer described in division (B) of this section is final and not subject to appeal.</u>	35260
	35261
<u>(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.</u>	35262
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<u>(E) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.</u>	35271
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<b>Sec. 5111.85.</b> <u>(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.</u>	35274
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<u>(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:</u>	35281
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	35283
<u>(1) Eligibility requirements for the medicaid waiver</u>	35284



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<u>components;</u>	35285
<u>(2) The type, amount, duration, and scope of services the medicaid waiver components provide;</u>	35286 35287
<u>(3) The conditions under which the medicaid waiver components cover services;</u>	35288 35289
<u>(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;</u>	35290 35291
<u>(5) The manner in which the medicaid waiver components pay for services;</u>	35292 35293
<u>(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;</u>	35294 35295
<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>	35296 35297 35298 35299 35300
<u>(8) Other policies necessary for the efficient administration of the medicaid waiver components.</u>	35301 35302
<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>	35303 35304 35305 35306
<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>	35307 35308 35309 35310 35311 35312 35313 35314

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(1) If the violator is a county family services agency, take 35315  
action under section 5101.24 of the Revised Code; 35316

(2) If the violator is not a county family services agency, 35317  
establish a corrective action plan for the violator and impose 35318  
fiscal, administrative, or both types of sanctions on the violator 35319  
in accordance with rules adopted under division (B) of this 35320  
section. 35321

**Sec. 5111.86.** The department of job and family services may 35322  
enter into interagency agreements with one or more other state 35323  
agencies to have the state agency administer one or more 35324  
components of the medicaid program, or one or more aspects of a 35325  
component, under the department's supervision. A state agency that 35326  
enters into such an interagency agreement shall comply with any 35327  
rules the director of job and family services has adopted 35328  
governing the component, or aspect of the component, that the 35329  
state agency is to administer, including any rules establishing 35330  
review, audit, and corrective action plan requirements. 35331

A state agency that enters into an interagency agreement with 35332  
the department under this section shall reimburse the department 35333  
for the nonfederal share of the cost to the department of 35334  
performing, or contracting for the performance of, a fiscal audit 35335  
of the component of the medicaid program, or aspect of the 35336  
component, that the state agency administers if rules governing 35337  
the component, or aspect of the component, require that a fiscal 35338  
audit be conducted. 35339

There is hereby created in the state treasury the medicaid 35340  
administrative reimbursement fund. The department shall use money 35341  
in the fund to pay for the nonfederal share of the cost of a 35342  
fiscal audit for which a state agency is required by this section 35343  
to reimburse the department. The department shall deposit the 35344  
reimbursements into the fund. 35345

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Sec. 5111.87. As used in this section and section 5111.871 of the Revised Code, "intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

The director of job and family services may apply to the United States secretary of health and human services for one or more medicaid waivers under which home or community-based services are provided to individuals with mental retardation or other developmental disability as an alternative to placement in an intermediate care facility for the mentally retarded.

~~Sec. 5111.87~~ 5111.871. The department of job and family services shall enter into an interagency agreement with the department of mental retardation and developmental disabilities under section 5111.86 of the Revised Code with regard to the component of the medicaid program established by the department of job and family services under ~~a waiver~~ one or more waivers from the United States secretary of health and human services pursuant to section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396n, as amended, to provide eligible ~~medical assistance~~ medicaid recipients with home or community-based services as an alternative to placement in an intermediate care facility for the mentally retarded ~~as defined in section 5111.20 of the Revised Code.~~ The agreement shall provide for the department of mental retardation and developmental disabilities to administer the ~~program~~ component in accordance with the terms of the waiver. The ~~departments~~ directors of job and family services and mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the ~~program~~ component.

If the department of mental retardation and developmental disabilities or the department of job and family services denies

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an individual's application for home or community-based services provided under this medicaid component, the department that made the denial shall timely notify the individual that the individual may request a hearing under section 5101.35 of the Revised Code. 35377  
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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. 35381  
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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: 35393  
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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; 35400  
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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; 35404  
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(C) Anything else the department considers appropriate. 35407

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Sec. 5111.873. (A) Not later than the effective date of the 35408  
first of any medicaid waivers the United States secretary of 35409  
health and human services grants pursuant to a request made under 35410  
section 5111.87 of the Revised Code, the director of job and 35411  
family services shall adopt rules in accordance with Chapter 119. 35412  
of the Revised Code establishing statewide fee schedules for home 35413  
or community-based services provided under the component of the 35414  
medicaid program that the department of mental retardation and 35415  
developmental disabilities administers under section 5111.871 of 35416  
the Revised Code. The rules shall provide for all of the 35417  
following: 35418

(1) The department of mental retardation and developmental 35419  
disabilities arranging for the initial and ongoing collection of 35420  
cost information from a comprehensive, statistically valid sample 35421  
of persons and government entities providing the services at the 35422  
time the information is obtained; 35423

(2) The collection of consumer-specific information through 35424  
an assessment instrument the department of mental retardation and 35425  
developmental disabilities shall develop; 35426

(3) With the information collected pursuant to divisions 35427  
(A)(1) and (2) of this section, an analysis of that information, 35428  
and other information the director determines relevant, methods 35429  
and standards for calculating the fee schedules that do all of the 35430  
following: 35431

(a) Assure that the fees are consistent with efficiency, 35432  
economy, and quality of care; 35433

(b) Consider the intensity of consumer resource need; 35434

(c) Recognize variations in different geographic areas 35435  
regarding the resources necessary to assure the health and welfare 35436  
of consumers; 35437

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(d) Recognize variations in environmental supports available to consumers. 35438  
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(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. 35440  
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(C) The directors of job and family services and mental retardation and developmental disabilities shall review the rules adopted under this section at times they determine to ensure that the methods and standards established by the rules for calculating the fee schedules continue to do everything that division (A)(3) of this section requires. 35447  
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**Sec. 5119.01.** The director of mental health is the chief executive and administrative officer of the department of mental health. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.07 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community mental health plans, and delivery of mental health services. 35453  
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The director shall: 35468

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(A) Adopt rules for the proper execution of the powers and 35469  
duties of the department with respect to the institutions under 35470  
its control, and require the performance of additional duties by 35471  
the officers of the institutions as necessary to fully meet the 35472  
requirements, intents, and purposes of this chapter. In case of an 35473  
apparent conflict between the powers conferred upon any managing 35474  
officer and those conferred by such sections upon the department, 35475  
the presumption shall be conclusive in favor of the department. 35476  
35477

(B) Adopt rules for the nonpartisan management of the 35478  
institutions under the department's control. An officer or 35479  
employee of the department or any officer or employee of any 35480  
institution under its control who, by solicitation or otherwise, 35481  
exerts influence directly or indirectly to induce any other 35482  
officer or employee of the department or any of its institutions 35483  
to adopt the exerting officer's or employee's political views or 35484  
to favor any particular person, issue, or candidate for office 35485  
shall be removed from the exerting officer's or employee's office 35486  
or position, by the department in case of an officer or employee, 35487  
and by the governor in case of the director. 35488

(C) Appoint such employees, including the medical director, 35489  
as are necessary for the efficient conduct of the department, and 35490  
prescribe their titles and duties; 35491

(D) Prescribe the forms of affidavits, applications, medical 35492  
certificates, orders of hospitalization and release, and all other 35493  
forms, reports, and records that are required in the 35494  
hospitalization or admission and release of all persons to the 35495  
institutions under the control of the department, or are otherwise 35496  
required under this chapter or Chapter 5122. of the Revised Code; 35497

(E) Contract with hospitals licensed by the department under 35498  
section 5119.20 of the Revised Code for the care and treatment of 35499  
mentally ill patients, or with persons, organizations, or agencies 35500

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for the custody, supervision, care, or treatment of mentally ill 35501  
persons receiving services elsewhere than within the enclosure of 35502  
a hospital operated under section 5119.02 of the Revised Code; 35503

(F) Exercise the powers and perform the duties relating to 35504  
community mental health facilities and services that are assigned 35505  
to the director under this chapter and Chapter 340. of the Revised 35506  
Code; 35507

(G) Adopt rules under Chapter 119. of the Revised Code for 35508  
the establishment of minimum standards, including standards for 35509  
use of seclusion and restraint, of mental health services that are 35510  
not inconsistent with nationally recognized applicable standards 35511  
and that facilitate participation in federal assistance programs~~+~~. 35512  
For purposes of certifying a community mental health program, 35513  
agency, or facility under division (M) of section 5119.61 of the 35514  
Revised Code and conducting reviews, evaluations, and audits under 35515  
division (A)(3) of section 340.03 of the Revised Code, the rules 35516  
shall establish minimum standards that the program, agency, or 35517  
facility must meet in the prevention of inappropriate service 35518  
delivery. Initial rules regarding the prevention of inappropriate 35519  
service delivery shall be adopted not later than ninety days after 35520  
the effective date of this amendment. 35521

(H) Develop and implement clinical evaluation and monitoring 35522  
of services that are operated by the department; 35523

(I) At the director's discretion, adopt rules establishing 35524  
standards for the adequacy of services provided by community 35525  
mental health facilities, and certify the compliance of such 35526  
facilities ~~with the standards for the purpose of authorizing their~~ 35527  
~~participation in the health care plans of health insuring~~ 35528  
~~corporations under Chapter 1751. and sickness and accident~~ 35529  
~~insurance policies issued under Chapter 3923. of the Revised Code;~~ 35530

(J) Adopt rules establishing standards for the performance of 35531



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evaluations by a forensic center or other psychiatric program or 35532  
facility of the mental condition of defendants ordered by the 35533  
court under section 2919.271, or 2945.371 of the Revised Code, and 35534  
for the treatment of defendants who have been found incompetent to 35535  
stand trial and ordered by the court under section 2945.38, 35536  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 35537  
treatment in facilities; 35538

(K) On behalf of the department, have the authority and 35539  
responsibility for entering into contracts and other agreements; 35540

(L) Prepare and publish regularly a state mental health plan 35541  
that describes the department's philosophy, current activities, 35542  
and long-term and short-term goals and activities; 35543

(M) Adopt rules in accordance with Chapter 119. of the 35544  
Revised Code specifying the supplemental services that may be 35545  
provided through a trust authorized by section 1339.51 of the 35546  
Revised Code; 35547

(N) Adopt rules in accordance with Chapter 119. of the 35548  
Revised Code establishing standards for the maintenance and 35549  
distribution to a beneficiary of assets of a trust authorized by 35550  
section 1339.51 of the Revised Code; 35551

(O) As used in division (I) of this section: 35552

(1) "Community mental health facility" means a facility that 35553  
provides community mental health services and is included in the 35554  
community mental health plan for the alcohol, drug addiction, and 35555  
mental health service district in which it is located. 35556

(2) "Community mental health service" means services, other 35557  
than inpatient services, provided by a community mental health 35558  
facility. 35559

**Sec. 5119.06.** (A) The department of mental health shall: 35560

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(1) Establish and support a program at the state level to 35561  
promote a community support system in accordance with section 35562  
340.03 of the Revised Code to be available for every alcohol, drug 35563  
addiction, and mental health service district. The department 35564  
shall define the essential elements of a community support system, 35565  
shall assist in identifying resources and coordinating the 35566  
planning, evaluation, and delivery of services to facilitate the 35567  
access of mentally ill people to public services at federal, 35568  
state, and local levels, and shall operate inpatient and other 35569  
mental health services pursuant to the approved community mental 35570  
health plan. 35571

(2) Provide training, consultation, and technical assistance 35572  
regarding mental health programs and services and appropriate 35573  
prevention and mental health promotion activities, including those 35574  
that are culturally sensitive, to employees of the department, 35575  
community mental health agencies and boards, and other agencies 35576  
providing mental health services; 35577

(3) Promote and support a full range of mental health 35578  
services that are available and accessible to all residents of 35579  
this state, especially for severely mentally disabled children, 35580  
adolescents, and adults, and other special target populations, 35581  
including racial and ethnic minorities, as determined by the 35582  
department. 35583

(4) Design and set criteria for the determination of severe 35584  
mental disability; 35585

(5) Establish ~~criteria~~ standards for evaluation of mental 35586  
health programs; 35587

(6) Promote, direct, conduct, and coordinate scientific 35588  
research, taking ethnic and racial differences into consideration 35589  
concerning the causes and prevention of mental illness, methods of 35590  
providing effective services and treatment, and means of enhancing 35591

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- the mental health of all residents of this state; 35592
- (7) Foster the establishment and availability of vocational 35593  
rehabilitation services and the creation of employment 35594  
opportunities for consumers of mental health services, including 35595  
members of racial and ethnic minorities; 35596
- (8) Establish a program to protect and promote the rights, 35597  
health, and safety of persons receiving mental health services, 35598  
including the issuance of guidelines on informed consent and other 35599  
rights; 35600
- (9) Establish, in consultation with board of alcohol, drug 35601  
addiction, and mental health services representatives and after 35602  
consideration of the recommendations of the medical director, 35603  
guidelines for the development of community mental health plans 35604  
and the review and approval or disapproval of such plans submitted 35605  
pursuant to section 340.03 of the Revised Code; 35606
- (10) Promote the involvement of persons who are receiving or 35607  
have received mental health services, including families and other 35608  
persons having a close relationship to a person receiving mental 35609  
health services, in the planning, evaluation, delivery, and 35610  
operation of mental health services. 35611
- (11) Notify and consult with the relevant constituencies that 35612  
may be affected by rules, standards, and guidelines issued by the 35613  
department of mental health. These constituencies shall include 35614  
consumers of mental health services and their families, and may 35615  
include public and private providers, employee organizations, and 35616  
others when appropriate. Whenever the department proposes the 35617  
adoption, amendment, or rescission of rules under Chapter 119. of 35618  
the Revised Code, the notification and consultation required by 35619  
this division shall occur prior to the commencement of proceedings 35620  
under Chapter 119. The department shall adopt rules under Chapter 35621  
119. of the Revised Code that establish procedures for the 35622

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notification and consultation required by this division.	35623
	35624
(12) In cooperation with board of alcohol, drug addiction,	35625
and mental health services representatives, provide training	35626
regarding the provision of community-based mental health services	35627
to those department employees who are utilized in state-operated,	35628
community-based mental health services;	35629
(13) Provide <del>oversight and</del> consultation to the department of	35630
rehabilitation and correction <del>for</del> <u>concerning</u> the delivery of	35631
mental health services in state correctional institutions;	35632
<del>(14) Audit mental health programs in state correctional</del>	35633
<del>institutions operated by the department of rehabilitation and</del>	35634
<del>correction for compliance with standards that have been jointly</del>	35635
<del>developed and promulgated by the department of mental health and</del>	35636
<del>the department of rehabilitation and correction. The standards</del>	35637
<del>shall include monitoring mechanisms to provide for quality of</del>	35638
<del>services in these programs.</del>	35639
(B) The department of mental health may negotiate and enter	35640
into agreements with other agencies and institutions, both public	35641
and private, for the joint performance of its duties.	35642
<u>(C) The department shall adopt rules in accordance with</u>	35643
<u>Chapter 119. of the Revised Code as it considers necessary to</u>	35644
<u>administer the program established under division (A)(8) of this</u>	35645
<u>section. Initial rules regarding the health and safety of persons</u>	35646
<u>receiving mental health services shall be adopted not later than</u>	35647
<u>ninety days after the effective date of this amendment.</u>	35648
<b>Sec. 5119.61.</b> Any provision in this chapter that refers to a	35649
board of alcohol, drug addiction, and mental health services also	35650
refers to the community mental health board in an alcohol, drug	35651
addiction, and mental health service district that has a community	35652
mental health board.	35653

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The director of mental health with respect to all facilities 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

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health under section 3722.17 of the Revised Code regarding the 35685  
 quality of care and services provided by an adult care facility to 35686  
 a person with mental illness or a severe mental disability. 35687

(2) Rules may be adopted to govern the method of paying a 35688  
 community mental health facility described in division (B) of 35689  
 section 5111.022 of the Revised Code for providing services 35690  
 established by division (A) of that section. Such rules must be 35691  
 consistent with the contract entered into between the departments 35692  
~~of human job and family~~ services and mental health under division 35693  
 (E) of that section. 35694

(B) Adopt rules requiring each public or private agency 35695  
 providing mental health services or facilities under a contract 35696  
 with a board of alcohol, drug addiction, and mental health 35697  
 services and any program operated by such a board to have a 35698  
 written policy that addresses the rights of clients including all 35699  
 of the following: 35700

(1) The right to a copy of the agency's policy of client 35701  
 rights; 35702

(2) The right at all times to be treated with consideration 35703  
 and respect for the client's privacy and dignity; 35704

(3) The right to have access to the client's own psychiatric, 35705  
 medical, or other treatment records unless access is specifically 35706  
 restricted in the client's treatment plan for clear treatment 35707  
 reasons; 35708

(4) The right to have a client rights officer provided by the 35709  
 board or agency advise the client of the client's rights, 35710  
 including the client's rights under Chapter 5122. of the Revised 35711  
 Code if the client is committed to the board or agency. 35712

(C) Require each board of alcohol, drug addiction, and mental 35713  
 health services to ensure that each contract agency establishes 35714  
 grievance procedures available to all recipients of services or 35715

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applicants for services; 35716

(D) Define minimum standards for qualifications of personnel, 35717  
professional services, and mental health professionals as defined 35718  
in section 340.02 of the Revised Code; 35719

(E) Review and evaluate, and, taking into account the 35720  
findings and recommendations of the board of alcohol, drug 35721  
addiction, and mental health services of the district served by 35722  
the program and the requirements and priorities of the state 35723  
mental health plan, including the needs of residents of the 35724  
district now residing in state mental institutions, approve and 35725  
allocate funds to support community programs, and make 35726  
recommendations for needed improvements to boards of alcohol, drug 35727  
addiction, and mental health services; 35728

(F) Withhold state and federal funds for any program, in 35729  
whole or in part, from a board of alcohol, drug addiction, and 35730  
mental health services in the event of failure of that program to 35731  
comply with Chapter 340. or section 5119.61 or 5119.62 of the 35732  
Revised Code or rules of the department of mental health. The 35733  
director shall identify the areas of noncompliance and the action 35734  
necessary to achieve compliance. The director shall offer 35735  
technical assistance to the board to achieve compliance. The 35736  
director shall give the board a reasonable time within which to 35737  
comply or to present its position that it is in compliance. Before 35738  
withholding funds, a hearing shall be conducted to determine if 35739  
there are continuing violations and that either assistance is 35740  
rejected or the board is unable to achieve compliance. Subsequent 35741  
to the hearing process, if it is determined that compliance has 35742  
not been achieved, the director may allocate all or part of the 35743  
withheld funds to a public or private agency to provide the 35744  
services not in compliance until the time that there is 35745  
compliance. The director shall establish rules pursuant to Chapter 35746  
119. of the Revised Code to implement this division. 35747

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(G) Withhold state or federal funds from a board of alcohol, drug addiction, and mental health services that denies available service on the basis of religion, race, color, creed, sex, national origin, age, disability as defined in section 4112.01 of the Revised Code, developmental disability, or the inability to pay;

(H) Provide consultative services to community mental health programs with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;

(I) Provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section 5119.62 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(J)(1) Establish criteria by which a board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of services provided through its community mental health plan, including services described in division (A) of section 5111.022 of the Revised Code that are provided by community health facilities described in division (B) of that section. The criteria established for a board's use in reviewing and evaluating the services provided through its plan shall include consideration of whether the providers of mental health services have prevented inappropriate service delivery. Initial criteria regarding the prevention of inappropriate service delivery shall be established not later than ninety days after the effective date of this amendment. The

(2) The department shall assess a board's review and evaluation of services and the compliance of each board with this section, Chapter 340. or section 5119.62 of the Revised Code, and other state or federal law and regulations. The



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(3) The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of services provided through each board. The

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(4) The department shall collect information that is necessary to perform ~~these~~ the functions specified in divisions (J)(1) to (3) of this section.

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(K) Develop and operate a community mental health information system.

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Boards of alcohol, drug abuse, and mental health services shall submit information requested by the department in the form and manner prescribed by the department. Information collected by the department shall include, but not be limited to, all of the following:

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(1) Information regarding units of services provided in whole or in part under contract with a board, including diagnosis and special needs, demographic information, the number of units of service provided, past treatment, financial status, and service dates in accordance with rules adopted by the department in accordance with Chapter 119. of the Revised Code;

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(2) Financial information other than price or price-related data regarding expenditures of boards and community mental health agencies, including units of service provided, budgeted and actual expenses by type, and sources of funds.

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Boards shall submit the information specified in division (K)(1) of this section no less frequently than annually for each client, and each time the client's case is opened or closed. The department shall not collect any information for the purpose of identifying by name any person who receives a service through a board of alcohol, drug addiction, and mental health services, except as required by state or federal law to validate appropriate reimbursement. For the purposes of division (K)(1) of this

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section, the department shall use an identification system that is 35810  
consistent with applicable nationally recognized standards. 35811

(L) Review each board's plan submitted pursuant to section 35812  
340.03 of the Revised Code and approve or disapprove it in whole 35813  
or in part. Periodically, in consultation with representatives of 35814  
boards and after considering the recommendations of the medical 35815  
director, the director shall issue criteria for determining when a 35816  
plan is complete, criteria for plan approval or disapproval, and 35817  
provisions for conditional approval. The factors that the director 35818  
considers may include, but are not limited to, the following: 35819  
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(1) The mental health needs of all persons residing within 35821  
the board's service district, especially severely mentally 35822  
disabled children, adolescents, and adults; 35823

(2) The demonstrated quality, effectiveness, efficiency, and 35824  
cultural relevance of the services provided in each service 35825  
district, the extent to which any services are duplicative of 35826  
other available services, and whether the services meet the needs 35827  
identified above; 35828

(3) The adequacy of the board's accounting for the 35829  
expenditure of funds. 35830

If the director disapproves all or part of any plan, the 35831  
director shall provide the board an opportunity to present its 35832  
position. The director shall inform the board of the reasons for 35833  
the disapproval and of the criteria that must be met before the 35834  
plan may be approved. The director shall give the board a 35835  
reasonable time within which to meet the criteria, and shall offer 35836  
technical assistance to the board to help it meet the criteria. 35837

If the approval of a plan remains in dispute thirty days 35838  
prior to the conclusion of the fiscal year in which the board's 35839  
current plan is scheduled to expire, the board or the director may 35840

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request that the dispute be submitted to a mutually agreed upon  
third-party mediator with the cost to be shared by the board and  
the department. The mediator shall issue to the board and the  
department recommendations for resolution of the dispute. Prior to  
the conclusion of the fiscal year in which the current plan is  
scheduled to expire, the director, taking into consideration the  
recommendations of the mediator, shall make a final determination  
and approve or disapprove the plan, in whole or in part.

(M) Visit and evaluate any community mental health program,  
agency, or facility, in cooperation with a board of alcohol, drug  
addiction, and mental health services, to determine if the  
services meet minimum standards pursuant to division (G) of  
section 5119.01 of the Revised Code. If the director determines  
that the services meet minimum standards, the director shall so  
certify.

If the director determines that the services of any program,  
agency, or facility that has a contract with a board do not meet  
minimum standards, the director shall identify the areas of  
noncompliance, specify what action is necessary to meet the  
standards, and offer technical assistance to the board so that it  
may assist the program, agency, or facility to meet minimum  
standards. The director shall give the board a reasonable time  
within which to demonstrate that the services meet minimum  
standards or to bring the program or facility into compliance with  
the standards. If the director concludes that the services  
continue to fail to meet minimum standards, the director may  
request that the board reallocate the funds for those services to  
another program, agency, or facility which meets minimum  
standards. If the board does not reallocate those funds in a  
reasonable period of time, the director may withhold state and  
federal funds for the services and allocate those funds directly  
to a public or private agency that meets minimum standards.

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Each program, agency, and facility shall pay a fee for the certification review required by this division. Fees shall be paid into the sale of goods and services fund created pursuant to section 5119.161 of the Revised Code.

~~The director shall adopt (N)(1) Adopt~~ rules under Chapter 119. of the Revised Code to implement ~~this~~ division (M) of this section. The rules shall do all of the following:

~~(1)(a)~~ Establish the process for certification of services of programs, agencies, or facilities;

~~(2)(b)~~ Set the amount of certification review fees based on a portion of the cost of performing the review;

~~(3)(c)~~ Specify the type of notice and hearing to be provided prior to a decision whether to reallocate funds.

(2) For the purpose of increasing the cost-effectiveness of community mental health services, the department of mental health, not later than ninety days after the effective date of this amendment, shall reduce the certification requirements established in the rules adopted under division (N)(1) of this section.

**Sec. 5120.10.** (A)(1) The director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service commission pursuant to section 111.15 of the Revised Code, the director of rehabilitation and correction promptly shall send a copy of the rule or amendment, if the rule or amendment pertains to minimum jail standards, by ordinary mail to the political subdivisions or affiliations of political subdivisions that operate jails to which the standards apply.

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(2) The rules promulgated in accordance with division (A)(1) 35903  
of this section shall serve as criteria for the investigative and 35904  
supervisory powers and duties vested by division (D) of this 35905  
section in the division of parole and community services of the 35906  
department of rehabilitation and correction or in another division 35907  
of the department to which those powers and duties are assigned. 35908

(B) The director may initiate an action in the court of 35909  
common pleas of the county in which a facility that is subject to 35910  
the rules promulgated under division (A)(1) of this section is 35911  
situated to enjoin compliance with the minimum standards for jails 35912  
or with the minimum standards and minimum renovation, 35913  
modification, and construction criteria for minimum security 35914  
jails. 35915

(C) Upon the request of an administrator of a jail facility, 35916  
the chief executive of a municipal corporation, or a board of 35917  
county commissioners, the director of rehabilitation and 35918  
correction or the director's designee shall grant a variance from 35919  
the minimum standards for jails in Ohio for a facility that is 35920  
subject to one of those minimum standards when the director 35921  
determines that strict compliance with the minimum standards would 35922  
cause unusual, practical difficulties or financial hardship, that 35923  
existing or alternative practices meet the intent of the minimum 35924  
standards, and that granting a variance would not seriously affect 35925  
the security of the facility, the supervision of the inmates, or 35926  
the safe, healthful operation of the facility. If the director or 35927  
the director's designee denies a variance, the applicant may 35928  
appeal the denial pursuant to section 119.12 of the Revised Code. 35929

(D) The following powers and duties shall be exercised by the 35930  
division of parole and community services unless assigned to 35931  
another division by the director: 35932

(1) The investigation and supervision of county and municipal 35933  
jails, workhouses, minimum security jails, and other correctional 35934

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institutions and agencies;	35935
<u>(2) The review and approval of plans submitted to the</u>	35936
<u>department of rehabilitation and correction pursuant to division</u>	35937
<u>(E) of this section;</u>	35938
<u>(3) The management and supervision of the adult parole</u>	35939
authority created by section 5149.02 of the Revised Code;	35940
<del>(3)</del> <u>(4) The review and approval of proposals for</u>	35941
community-based correctional facilities and programs and district	35942
community-based correctional facilities and programs that are	35943
submitted pursuant to division (B) of section 2301.51 of the	35944
Revised Code;	35945
<del>(4)</del> <u>(5) The distribution of funds made available to the</u>	35946
division for purposes of assisting in the renovation, maintenance,	35947
and operation of community-based correctional facilities and	35948
programs and district community-based correctional facilities and	35949
programs in accordance with section 5120.112 of the Revised Code;	35950
<del>(5)</del> <u>(6) The performance of the duty imposed upon the</u>	35951
department of rehabilitation and correction in section 5149.31 of	35952
the Revised Code to establish and administer a program of	35953
subsidies to eligible municipal corporations, counties, and groups	35954
of contiguous counties for the development, implementation, and	35955
operation of community-based corrections programs;	35956
<del>(6)</del> <u>(7) Licensing halfway houses and community residential</u>	35957
centers for the care and treatment of adult offenders in	35958
accordance with section 2967.14 of the Revised Code;	35959
<del>(7)</del> <u>(8) Contracting with a public or private agency or a</u>	35960
department or political subdivision of the state that operates a	35961
licensed halfway house or community residential center for the	35962
provision of housing, supervision, and other services to parolees	35963
and probationers in accordance with section 2967.14 of the Revised	35964
Code.	35965

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Other powers and duties may be assigned by the director of rehabilitation and correction to the division of parole and community services. This section does not apply to the department of youth services or its institutions or employees.

(E) No plan for any new jail, workhouse, or lockup, or plan for a substantial addition or alteration to an existing jail, workhouse, or lockup, shall be adopted unless the officials responsible for adopting the plan have submitted it to the department of rehabilitation and correction for approval and the department has approved the plan as provided in division (D)(2) of this section.

**Sec. 5122.31.** All certificates, applications, records, and reports made for the purpose of this chapter and sections 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, other than court journal entries or court docket entries, and directly or indirectly identifying a patient or former patient or person whose hospitalization has been sought under this chapter, shall be kept confidential and shall not be disclosed by any person except:

(A) If the person identified, or the person's legal guardian, if any, or if the person is a minor, the person's parent or legal guardian, consents, and if the disclosure is in the best interests of the person, as may be determined by the court for judicial records and by the chief clinical officer for medical records;

(B) When disclosure is provided for in this chapter or section 5123.60 of the Revised Code;

(C) That hospitals may release necessary medical information to insurers to obtain payment for goods and services furnished to the patient;

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(D) Pursuant to a court order signed by a judge;	35996
(E) That a patient shall be granted access to the patient's	35997
own psychiatric and medical records, unless access specifically is	35998
restricted in a patient's treatment plan for clear treatment	35999
reasons;	36000
(F) That hospitals and other institutions and facilities	36001
within the department of mental health may exchange psychiatric	36002
records and other pertinent information with other hospitals,	36003
institutions, and facilities of the department, and with community	36004
mental health agencies and boards of alcohol, drug addiction, and	36005
mental health services with which the department has a current	36006
agreement for patient care or services. Records and information	36007
that may be released pursuant to this division shall be limited to	36008
medication history, physical health status and history, financial	36009
status, summary of course of treatment in the hospital, summary of	36010
treatment needs, and a discharge summary, if any.	36011
(G) That a patient's family member who is involved in the	36012
provision, planning, and monitoring of services to the patient may	36013
receive medication information, a summary of the patient's	36014
diagnosis and prognosis, and a list of the services and personnel	36015
available to assist the patient and the patient's family, if the	36016
patient's treating physician determines that the disclosure would	36017
be in the best interests of the patient. No such disclosure shall	36018
be made unless the patient is notified first and receives the	36019
information and does not object to the disclosure.	36020
(H) That community mental health agencies may exchange	36021
psychiatric records and certain other information with the board	36022
of alcohol, drug addiction, and mental health services and other	36023
agencies in order to provide services to a person involuntarily	36024
committed to a board. Release of records under this division shall	36025
be limited to medication history, physical health status and	36026
history, financial status, summary of course of treatment, summary	36027



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of treatment needs, and discharge summary, if any. 36028

(I) That information may be disclosed to the executor or the 36029  
administrator of an estate of a deceased patient when the 36030  
information is necessary to administer the estate; 36031

(J) That records in the possession of the Ohio historical 36032  
society may be released to the closest living relative of a 36033  
deceased patient upon request of that relative; 36034

(K) That information may be disclosed to staff members of the 36035  
appropriate board or to staff members designated by the director 36036  
of mental health for the purpose of evaluating the quality, 36037  
effectiveness, and efficiency of services and determining if the 36038  
services meet minimum standards. Information obtained during such 36039  
evaluations shall not be retained with the name of any patient. 36040  
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(L) That records pertaining to the patient's diagnosis, 36042  
course of treatment, treatment needs, and prognosis shall be 36043  
disclosed and released to the appropriate prosecuting attorney if 36044  
the patient was committed pursuant to section 2945.38, 2945.39, 36045  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 36046  
attorney designated by the board for proceedings pursuant to 36047  
involuntary commitment under this chapter. 36048

(M) That the department of mental health may exchange 36049  
psychiatric hospitalization records, other mental health treatment 36050  
records, and other pertinent information with the department of 36051  
rehabilitation and correction to ensure continuity of care for 36052  
inmates who are receiving mental health services in an institution 36053  
of the department of rehabilitation and correction. The department 36054  
shall not disclose those records unless the inmate is notified, 36055  
receives the information, and does not object to the disclosure. 36056  
The release of records under this division is limited to records 36057  
regarding an inmate's medication history, physical health status 36058

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and history, summary of course of treatment, summary of treatment  
needs, and a discharge summary, if any. 36059  
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(N) That a community mental health agency that ceases to 36061  
operate may transfer to either a community mental health agency 36062  
that assumes its caseload or to the board of alcohol, drug 36063  
addiction, and mental health services of the service district in 36064  
which the patient resided at the time services were most recently 36065  
provided any treatment records that have not been transferred 36066  
elsewhere at the patient's request. 36067

(O) Before records are disclosed pursuant to divisions (C), 36068  
(F), and (H) of this section, the custodian of the records shall 36069  
attempt to obtain the patient's consent for the disclosure. No 36070  
person shall reveal the contents of a medical record of a patient 36071  
except as authorized by law. 36072

**Sec. 5123.01.** As used in this chapter: 36073

(A) "Chief medical officer" means the licensed physician 36074  
appointed by the managing officer of an institution for the 36075  
mentally retarded with the approval of the director of mental 36076  
retardation and developmental disabilities to provide medical 36077  
treatment for residents of the institution. 36078

(B) "Chief program director" means a person with special 36079  
training and experience in the diagnosis and management of the 36080  
mentally retarded, certified according to division (C) of this 36081  
section in at least one of the designated fields, and appointed by 36082  
the managing officer of an institution for the mentally retarded 36083  
with the approval of the director to provide habilitation and care 36084  
for residents of the institution. 36085

(C) "Comprehensive evaluation" means a study, including a 36086  
sequence of observations and examinations, of a person leading to 36087  
conclusions and recommendations formulated jointly, with 36088

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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 5111.871 of the Revised Code.

(I) "Indigent person" means a person who is unable, without

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substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony.

~~(H)~~(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for the mentally retarded.

~~(I)~~(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

~~(J)~~(L) "Managing officer" means a person who is appointed by the director of mental retardation and developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department.

~~(K)~~(M) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(N) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

(O) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

~~(L)~~(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

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in relation to whom, because of the person's retardation, either 36151  
of the following conditions exist: 36152

(1) The person represents a very substantial risk of physical 36153  
impairment or injury to self as manifested by evidence that the 36154  
person is unable to provide for and is not providing for the 36155  
person's most basic physical needs and that provision for those 36156  
needs is not available in the community; 36157

(2) The person needs and is susceptible to significant 36158  
habilitation in an institution. 36159

~~(M)~~(Q) "A person who is at least moderately mentally 36160  
retarded" means a person who is found, following a comprehensive 36161  
evaluation, to be impaired in adaptive behavior to a moderate 36162  
degree and to be functioning at the moderate level of intellectual 36163  
functioning in accordance with standard measurements as recorded 36164  
in the most current revision of the manual of terminology and 36165  
classification in mental retardation published by the American 36166  
association on mental retardation. 36167

~~(N)~~(R) As used in this division, "substantial functional 36168  
limitation," "developmental delay," and "established risk" have 36169  
the meanings established pursuant to section 5123.011 of the 36170  
Revised Code. 36171

"Developmental disability" means a severe, chronic disability 36172  
that is characterized by all of the following: 36173

(1) It is attributable to a mental or physical impairment or 36174  
a combination of mental and physical impairments, other than a 36175  
mental or physical impairment solely caused by mental illness as 36176  
defined in division (A) of section 5122.01 of the Revised Code. 36177

(2) It is manifested before age twenty-two. 36178

(3) It is likely to continue indefinitely. 36179

(4) It results in one of the following: 36180

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(a) In the case of a person under three years of age, at least one developmental delay or an established risk;	36181 36182
(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;	36183 36184 36185
(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.	36186 36187 36188 36189 36190 36191 36192
(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.	36193 36194 36195 36196
<del>(O)</del> <u>(S)</u> "Developmentally disabled person" means a person with a developmental disability.	36197 36198
<del>(P)</del> <u>(T)</u> "State institution" means an institution that is tax-supported and under the jurisdiction of the department.	36199 36200
<del>(Q)</del> <u>(U)</u> "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, disability assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the assistance area in which the person resides. No adult person coming into this state and having a spouse or minor children residing in another state shall obtain a legal settlement in this	36201 36202 36203 36204 36205 36206 36207 36208 36209 36210 36211

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state as long as the spouse or minor children are receiving public 36212  
assistance, care, or support at the expense of the other state or 36213  
its subdivisions. For the purpose of determining the legal 36214  
settlement of a person who is living in a public or private 36215  
institution or in a home subject to licensing by the department of 36216  
job and family services, the department of mental health, or the 36217  
department of mental retardation and developmental disabilities, 36218  
the residence of the person shall be considered as though the 36219  
person were residing in the county in which the person was living 36220  
prior to the person's entrance into the institution or home. 36221  
Settlement once acquired shall continue until a person has been 36222  
continuously absent from Ohio for a period of one year or has 36223  
acquired a legal residence in another state. A woman who marries a 36224  
man with legal settlement in any county immediately acquires the 36225  
settlement of her husband. The legal settlement of a minor is that 36226  
of the parents, surviving parent, sole parent, parent who is 36227  
designated the residential parent and legal custodian by a court, 36228  
other adult having permanent custody awarded by a court, or 36229  
guardian of the person of the minor, provided that: 36230

(1) A minor female who marries shall be considered to have 36231  
the legal settlement of her husband and, in the case of death of 36232  
her husband or divorce, she shall not thereby lose her legal 36233  
settlement obtained by the marriage. 36234

(2) A minor male who marries, establishes a home, and who has 36235  
resided in this state for one year without receiving general 36236  
assistance prior to July 17, 1995, under former Chapter 5113. of 36237  
the Revised Code, disability assistance under Chapter 5115. of the 36238  
Revised Code, or assistance from a private agency that maintains 36239  
records of assistance given shall be considered to have obtained a 36240  
legal settlement in this state. 36241

(3) The legal settlement of a child under eighteen years of 36242  
age who is in the care or custody of a public or private child 36243

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caring agency shall not change if the legal settlement of the 36244  
parent changes until after the child has been in the home of the 36245  
parent for a period of one year. 36246

No person, adult or minor, may establish a legal settlement 36247  
in this state for the purpose of gaining admission to any state 36248  
institution. 36249

~~(R)~~(V)(1) "Resident" means, subject to division (R)(2) of 36250  
this section, a person who is admitted either voluntarily or 36251  
involuntarily to an institution or other facility pursuant to 36252  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 36253  
Code subsequent to a finding of not guilty by reason of insanity 36254  
or incompetence to stand trial or under this chapter who is under 36255  
observation or receiving habilitation and care in an institution. 36256

(2) "Resident" does not include a person admitted to an 36257  
institution or other facility under section 2945.39, 2945.40, 36258  
2945.401, or 2945.402 of the Revised Code to the extent that the 36259  
reference in this chapter to resident, or the context in which the 36260  
reference occurs, is in conflict with any provision of sections 36261  
2945.37 to 2945.402 of the Revised Code. 36262

~~(S)~~(W) "Respondent" means the person whose detention, 36263  
commitment, or continued commitment is being sought in any 36264  
proceeding under this chapter. 36265

~~(T)~~(X) "Working day" and "court day" mean Monday, Tuesday, 36266  
Wednesday, Thursday, and Friday, except when such day is a legal 36267  
holiday. 36268

~~(U)~~(Y) "Prosecutor" means the prosecuting attorney, village 36269  
solicitor, city director of law, or similar chief legal officer 36270  
who prosecuted a criminal case in which a person was found not 36271  
guilty by reason of insanity, who would have had the authority to 36272  
prosecute a criminal case against a person if the person had not 36273  
been found incompetent to stand trial, or who prosecuted a case in 36274



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which a person was found guilty.	36275
<del>(V)</del> <u>(Z)</u> "Court" means the probate division of the court of common pleas.	36276 36277
<b>Sec. 5123.041.</b> (A) As used in this section, "habilitation center" means a <u>habilitation center certified under division (C) of this section for the provision of that provides habilitation center services under section 5111.041 of the Revised Code.</u>	36278 36279 36280 36281
(B) <u>The department of mental retardation and developmental disabilities shall do all of the following pursuant to an interagency agreement with the department of job and family services entered into under section 5111.86 of the Revised Code:</u>	36282 36283 36284 36285
<u>(1) Certify habilitation centers that meet the certification requirements established by rules adopted by the director of job and family services under section 5111.041 of the Revised Code;</u>	36286 36287 36288
<u>(2) Accept and process medicaid reimbursement claims from habilitation centers providing habilitation center services to medicaid recipients under section 5111.041 of the Revised Code;</u>	36289 36290 36291
<u>(3) With medicaid funds provided to the department from the department of job and family services, pay the medicaid reimbursement claims accepted and processed under division (B)(2) of this section;</u>	36292 36293 36294 36295
<u>(4) Perform the other duties included in the interagency agreement.</u>	36296 36297
<u>(C)</u> The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:	36298 36299 36300
<u>(1) <del>Specify standards</del> Establish procedures for certification of habilitation centers;</u>	36301 36302
<u>(2) <del>Define habilitation services and programs, other than</del></u>	36303

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<del>services provided by the department of education;</del>	36304
<del>(3) Establish the fee that may be assessed under division (D)</del>	36305
<del>of this section;</del>	36306
<del>(4)(3) Specify how the department of mental retardation and</del>	36307
<del>developmental disabilities will implement and administer the</del>	36308
<del>habilitation services program perform its duties under this</del>	36309
<del>section.</del>	36310
<del>(C) The director shall certify habilitation centers that meet</del>	36311
<del>the standards specified by rules adopted under this section.</del>	36312
(D) The department of mental retardation and developmental	36313
disabilities may assess the fee established <u>by rule</u> under division	36314
<del>(B)(3)(C)(2) of this section for providing services related to the</del>	36315
<del>habilitation services program performing its duties under this</del>	36316
<del>section. The fee may be retained from any funds payment the</del>	36317
<del>department receives for a habilitation center under Title XIX of</del>	36318
<del>the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,</del>	36319
<del>as amended makes under division (B)(3) of this section.</del>	36320
<u>Sec. 5123.044. The department of mental retardation and</u>	36321
<u>developmental disabilities shall determine whether county boards</u>	36322
<u>of mental retardation and developmental disabilities are complying</u>	36323
<u>with section 5126.047 of the Revised Code in accordance with a</u>	36324
<u>methodology the department shall establish. The department shall</u>	36325
<u>provide assistance to an individual with mental retardation or</u>	36326
<u>other developmental disability who requests assistance with the</u>	36327
<u>individual's right under section 5126.047 of the Revised Code to</u>	36328
<u>choose a provider of habilitation, vocational, community</u>	36329
<u>employment, residential, or supported living services or if the</u>	36330
<u>department is notified of a county board's alleged violation of</u>	36331
<u>the individual's right to choose such a provider.</u>	36332
<u>Sec. 5123.045. (A) No person or government entity shall</u>	36333

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receive payment for providing home or community-based services 36334  
unless certified under this section or certified as a supported 36335  
living provider under section 5126.431 of the Revised Code. 36336

(B) The department of mental retardation and developmental 36337  
disabilities shall do both of the following in accordance with 36338  
Chapter 119. of the Revised Code: 36339

(1) Certify a person or government entity to provide home or 36340  
community-based services if the person or government entity 36341  
satisfies the requirements for certification established by rules 36342  
adopted under division (C) of this section; 36343

(2) Revoke a certificate when required to do so by rules 36344  
adopted under division (C) of this section. 36345

(C) The director of mental retardation and developmental 36346  
disabilities shall adopt rules in accordance with Chapter 119. of 36347  
the Revised Code establishing certification requirements and 36348  
procedures for a person or government entity that seeks to provide 36349  
home or community-based services and is not certified as a 36350  
supported living provider under section 5126.431 of the Revised 36351  
Code. The rules shall include procedures for all of the following: 36352

(1) Ensuring that providers comply with section 5126.281 of 36354  
the Revised Code; 36355

(2) Evaluating the services provided to ensure that they are 36356  
provided in a quality manner advantageous to the individual 36357  
receiving the services and protecting the due process rights of 36358  
any person affected by a decision made following an evaluation. 36359  
The procedures shall require that all of the following be 36360  
considered as part of an evaluation: 36361

(a) The provider's experience and financial responsibility; 36362  
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<u>(b) The provider's ability to comply with standards for the</u>	36364
<u>home or community-based services that the provider provides;</u>	36365
<u>(c) The provider's ability to meet the needs of the</u>	36366
<u>individuals served;</u>	36367
<u>(d) Any other factor the director considers relevant.</u>	36368
<u>(3) Revoking a provider's certificate. The procedures may</u>	36369
<u>include revoking a certificate for good cause, including</u>	36370
<u>misceasance, malfeasance, nonfeasance, confirmed abuse or neglect,</u>	36371
<u>financial irresponsibility, or other conduct the director</u>	36372
<u>determines is injurious to individuals being served.</u>	36373
<u>(D) The rules adopted under division (C) of this section</u>	36374
<u>shall allow a person or government entity to automatically satisfy</u>	36375
<u>a requirement for certification under this section if the person</u>	36376
<u>holds a current, valid license under section 5123.19 of the</u>	36377
<u>Revised Code to operate a residential facility and had to satisfy</u>	36378
<u>the requirement to obtain the residential facility license.</u>	36379
<u>(E) The records of an evaluation conducted in accordance with</u>	36380
<u>rules adopted under division (C)(2) of this section are public</u>	36381
<u>records for purposes of section 149.43 of the Revised Code and</u>	36382
<u>shall be made available on request of any person, including</u>	36383
<u>individuals being served, individuals seeking home or</u>	36384
<u>community-based services, and county boards of mental retardation</u>	36385
<u>and developmental disabilities.</u>	36386
<b><u>Sec. 5123.046.</u></b> <u>The department of mental retardation and</u>	36387
<u>developmental disabilities shall review each plan it receives from</u>	36388
<u>a county board of mental retardation and developmental</u>	36389
<u>disabilities under section 5126.054 of the Revised Code and, in</u>	36390
<u>consultation with the department of job and family services and</u>	36391
<u>office of budget and management, approve each plan that includes</u>	36392
<u>all the information and conditions specified in that section. A</u>	36393

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plan shall be approved or disapproved not later than forty-five days after the last of the plan's components are submitted to the department under division (B) of section 5126.054 of the Revised Code. 36394  
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In approving plans under this section, the department shall ensure that the aggregate of all plans provide for the increased enrollment into home or community-based services during each state fiscal year of at least five hundred individuals who did not receive residential services, supported living, or home or community-based services the prior state fiscal year if the department has enough additional enrollment available for this purpose. 36398  
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If it approves a county board's plan, the department may authorize distribution to the county board of amounts the department has allocated to the county board for home or community-based services. The department may distribute the amounts within fifteen days of the distribution authorization. The department may distribute the amounts directly to the county board or assign the amounts to home or community-based service allocations used for payment authorization of home or community-based services. 36406  
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The department shall establish accountability mechanisms that the department shall use to determine whether a county board is complying with the programmatic and financial outcomes specified its approved plan. If the department determines that a county board is not in compliance with the programmatic or financial outcomes specified in its approved plan, the department may take corrective action, including either of the following: 36415  
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(A) Providing the county board technical assistance; 36422

(B) Suspending the county board's plan and entering into a contract with a person or government entity selected by the 36423  
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department under which the administration and implementation of 36425  
the plan is assigned to the person or government entity. The 36426  
department shall re-approve the county board's plan and allow the 36427  
county board to resume administration and implementation of the 36428  
plan when the department is satisfied that the county board has 36429  
successfully implemented all parts of a plan of correction and is 36430  
capable of complying with the programmatic or financial outcomes 36431  
specified in the plan. 36432

**Sec. 5123.047.** (A) The department of mental retardation and 36433  
developmental disabilities shall pay the nonfederal share of 36434  
medicaid expenditures for habilitation center services provided to 36435  
an individual with mental retardation or other developmental 36436  
disability unless section 5111.041 of the Revised Code requires a 36437  
county board of mental retardation and developmental disabilities 36438  
or a school district to pay the nonfederal share. 36439

(B) The department shall pay the nonfederal share of medicaid 36440  
expenditures for medicaid case management services if either of 36441  
the following apply: 36442

(1) The services are provided to an individual with mental 36443  
retardation or other developmental disability who a county board 36444  
has determined under section 5126.041 of the Revised Code is not 36445  
eligible for county board services; 36446

(2) The services are provided to an individual with mental 36447  
retardation or other developmental disability by a public or 36448  
private agency with which the department has contracted under 36449  
section 5123.56 of the Revised Code to provide protective services 36450  
to the individual. 36451

(C) The department shall pay the nonfederal share of medicaid 36452  
expenditures for home or community-based services provided to an 36453  
individual with mental retardation or other developmental 36454  
disability who a county board has determined under section 36455

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5126.041 of the Revised Code is not eligible for county board services. 36456  
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Sec. 5123.048. (A) For state fiscal year 2002, the department of mental retardation and developmental disabilities shall assign to a county board of mental retardation and developmental disabilities the nonfederal share of medicaid expenditures for habilitation center services that a private habilitation center provides if all of the following apply: 36458  
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(1) The individuals who receive the services also received the services from the center pursuant to a contract the center had with the department in state fiscal year 2001; 36464  
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(2) The county board determined under section 5126.041 of the Revised Code that the individuals who receive the services are eligible for county board services; 36467  
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(3) The county board contracts with the center to provide the services after the center's contract with the department ends. 36470  
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(B) The department shall also make the assignment under division (A) of this section for each successive state fiscal year that the county board contracts with the private habilitation center to provide the habilitation center services to the individuals who received the services pursuant to the contract the department had with the center in state fiscal year 2001. 36472  
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(C) The amount the department shall assign under divisions (A) and (B) of this section shall be adequate to ensure that the habilitation center services the individuals receive are comparable in scope to the habilitation center services they received when the private habilitation center was under contract with the department. 36478  
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(D) A county board shall use the assignment it receives under divisions (A) and (B) of this section to pay the nonfederal share 36484  
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of the medicaid expenditures for the habilitation center services 36486  
the county board is required by division (D) of section 5111.041 36487  
of the Revised Code to pay. 36488

**Sec. 5123.049.** The director of mental retardation and 36489  
developmental disabilities shall adopt rules in accordance with 36490  
Chapter 119. of the Revised Code governing the authorization and 36491  
payment of home or community-based services, medicaid case 36492  
management services, and habilitation center services. The rules 36493  
shall provide for private providers of the services to receive one 36494  
hundred per cent of the medicaid allowable payment amount and for 36495  
government providers of the services to receive the federal share 36496  
of the medicaid allowable payment, less the amount withheld as a 36497  
fee under section 5123.0412 of the Revised Code and any amount 36498  
that may be required to be deposited into a county MR/DD medicaid 36499  
reserve fund under section 5705.091 of the Revised Code. The rules 36500  
shall establish the process by which county boards of mental 36501  
retardation and developmental disabilities shall certify and 36502  
provide the nonfederal share of medicaid expenditures that the 36503  
county board is required by division (A) of section 5126.056 of 36504  
the Revised Code to pay. 36505

**Sec. 5123.0410.** (A) An individual with mental retardation or 36506  
other developmental disability who moves from one county in this 36507  
state to another county in this state shall receive home or 36508  
community-based services in the new county that are comparable in 36509  
scope to the home or community-based services the individual 36510  
receives in the prior county at the time the individual moves. If 36511  
the county board serving the county to which the individual moves 36512  
determines under section 5126.041 of the Revised Code that the 36513  
individual is eligible for county board services, the county board 36514  
shall ensure that the individual receives the comparable services. 36515  
If the county board does not make that determination, the 36516



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department of mental retardation and developmental disabilities 36517  
shall ensure that the individual receives the comparable services. 36518

If the home or community-based services that the individual 36519  
receives at the time the individual moves includes residential 36520  
services, the department shall reduce the amount the department 36521  
allocates to the county board serving the county the individual 36522  
left for those residential services by an amount that equals the 36523  
payment the department authorizes or projects, or both, for those 36524  
services from the last day the individual resides in the county to 36525  
the last day of the state fiscal year in which the individual 36526  
moves. The department shall increase the amount the department 36527  
allocates to the county board serving the county the individual 36528  
moves to by the same amount. The department shall make the 36529  
reduction and increase effective the day the department determines 36530  
the individual has residence in the new county. The department 36531  
shall determine the amount that is to be reduced and increased in 36532  
accordance with the department's rules for authorizing payments 36533  
for home or community-based services established adopted under 36534  
section 5123.049 of the Revised Code. The department shall 36535  
annualize the reduction and increase for the subsequent state 36536  
fiscal year as necessary. 36537

**Sec. 5123.0411.** The department of mental retardation and 36538  
developmental disabilities may bring a mandamus action against a 36539  
county board of mental retardation and developmental disabilities 36540  
that fails to pay the nonfederal share of medicaid expenditures 36541  
that the county board is required by division (A) of section 36542  
5126.056 of the Revised Code to pay. The department may bring the 36543  
mandamus action in the court of common pleas of the county served 36544  
by the county board or in the Franklin county court of common 36545  
pleas. 36546

**Sec. 5123.0412.** (A) At times the department of mental 36547

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retardation and developmental disabilities determines, the 36548  
department shall charge each county board of mental retardation 36549  
and developmental disabilities a fee equal to one per cent of the 36550  
total value of all medicaid paid claims for habilitation center 36551  
services, medicaid case management services, and home or 36552  
community-based services for which the county board contracts or 36553  
provides itself. No county board shall pass the cost of a fee 36554  
charged to the county board under this section on to a person or 36555  
government entity with which the county board contracts to provide 36556  
the services. 36557

(B) Two-thirds of the fees collected under this section shall 36558  
be deposited into ODMR/DD administration and oversight fund, which 36559  
is hereby created in the state treasury. One-third of the fees 36560  
collected under this section shall be deposited into the ODJFS 36561  
administration and oversight fund, which is hereby created in the 36562  
state treasury. The department of mental retardation and 36563  
developmental disabilities shall use the money in the ODMR/DD 36564  
administration and oversight fund and the department of job and 36565  
family services shall use the money in the ODJFS administration 36566  
and oversight fund for both of the following purposes: 36567

(1) The administrative and oversight costs of habilitation 36568  
center services, medicaid case management services, and home or 36569  
community-based services that a county board develops and monitors 36570  
and the county board or a person or government entity under 36571  
contract with the county board provides. The administrative and 36572  
oversight costs shall include costs for staff, systems, and other 36573  
resources the departments need and dedicate solely to the 36574  
following duties associated with the services: 36575

(a) Eligibility determinations; 36576

(b) Training; 36577

(c) Fiscal management; 36578

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(d) Claims processing; 36579

(e) Quality assurance oversight; 36580

(f) Other duties the departments identify. 36581

(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services. 36582  
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(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. 36585  
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(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. 36591  
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**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: 36596  
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(A) County MR/DD medicaid reserve funds; 36606

(B) A state MR/DD risk fund; 36607

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(C) A state insurance against MR/DD risk fund. 36608

**Sec. 5123.60.** (A) A legal rights service is hereby created 36609  
and established to protect and advocate the rights of mentally ill 36610  
persons, mentally retarded persons, developmentally disabled 36611  
persons, and other disabled persons who may be represented by the 36612  
service pursuant to division (L) of this section; to receive and 36613  
act upon complaints concerning institutional and hospital 36614  
practices and conditions of institutions for mentally retarded or 36615  
developmentally disabled persons and hospitals for the mentally 36616  
ill; and to assure that all persons detained, hospitalized, 36617  
discharged, or institutionalized, and all persons whose detention, 36618  
hospitalization, discharge, or institutionalization is sought or 36619  
has been sought under this chapter or Chapter 5122. of the Revised 36620  
Code are fully informed of their rights and adequately represented 36621  
by counsel in proceedings under this chapter or Chapter 5122. of 36622  
the Revised Code and in any proceedings to secure the rights of 36623  
~~such~~ those persons. Notwithstanding the definitions of "mentally 36624  
retarded person" and "developmentally disabled person" in section 36625  
5123.01 of the Revised Code, the legal rights service shall 36626  
determine who is a mentally retarded or developmentally disabled 36627  
person for purposes of this section and sections 5123.601 to 36628  
5123.604 of the Revised Code. 36629

(B) In regard to those persons detained, hospitalized, or 36630  
institutionalized under Chapter 5122. of the Revised Code, the 36631  
legal rights service shall undertake formal representation only of 36632  
those persons who are involuntarily detained, hospitalized, or 36633  
institutionalized pursuant to sections 5122.10 to 5122.15 of the 36634  
Revised Code, and those voluntarily detained, hospitalized, or 36635  
institutionalized who are minors, who have been adjudicated 36636  
incompetent, who have been detained, hospitalized, or 36637  
institutionalized in a public hospital, or who have requested 36638  
representation by the legal rights service. If a person referred 36639

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to in division (A) of this section voluntarily requests in writing 36640  
that the legal rights service terminate participation in the 36641  
person's case, such involvement shall cease. 36642

(C) Any person voluntarily hospitalized or institutionalized 36643  
in a public hospital under division (A) of section 5122.02 of the 36644  
Revised Code, after being fully informed of the person's rights 36645  
~~pursuant to~~ under division (A) of this section, may, by written 36646  
request, waive assistance by the legal rights service if the 36647  
waiver is knowingly and intelligently made, without duress or 36648  
coercion. 36649

The waiver may be rescinded at any time by the voluntary 36650  
patient or resident, or by the voluntary patient's or resident's 36651  
legal guardian. 36652

(D)(1) The legal rights service commission is hereby created 36653  
for the purposes of appointing an administrator of the legal 36654  
rights service, advising the administrator, assisting the 36655  
administrator in developing a budget, and establishing general 36656  
policy guidelines for the legal rights service. The commission may 36657  
receive and act upon appeals of personnel decisions by the 36658  
administrator. 36659

(2) The commission shall consist of seven members. One 36660  
member, who shall serve as chairperson, shall be appointed by the 36661  
chief justice of the supreme court, three members shall be 36662  
appointed by the speaker of the house of representatives, and 36663  
three members shall be appointed by the president of the senate. 36664  
At least two members shall have experience in the field of 36665  
developmental disabilities, and at least two members shall have 36666  
experience in the field of mental health. No member shall be a 36667  
provider or related to a provider of services to mentally 36668  
retarded, developmentally disabled, or mentally ill persons. ~~Terms~~ 36669

(3) Terms of office of the members of the commission shall be 36670

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for three years, each term ending on the same day of the month of 36671  
 the year as did the term which it succeeds. Each member shall 36672  
 serve subsequent to the expiration of the member's term until a 36673  
 successor is appointed and qualifies, or until sixty days has 36674  
 elapsed, whichever occurs first. ~~All~~ No member shall serve more 36675  
than two consecutive terms. 36676

All vacancies in the membership of the commission shall be 36677  
 filled in the manner prescribed for the regular appointments to 36678  
 the commission and shall be limited to the unexpired terms. ~~No~~ 36679  
~~member shall serve more than two consecutive terms.~~ 36680

(4) The commission shall meet at least four times each year. 36681  
 Members shall be reimbursed for their necessary and actual 36682  
 expenses incurred in the performance of their official duties. 36683

(5) The administrator of the legal rights service shall be 36684  
 appointed for a five-year term, subject to removal for mental or 36685  
 physical incapacity to perform the duties of the office, 36686  
 conviction of violation of any law relating to the administrator's 36687  
 powers and duties, or other good cause shown. 36688

The administrator shall be a person who has had special 36689  
 training and experience in the type of work with which the legal 36690  
 rights service is charged. If the administrator is not an 36691  
 attorney, the administrator shall seek legal counsel when 36692  
 appropriate. The salary of the administrator shall be established 36693  
 in accordance with section 124.14 of the Revised Code. 36694

(E) The legal rights service shall be completely independent 36695  
 of the department of mental health and the department of mental 36696  
 retardation and developmental disabilities and, notwithstanding 36697  
 section 109.02 of the Revised Code, shall also be independent of 36698  
 the office of the attorney general. The administrator of the legal 36699  
 rights service, staff, and attorneys designated by the 36700  
 administrator to represent persons detained, hospitalized, or 36701  
 institutionalized under this chapter or Chapter 5122. of the 36702

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- Revised Code shall have ready access to the following: 36703
- (1) During normal business hours and at other reasonable 36704  
times, ~~to~~ all records relating to expenditures of state and 36705  
federal funds or to the commitment, care, treatment, and 36706  
habilitation of all persons represented by the legal rights 36707  
service, including those who may be represented pursuant to 36708  
division (L) of this section, or persons detained, hospitalized, 36709  
institutionalized, or receiving services under this chapter or 36710  
Chapter 340., 5119., 5122., or 5126. of the Revised Code that are 36711  
records maintained by the following entities providing services 36712  
for those persons: departments; institutions; hospitals; community 36713  
residential facilities; boards of alcohol, drug addiction, and 36714  
mental health services; county boards of mental retardation and 36715  
developmental disabilities; contract agencies of those boards; and 36716  
any other entity providing services to persons who may be 36717  
represented by the service pursuant to division (L) of this 36718  
section; 36719
- (2) ~~To any~~ Any records maintained in computerized data banks 36720  
of the departments or boards or, in the case of persons who may be 36721  
represented by the service pursuant to division (L) of this 36722  
section, any other entity that provides services to those persons; 36723
- (3) During their normal working hours, ~~to~~ personnel of the 36724  
departments, facilities, boards, agencies, institutions, 36725  
hospitals, and other service-providing entities; 36726
- (4) At any time, ~~to~~ all persons detained, hospitalized, or 36727  
institutionalized; persons receiving services under this chapter 36728  
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 36729  
persons who may be represented by the service pursuant to division 36730  
(L) of this section. 36731
- (F) The administrator of the legal rights service shall do 36732  
the following: 36733

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- (1) Administer and organize the work of the legal rights service and establish administrative or geographic divisions as the administrator considers necessary, proper, and expedient;
- (2) Adopt and promulgate rules and prescribe duties for the efficient conduct of the business and general administration of the legal rights service;
- (3) Appoint and discharge employees, and hire ~~such~~ experts, consultants, advisors, or other professionally qualified persons as the administrator considers necessary to carry out the duties of the legal rights service;
- (4) Apply for and accept grants of funds, and accept charitable gifts and bequests;
- (5) Prepare and submit a budget to the general assembly for the operation of the legal rights service;
- (6) Enter into contracts and make ~~such~~ expenditures ~~as are~~ necessary for the efficient operation of the legal rights service;
- (7) Annually prepare a report of activities and submit copies of the report to the governor, the chief justice of the supreme court, the president of the senate, the speaker of the house of representatives, the director of mental health, and the director of mental retardation and developmental disabilities, and make the report available to the public.
- (G) The legal rights service may act directly or contract with other organizations or individuals for the provision of the services envisioned under this section. Whenever possible, the administrator shall attempt to facilitate the resolution of complaints through administrative channels. If attempts at administrative resolution prove unsatisfactory, the administrator may pursue any legal, administrative, and other appropriate remedies or approaches that may be necessary to accomplish the purposes of this section if the remedies or approaches are



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approved by an affirmative vote of at least four members of the 36765  
commission. Relationships between personnel and the agents of the 36766  
legal rights service and its clients shall be fiduciary 36767  
relationships, and all communications shall be confidential, as if 36768  
between attorney and client. 36769

(H) The legal rights service, on the order of the 36770  
administrator, with the approval by an affirmative vote of at 36771  
least four members of the commission, may compel by subpoena the 36772  
appearance and sworn testimony of any person the administrator 36773  
reasonably believes may be able to provide information or to 36774  
produce any documents, books, records, papers, or other 36775  
information necessary to carry out its duties. 36776

(I) The legal rights service may conduct public hearings. 36777

(J) The legal rights service may request from any 36778  
governmental agency any cooperation, assistance, services, or data 36779  
that will enable it to perform its duties. 36780

(K) In any malpractice action filed against the administrator 36781  
of the legal rights service, a member of the staff of the legal 36782  
rights service, or an attorney designated by the administrator to 36783  
perform legal services under division (E) of this section, the 36784  
state shall, when the administrator, member, or attorney has acted 36785  
in good faith and in the scope of employment, indemnify the 36786  
administrator, member, or attorney for any judgment awarded or 36787  
amount negotiated in settlement, and for any court costs or legal 36788  
fees incurred in defense of the claim. 36789

This division does not limit or waive, and shall not be 36790  
construed to limit or waive, any defense that is available to the 36791  
legal rights service, its administrator or employees, persons 36792  
under a personal services contract with it, or persons designated 36793  
under division (E) of this section, including, but not limited to, 36794  
any defense available under section 9.86 of the Revised Code. 36795

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(L) In addition to providing services to mentally ill, 36796  
mentally retarded, or developmentally disabled persons, when a 36797  
grant authorizing the provision of services to other individuals 36798  
is accepted pursuant to division (F)(4) of this section, the legal 36799  
rights service and its ombudsperson section may provide advocacy 36800  
or ombudsperson services to those other individuals and exercise 36801  
any other authority granted by this section or sections 5123.601 36802  
to 5123.604 of the Revised Code on behalf of those individuals. 36803  
Determinations of whether an individual is eligible for services 36804  
under this division shall be made by the legal rights service. 36805

**Sec. 5123.71.** (A)(1) Proceedings for the involuntary 36806  
institutionalization of a person pursuant to sections 5123.71 to 36807  
5123.76 of the Revised Code shall be commenced by the filing of an 36808  
affidavit with the probate division of the court of common pleas 36809  
of the county where the person ~~person's is located~~ resides or 36810  
where the person is institutionalized, in the manner and form 36811  
prescribed by the department of mental retardation and 36812  
developmental disabilities either on information or actual 36813  
knowledge, whichever is determined to be proper by the court. The 36814  
affidavit may be filed only by a person who has custody of the 36815  
individual as a parent, guardian, or service provider or by a 36816  
person acting on behalf of the department or a county board of 36817  
mental retardation and developmental disabilities. This section 36818  
does not apply regarding the institutionalization of a person 36819  
pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 36820  
Revised Code. 36821

The affidavit shall contain an allegation setting forth the 36822  
specific category or categories under division ~~(L)~~(P) of section 36823  
5123.01 of the Revised Code upon which the commencement of 36824  
proceedings is based and a statement of the factual ground for the 36825  
belief that the person is a mentally retarded person subject to 36826  
institutionalization by court order. Except as provided in 36827

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division (A)(2) of this section, the affidavit shall be 36828  
accompanied by both of the following: 36829

(a) A comprehensive evaluation report prepared by the 36830  
person's evaluation team that includes a statement by the members 36831  
of the team certifying that they have performed a comprehensive 36832  
evaluation of the person and that they are of the opinion that the 36833  
person is a mentally retarded person subject to 36834  
institutionalization by court order; 36835

(b) An assessment report prepared by the county board of 36836  
mental retardation and developmental disabilities under section 36837  
5123.711 of the Revised Code specifying that the individual is in 36838  
need of services on an emergency or priority basis. 36839

(2) ~~A~~ In lieu of the comprehensive evaluation report, the 36840  
affidavit may be accompanied by a written and sworn statement that 36841  
the person or the guardian of a person adjudicated incompetent has 36842  
refused to allow a comprehensive evaluation and county board 36843  
assessment and assessment reports. Immediately after accepting an 36844  
affidavit that is not accompanied by the reports of a 36845  
comprehensive evaluation and county board assessment, the court 36846  
shall cause a comprehensive evaluation and county board assessment 36847  
of the person named in the affidavit to be performed. The 36848  
evaluation shall be conducted in the least restrictive environment 36849  
possible and the assessment shall be conducted in the same manner 36850  
as assessments conducted under section 5123.711 of the Revised 36851  
Code. The evaluation and assessment must be completed before a 36852  
probable cause hearing or full hearing may be held under section 36853  
5123.75 or 5123.76 of the Revised Code. 36854

A written report of the evaluation team's findings and the 36855  
county board's assessment shall be filed with the court. The 36856  
reports shall, consistent with the rules of evidence, be accepted 36857  
as probative evidence in any proceeding under section 5123.75 or 36858  
5123.76 of the Revised Code. If the counsel for the person who is 36859

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evaluated or assessed is known, the court shall send to the 36860  
 counsel a copy of the reports as soon as possible after they are 36861  
 filed and prior to any proceedings under section 5123.75 or 36862  
 5123.76 of the Revised Code. 36863

(B) ~~, if the division may the,,~~ Any person who is 36864  
 involuntarily detained in an institution or otherwise is in 36865  
 custody under this chapter shall be informed ~~the person~~ of the 36866  
 right to do the following: 36867

(1) Immediately make a reasonable number of telephone calls 36868  
 or use other reasonable means to contact an attorney, a physician, 36869  
 or both, to contact any other person or persons to secure 36870  
 representation by counsel, or to obtain medical assistance, and be 36871  
 provided assistance in making calls if the assistance is needed 36872  
 and requested; 36873

(2) Retain counsel and have independent expert evaluation 36874  
 and, if the person is an indigent person, be represented by 36875  
 court-appointed counsel and have independent expert evaluation at 36876  
 court expense; 36877

(3) Upon request, have a hearing to determine whether there 36878  
 is probable cause to believe that the person is a mentally 36879  
 retarded person subject to institutionalization by court order. 36880

(C) No person who is being treated by spiritual means through 36881  
 prayer alone in accordance with a recognized religious method of 36882  
 healing may be ordered detained or involuntarily committed unless 36883  
 the court has determined that the person represents a very 36884  
 substantial risk of self-impairment, self-injury, or impairment or 36885  
 injury to ~~self to~~ others. 36886

**Sec. 5123.76.** (A) The full hearing shall be conducted in a 36887  
 manner consistent with the procedures outlined in this chapter and 36888  
 with due process of law. The hearing shall be held by a judge of 36889

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the probate division or, upon transfer by the judge of the probate 36890  
division, by another judge of the court of common pleas, or a 36891  
referee designated by the judge of the probate division. Any 36892  
referee designated by the judge of the probate division must be an 36893  
attorney. 36894

(1) The following shall be made available to counsel for the 36895  
respondent: 36896

(a) All relevant documents, information, and evidence in the 36897  
custody or control of the state or prosecutor; 36898

(b) All relevant documents, information, and evidence in the 36899  
custody or control of the institution, facility, or program in 36900  
which the respondent currently is held or in which the respondent 36901  
has been held pursuant to these proceedings; 36902

(c) With the consent of the respondent, all relevant 36903  
documents, information, and evidence in the custody or control of 36904  
any institution or person other than the state. 36905

(2) The respondent has the right to be represented by counsel 36906  
of the respondent's choice and has the right to attend the hearing 36907  
except if unusual circumstances of compelling medical necessity 36908  
exist that render the respondent unable to attend and the 36909  
respondent has not expressed a desire to attend. 36910

(3) If the respondent is not represented by counsel and the 36911  
court determines that the conditions specified in division (A)(2) 36912  
of this section justify the respondent's absence and the right to 36913  
counsel has not been validly waived, the court shall appoint 36914  
counsel forthwith to represent the respondent at the hearing, 36915  
reserving the right to tax costs of appointed counsel to the 36916  
respondent unless it is shown that the respondent is indigent. If 36917  
the court appoints counsel, or if the court determines that the 36918  
evidence relevant to the respondent's absence does not justify the 36919  
absence, the court shall continue the case. 36920

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- (4) The respondent shall be informed of the right to retain counsel, to have independent expert evaluation, and, if an indigent person, to be represented by court appointed counsel and have expert independent evaluation at court expense. 36921  
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- (5) The hearing may be closed to the public unless counsel for the respondent requests that the hearing be open to the public. 36925  
36926  
36927
- (6) Unless objected to by the respondent, the respondent's counsel, or the designee of the director of mental retardation and developmental disabilities, the court, for good cause shown, may admit persons having a legitimate interest in the proceedings. 36928  
36929  
36930  
36931
- (7) The affiant under section 5123.71 of the Revised Code shall be subject to subpoena by either party. 36932  
36933
- (8) The court shall examine the sufficiency of all documents filed and shall inform the respondent, if present, and the respondent's counsel of the nature of the content of the documents and the reason for which the respondent is being held or for which the respondent's placement is being sought. 36934  
36935  
36936  
36937  
36938
- (9) The court shall receive only relevant, competent, and material evidence. 36939  
36940
- (10) The designee of the director shall present the evidence for the state. In proceedings under this chapter, the attorney general shall present the comprehensive evaluation, assessment, diagnosis, prognosis, record of habilitation and care, if any, and less restrictive habilitation plans, if any. The attorney general does not have a similar presentation responsibility in connection with a person who has been found not guilty by reason of insanity and who is the subject of a hearing under section 2945.40 of the Revised Code to determine whether the person is a mentally retarded person subject to institutionalization by court order. 36941  
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36950
- (11) The respondent has the right to testify and the 36951

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respondent or the respondent's counsel has the right to subpoena  
witnesses and documents and to present and cross-examine  
witnesses.

(12) The respondent shall not be compelled to testify and  
shall be so advised by the court.

(13) On motion of the respondent or the respondent's counsel  
for good cause shown, or upon the court's own motion, the court  
may order a continuance of the hearing.

(14) To an extent not inconsistent with this chapter, the  
Rules of Civil Procedure shall be applicable.

(B) Unless, upon completion of the hearing, the court finds  
by clear and convincing evidence that the respondent named in the  
affidavit is a mentally retarded person subject to  
institutionalization by court order, it shall order the  
respondent's discharge forthwith.

(C) If, upon completion of the hearing, the court finds by  
clear and convincing evidence that the respondent is a mentally  
retarded person subject to institutionalization by court order,  
the court may order the respondent's discharge or order the  
respondent, for a period not to exceed ninety days, to any of the  
following:

(1) A public institution, provided that commitment of the  
respondent to the institution will not cause the institution to  
exceed its licensed capacity determined in accordance with section  
5123.19 of the Revised Code and provided that such a placement is  
indicated by the comprehensive evaluation report filed pursuant to  
section 5123.71 of the Revised Code;

(2) A private institution;

(3) A county mental retardation program;

(4) Receive private habilitation and care;

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(5) Any other suitable facility, program, or the care of any person consistent with the comprehensive evaluation, assessment, diagnosis, prognosis, and habilitation needs of the respondent.

(D) Any order made pursuant to division (C)(2), (4), or (5) of this section shall be conditional upon the receipt by the court of consent by the facility, program, or person to accept the respondent.

(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the comprehensive evaluation, assessment, diagnosis, and projected habilitation plan for the respondent, and shall order the implementation of the least restrictive alternative available and consistent with habilitation goals.

(F) If, at any time it is determined by the director of the facility or program to which, or the person to whom, the respondent is committed that the respondent could be equally well habilitated in a less restrictive environment that is available, the following shall occur:

(1) The respondent shall be released by the director of the facility or program or by the person forthwith and referred to the court together with a report of the findings and recommendations of the facility, program, or person.

(2) The director of the facility or program or the person shall notify the respondent's counsel and the designee of the director of mental retardation and developmental disabilities.

(3) The court shall dismiss the case or order placement in the less restrictive environment.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section may apply at any time during the ninety-day period for voluntary admission to an institution under section 5123.69 of the Revised



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Code. Upon admission of a voluntary resident, the managing officer  
immediately shall notify the court, the respondent's counsel, and  
the designee of the director in writing of that fact by mail or  
otherwise, and, upon receipt of the notice, the court shall  
dismiss the case. ~~is admitted~~

(2) ~~admitted~~ A person who is found incompetent to stand trial  
or not guilty by reason of insanity and who is committed pursuant  
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised  
Code shall not be voluntarily admitted to an institution pursuant  
to division (G)(1) of this section until after the termination of  
the commitment, as described in division (J) of section 2945.401  
of the Revised Code.

(H) If, at the end of any commitment period, the respondent  
has not already been discharged or has not requested voluntary  
admission status, the director of the facility or program, or the  
person to whose care the respondent has been committed, shall  
discharge the respondent forthwith, unless at least ten days  
before the expiration of that period the designee of the director  
of mental retardation and developmental disabilities or the  
prosecutor files an application with the court requesting  
continued commitment.

(1) An application for continued commitment shall include a  
written report containing a current comprehensive evaluation and  
assessment, a diagnosis, a prognosis, an account of progress and  
past habilitation, and a description of alternative habilitation  
settings and plans, including a habilitation setting that is the  
least restrictive setting consistent with the need for  
habilitation. A copy of the application shall be provided to  
respondent's counsel. The requirements for notice under section  
5123.73 of the Revised Code and the provisions of divisions (A) to  
(E) of this section apply to all hearings on such applications.

(2) A hearing on the first application for continued

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commitment shall be held at the expiration of the first ninety-day 37045  
period. The hearing shall be mandatory and may not be waived. 37046

(3) Subsequent periods of commitment not to exceed one 37047  
hundred eighty days each may be ordered by the court if the 37048  
designee of the director of mental retardation and developmental 37049  
disabilities files an application for continued commitment, after 37050  
a hearing is held on the application or without a hearing if no 37051  
hearing is requested and no hearing required under division (H)(4) 37052  
of this section is waived. Upon the application of a person 37053  
involuntarily committed under this section, supported by an 37054  
affidavit of a licensed physician alleging that the person is no 37055  
longer a mentally retarded person subject to institutionalization 37056  
by court order, the court for good cause shown may hold a full 37057  
hearing on the person's continued commitment prior to the 37058  
expiration of any subsequent period of commitment set by the 37059  
court. 37060

(4) A mandatory hearing shall be held at least every two 37061  
years after the initial commitment. 37062

(5) If the court, after a hearing upon a request to continue 37063  
commitment, finds that the respondent is a mentally retarded 37064  
person subject to institutionalization by court order, the court 37065  
may make an order pursuant to divisions (C), (D), and (E) of this 37066  
section. 37067

(I) Notwithstanding the provisions of division (H) of this 37068  
section, no person who is found to be a mentally retarded person 37069  
subject to institutionalization by court order pursuant to 37070  
division ~~(H)~~(P)(2) of section 5123.01 of the Revised Code shall be 37071  
held under involuntary commitment for more than five years. 37072

(J) The managing officer admitting a person pursuant to a 37073  
judicial proceeding, within ten working days of the admission, 37074  
shall make a report of the admission to the department. 37075

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~~entity entity entity entity~~ 37076

**Sec. 5126.01.** As used in this chapter: 37077

(A) "Adult services" means a range of habilitation services 37078  
 designed to meet the individual needs of persons who are eighteen 37079  
 years of age or over and are not enrolled in a program or service 37080  
 under Chapter 3323. of the Revised Code, and of persons sixteen 37081  
 and seventeen years of age who are eligible under rules adopted by 37082  
 the director of mental retardation and developmental disabilities 37083  
 pursuant to Chapter 119. of the Revised Code. Such services may 37084  
 include habilitation programs and services, sheltered employment 37085  
 providing a structured work environment, job training, job 37086  
 placement, supported employment, competitive employment, and 37087  
 planned therapeutic and work activities providing meaningful tasks 37088  
 designed to improve the effectiveness or degree with which an 37089  
 individual meets the standards of personal independence and social 37090  
 responsibility expected of the individual's age and cultural 37091  
 group. 37092

(B) As used in this division, "substantial functional 37093  
 limitation," "developmental delay," and "established risk" have 37094  
 the meanings established pursuant to section 5123.011 of the 37095  
 Revised Code. 37096

"Developmental disability" means a severe, chronic disability 37097  
 that is characterized by all of the following: 37098

(1) It is attributable to a mental or physical impairment or 37099  
 a combination of mental and physical impairments, other than a 37100  
 mental or physical impairment solely caused by mental illness as 37101  
 defined in division (A) of section 5122.01 of the Revised Code; 37102

(2) It is manifested before age twenty-two; 37103

(3) It is likely to continue indefinitely; 37104

(4) It results in one of the following: 37105

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- (a) In the case of a person under age three, at least one developmental delay or an established risk; 37106  
37107
- (b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk; 37108  
37109
- (c) In the case of a person age six 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: 37110  
37111  
self-care, receptive and expressive language, learning, mobility, 37112  
37113  
self-direction, capacity for independent living, and, if the 37114  
person is at least age sixteen, capacity for economic 37115  
self-sufficiency. 37116
- (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. 37117  
37118  
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- (C) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age. 37121  
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- (D) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training. 37125  
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- (E) "Habilitation center services" means services provided by a habilitation center certified by the department of mental retardation and developmental disabilities under section 5123.041 37134  
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<u>of the Revised Code and covered by the medicaid program pursuant</u>	37137
<u>to rules adopted under section 5111.041 of the Revised Code.</u>	37138
<u>(F) "Home or community-based services" means medicaid-funded</u>	37139
<u>home or community-based services provided under a medicaid</u>	37140
<u>component the department of mental retardation and developmental</u>	37141
<u>disabilities administers pursuant to section 5111.871 of the</u>	37142
<u>Revised Code.</u>	37143
<u>(G) "Medicaid" has the same meaning as in section 5111.01 of</u>	37144
<u>the Revised Code.</u>	37145
<u>(H) "Medicaid case management services" means case management</u>	37146
<u>services provided to an individual with mental retardation or</u>	37147
<u>other developmental disability that the state medicaid plan</u>	37148
<u>requires.</u>	37149
<u>(I) "Mental retardation" means a mental impairment manifested</u>	37150
<u>during the developmental period characterized by significantly</u>	37151
<u>subaverage general intellectual functioning existing concurrently</u>	37152
<u>with deficiencies in the effectiveness or degree with which an</u>	37153
<u>individual meets the standards of personal independence and social</u>	37154
<u>responsibility expected of the individual's age and cultural</u>	37155
<u>group.</u>	37156
<del>(F)</del> <u>(J) "Residential services" means services to individuals</u>	37157
<u>with mental retardation or other developmental disabilities to</u>	37158
<u>provide housing, food, clothing, habilitation, staff support, and</u>	37159
<u>related support services necessary for the health, safety, and</u>	37160
<u>welfare of the individuals and the advancement of their quality of</u>	37161
<u>life.</u>	37162
<del>(G)</del> <u>(K) "Resources" means available capital and other assets,</u>	37163
<u>including moneys received from the federal, state, and local</u>	37164
<u>governments, private grants, and donations; appropriately</u>	37165
<u>qualified personnel; and appropriate capital facilities and</u>	37166
<u>equipment.</u>	37167

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~~(H)~~(L) "Supportive home services" means a range of services 37168  
to families of individuals with mental retardation or other 37169  
developmental disabilities to develop and maintain increased 37170  
acceptance and understanding of such persons, increased ability of 37171  
family members to teach the person, better coordination between 37172  
school and home, skills in performing specific therapeutic and 37173  
management techniques, and ability to cope with specific 37174  
situations. 37175

~~(I)~~(M) "Supported living" means services provided to an 37176  
individual with mental retardation or other developmental 37177  
disability through any public or private resources, including 37178  
moneys from the individual, that enhance the individual's 37179  
reputation in community life and advance the individual's quality 37180  
of life by doing the following: 37181

(1) Providing the support necessary to enable an individual 37182  
to live in a residence of the individual's choice and to choose to 37183  
live alone, with any number of individuals who are not disabled, 37184  
or with not more than three individuals with mental retardation 37185  
and developmental disabilities unless the individuals are related 37186  
by blood or marriage; 37187

(2) Encouraging the individual's participation in the 37188  
community; 37189

(3) Promoting the individual's rights and autonomy; 37190

(4) Encouraging the increase of the individual's skills and 37191  
competence. 37192

"Supported living" includes the provision of housing, food, 37193  
clothing, habilitation, staff support, professional services, and 37194  
any related support services necessary for the health, safety, and 37195  
welfare of the individual receiving the services. 37196

**Sec. 5126.042.** (A) As used in this section: 37197

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(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:	37198 37199 37200 37201 37202
(a) Loss of present residence for any reason, including legal action;	37203 37204
(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;	37205 37206 37207 37208
(c) Abuse, neglect, or exploitation of the individual;	37209
(d) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;	37210 37211
(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.	37212 37213 37214
(2) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.	37215 37216
<del>(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.</del>	37217 37218 37219 37220
(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 <del>or priority</del> status	37221 37222 37223 37224 37225 37226 37227

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and shall establish priorities in accordance with division (D) of this section. 37228  
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The individuals who may be placed on a waiting list include 37230  
individuals with a need for services on an emergency ~~or priority~~ 37231  
basis and individuals who have requested services for which 37232  
resources are not available. 37233

~~An~~ Except for an individual who is to receive priority for 37234  
services pursuant to division (D)(1)(d) of this section, an 37235  
individual who currently receives a service but would like to 37236  
change to another service shall not be placed on a waiting list 37237  
but shall be placed on a service substitution waiting list. The 37238  
board shall work with the individual, service providers, and all 37239  
appropriate entities to facilitate the change in service as 37240  
expeditiously as possible. The board may establish priorities for 37241  
making placements on its service substitution waiting lists 37242  
according to an individual's emergency ~~or priority~~ status. 37243

In addition to maintaining waiting lists and service 37244  
substitution waiting lists, a board shall maintain a long-term 37245  
service planning registry for individuals who wish to record their 37246  
intention to request in the future a service they are not 37247  
currently receiving. The purpose of the registry is to enable the 37248  
board to document requests and to plan appropriately. The board 37249  
may not place an individual on the registry who meets the 37250  
conditions for receipt of services on an emergency ~~or priority~~ 37251  
basis. 37252

(C) A county board shall establish a separate waiting list 37253  
for each of the following categories of services, and may 37254  
establish separate waiting lists within the waiting lists: 37255

(1) Early childhood services; 37256

(2) Educational programs for preschool and school age 37257  
children; 37258



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(3) Adult services;	37259
(4) Case management services;	37260
(5) Residential services and supported living;	37261
(6) Transportation services;	37262
(7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;	37263 37264 37265
(8) Family support services provided under section 5126.11 of the Revised Code.	37266 37267
<u>(D)(1) In accordance with the county board's plan approved under section 5123.046 of the Revised Code and except as provided in division (D)(2) of this section, a county board shall give an individual who is eligible for home or community-based services and meets any of the following requirements priority over any other individual on a waiting list established under division (C) of this section other than an individual placed on the waiting list on an emergency status:</u>	37268 37269 37270 37271 37272 37273 37274 37275
<u>(a) Does not receive residential services or supported living, either needs services in the individual's current living arrangement or will need services in a new living arrangement, and has a primary caretaker who is sixty years of age or older;</u>	37276 37277 37278 37279
<u>(b) Is less than twenty-two years of age, does not receive residential services or supported living, resides in the home of the individual's family, and has at least one of the following:</u>	37280 37281 37282
<u>(i) Service needs that the county board determines are unusual in scope or intensity due to severe behavior problems for which a behavior support plan is needed;</u>	37283 37284 37285
<u>(ii) An emotional disorder for which anti-psychotic medication is needed;</u>	37286 37287

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(iii) A medical condition that leaves the individual dependent on life-support medical technology; 37288  
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(iv) A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed; 37290  
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(v) A condition the county board determines to be comparable in severity to any condition described in division (D)(1)(b)(i) to (iv) of this section and places the individual at significant risk of institutionalization. 37293  
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(c) Is twenty-two years of age or older and is determined by the county board to have intensive needs for residential services on an in-home or out-of-home basis; 37297  
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(d) Resides in an intermediate care facility for the mentally retarded or nursing facility and chooses to move to another setting. 37300  
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(2) No more than two hundred individuals in the state may receive priority for services during state fiscal years 2002 and 2003 pursuant to division (D)(1)(b) of this section. No more than seventy-five individuals in the state may receive priority for services during state fiscal years 2002 and 2003 pursuant to division (D)(1)(d) of this section. 37303  
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(E) Prior to establishing any waiting list under this section, a county board shall develop and implement a policy for waiting lists that complies with this section and rules that the department of mental retardation and developmental disabilities shall adopt in accordance with Chapter 119. of the Revised Code. The department's rules shall include procedures to be followed to ensure that the due process rights of individuals placed on waiting lists are not violated. 37309  
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Prior to placing an individual on a waiting list, the county board shall assess the service needs of the individual in 37317  
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accordance with all applicable state and federal laws. The county board shall place the individual on the appropriate waiting list and may place the individual on more than one waiting list.

At least annually, the county board shall reassess the service needs of each individual on a waiting list. If it 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.

When a program or service for which there is a waiting list becomes available, the county board shall reassess the service needs of the individual next scheduled on the waiting list to receive that program or service. If the reassessment demonstrates that the individual continues to need the program or service, the board shall offer the program or service to the individual. If it 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

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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 authority to provide services, programs, or supports.

**Sec. 5126.046.** For the purpose of obtaining additional federal medicaid funds for home or community-based services, medicaid case management services, and habilitation center services, a county board of mental retardation and developmental disabilities may do both of the following:

(A) Transfer an individual with mental retardation or other developmental disability who meets all of the following requirements to home or community-based services that include supported living or family support services:

(1) Is twenty-two years of age or older;

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(2) Receives supported living or family support services; 37381

(3) Is eligible for the home or community-based services. 37382

(B) Transfer an individual with mental retardation or other developmental disability who meets all of the following requirements to home or community-based services that include adult services: 37383  
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(1) Receives adult services; 37387

(2) Resides in the individual's own home or the home of the individual's family and will continue to reside in that home after the transfer; 37388  
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(3) Is eligible for the home or community-based services. 37391

**Sec. 5126.047.** (A) Each county board of mental retardation and developmental disabilities that has local administrative authority under division (A) of section 5126.055 of the Revised Code for habilitation, vocational, or community employment services provided as part of home or community-based services shall create a list of all persons and government entities eligible to provide such habilitation, vocational, or community employment services. If the county board chooses and is eligible to provide such habilitation, vocational, or community employment services, the county board shall include itself on the list. The county board shall make the list available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such habilitation, vocational, or community employment services. The county board shall also make the list available to such individuals' families. 37392  
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An individual with mental retardation or other developmental disability who is eligible for habilitation, vocational, or community employment services may choose the provider of the services. 37407  
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If a county board has local administrative authority under division (A) of section 5126.055 of the Revised Code for habilitation, vocational, and community employment services provided as part of home or community-based services, the county board shall pay the nonfederal share of the habilitation, vocational, and community employment services when required by section 5126.056 of the Revised Code. The department of mental retardation and developmental disabilities shall pay the nonfederal share of such habilitation, vocational, and community employment services when required by section 5123.047 of the Revised Code.

(B) Each month, the department of mental retardation and developmental disabilities shall create a list of all persons and government entities eligible to provide residential services and supported living. The department shall include on the list all residential facilities licensed under section 5123.19 of the Revised Code and all supported living providers certified under section 5126.431 of the Revised Code. The department shall distribute the monthly lists to county boards that have local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home or community-based services. A county board that receives a list shall make it available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such residential services or supported living. The county board shall also make the list available to the families of those individuals.

An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living.

If a county board has local administrative authority under division (A) of section 5126.055 of the Revised Code for

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residential services and supported living provided as part of home 37443  
or community-based services, the county board shall pay the 37444  
nonfederal share of the residential services and supported living 37445  
when required by section 5126.056 of the Revised Code. The 37446  
department shall pay the nonfederal share of the residential 37447  
services and supported living when required by section 5123.047 of 37448  
the Revised Code. 37449

(C) If a county board that has local administrative authority 37450  
under division (A) of section 5126.055 of the Revised Code for 37451  
home or community-based services violates the right established by 37452  
this section of an individual to choose a provider that is 37453  
qualified and willing to provide services to the individual, the 37454  
individual shall receive timely notice that the individual may 37455  
request a hearing under section 5101.35 of the Revised Code. 37456

(D) The departments of mental retardation and developmental 37458  
disabilities and job and family services shall adopt rules in 37459  
accordance with Chapter 119. of the Revised Code governing the 37460  
implementation of this section. The rules shall include procedures 37461  
for individuals to choose their service providers. The rules shall 37462  
not be limited by a provider selection system established under 37463  
section 5126.42 of the Revised Code, including any pool of 37464  
providers created pursuant to a provider selection system. 37465

**Sec. 5126.05.** (A) Subject to the rules established by the 37467  
 director of mental retardation and developmental disabilities 37468  
 pursuant to Chapter 119. of the Revised Code for programs and 37469  
 services offered pursuant to this chapter, and subject to the 37470  
 rules established by the state board of education pursuant to 37471  
 Chapter 119. of the Revised Code for programs and services offered 37472  
 pursuant to Chapter 3323. of the Revised Code, the county board of 37473  
 mental retardation and developmental disabilities shall: 37474

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(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;	37475 37476 37477 37478
(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with mental retardation and developmental disabilities;	37479 37480 37481
(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;	37482 37483 37484
(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;	37485 37486 37487 37488 37489
(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;	37490 37491 37492 37493 37494 37495
(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;	37496 37497 37498 37499 37500
(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the	37501 37502 37503 37504 37505



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Revised Code, and contract for employee benefits;	37506
(8) Provide case management services, as defined in rules adopted by the director of mental retardation and developmental disabilities, in accordance with section 5126.15 of the Revised Code;	37507 37508 37509 37510
(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities.	37511 37512 37513
(B) To the extent that rules adopted under this section apply to the identification and placement of handicapped children under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.	37514 37515 37516 37517 37518
(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.	37519 37520 37521 37522 37523 37524 37525 37526
(D) A county board may combine transportation for children and adults enrolled in programs and services offered under section 5126.12 with transportation for children enrolled in <u>classes funded under section 3317.20 or units approved under section 3317.05</u> of the Revised Code.	37527 37528 37529 37530 37531
(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.	37532 37533 37534 37535 37536

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(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of mental retardation and developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

**Sec. 5126.051.** (A) To the extent that resources are available, a county board of mental retardation and developmental disabilities ~~may~~ shall provide for or arrange residential services and supported living for individuals with mental retardation and developmental disabilities.

A county board may acquire, convey, lease, or sell property for residential services and supported living and enter into loan agreements, including mortgages, for the acquisition of such property. A county board is not required to comply with provisions of Chapter 307. of the Revised Code providing for competitive bidding or sheriff sales in the acquisition, lease, conveyance, or sale of property under this division, but the acquisition, lease,

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conveyance, or sale must be at fair market value determined by appraisal of one or more disinterested persons appointed by the board.

Any action taken by a county board under this division that will incur debt on the part of the county shall be taken in accordance with Chapter 133. of the Revised Code. A county board shall not incur any debt on the part of the county without the prior approval of the board of county commissioners.

(B)(1) To the extent that resources are available, in addition to sheltered employment and work activities provided as adult services pursuant to division (A)(3) of section 5126.05 of the Revised Code, a county board of mental retardation and developmental disabilities may provide or arrange for job training, vocational evaluation, and community employment services to mentally retarded and developmentally disabled individuals who are age eighteen and older and not enrolled in a program or service under Chapter 3323. of the Revised Code or age sixteen or seventeen and eligible for adult services under rules adopted by the director of mental retardation and developmental disabilities under Chapter 119. of the Revised Code. These services shall be provided in accordance with the individual's individual service or habilitation plan and shall include support services specified in the plan.

(2) A county board may, in cooperation with the Ohio rehabilitation services commission, seek federal funds for job training and community employment.

(3) A county board may contract with any agency, board, or other entity that is accredited by the commission on accreditation of rehabilitation facilities to provide services. A county board that is accredited by the commission on accreditation of rehabilitation facilities may provide services for which it is certified by the commission.

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(C) To the extent that resources are available, a county board may provide services to an individual with mental retardation or other developmental disability in addition to those provided pursuant to this section, section 5126.05 of the Revised Code, or any other section of this chapter. The services shall be provided in accordance with the individual's habilitation or service plan and may be provided in collaboration with other entities of state or local government.

Sec. 5126.054. (A) Each county board of mental retardation and developmental disabilities shall, by resolution, develop a three-calendar year plan that includes all of the following components:

(1) An assessment component that includes all of the following:

(a) The number of individuals with mental retardation or other developmental disability residing in the county who need medicaid case management services and habilitation center services;

(b) The number of individuals with mental retardation or other developmental disability residing in the county who need the level of care provided by an intermediate care facility for the mentally retarded and may seek home or community-based services, the service needs of those individuals, and the projected annualized cost for services;

(c) The source of funds available to the county board 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;

(d) Any other applicable information or conditions that the department of mental retardation and developmental disabilities

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requires as a condition of approving the plan under section 5123.046 of the Revised Code. 37630  
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(2) A component that provides for the recruitment, training, and retention of the direct care staff necessary to implement services included in individualized service plans, including behavior management services and health management services such as delegated nursing and other habilitation services, and protect the health and welfare of individuals receiving services included in the individual's individualized service plan by complying with safeguards for unusual and major unusual incidents, day-to-day program management, and other requirements the department shall identify. A county board shall develop this component in collaboration with providers of medicaid-funded services with which the county board contracts. A county board shall include all of the following in the component: 37632  
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(a) The source and amount of funds available for the component; 37645  
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(b) A plan and timeline for implementing the component with the medicaid providers under contract with the county board; 37647  
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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. 37649  
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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: 37652  
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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; 37656  
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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; 37661  
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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; 37667  
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(d) Assurances adequate to the department that the county board will comply with all of the following requirements: 37671  
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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; 37673  
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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. 37678  
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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. 37685  
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(e) An agreement to comply with the method, developed under 37691

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section 5123.0413 of the Revised Code in consultation with the 37692  
department and the department of job and family services, of 37693  
paying for extraordinary costs, including extraordinary costs for 37694  
services to individuals with mental retardation or other 37695  
developmental disability, and ensuring the availability of 37696  
adequate funds in the event a county property tax levy for 37697  
services for individuals with mental retardation or other 37698  
developmental disability fails; 37699

(f) Programmatic and financial outcomes expected from the 37700  
implementation of the plan; 37701

(g) Any other applicable information or conditions that the 37702  
department requires as a condition of approving the plan under 37703  
section 5123.046 of the Revised Code. 37704

(B) For the purpose of obtaining the department's approval 37705  
under section 5123.046 of the Revised Code of the plan the county 37706  
board develops under division (A) of this section, a county board 37707  
shall do both of the following: 37708

(1) Submit the components required by divisions (A)(1) and 37709  
(2) of this section to the department not later than July 15, 37710  
2001; 37711

(2) Submit the component required by division (A)(3) of this 37712  
section to the department not later than October 1, 2001. 37713

(C) A county board whose plan developed under division (A) of 37714  
this section is approved by the department under section 5123.046 37715  
of the Revised Code shall update and renew the plan in accordance 37716  
with a schedule the department shall develop. 37717

**Sec. 5126.055.** (A) Except as provided in division (G) of this 37718  
section, a county board of mental retardation and developmental 37719  
disabilities with an approved plan under section 5123.046 of the 37720  
Revised Code has local administrative authority to do all of the 37721

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following for an individual with mental retardation or other 37722  
developmental disability who resides in the county that the county 37723  
board serves and seeks or receives home or community-based 37724  
services: 37725

(1) Perform assessments and evaluations of the individual. As 37726  
part of the assessment and evaluation process, the county board 37727  
shall do all of the following: 37728

(a) Make a recommendation to the department of mental 37729  
retardation and developmental disabilities on whether the 37730  
department should approve or deny the individual's application for 37731  
the services, including on the basis of whether the individual 37732  
needs the level of care an intermediate care facility for the 37733  
mentally retarded provides; 37734

(b) If the individual's application is denied because of the 37735  
county board's recommendation and the individual requests a 37736  
hearing under section 5101.35 of the Revised Code, present, with 37737  
the department of mental retardation and developmental 37738  
disabilities or department of job and family services, whichever 37739  
denies the application, the reasons for the recommendation and 37740  
denial at the hearing; 37741

(c) If the individual's application is approved, recommend to 37742  
the departments of mental retardation and developmental 37743  
disabilities and job and family services the services that should 37744  
be included in the individual's individualized service plan and, 37745  
if either department reduces, denies, or terminates a service 37746  
included in the individual's individualized service plan under 37747  
section 5111.871 of the Revised Code because of the county board's 37748  
recommendation, present, with the department that made the 37749  
reduction, denial, or termination, the reasons for the 37750  
recommendation and reduction, denial, or termination at a hearing 37751  
under section 5101.35 of the Revised Code. 37752



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(2) In accordance with the rules adopted under section 5126.047 of the Revised Code, perform the county board's duties under that section regarding assisting the individual's right to choose a qualified and willing provider of the services and, at a hearing under section 5101.35 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers; 37753  
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(3) Unless the county board provides the services under division (A)(4) of this section, contract with the person or government entity the individual chooses in accordance with section 5126.047 of the Revised Code to provide the services if the person or government entity is qualified and agrees to provide the services. The contract shall require the provider to agree to furnish, in accordance with the provider's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires. 37760  
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(4) 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; 37769  
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(5) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of mental retardation and developmental disabilities shall also monitor the services. 37776  
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(B) Except as provided in division (G) of this section, a county board with an approved plan under section 5123.046 of the Revised Code has local administrative authority to do all of the 37782  
37783  
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following for an individual with mental retardation or other 37785  
developmental disability who resides in the county that the county 37786  
board serves and seeks or receives medicaid case management 37787  
services or habilitation center services, other than habilitation 37788  
center services for which a school district is required by 37789  
division (E) of section 5111.041 of the Revised Code to pay the 37790  
nonfederal share: 37791

(1) Perform assessments and evaluations of the individual for 37792  
the purpose of recommending to the departments of mental 37793  
retardation and developmental disabilities and job and family 37794  
services the services that should be included in the individual's 37795  
individualized service plan; 37796

(2) If the department of mental retardation and developmental 37797  
disabilities or department of job and family services reduces, 37798  
denies, or terminates a service included in the individual's 37799  
individualized service plan under section 5111.041 or 5111.042 of 37800  
the Revised Code because of the county board's recommendation 37801  
under division (B)(1) of this section, present, with the 37802  
department that made the reduction, denial, or termination, the 37803  
reasons for the recommendation and reduction, denial, or 37804  
termination at a hearing under section 5101.35 of the Revised Code 37805  
and inform the individual that the individual may file a complaint 37806  
with the county board under section 5126.06 of the Revised Code at 37807  
the same time the individual pursues an appeal under section 37808  
5101.35 of the Revised Code; 37809

(3) In accordance with rules the departments of mental 37810  
retardation and developmental disabilities and job and family 37811  
services shall adopt in accordance with Chapter 119. of the 37812  
Revised Code governing the process for individuals to choose 37813  
providers of medicaid case management services and habilitation 37814  
center services, assist the individual in choosing the provider of 37815  
the services. The rules shall provide for both of the following: 37816

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(a) The county board providing the individual up-to-date information about qualified providers that the department of mental retardation and developmental disabilities shall make available to the county board; 37817  
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(b) If the individual chooses a provider who is qualified and willing to provide the services but is denied that provider, the individual receiving timely notice that the individual may request a hearing under section 5101.35 of the Revised Code and, at the hearing, the county board presenting evidence of the process for appropriate assistance in choosing providers. 37821  
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(4) Unless the county board provides the services under division (B)(5) of this section, contract with the person or government entity that the individual chooses in accordance with the rules adopted under division (B)(3) of this section to provide the services if the person or government entity is qualified and agrees to provide the services. The contract shall require the provider to agree to furnish, in accordance with the provider's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires. 37827  
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(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; 37836  
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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. 37843  
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<u>(C) A county board shall perform its local administrative</u>	37848
<u>authority under this section in accordance with all of the</u>	37849
<u>following:</u>	37850
<u>(1) The county board's plan that the department of mental</u>	37851
<u>retardation and developmental disabilities approves under section</u>	37852
<u>5123.046 of the Revised Code;</u>	37853
<u>(2) All applicable federal and state laws;</u>	37854
<u>(3) All applicable policies of the departments of mental</u>	37855
<u>retardation and developmental disabilities and job and family</u>	37856
<u>services and the United States department of health and human</u>	37857
<u>services;</u>	37858
<u>(4) The department of job and family services' supervision</u>	37859
<u>under its authority under section 5111.01 of the Revised Code to</u>	37860
<u>act as the single state medicaid agency;</u>	37861
<u>(5) The department of mental retardation and developmental</u>	37862
<u>disabilities' oversight.</u>	37863
<u>(D) The departments of mental retardation and developmental</u>	37864
<u>disabilities and job and family services shall communicate with</u>	37865
<u>and provide training to county boards regarding local</u>	37866
<u>administrative authority granted by this section. The</u>	37867
<u>communication and training shall include issues regarding audit</u>	37868
<u>protocols and other standards established by the United States</u>	37869
<u>department of health and human services that the departments</u>	37870
<u>determine appropriate for communication and training. County</u>	37871
<u>boards shall participate in the training. The departments shall</u>	37872
<u>assess the county board's compliance against uniform standards</u>	37873
<u>that the departments shall establish.</u>	37874
<u>(E) A county board may not delegate its local administrative</u>	37875
<u>authority granted under this section but may contract with a</u>	37876
<u>person or government entity, including a council of governments,</u>	37877
<u>for assistance with its local administrative authority. A county</u>	37878

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board that enters into such a contract shall notify the director 37879  
of mental retardation and developmental disabilities. The notice 37880  
shall include the tasks and responsibilities that the contract 37881  
gives to the person or government entity. The person or government 37882  
entity shall comply in full with all requirements to which the 37883  
county board is subject regarding the person or government 37884  
entity's tasks and responsibilities under the contract. The county 37885  
remains ultimately responsible for the tasks and responsibilities. 37886  
 37887

(F) A county board that has local administrative authority 37888  
under this section shall, through the departments of mental 37889  
retardation and developmental disabilities and job and family 37890  
services, reply to, and cooperate in arranging compliance with, a 37891  
program or fiscal audit or program violation exception that a 37892  
state or federal audit or review discovers. The department of job 37893  
and family services shall timely notify the department of mental 37894  
retardation and developmental disabilities and the county board of 37895  
any adverse findings. After receiving the notice, the county 37896  
board, in conjunction with the department of mental retardation 37897  
and developmental disabilities, shall cooperate fully with the 37898  
department of job and family services and timely prepare and send 37899  
to the department a written plan of correction or response to the 37900  
adverse findings. The county board is liable for any adverse 37901  
findings that result from an action it takes or fails to take in 37902  
its implementation of local administrative authority. 37903

(G)(1) If the department of mental retardation and 37904  
developmental disabilities or department of job and family 37905  
services determines that a county board's implementation of its 37906  
local administrative authority under this section is deficient, 37907  
the department that makes the determination shall require that 37908  
county board do the following: 37909

(a) If the deficiency affects the health, safety, or welfare 37910

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of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours; 37911  
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(b) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction. 37914  
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(2) If the county board fails to correct a deficiency within the time required by division (G)(1) of this section to the satisfaction of the department, or submit an acceptable plan of correction within the time required by division (G)(1)(b) of this section, the department shall do one of the following until the county board's local administrative authority is restored under division (G)(3) of this section: 37920  
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(a) Assign the county board's local administrative authority to one or more other county boards or a regional council established under section 5126.13 of the Revised Code; 37927  
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(b) Contract with a person or government entity that provides management services but not medicaid-funded services to perform the local administrative authority. 37930  
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(3) If the department takes action under division (G)(2) of this section, the department of mental retardation and developmental disabilities shall closely monitor all aspects of the county board's implementation of a plan of correction. The department shall restore the county board's local administrative authority when the department is satisfied that the county board has successfully implemented all parts of the plan of correction and is capable of adhering to medicaid standards. 37933  
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**Sec. 5126.056.** (A) A county board of mental retardation and 37941

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developmental disabilities that has local administrative authority 37942  
under division (A) of section 5126.055 of the Revised Code for 37943  
home or community-based services shall pay the nonfederal share of 37944  
medicaid expenditures for such services provided to an individual 37945  
with mental retardation or other developmental disability who the 37946  
county board determines under section 5126.041 of the Revised Code 37947  
is eligible for county board services. 37948

A county board that has local administrative authority under 37949  
division (B) of section 5126.055 of the Revised Code for medicaid 37950  
case management services shall pay the nonfederal share of 37951  
medicaid expenditures for such services provided to an individual 37952  
with mental retardation or other developmental disability who the 37953  
county board determines under section 5126.041 of the Revised Code 37954  
is eligible for county board services unless division (B)(2) of 37955  
section 5123.047 of the Revised Code requires the department of 37956  
mental retardation and developmental disabilities to pay the 37957  
nonfederal share. 37958

A county board shall pay the nonfederal share of medicaid 37959  
expenditures for habilitation center services when required to do 37960  
so by division (D) of section 5111.041 of the Revised Code. 37961

(B) A county board may use the following funds to pay the 37962  
nonfederal share of the services that the county board is required 37963  
by division (A) of this section to pay: 37964

(1) To the extent consistent with the levy that generated the 37965  
taxes, the following taxes: 37966

(a) Taxes levied pursuant to division (L) of section 5705.19 37967  
of the Revised Code and section 5705.222 of the Revised Code; 37968

(b) Taxes levied under section 5705.191 of the Revised Code 37969  
that the board of county commissioners allocates to the county 37970  
board to pay the nonfederal share of the services. 37971

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(2) Funds that the department of mental retardation and developmental disabilities distributes to the county board under sections 5126.11, 5126.12, 5126.15, 5126.18, and 5126.44 of the Revised Code; 37972  
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(3) Funds that the department allocates to the county board for habilitation center services provided under section 5111.041 of the Revised Code; 37976  
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(4) Earned federal revenue funds the county board receives for medicaid services the county board provides pursuant to the county board's valid medicaid provider agreement. 37979  
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(C) If by December 31, 2001, the United States secretary of health and human services allows for at least five hundred additional individuals to receive home or community-based services, each county board shall provide, by the last day of each calendar year, assurances to the department of mental retardation and developmental disabilities that the county board will have the following amount available to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay: 37982  
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(1) For calendar year 2003, at least one-third of the value of one-half, effective mill levied in the county the preceding year; 37991  
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(2) For calendar year 2004, at least two-thirds of the value of one-half, effective mill levied in the county the preceding year; 37994  
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(3) For calendar year 2005 and each calendar year thereafter, at least the value of one-half, effective mill levied in the county the preceding year. 37997  
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(D) Each year, each county board shall adopt a resolution specifying the amount of funds it will use in the next year to pay the nonfederal share of the services that the county board is 38000  
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required by division (A) of this section to pay. The amount 38003  
specified shall be adequate to assure that the services will be 38004  
available in the county in a manner that conforms to all 38005  
applicable state and federal laws. A county board shall state in 38006  
its resolution that the payment of the nonfederal share represents 38007  
an ongoing financial commitment of the county board. A county 38008  
board shall adopt the resolution in time for the county auditor to 38009  
make the determination required by division (E) of this section. 38010

(E) Each year, a county auditor shall determine whether the 38011  
amount of funds a county board specifies in the resolution it 38012  
adopts under division (D) of this section will be available in the 38013  
following year for the county board to pay the nonfederal share of 38014  
the services that the county board is required by division (A) of 38015  
this section to pay. The county auditor shall make the 38016  
determination not later than the last day of the year before the 38017  
year in which the funds are to be used. 38018

**Sec. 5126.12.** (A) As used in this section: 38019

(1) "Approved school age ~~unit~~ class" means a class ~~or unit~~ 38020  
operated by a county board of mental retardation and developmental 38021  
disabilities and ~~approved~~ funded by the ~~state board~~ department of 38022  
education under ~~division (D) of section 3317.05~~ 3317.20 of the 38023  
Revised Code. 38024

(2) "Approved preschool unit" means a class or unit operated 38025  
by a county board of mental retardation and developmental 38026  
disabilities and approved by the state board of education under 38027  
division (B) of section 3317.05 of the Revised Code. 38028

(3) "Active treatment" means a continuous treatment program, 38029  
which includes aggressive, consistent implementation of a program 38030  
of specialized and generic training, treatment, health services, 38031  
and related services, that is directed toward the acquisition of 38032  
behaviors necessary for an individual with mental retardation or 38033

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other developmental disability to function with as much 38034  
 self-determination and independence as possible and toward the 38035  
 prevention of deceleration, regression, or loss of current optimal 38036  
 functional status. 38037

(4) "Eligible for active treatment" means that an individual 38038  
 with mental retardation or other developmental disability resides 38039  
 in an intermediate care facility for the mentally retarded 38040  
 certified under Title XIX of the "Social Security Act," 49 Stat. 38041  
 620 (1935), 42 U.S.C. 301, as amended; resides in a state 38042  
 institution operated by the department of mental retardation and 38043  
 developmental disabilities; or is enrolled in a home and 38044  
 community-based services waiver program administered by the 38045  
 department of mental retardation and developmental disabilities as 38046  
 part of the medical assistance program established under section 38047  
 5111.01 of the Revised Code. 38048

(5) "Community alternative funding system" means the program 38049  
 under which habilitation center services are reimbursed under the 38050  
~~medical assistance~~ medicaid program pursuant to section 5111.041 38051  
 of the Revised Code and rules adopted under that section. 38052

(6) "Community employment program" means community employment 38053  
 services provided outside of a sheltered workshop setting under 38054  
 which the person earns competitive wages for the performance of 38055  
 work. 38056

(7) "Traditional adult services" means vocational and 38057  
 nonvocational activities conducted within a sheltered workshop or 38058  
 adult activity center or supportive home services. 38059

(B) Each county board of mental retardation and developmental 38060  
 disabilities shall certify to the director of mental retardation 38061  
 and developmental disabilities all of the following: 38062

(1) On or before the fifteenth day of October, the average 38063  
 daily membership for the first full week of programs and services 38064

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during October receiving: 38065

(a) Early childhood services provided pursuant to section 38066  
5126.05 of the Revised Code for children who are less than three 38067  
years of age on the thirtieth day of September of the academic 38068  
year; 38069

(b) Special education for handicapped children in approved 38070  
school age ~~units~~ classes; 38071

(c) Adult services for persons sixteen years of age and older 38072  
operated pursuant to section 5126.05 and division (B) of section 38073  
5126.051 of the Revised Code. Separate counts shall be made for 38074  
the following: 38075

(i) Persons enrolled in traditional adult services who are 38076  
eligible for but not enrolled in active treatment under the 38077  
community alternative funding system; 38078

(ii) Persons enrolled in traditional adult services who are 38079  
eligible for and enrolled in active treatment under the community 38080  
alternative funding system; 38081

(iii) Persons enrolled in traditional adult services but who 38082  
are not eligible for active treatment under the community 38083  
alternative funding system; 38084

(iv) Persons participating in community employment services. 38085  
To be counted as participating in community employment services, a 38086  
person must have spent an average of no less than ten hours per 38087  
week in that employment during the preceding six months. 38088

(d) Other programs in the county for individuals with mental 38089  
retardation and developmental disabilities that have been approved 38090  
for payment of subsidy by the department of mental retardation and 38091  
developmental disabilities. 38092

The membership in each such program and service in the county 38093  
shall be reported on forms prescribed by the department of mental 38094

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retardation and developmental disabilities. 38095

The department of mental retardation and developmental 38096  
 disabilities shall adopt rules defining full-time equivalent 38097  
 enrollees and for determining the average daily membership 38098  
 therefrom, except that certification of average daily membership 38099  
 in approved school age ~~units~~ classes shall be in accordance with 38100  
 rules adopted by the state board of education. The average daily 38101  
 membership figure shall be determined by dividing the amount 38102  
 representing the sum of the number of enrollees in each program or 38103  
 service in the week for which the certification is made by the 38104  
 number of days the program or service was offered in that week. No 38105  
 enrollee may be counted in average daily membership for more than 38106  
 one program or service. 38107

(2) By the fifteenth day of December, the number of children 38108  
 enrolled in approved preschool units on the first day of December; 38109

(3) On or before the thirtieth day of March, an itemized 38110  
 report of all income and operating expenditures for the 38111  
 immediately preceding calendar year, in the format specified by 38112  
 the department of mental retardation and developmental 38113  
 disabilities; 38114

(4) By the fifteenth day of February, a report of the total 38115  
 annual cost per enrollee for operation of programs and services in 38116  
 the preceding calendar year. The report shall include a grand 38117  
 total of all programs operated, the cost of the individual 38118  
 programs, and the sources of funds applied to each program. 38119

(5) That each required certification and report is in 38120  
 accordance with rules established by the department of mental 38121  
 retardation and developmental disabilities and the state board of 38122  
 education for the operation and subsidization of the programs and 38123  
 services. 38124

(C) To compute payments under this section to the board for 38125

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the fiscal year, the department of mental retardation and 38126  
developmental disabilities shall use the certification of average 38127  
daily membership required by division (B)(1) of this section 38128  
exclusive of the average daily membership in any approved school 38129  
age ~~unit~~ class and the number in any approved preschool unit. 38130

(D) The department shall pay each county board for each 38131  
fiscal year an amount equal to nine hundred fifty dollars times 38132  
the certified number of persons who on the first day of December 38133  
of the academic year are under three years of age and are not in 38134  
an approved preschool unit. For persons who are at least age 38135  
sixteen and are not in an approved school age ~~unit~~ class, the 38136  
department shall pay each county board for each fiscal year the 38137  
following amounts: 38138

(1) One thousand dollars times the certified average daily 38139  
membership of persons enrolled in traditional adult services who 38140  
are eligible for but not enrolled in active treatment under the 38141  
community alternative funding system; 38142

(2) One thousand two hundred dollars times the certified 38143  
average daily membership of persons enrolled in traditional adult 38144  
services who are eligible for and enrolled in active treatment 38145  
under the community alternative funding system; 38146

(3) No less than one thousand five hundred dollars times the 38147  
certified average daily membership of persons enrolled in 38148  
traditional adult services but who are not eligible for active 38149  
treatment under the community alternative funding system; 38150

(4) No less than one thousand five hundred dollars times the 38151  
certified average daily membership of persons participating in 38152  
community employment services. 38153

(E) The department shall distribute this subsidy to county 38154  
boards in semiannual installments of equal amounts. The 38155  
installments shall be made not later than the thirty-first day of 38156

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August and the thirty-first day of January. 38157

(F) The director of mental retardation and developmental disabilities shall make efforts to obtain increases in the subsidies for early childhood services and adult services so that the amount of the subsidies is equal to at least fifty per cent of the statewide average cost of those services minus any applicable federal reimbursements for those services. The director shall advise the director of budget and management of the need for any such increases when submitting the biennial appropriations request for the department. 38158-38166

(G) In determining the reimbursement of a county board for the provision of case management and family support services and other services required or approved by the director for which children three through twenty-one years of age are eligible, the department shall include the average daily membership in approved school age or preschool units. The department, in accordance with this section and upon receipt and approval of the certification required by this section and any other information it requires to enable it to determine a board's payments, shall pay the agency providing the specialized training the amounts payable under this section. 38167-38177

**Sec. 5126.18.** (A) The department of mental retardation and developmental disabilities may pay to each county board of mental retardation and developmental disabilities whose hypothetical local revenue per enrollee is less than the hypothetical statewide average revenue per enrollee the amount computed under division (B) of this section. The department may make the payment to a county board only if the plan the county board develops under section 5126.054 of the Revised Code is approved under section 5123.046 of the Revised Code. If this section is implemented in any year, payments shall be made on or before the thirtieth day of 38178-38187

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September.	38188
(B) Except as provided in division (C) of this section, the amount to be paid to a county board shall be equal to the following:	38189 38190 38191
(1) If the county board's effective tax rate is equal to or greater than one mill, the product obtained by multiplying the following two quantities:	38192 38193 38194
(a) The amount by which the hypothetical statewide average revenue per enrollee exceeds the county board's hypothetical local revenue per enrollee;	38195 38196 38197
(b) The county board's infant and adult enrollment.	38198
(2) If the county board's effective tax rate is less than one mill, the product obtained by multiplying the following three quantities:	38199 38200 38201
(a) The amount by which the hypothetical statewide average revenue per enrollee exceeds the county board's hypothetical local revenue per enrollee;	38202 38203 38204
(b) The county board's infant and adult enrollment;	38205
(c) The quotient obtained by dividing the county board's effective tax rate by one mill.	38206 38207
(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.	38208 38209 38210 38211 38212
(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	38213 38214 38215 38216 38217

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determined under this section without regard to this division that 38218  
 the amount of the appropriation available for purposes of this 38219  
 section is of the total amount of payments as determined under 38220  
 this section without regard to this division. 38221

(3) Payments made to a county board pursuant to this section 38222  
 shall not exceed thirty per cent of the payments made to that 38223  
 board pursuant to section 5126.12 of the Revised Code. 38224

(D) Payments made under this section are supplemental to all 38225  
 other state or federal funds for which county boards are eligible 38226  
 and shall be made from funds appropriated for purposes of this 38227  
 section. ~~The A county board shall use the payments shall be used~~ 38228  
~~solely for the development and implementation of early~~ 38229  
~~intervention services for individuals included in the board's~~ 38230  
~~infant enrollment and adult services for individuals included in~~ 38231  
~~the board's adult enrollment to pay the nonfederal share of~~ 38232  
~~medicaid expenditures that division (A) of section 5126.056 of the~~ 38233  
~~Revised Code requires the county board to pay.~~ 38234

(E) Each county board that receives a payment under this 38235  
 section shall, for each year it receives a payment, certify to the 38236  
 department that it will make a good faith effort to obtain 38237  
 revenues, including federal funds, for services to individuals 38238  
 included in its infant and adult enrollment. 38239

**Sec. 5126.357.** (A) As used in this section: 38240

(1) "In-home care" means the supportive services provided 38241  
 within the home of an individual who receives funding for the 38242  
 services as a county board client, including any client who 38243  
 receives residential services funded through ~~the medical~~ 38244  
~~assistance program's home and or~~ community-based services ~~waivers~~ 38245  
~~administered by the department of mental retardation and~~ 38246  
~~developmental disabilities~~, family support services provided under 38247  
 section 5126.11 of the Revised Code, or supported living provided 38248



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in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside a client's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of mental retardation and developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional. A county board worker may be an unlicensed in-home care worker.

(4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with mental retardation or a developmental disability if the individual with mental retardation or developmental disabilities lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.

(B) Except as provided in division (D) of this section, a family member of an individual with mental retardation or a developmental disability may authorize an unlicensed in-home care worker to give or apply prescribed medication or perform other health care tasks as part of the in-home care provided to the individual, if the family member is the primary supervisor of the care and the unlicensed in-home care worker has been selected by the family member and is under the direct supervision of the family member. Sections 4723.62 and 5126.351 to 5126.356 of the Revised Code do not apply to the in-home care authorized by a family member under this section. Instead, a family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the

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individual. The family member shall authorize the unlicensed  
in-home care worker to provide the care by preparing a written  
document granting the authority. The family member shall provide  
the unlicensed in-home care worker with appropriate training and  
written instructions in accordance with the instructions obtained  
from the health care professional.

(C) A family member who authorizes an unlicensed in-home care  
worker to give or apply prescribed medication or perform other  
health care tasks retains full responsibility for the health and  
safety of the individual receiving the care and for ensuring that  
the worker provides the care appropriately and safely. No entity  
that funds or monitors the provision of in-home care may be held  
liable for the results of the care provided under this section by  
an unlicensed in-home care worker, including such entities as the  
county board of mental retardation and developmental disabilities,  
any other entity that employs an unlicensed in-home care worker,  
and the department of mental retardation and developmental  
disabilities.

An unlicensed in-home care worker who is authorized under  
this section by a family member to provide care to an individual  
may not be held liable for any injury caused in providing the  
care, unless the worker provides the care in a manner that is not  
in accordance with the training and instructions received or the  
worker acts in a manner that constitutes wanton or reckless  
misconduct.

(D) A county board of mental retardation and developmental  
disabilities may evaluate the authority granted by a family member  
under this section to an unlicensed in-home care worker at any  
time it considers necessary and shall evaluate the authority on  
receipt of a complaint. If the board determines that a family  
member has acted in a manner that is inappropriate for the health  
and safety of the individual receiving the services, the

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authorization granted by the family member to an unlicensed 38313  
in-home care worker is void, and the family member may not 38314  
authorize other unlicensed in-home care workers to provide the 38315  
care. In making such a determination, the board shall use 38316  
appropriately licensed health care professionals and shall provide 38317  
the family member an opportunity to file a complaint under section 38318  
5126.06 of the Revised Code. 38319

**Sec. 5126.431.** (A) Pursuant to Chapter 119. of the Revised 38320  
Code, the department of mental retardation and developmental 38321  
disabilities shall adopt rules establishing standards and 38322  
procedures for certification of persons and government entities 38323  
that provide or propose to provide, under contract with the 38324  
~~department until July 1, 1995, or with~~ a county board of mental 38325  
retardation and developmental disabilities, supported living for 38326  
individuals with mental retardation or developmental disabilities. 38327  
The rules shall allow a person or government entity to 38328  
automatically satisfy a standard for certification under this 38329  
section if the person holds a current, valid license under section 38330  
5123.19 of the Revised Code to operate a residential facility and 38331  
had to satisfy the standard to obtain the residential facility 38332  
license. 38333

(B) Pursuant to Chapter 119. of the Revised Code, the 38334  
department shall adopt rules establishing quality assurance 38335  
standards for supported living provided to individuals by 38336  
providers certified under this section. 38337

(C) The rules adopted under this section shall include the 38338  
following: 38339

(1) Procedures for ensuring that providers comply with 38340  
section 5126.281 of the Revised Code; 38341

(2) Methods of evaluating the services provided and 38342  
protecting the due process rights of any individual or entity 38343

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affected by an evaluation or decision made pursuant to this section; 38344  
38345

(3) Procedures for revoking certification. 38346

(D)(1) Providers shall be evaluated to ensure that services are provided in a quality manner advantageous to the individual receiving the services. When evaluations are conducted, the following shall be considered: 38347  
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(a) The provider's experience and financial responsibility; 38351

(b) The ability to comply with program standards for supported living; 38352  
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(c) The ability to meet the needs of the individuals served; 38354

(d) ~~The ability to work cooperatively with the department, county boards, and other providers;~~ 38355  
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~~(e)~~ Any other factor considered relevant. 38357

(2) The records of evaluations conducted under 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 supported living, and county boards. 38358  
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(E) The department shall certify providers in accordance with the rules adopted under this section. The department may revoke a provider's certification for good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the department determines is injurious to individuals being served. 38363  
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**Sec. 5139.01.** (A) As used in this chapter: 38369

(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services. 38370  
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- (2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services. 38373  
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- (3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in section 2151.355 of the Revised Code; provided, that these rights and responsibilities are exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child, and subject to any residual parental rights and responsibilities. 38375  
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- (4) Unless the context requires a different meaning, "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. 38389  
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- (5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks. 38395  
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- (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. 38397  
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- (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

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of youth services and in the care and custody of an institution or 38435  
a community corrections facility, are adjudicated delinquent 38436  
children for having committed in that institution or community 38437  
corrections facility an act that if committed by an adult would be 38438  
a felony; 38439

(c) Children who satisfy all of the following: 38440

(i) They are at least twelve years of age but less than 38441  
eighteen years of age. 38442

(ii) They are adjudicated delinquent children for having 38443  
committed acts that if committed by an adult would be a felony. 38444

(iii) They are committed to the department of youth services 38445  
by the juvenile court of a county that has had one-tenth of one 38446  
per cent or less of the statewide adjudications for felony 38447  
delinquents as averaged for the past four fiscal years. 38448

(iv) They are in the care and custody of an institution or a 38449  
community corrections facility. 38450

(d) Felony delinquents who, while committed to the department 38451  
of youth services and in the care and custody of an institution, 38452  
commit in that institution an act that if committed by an adult 38453  
would be a felony, who are serving disciplinary time for having 38454  
committed that act, and who have been institutionalized or 38455  
institutionalized in a secure facility for the minimum period of 38456  
time specified in division (A)(4) or (5) of section 2151.355 of 38457  
the Revised Code. 38458

(e) Felony delinquents who are subject to and serving a 38459  
three-year period of commitment order imposed by a juvenile court 38460  
pursuant to division (A)(7) of section 2151.355 of the Revised 38461  
Code for an act, other than a violation of section 2911.11 of the 38462  
Revised Code, that would be a category one offense or category two 38463  
offense if committed by an adult. 38464

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(f) Felony delinquents who are described in divisions 38465  
 (A)(13)(a) to (e) of this section, who have been granted a 38466  
 judicial release under division (B) of section 2151.38 of the 38467  
 Revised Code or an early release under division (C) of that 38468  
 section from the commitment to the department of youth services 38469  
 for the act described in divisions (A)(13)(a) to (e) of this 38470  
 section, who have violated the terms and conditions of that 38471  
 judicial release or early release, and who, pursuant to an order 38472  
 of the court of the county in which the particular felony 38473  
 delinquent was placed on release that is issued pursuant to 38474  
 division (D) of section 2151.38 of the Revised Code, have been 38475  
 returned to the department for institutionalization or 38476  
 institutionalization in a secure facility. 38477

(g) Felony delinquents who have been committed to the custody 38478  
 of the department of youth services, who have been granted 38479  
 supervised release from the commitment pursuant to section 5139.51 38480  
 of the Revised Code, who have violated the terms and conditions of 38481  
 that supervised release, and who, pursuant to an order of the 38482  
 court of the county in which the particular child was placed on 38483  
 supervised release issued pursuant to division (F) of section 38484  
 5139.52 of the Revised Code, have had the supervised release 38485  
 revoked and have been returned to the department for 38486  
 institutionalization. A felony delinquent described in this 38487  
 division shall be a public safety bed only for the time during 38488  
 which the felony delinquent is institutionalized as a result of 38489  
 the revocation subsequent to the initial thirty-day period of 38490  
 institutionalization required by division (F) of section 5139.52 38491  
 of the Revised Code. 38492

(14) "State target youth" means twenty-five per cent of the 38493  
 projected total number of felony delinquents for each year of a 38494  
 biennium, factoring in revocations and recommitments. 38495

(15) Unless the context requires a different meaning, 38496



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"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.

(18) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code.

(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:

(a) An act that if committed by an adult would be a felony;

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(b) An act that if committed by an adult would be a misdemeanor;	38527 38528
(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.	38529 38530 38531
(20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.	38532 38533
(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.	38534 38535 38536 38537
(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.	38538 38539 38540
(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 an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.	38541 38542 38543 38544 38545 38546
(24) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services.	38547 38548 38549 38550 38551 38552
(25) "Victim's representative" means a member of the victim's family or another person whom the victim or another authorized person designates in writing, pursuant to section 5139.56 of the Revised Code, to represent the victim with respect to proceedings of the release authority of the department of youth services and	38553 38554 38555 38556 38557

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- with respect to other matters specified in that section. 38558
- (26) "Member of the victim's family" means a spouse, child, 38559  
stepchild, sibling, parent, stepparent, grandparent, other 38560  
relative, or legal guardian of a child but does not include a 38561  
person charged with, convicted of, or adjudicated a delinquent 38562  
child for committing a criminal or delinquent act against the 38563  
victim or another criminal or delinquent act arising out of the 38564  
same conduct, criminal or delinquent episode, or plan as the 38565  
criminal or delinquent act committed against the victim. 38566
- (27) "Judicial release" means a release of a child from 38567  
institutional care or institutional care in a secure facility that 38568  
is granted by a court pursuant to division (B) of section 2151.38 38569  
of the Revised Code during the period specified in that division. 38570
- (28) "Early release" means a release of a child from 38571  
institutional care or institutional care in a secure facility that 38572  
is granted by a court pursuant to division (C) of section 2151.38 38573  
of the Revised Code during the period specified in that division. 38574
- (29) "Juvenile justice system" includes all of the functions 38575  
of the juvenile courts, the department of youth services, any 38576  
public or private agency whose purposes include the prevention of 38577  
delinquency or the diversion, adjudication, detention, or 38578  
rehabilitation of delinquent children, and any of the functions of 38579  
the criminal justice system that are applicable to children. 38580
- (30) "Metropolitan county criminal justice services agency" 38581  
means an agency that is established pursuant to division (A) of 38582  
section 181.54 of the Revised Code. 38583
- (31) "Administrative planning district" means a district that 38584  
is established pursuant to division (A) or (B) of section 181.56 38585  
of the Revised Code. 38586
- (32) "Criminal justice coordinating council" means a criminal 38587  
justice services agency that is established pursuant to division 38588

(D) of section 181.56 of the Revised Code. 38589

(33) "Comprehensive plan" means a document that coordinates, 38590  
evaluates, and otherwise assists, on an annual or multi-year 38591  
basis, all of the functions of the juvenile justice systems of the 38592  
state or a specified area of the state, that conforms to the 38593  
priorities of the state with respect to juvenile justice systems, 38594  
and that conforms with the requirements of all federal criminal 38595  
justice acts. These functions include, but are not limited to, all 38596  
of the following: 38597

(a) Delinquency prevention; 38598

(b) Identification, detection, apprehension, and detention of 38599  
persons charged with delinquent acts; 38600

(c) Assistance to crime victims or witnesses, except that the 38601  
comprehensive plan does not include the functions of the attorney 38602  
general pursuant to sections 109.91 and 109.92 of the Revised 38603  
Code; 38604

(d) Adjudication or diversion of persons charged with 38605  
delinquent acts; 38606

(e) Custodial treatment of delinquent children; 38607

(f) Institutional and noninstitutional rehabilitation of 38608  
delinquent children. 38609

(B) There is hereby created the department of youth services. 38610  
The governor shall appoint the director of the department with the 38611  
advice and consent of the senate. The director shall hold office 38612  
during the term of the appointing governor but subject to removal 38613  
at the pleasure of the governor. Except as otherwise authorized in 38614  
section 108.05 of the Revised Code, the director shall devote the 38615  
director's entire time to the duties of the director's office and 38616  
shall hold no other office or position of trust or profit during 38617  
the director's term of office. 38618

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The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter 124. of the Revised Code. Whenever this or any other chapter or section of the Revised Code imposes a duty on or requires an action of the department, the duty or action shall be performed by the director or, upon the director's order, in the name of the department.

**Sec. 5139.11.** The department of youth services shall do all of the following:

(A) Through a program of education, promotion, and organization, form groups of local citizens and assist these groups in conducting activities aimed at the prevention and control of juvenile delinquency, making use of local people and resources for the following purposes:

(1) Combatting local conditions known to contribute to juvenile delinquency;

(2) Developing recreational and other programs for youth work;

(3) Providing adult sponsors for delinquent children cases;

(4) Dealing with other related problems of the locality;

(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;

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- (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; 38649  
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- (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; 38652  
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- (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; 38656  
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- (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; 38660  
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- (G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency; 38664  
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- (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; 38667  
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- (I) Evaluate the rehabilitation of children committed to the department and prepare and submit periodic reports to the committing court for the following purposes: 38676  
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- (1) Evaluating the effectiveness of institutional treatment; 38679

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(2) Making recommendations for early release where appropriate and recommending terms and conditions for release;	38680 38681
(3) Reviewing the placement of children and recommending alternative placements where appropriate.	38682 38683
(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;	38684 38685 38686 38687
<u>(K)(1) Coordinate and assist juvenile justice systems by doing the following:</u>	38688 38689
<u>(a) Performing juvenile justice system planning in the state, including any planning that is required by any federal law;</u>	38690 38691
<u>(b) Collecting, analyzing, and correlating information and data concerning the juvenile justice system in the state;</u>	38692 38693
<u>(c) Cooperating with and providing technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, and agencies, offices, and departments of the juvenile justice system in the state, and other appropriate organizations and persons;</u>	38694 38695 38696 38697 38698 38699
<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>	38700 38701 38702 38703
<u>(e) Administering within the state any juvenile justice acts and programs that the governor requires the department to administer;</u>	38704 38705 38706
<u>(f) Implementing the state comprehensive plans;</u>	38707
<u>(g) Auditing grant activities of agencies, offices, organizations, and persons that are financed in whole or in part</u>	38708 38709

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- by funds granted through the department; 38710
- (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; 38711  
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- (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. 38715  
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38725
- (j) Contracting with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the department; 38726  
38727  
38728
- (k) Overseeing the activities of metropolitan county criminal justice services agencies, administrative planning districts, and juvenile justice coordinating councils in the state; 38729  
38730  
38731  
38732
- (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; 38733  
38734  
38735  
38736
- (m) Preparing and recommending legislation to the general assembly and governor for the improvement of the juvenile justice system in the state; 38737  
38738  
38739
- (n) Assisting, advising, and making any reports that are 38740



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required by the governor, attorney general, or general assembly; 38741

(o) Adopting rules pursuant to Chapter 119. of the Revised Code. 38742  
38743

(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. 38744  
38745  
38746  
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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; 38748  
38749  
38750

(4) The governor may appoint any advisory committees to assist the department that the governor considers appropriate or that are required under any state or federal law. 38751  
38752  
38753

**Sec. 5139.29.** The department of youth services shall adopt and promulgate regulations prescribing the method of calculating the amount of and the time and manner for the payment of financial assistance granted under sections 5139.27, and 5139.271, ~~and~~ 5139.28 of the Revised Code, for the construction or acquisition of a district detention home established under section 2151.34 of the Revised Code, or for the construction and maintenance of a school, forestry camp, or other facility established under section 2151.65 of the Revised Code. 38754  
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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, or 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, ~~5139.28,~~ or 5139.281 of the Revised Code. The inspection may include, but need not be limited to, examination 38763  
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and evaluation of the physical condition of the school, forestry 38771  
 camp, district detention home, or other facility, including any 38772  
 equipment used in connection with it; observation and evaluation 38773  
 of the training and treatment of children admitted to it; 38774  
 examination and analysis and copying of any papers, records, or 38775  
 other documents relating to the qualifications of personnel, the 38776  
 commitment of children to it, and its administration. 38777

Sec. 5139.87. There are hereby created in the state treasury 38778  
the federal juvenile justice programs funds. A separate fund shall 38779  
be established each federal fiscal year. All federal grants and 38780  
other moneys received for federal juvenile programs shall be 38781  
deposited into the funds. All receipts deposited into the funds 38782  
shall be used for federal juvenile programs. All investment 38783  
earnings on the cash balance in a federal juvenile program fund 38784  
shall be credited to that fund for the appropriate federal fiscal 38785  
year. 38786

Sec. 5153.06. The county children services board may enter 38787  
into a written contract with the board's executive director 38788  
specifying terms and conditions of the executive director's 38789  
employment. The executive director shall not be in the classified 38790  
civil service. The period of the contract shall not exceed three 38791  
years. Such a contract shall in no way abridge the right of the 38792  
county children services board to terminate the employment of the 38793  
executive director as an unclassified employee at will, but may 38794  
specify terms and conditions for any such termination. 38795

Sec. 5153.165. If a family is encountering an emergency that 38796  
could lead, or has led, to removal of a child from the family's 38797  
home pursuant to Chapter 2151. of the Revised Code, the public 38798  
children services agency shall determine whether the child could 38799  
remain safely with, or be safely returned to, the family if the 38800  
emergency were alleviated by providing ~~assistance~~ benefits and 38801

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services under the prevention, retention, and contingency program 38802  
established under Chapter 5108. of the Revised Code. If it is 38803  
determined that the child could remain safely with, or be safely 38804  
returned to, the family, the agency, with the cooperation of the 38805  
child's family, shall determine the amount of ~~assistance~~ benefits 38806  
and services necessary to prevent the removal of the child from 38807  
the home or to permit the child's return to the home and may 38808  
provide the ~~assistance~~ benefits and services pursuant to a plan of 38809  
cooperation entered into under section 307.983 of the Revised 38810  
Code. 38811

**Sec. 5153.60.** The department of job and family services shall 38812  
establish a statewide program that provides the training section 38813  
5153.122 of the Revised Code requires public children services 38814  
agency caseworkers and supervisors to complete. The program may 38815  
also provide the preplacement and continuing training described in 38816  
sections 5103.039, 5103.0310, and 5103.0311 of the Revised Code 38817  
that foster caregivers are required by sections 5103.031, 38818  
5103.032, and 5103.033 of the Revised Code to obtain. The program 38819  
shall be called the "Ohio child welfare training program." 38820  
38821

**Sec. 5153.69.** The training program steering committee shall 38822  
monitor and evaluate the Ohio child welfare training program to 38823  
ensure that the following: 38824

(A) That the Ohio child welfare training program is a 38825  
competency-based training system that satisfies the training 38826  
requirements for public children services agency caseworkers and 38827  
supervisors under section 5153.122 of the Revised Code; 38828

(B) That, if the Ohio child welfare training program provides 38829  
preplacement or continuing training for foster caregivers, it 38830  
meets the same requirements that preplacement training programs 38831  
and continuing training programs must meet pursuant to section 38832

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<u>5103.038 of the Revised Code to obtain approval by the department</u>	38833
<u>of job and family services, except that the Ohio child welfare</u>	38834
<u>training program is not required to obtain department approval.</u>	38835
	38836
<b>Sec. 5153.78.</b> (A) As used in this section:	38837
(1) "Title IV-B" means Title IV-B of the "Social Security Act	38838
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended.	38839
(2) "Title IV-E" means Title IV-E of the "Social Security	38840
Act," 94 Stat. 501, 42 U.S.C. 670(1980).	38841
(3) "Title XX" has the same meaning as in section 5101.46 of	38842
the Revised Code.	38843
(B) For purposes of <u>adequately</u> funding the Ohio child welfare	38844
training program, the department of job and family services <del>shall</del>	38845
<u>may</u> use <u>any of</u> the following <del>to adequately fund the Ohio child</del>	38846
<del>welfare training program:</del>	38847
(1) The federal financial participation funds withheld	38848
pursuant to division (D) of section 5101.141 of the Revised Code	38849
in an amount determined by the department;	38850
(2) Funds available under Title XX, Title IV-B, and Title	38851
IV-E to pay for training costs;	38852
(3) <del>Any other</del> <u>Other</u> available state or federal funds.	38853
<b>Sec. 5703.17.</b> (A) In making an investigation as to any	38854
company, firm, corporation, person, association, partnership, or	38855
public utility subject to the laws which the tax commissioner is	38856
required to administer, the commissioner may appoint by an order	38857
in writing an agent, <u>a tax auditor agent, or a tax auditor agent</u>	38858
<u>manager</u> , whose duties shall be prescribed in such order.	38859
In the discharge of <del>his</del> <u>such agent's</u> duties <del>such,</del> the agent	38860
shall have every power of an inquisitorial nature granted by law	38861

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to the commissioner, and the same powers as a notary public as to 38862  
 the taking of depositions, and all powers given by law to a notary 38863  
 public relative to depositions are hereby given to such agent. 38864

(B) No person shall be appointed as a tax auditor agent or a 38865  
 tax auditor agent manager, unless that person meets one of the 38866  
 following requirements: 38867

(1) The person holds from an accredited college or university 38868  
 a baccalaureate or higher degree in accounting, business, business 38869  
 administration, public administration, or management, a doctoral 38870  
 degree in law, a bachelor of laws degree, or a master of laws 38871  
 degree in taxation. 38872

(2) The person possesses a current certified public 38873  
 accountant, certified managerial accountant, or certified internal 38874  
 auditor certificate; a professional tax designation issued by the 38875  
 institute for professionals in taxation or the international 38876  
 association of assessing officers; or a designation as an enrolled 38877  
 agent of the Internal Revenue Service. 38878

(3) The person has accounting, auditing, or taxation 38879  
 experience that is acceptable to the department of taxation. 38880

(4) The person has experience as a tax commissioner agent, 38881  
 tax auditor agent, or supervisor of tax agents that is acceptable 38882  
 to the department of taxation. 38883

**Sec. 5703.49. (A)** As used in this section, "internet" means 38884  
 the international computer network of both federal and nonfederal 38885  
 interoperable packet switched data networks, including the 38886  
 graphical subnetwork known as the world wide web. 38887

(B) On or before December 31, 2001, the tax commissioner 38888  
 shall establish an electronic site accessible through the 38889  
 internet. The tax commissioner shall provide access on the site 38890  
 for each municipal corporation that has not established its own 38891

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electronic site to post documents or information required under 38892  
 section 718.07 of the Revised Code. The tax commissioner shall 38893  
 provide electronic links for each municipal corporation that 38894  
 establishes a site under that section and for which a uniform 38895  
 resource locator has been provided to the tax commissioner. The 38896  
 tax commissioner is not responsible for the accuracy of the posted 38897  
 information, and is not liable for any inaccurate or outdated 38898  
 information provided by a municipal corporation. The tax 38899  
 commissioner may adopt rules governing the format and means of 38900  
 submitting such documents or information and other matters 38901  
 necessary to implement this section. The tax commissioner may 38902  
 charge municipal corporations a fee to defray the cost of 38903  
 establishing and maintaining the electronic site established under 38904  
 this section. 38905

(C) The tax commissioner shall deposit any fees received 38906  
under this section to the credit of the municipal internet site 38907  
fund, which is hereby created in the state treasury. The 38908  
commissioner shall use the fund for costs of establishing and 38909  
maintaining the electronic site established under this section. 38910

**Sec. 5705.091.** The board of county commissioners of each 38911  
 county shall establish a county mental retardation and 38912  
 developmental disabilities general fund. Notwithstanding sections 38913  
 5705.09 and 5705.10 of the Revised Code, proceeds from levies 38914  
 under section 5705.222 and division (L) of section 5705.19 of the 38915  
 Revised Code shall be deposited to the credit of the county mental 38916  
 retardation and developmental disabilities general fund. Accounts 38917  
 shall be established within the county mental retardation and 38918  
 developmental disabilities general fund for each of the several 38919  
 particular purposes of the levies as specified in the resolutions 38920  
 under which the levies were approved, and proceeds from different 38921  
 levies that were approved for the same particular purpose shall be 38922  
 credited to accounts for that purpose. Other money received by the 38923

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county for the purposes of Chapters 3323. and 5126. of the Revised Code and not required by state or federal law to be deposited to the credit of a different fund shall also be deposited to the credit of the county mental retardation and developmental disabilities general fund, in an account appropriate to the particular purpose for which the money was received. Unless otherwise provided by law, an unexpended balance at the end of a fiscal year in any account in the county mental retardation and developmental disabilities general fund shall be appropriated the next fiscal year to the same fund.

A county board of mental retardation and developmental disabilities may request, by resolution, that the board of county commissioners establish a county mental retardation and developmental disabilities capital fund for money to be used for acquisition, construction, or improvement of capital facilities or acquisition of capital equipment used in providing services to mentally retarded and developmentally disabled persons. The county board of mental retardation and developmental disabilities shall transmit a certified copy of the resolution to the board of county commissioners. Upon receiving the resolution, the board of county commissioners shall establish a county mental retardation and developmental disabilities capital fund.

A county board shall request, by resolution, that the board of county commissioners establish a county MR/DD medicaid reserve fund if such fund must be established for the county board to be in compliance with the component required by division (A)(3) of section 5126.054 of the Revised Code of a county board plan approved by the department of mental retardation and developmental disabilities under section 5123.046 of the Revised Code. On receipt of the resolution, the board of county commissioners shall establish a county MR/DD medicaid reserve fund. The portion of federal revenue funds that the county board earns for providing

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medicaid case management services and home or community-based 38956  
services that is needed for the county board to pay for 38957  
extraordinary costs, including extraordinary costs for services to 38958  
individuals with mental retardation or other developmental 38959  
disability, and ensure the availability of adequate funds in the 38960  
event a county property tax levy for services for individuals with 38961  
mental retardation or other developmental disability fails shall 38962  
be deposited into the fund. The county board shall use money in 38963  
the fund for those purposes. 38964

**Sec. 5705.19.** This section does not apply to school districts 38965  
or county school financing districts. 38966

The taxing authority of any subdivision at any time and in 38967  
any year, by vote of two-thirds of all the members of the taxing 38968  
authority, may declare by resolution and certify the resolution to 38969  
the board of elections not less than seventy-five days before the 38970  
election upon which it will be voted that the amount of taxes that 38971  
may be raised within the ten-mill limitation will be insufficient 38972  
to provide for the necessary requirements of the subdivision and 38973  
that it is necessary to levy a tax in excess of that limitation 38974  
for any of the following purposes: 38975

(A) For current expenses of the subdivision, except that the 38976  
total levy for current expenses of a detention home district or 38977  
district organized under section 2151.65 of the Revised Code shall 38978  
not exceed two mills and that the total levy for current expenses 38979  
of a combined district organized under sections 2151.34 and 38980  
2151.65 of the Revised Code shall not exceed four mills; 38981

(B) For the payment of debt charges on certain described 38982  
bonds, notes, or certificates of indebtedness of the subdivision 38983  
issued subsequent to January 1, 1925; 38984

(C) For the debt charges on all bonds, notes, and 38985  
certificates of indebtedness issued and authorized to be issued 38986



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prior to January 1, 1925;	38987
(D) For a public library of, or supported by, the subdivision	38988
under whatever law organized or authorized to be supported;	38989
	38990
(E) For a municipal university, not to exceed two mills over	38991
the limitation of one mill prescribed in section 3349.13 of the	38992
Revised Code;	38993
(F) For the construction or acquisition of any specific	38994
permanent improvement or class of improvements that the taxing	38995
authority of the subdivision may include in a single bond issue;	38996
(G) For the general construction, reconstruction,	38997
resurfacing, and repair of streets, roads, and bridges in	38998
municipal corporations, counties, or townships;	38999
(H) For recreational purposes;	39000
(I) For the purpose of providing and maintaining fire	39001
apparatus, appliances, buildings, or sites therefor, or sources of	39002
water supply and materials therefor, or the establishment and	39003
maintenance of lines of fire alarm telegraph, or the payment of	39004
permanent, part-time, or volunteer firefighters or firefighting	39005
companies to operate the same, including the payment of the	39006
firefighter employers' contribution required under section 742.34	39007
of the Revised Code, or the purchase of ambulance equipment, or	39008
the provision of ambulance, paramedic, or other emergency medical	39009
services operated by a fire department or firefighting company;	39010
(J) For the purpose of providing and maintaining motor	39011
vehicles, communications, and other equipment used directly in the	39012
operation of a police department, or the payment of salaries of	39013
permanent police personnel, including the payment of the police	39014
officer employers' contribution required under section 742.33 of	39015
the Revised Code, or the payment of the costs incurred by	39016
townships as a result of contracts made with other political	39017

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subdivisions in order to obtain police protection, or the	39018
provision of ambulance or emergency medical services operated by a	39019
police department;	39020
(K) For the maintenance and operation of a county home;	39021
(L) For community mental retardation and developmental	39022
disabilities programs and services pursuant to Chapter 5126. of	39023
the Revised Code, except that the procedure for such levies shall	39024
be as provided in section 5705.222 of the Revised Code;	39025
(M) For regional planning;	39026
(N) For a county's share of the cost of maintaining and	39027
operating schools, district detention homes, forestry camps, or	39028
other facilities, or any combination thereof, established under	39029
section 2151.34 or 2151.65 of the Revised Code or both of those	39030
sections;	39031
(O) For providing for flood defense, providing and	39032
maintaining a flood wall or pumps, and other purposes to prevent	39033
floods;	39034
(P) For maintaining and operating sewage disposal plants and	39035
facilities;	39036
(Q) For the purpose of purchasing, acquiring, constructing,	39037
enlarging, improving, equipping, repairing, maintaining, or	39038
operating, or any combination of the foregoing, a county transit	39039
system pursuant to sections 306.01 to 306.13 of the Revised Code,	39040
or of making any payment to a board of county commissioners	39041
operating a transit system or a county transit board pursuant to	39042
section 306.06 of the Revised Code;	39043
(R) For the subdivision's share of the cost of acquiring or	39044
constructing any schools, forestry camps, detention homes, or	39045
other facilities, or any combination thereof, under section	39046
2151.34 or 2151.65 of the Revised Code or both of those sections;	39047

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(S) For the prevention, control, and abatement of air pollution;	39048 39049
(T) For maintaining and operating cemeteries;	39050
(U) For providing ambulance service, emergency medical service, or both;	39051 39052
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	39053 39054
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	39055 39056 39057
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	39058 39059
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	39060 39061 39062
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	39063 39064 39065
(AA) For the maintenance and operation of a free public museum of art, science, or history;	39066 39067
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	39068 39069
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	39070 39071 39072 39073 39074
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in	39075 39076

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section 755.16 of the Revised Code;	39077
(EE) For the creation and operation of an office or joint	39078
office of economic development, for any economic development	39079
purpose of the office, and to otherwise provide for the	39080
establishment and operation of a program of economic development	39081
pursuant to sections 307.07 and 307.64 of the Revised Code;	39082
(FF) For the purpose of acquiring, establishing,	39083
constructing, improving, equipping, maintaining, or operating, or	39084
any combination of the foregoing, a township airport, landing	39085
field, or other air navigation facility pursuant to section 505.15	39086
of the Revised Code;	39087
(GG) For the payment of costs incurred by a township as a	39088
result of a contract made with a county pursuant to section	39089
505.263 of the Revised Code in order to pay all or any part of the	39090
cost of constructing, maintaining, repairing, or operating a water	39091
supply improvement;	39092
(HH) For a board of township trustees to acquire, other than	39093
by appropriation, an ownership interest in land, water, or	39094
wetlands, or to restore or maintain land, water, or wetlands in	39095
which the board has an ownership interest, not for purposes of	39096
recreation, but for the purposes of protecting and preserving the	39097
natural, scenic, open, or wooded condition of the land, water, or	39098
wetlands against modification or encroachment resulting from	39099
occupation, development, or other use, which may be styled as	39100
protecting or preserving "greenspace" in the resolution, notice of	39101
election, or ballot form;	39102
(II) For the support by a county of a crime victim assistance	39103
program that is provided and maintained by a county agency or a	39104
private, nonprofit corporation or association under section 307.62	39105
of the Revised Code;	39106
(JJ) For any or all of the purposes set forth in divisions	39107

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(I) and (J) of this section. This division applies only to a township.	39108 39109
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	39110 39111 39112
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	39113 39114
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	39115 39116 39117
(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold agricultural fairs. This division applies only to a county.	39118 39119 39120
(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements, by a board of township trustees;	39121 39122 39123 39124 39125
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township.	39126 39127
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	39128 39129
(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.	39130 39131 39132 39133 39134
<u>(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.</u>	39135 39136
The resolution shall be confined to the purpose or purposes	39137

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described in one division of this section, to which the revenue  
derived therefrom shall be applied. The existence in any other  
division of this section of authority to levy a tax for any part  
or all of the same purpose or purposes does not preclude the use  
of such revenues for any part of the purpose or purposes of the  
division under which the resolution is adopted.

The resolution shall specify the amount of the increase in  
rate that it is necessary to levy, the purpose of that increase in  
rate, and the number of years during which the increase in rate  
shall be in effect, which may or may not include a levy upon the  
duplicate of the current year. The number of years may be any  
number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt  
charges, the increased rate shall be for the life of the  
indebtedness.

(2) When the additional rate is for any of the following, the  
increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention home district, a  
district organized under section 2151.65 of the Revised Code, or a  
combined district organized under sections 2151.34 and 2151.65 of  
the Revised Code;

(b) For providing a county's share of the cost of maintaining  
and operating schools, district detention homes, forestry camps,  
or other facilities, or any combination thereof, established under  
section 2151.34 or 2151.65 of the Revised Code or under both of  
those sections.

(3) When the additional rate is for any of the following, the  
increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or  
(KK) of this section;

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(b) For the maintenance and operation of a joint recreation district;	39168 39169
(c) A levy imposed by a township for the purposes set forth in division (G) of this section.	39170 39171
(4) When the increase is for the purpose set forth in division (D) or (CC) of this section or for both of the purposes set forth in divisions (G) and (OO) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.	39172 39173 39174 39175 39176
(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten.	39177 39178 39179
A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.	39180 39181 39182 39183 39184 39185 39186 39187 39188 39189 39190
A resolution of a detention home district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.34 and 2151.65 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied	39191 39192 39193 39194 39195 39196 39197 39198

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each year for the current expenses and the other purpose or 39199  
purposes shall be limited by the apportionment. 39200

Whenever a board of county commissioners, acting either as 39201  
the taxing authority of its county or as the taxing authority of a 39202  
sewer district or subdistrict created under Chapter 6117. of the 39203  
Revised Code, by resolution declares it necessary to levy a tax in 39204  
excess of the ten-mill limitation for the purpose of constructing, 39205  
improving, or extending sewage disposal plants or sewage systems, 39206  
the tax may be in effect for any number of years not exceeding 39207  
twenty, and the proceeds of the tax, notwithstanding the general 39208  
provisions of this section, may be used to pay debt charges on any 39209  
obligations issued and outstanding on behalf of the subdivision 39210  
for the purposes enumerated in this paragraph, provided that any 39211  
such obligations have been specifically described in the 39212  
resolution. 39213

The resolution shall go into immediate effect upon its 39214  
passage, and no publication of the resolution is necessary other 39215  
than that provided for in the notice of election. 39216

When the electors of a subdivision have approved a tax levy 39217  
under this section, the taxing authority of the subdivision may 39218  
anticipate a fraction of the proceeds of the levy and issue 39219  
anticipation notes in accordance with section 5705.191 or 5705.193 39220  
of the Revised Code. 39221

**Sec. 5705.41.** No subdivision or taxing unit shall: 39222

(A) Make any appropriation of money except as provided in 39223  
Chapter 5705. of the Revised Code; provided, that the 39224  
authorization of a bond issue shall be deemed to be an 39225  
appropriation of the proceeds of the bond issue for the purpose 39226  
for which such bonds were issued, but no expenditure shall be made 39227  
from any bond fund until first authorized by the taxing authority; 39228



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(B) Make any expenditure of money unless it has been	39229
appropriated as provided in such chapter;	39230
(C) Make any expenditure of money except by a proper warrant	39231
drawn against an appropriate fund;	39232
(D)(1) Except as otherwise provided in division (D)(2) of	39233
this section <u>and section 5705.44 of the Revised Code</u> , make any	39234
contract or give any order involving the expenditure of money	39235
unless there is attached thereto a certificate of the fiscal	39236
officer of the subdivision that the amount required to meet the	39237
obligation or, in the case of a continuing contract to be	39238
performed in whole or in part in an ensuing fiscal year, the	39239
amount required to meet the obligation in the fiscal year in which	39240
the contract is made, has been lawfully appropriated for such	39241
purpose and is in the treasury or in process of collection to the	39242
credit of an appropriate fund free from any previous encumbrances.	39243
This certificate need be signed only by the subdivision's fiscal	39244
officer. Every such contract made without such a certificate shall	39245
be void, and no warrant shall be issued in payment of any amount	39246
due thereon. If no certificate is furnished as required, upon	39247
receipt by the taxing authority of the subdivision or taxing unit	39248
of a certificate of the fiscal officer stating that there was at	39249
the time of the making of such contract or order and at the time	39250
of the execution of such certificate a sufficient sum appropriated	39251
for the purpose of such contract and in the treasury or in process	39252
of collection to the credit of an appropriate fund free from any	39253
previous encumbrances, such taxing authority may authorize the	39254
drawing of a warrant in payment of amounts due upon such contract,	39255
but such resolution or ordinance shall be passed within thirty	39256
days from the receipt of such certificate; provided that, if the	39257
amount involved is less than one hundred dollars in the case of	39258
counties or one thousand dollars in the case of all other	39259
subdivisions or taxing units, the fiscal officer may authorize it	39260

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to be paid without such affirmation of the taxing authority of the 39261  
subdivision or taxing unit, if such expenditure is otherwise 39262  
valid. 39263

(2) Annually, the board of county commissioners may adopt a 39264  
resolution exempting for the current fiscal year county purchases 39265  
of seven hundred fifty dollars or less from the requirement of 39266  
division (D)(1) of this section that a certificate be attached to 39267  
any contract or order involving the expenditure of money. The 39268  
resolution shall state the dollar amount that is exempted from the 39269  
certificate requirement and whether the exemption applies to all 39270  
purchases, to one or more specific classes of purchases, or to the 39271  
purchase of one or more specific items. Prior to the adoption of 39272  
the resolution, the board shall give written notice to the county 39273  
auditor that it intends to adopt the resolution. The notice shall 39274  
state the dollar amount that is proposed to be exempted and 39275  
whether the exemption would apply to all purchases, to one or more 39276  
specific classes of purchases, or to the purchase of one or more 39277  
specific items. The county auditor may review and comment on the 39278  
proposal, and shall send any comments to the board within fifteen 39279  
days after receiving the notice. The board shall wait at least 39280  
fifteen days after giving the notice to the auditor before 39281  
adopting the resolution. A person authorized to make a county 39282  
purchase in a county that has adopted such a resolution shall 39283  
prepare and file with the county auditor, within three business 39284  
days after incurring an obligation not requiring a certificate, a 39285  
written document specifying the purpose and amount of the 39286  
expenditure, the date of the purchase, the name of the vendor, and 39287  
such additional information as the auditor of state may prescribe. 39288

(3) Upon certification by the auditor or other chief fiscal 39289  
officer that a certain sum of money, not in excess of five 39290  
thousand dollars, has been lawfully appropriated, authorized, or 39291  
directed for a certain purpose and is in the treasury or in the 39292

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process of collection to the credit of a specific line-item 39293  
appropriation account in a certain fund free from previous and 39294  
then outstanding obligations or certifications, then for such 39295  
purpose and from such line-item appropriation account in such 39296  
fund, over a period not exceeding three months and not extending 39297  
beyond the end of the fiscal year, expenditures may be made, 39298  
orders for payment issued, and contracts or obligations calling 39299  
for or requiring the payment of money made and assumed; provided, 39300  
that the aggregate sum of money included in and called for by such 39301  
expenditures, orders, contracts, and obligations shall not exceed 39302  
the sum so certified. Such a certification need be signed only by 39303  
the fiscal officer of the subdivision or the taxing district and 39304  
may, but need not, be limited to a specific vendor. An itemized 39305  
statement of obligations incurred and expenditures made under such 39306  
certificate shall be rendered to the auditor or other chief fiscal 39307  
officer before another such certificate may be issued, and not 39308  
more than one such certificate shall be outstanding at a time. 39309

In addition to providing the certification for expenditures 39310  
of five thousand dollars or less as provided in this division, a 39311  
subdivision also may make expenditures, issue orders for payment, 39312  
and make contracts or obligations calling for or requiring the 39313  
payment of money made and assumed for specified permitted purposes 39314  
from a specific line-item appropriation account in a specified 39315  
fund for a sum of money exceeding five thousand dollars upon the 39316  
certification by the fiscal officer of the subdivision that this 39317  
sum of money has been lawfully appropriated, authorized, or 39318  
directed for a permitted purpose and is in the treasury or in the 39319  
process of collection to the credit of the specific line-item 39320  
appropriation account in the specified fund free from previous and 39321  
then-outstanding obligations or certifications; provided that the 39322  
aggregate sum of money included in and called for by the 39323  
expenditures, orders, and obligations shall not exceed the 39324

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certified sum. The purposes for which a subdivision may lawfully  
appropriate, authorize, or issue such a certificate are the  
services of an accountant, architect, attorney at law, physician,  
professional engineer, construction project manager, consultant,  
surveyor, or appraiser by or on behalf of the subdivision or  
contracting authority; fuel oil, gasoline, food items, roadway  
materials, and utilities; and any purchases exempt from  
competitive bidding under section 125.04 of the Revised Code and  
any other specific expenditure that is a recurring and reasonably  
predictable operating expense. Such a certification shall not  
extend beyond the end of the fiscal year or, in the case of a  
board of county commissioners that has established a quarterly  
spending plan under section 5705.392 of the Revised Code, beyond  
the quarter to which the plan applies. Such a certificate shall be  
signed by the fiscal officer and may, but need not, be limited to  
a specific vendor. An itemized statement of obligations incurred  
and expenditures made under such a certificate shall be rendered  
to the fiscal officer for each certificate issued. More than one  
such certificate may be outstanding at any time.

In any case in which a contract is entered into upon a per  
unit basis, the head of the department, board, or commission for  
the benefit of which the contract is made shall make an estimate  
of the total amount to become due upon such contract, which  
estimate shall be certified in writing to the fiscal officer of  
the subdivision. Such a contract may be entered into if the  
appropriation covers such estimate, or so much thereof as may be  
due during the current year. In such a case the certificate of the  
fiscal officer based upon the estimate shall be a sufficient  
compliance with the law requiring a certificate.

Any certificate of the fiscal officer attached to a contract  
shall be binding upon the political subdivision as to the facts  
set forth therein. Upon request of any person receiving an order

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or entering into a contract with any political subdivision, the  
certificate of the fiscal officer shall be attached to such order  
or contract. "Contract" as used in this section excludes current  
payrolls of regular employees and officers.

Taxes and other revenue in process of collection, or the  
proceeds to be derived from authorized bonds, notes, or  
certificates of indebtedness sold and in process of delivery,  
shall for the purpose of this section be deemed in the treasury or  
in process of collection and in the appropriate fund. This section  
applies neither to the investment of sinking funds by the trustees  
of such funds, nor to investments made under sections 731.56 to  
731.59 of the Revised Code.

No district authority shall, in transacting its own affairs,  
do any of the things prohibited to a subdivision by this section,  
but the appropriation referred to shall become the appropriation  
by the district authority, and the fiscal officer referred to  
shall mean the fiscal officer of the district authority.

**Sec. 5705.44.** When contracts or leases run beyond the  
termination of the fiscal year in which they are made, the fiscal  
officer of the taxing authority shall make a certification for the  
amount required to meet the obligation of such contract or lease  
maturing in such fiscal year. The amount of the obligation under  
such contract or lease remaining unfulfilled at the end of a  
fiscal year, and which will become payable during the next fiscal  
year, shall be included in the annual appropriation measure for  
the next year as a fixed charge.

The certificate required by section 5705.41 of the Revised  
Code as to money in the treasury shall not be required for  
contracts on which payments are to be made from the earnings of a  
publicly operated water works or public utility, but in the case  
of any such contract made without such certification, no payment

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shall be made on account thereof, and no claim or demand thereon 39388  
 shall be recoverable, except out of such earnings. That 39389  
certificate also shall not be required if requiring the 39390  
certificate makes it impossible for a county board of mental 39391  
retardation and developmental disabilities to pay the nonfederal 39392  
share of medicaid expenditures that the county board is required 39393  
by division (A) of section 5126.056 of the Revised Code to pay. 39394

**Sec. 5709.17.** (A) Real estate held or occupied by an 39395  
 association or corporation, organized or incorporated under the 39396  
 laws of this state relative to soldiers' memorial associations, 39397  
 monumental building associations, or cemetery associations or 39398  
 corporations, which in the opinion of the trustees, directors, or 39399  
 managers thereof is necessary and proper to carry out the object 39400  
 intended for such association or corporation, shall be exempt from 39401  
 taxation. 39402

(B) Real estate and tangible personal property held or 39403  
 occupied by a war veterans' organization, which is organized 39404  
 exclusively for charitable purposes and incorporated under the 39405  
 laws of this state or the United States, except real estate held 39406  
 by such organization for the production of rental income, shall be 39407  
 exempt from taxation. 39408

(C) Tangible personal property held by a corporation 39409  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 39410  
section 501(c)(3) of the Internal Revenue Code, and exempt from 39411  
taxation under section 501(a) of the Internal Revenue Code shall 39412  
be exempt from taxation if it is surplus property obtained as 39413  
described in 112 Stat. 1340, 36 U.S.C.A. 40730. 39414

**Sec. 5721.30.** As used in sections 5721.30 to 5721.42 of the 39415  
 Revised Code: 39416

(A) "Tax certificate," "certificate," or "duplicate 39417

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certificate" means a document which may be issued as a physical certificate, in book-entry form, or through an electronic medium, at the discretion of the county treasurer. Such document shall contain the information required by section 5721.31 of the Revised Code and shall be prepared, transferred, or redeemed in the manner prescribed by sections 5721.30 to 5721.41 of the Revised Code. As used in those sections, "tax certificate," "certificate," and "duplicate certificate" do not refer to the delinquent land tax certificate or the delinquent vacant land tax certificate issued under section 5721.13 of the Revised Code.

(B) "Certificate parcel" means the parcel of delinquent land that is the subject of and is described in a tax certificate.

(C) "Certificate holder" means a person who purchases a tax certificate under section 5721.32 or 5721.33 of the Revised Code, or a person to whom a tax certificate has been transferred pursuant to section 5721.36 of the Revised Code.

(D) "Certificate purchase price" means, with respect to the sale of tax certificates under sections 5721.32 and 5721.33 of the Revised Code, the amount equal to delinquent taxes, assessments, penalties, and interest computed under section 323.121 of the Revised Code charged against a certificate parcel at the time the tax certificate respecting that parcel is sold, not including any delinquent taxes, assessments, penalties, interest, and charges, the lien for which has been conveyed to a certificate holder through a prior sale of a tax certificate respecting that parcel; provided, however, that payment of the certificate purchase price in a sale under section 5721.33 of the Revised Code may be made wholly in cash or partially in cash and partially by noncash consideration acceptable to the county treasurer from the purchaser. In the event that any such noncash consideration is delivered to pay a portion of the certificate purchase price, such noncash consideration may be subordinate to the rights of the

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holders of other obligations whose proceeds paid the cash portion	39450
of the certificate purchase price.	39451
"Certificate purchase price" also includes the amount of the	39452
fee charged by the county treasurer to the purchaser of the	39453
certificate under division (H) of section 5721.32 of the Revised	39454
Code.	39455
(E) With respect to a sale of tax certificates under section	39456
5721.32 of the Revised Code and except as provided in division	39457
(E)(3) of this section, "certificate redemption price" means the	39458
amount determined under division (E)(1) or (2) of this section.	39459
(1) During the first year after the date on which a tax	39460
certificate is sold, the sum of the following:	39461
(a) The certificate purchase price;	39462
(b) The greater of the following:	39463
(i) Interest, at the certificate rate of interest, accruing	39464
during the certificate interest period on the certificate purchase	39465
price;	39466
(ii) Six per cent of the certificate purchase price.	39467
(c) The fee charged by the county treasurer to the purchaser	39468
of the certificate under division (H) of section 5721.32 of the	39469
Revised Code.	39470
(2) After the first year after the date on which a tax	39471
certificate is sold, the sum of the following:	39472
(a)(i) If division (E)(1)(b)(i) applied during the first	39473
year, the certificate purchase price;	39474
(ii) If division (E)(1)(b)(ii) applied during the first year,	39475
the sum of the certificate purchase price plus six per cent of the	39476
certificate purchase price.	39477
(b)(i) If division (E)(1)(b)(i) applied during the first	39478



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year, interest at the certificate rate of interest accruing during	39479
the certificate interest period on the certificate purchase price;	39480
(ii) If division (E)(1)(b)(ii) applied during the first year,	39481
interest at the certificate rate of interest, accruing during the	39482
part of the certificate interest period that begins one year after	39483
the date of the sale of the certificate, on the sum of the	39484
certificate purchase price plus six per cent of the certificate	39485
purchase price.	39486
(c) The fee charged by the county treasurer to the purchaser	39487
of the certificate under division (H) of section 5721.32 of the	39488
Revised Code.	39489
(3) If the certificate rate of interest equals zero, the	39490
certificate redemption price equals the certificate purchase price	39491
plus the fee charged by the county treasurer to the purchaser of	39492
the certificate under division (H) of section 5721.32 of the	39493
Revised Code.	39494
(F) With respect to a sale of tax certificates under section	39495
5721.33 of the Revised Code, "certificate redemption price" means	39496
the amount equal to the sum of the following:	39497
(1) The certificate purchase price;	39498
(2) Interest accrued on the certificate purchase price at the	39499
certificate rate of interest from the date on which a tax	39500
certificate is delivered through and including the day immediately	39501
preceding the day on which the certificate redemption price is	39502
paid;	39503
(3) The fee, if any, charged by the county treasurer to the	39504
purchaser of the certificate under division (J) of section 5721.33	39505
of the Revised Code;	39506
(4) Any other fees charged by any county office in connection	39507
with the recording of tax certificates.	39508

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(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.

(H) "Cash" means United States currency, certified checks, money orders, bank drafts, or electronic transfer of funds, and excludes any other form of payment.

(I) "The date on which a tax certificate is sold," "the date the certificate was sold," "the date the certificate is purchased," and any other phrase of similar content mean, with respect to a sale pursuant to an auction under section 5721.32 of the Revised Code, the date designated by the county treasurer for the submission of bids and, with respect to a negotiated sale under section 5721.33 of the Revised Code, the date of delivery of the tax certificates to the purchasers thereof pursuant to a tax certificate sale/purchase agreement.

(J) "Purchaser of a tax certificate pursuant to section 5721.32 of the Revised Code" means the winning bidder in an auction of a tax certificate held under section 5721.32 of the Revised Code.

(K) "Certificate interest period" means, with respect to a tax certificate sold under section 5721.32 of the Revised Code, the period beginning on the date the certificate is purchased and, with respect to a tax certificate sold under section 5721.33 of the Revised Code, the period beginning on the date of delivery of the tax certificate, and in either case ending on one of the following dates:

(1) In the case of foreclosure proceedings instituted under

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section 5721.37 of the Revised Code, the date the certificate  
holder submits a payment to the treasurer under division (B) of  
that section;

(2) In the case of a certificate parcel redeemed under  
division (A) or (C) of section 5721.38 of the Revised Code, the  
date the owner of record of the certificate parcel, or any other  
person entitled to redeem that parcel, pays to the county  
treasurer or to the certificate holder, as applicable, the full  
amount determined under that section.

(L) "County treasurer" means, with respect to the sale of tax  
certificates under section 5721.32, or 5721.33 of the Revised  
Code, the county treasurer of a county having a population of at  
least two hundred thousand according to the then most recent  
federal decennial census ~~and, with respect to the sale of tax  
certificates under section 5721.33 of the Revised Code, the county  
treasurer of a county having a population of at least one million  
four hundred thousand according to the then most recent federal  
decennial census.~~

(M) "Qualified trustee" means a trust company within the  
state or a bank having the power of a trust company within the  
state with a combined capital stock, surplus, and undivided  
profits of at least one hundred million dollars.

(N) "Tax certificate sale/purchase agreement" means the  
purchase and sale agreement described in division (C) of section  
5721.33 of the Revised Code setting forth the certificate purchase  
price, plus any applicable premium or less any applicable  
discount, including, without limitation, the amount thereof to be  
paid in cash and the amount and nature of any noncash  
consideration, the date of delivery of the tax certificates, and  
the other terms and conditions of the sale, including, without  
limitation, the rate of interest that the tax certificates shall  
bear.

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(O) "Noncash consideration" means any form of consideration 39572  
 other than cash, including, but not limited to, promissory notes 39573  
 whether subordinate or otherwise. 39574

(P) "Private attorney" means for purposes of section 5721.37 39575  
 of the Revised Code, any attorney licensed to practice law in this 39576  
 state, whether practicing with a firm of attorneys or otherwise, 39577  
 whose license has not been revoked or otherwise suspended and who 39578  
 brings foreclosure proceedings pursuant to section 5721.37 of the 39579  
 Revised Code on behalf of a certificate holder. 39580

(Q) "Related certificate parcel" means, with respect to a 39581  
 certificate holder, the certificate parcel with respect to which 39582  
 the certificate holder has purchased and holds a tax certificate 39583  
 pursuant to sections 5721.30 to 5721.41 of the Revised Code and, 39584  
 with respect to a tax certificate, the certificate parcel against 39585  
 which the tax certificate has been sold pursuant to those 39586  
 sections. 39587

**Sec. 5725.31.** (A) As used in this section: 39588

(1) "Eligible employee" and "eligible training costs" have 39589  
 the same meanings as in section 5733.42 of the Revised Code. 39590

(2) "Tax assessed under this chapter" means, in the case of a 39591  
 dealer in intangibles, the tax assessed under sections 5725.13 to 39592  
 5725.17 of the Revised Code and, in the case of a domestic 39593  
 insurance company, the taxes assessed under sections 5725.18 to 39594  
 5725.26 of the Revised Code. 39595

(3) "Taxpayer" means a dealer in intangibles or a domestic 39596  
 insurance company subject to a tax assessed under this chapter. 39597

(4) "Credit period" means, in the case of a dealer in 39598  
 intangibles, the calendar year ending on the thirty-first day of 39599  
 December next preceding the day the report is required to be 39600  
 returned under section 5725.14 of the Revised Code and, in the 39601

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case of a domestic insurance company, the calendar year ending on 39602  
the thirty-first day of December next preceding the day the annual 39603  
statement is required to be returned under section 5725.18 or 39604  
5725.181 of the Revised Code. 39605

(B) There is hereby allowed a nonrefundable credit against 39606  
the tax imposed under this chapter for a taxpayer for which a tax 39607  
credit certificate is issued under section 5733.42 of the Revised 39608  
Code. The credit may be claimed for credit periods beginning on or 39609  
after January 1, ~~2001~~ 2003, and ending on or before December 31, 39610  
~~2003~~ 2005. The amount of the credit shall equal one-half of the 39611  
average of the eligible training costs paid or incurred by the 39612  
taxpayer during the three calendar years ~~immediately preceding~~ 39613  
ending with end of the credit period for which the credit is 39614  
claimed, not to exceed one thousand dollars for each eligible 39615  
employee on account of whom eligible training costs were paid or 39616  
incurred by the taxpayer. The credit claimed by a taxpayer each 39617  
credit period shall not exceed one hundred thousand dollars. 39618

If, on or before June 30, 2001, a taxpayer had properly filed 39619  
an application for the credit period ending on December 31, 2001, 39620  
or December 31, 2002, as provided in division (C) of section 39621  
5733.42 of the Revised Code, the director of job and family 39622  
services may authorize a credit for that credit period subject to 39623  
the limitations and requirements of this section and section 39624  
5733.42 of the Revised Code, but the tax credit certificate issued 39625  
for that period may be applied only to the taxpayer's tax 39626  
liability for business done in this state during calendar year 39627  
2003. The credit claimed by such a taxpayer shall be computed in 39628  
the manner prescribed by this section; is subject to the 39629  
limitations of this section on the amount of the credit for each 39630  
eligible employee and for each credit period; and shall be in 39631  
addition to any credit claimed by the taxpayer under this section 39632  
for the credit period beginning January 1, 2003, and, for the 39633

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purpose of the limitation on the amount of the credit that may be 39634  
claimed by a taxpayer for a credit period, the credit claimed for 39635  
the credit period ending on December 31, 2001, or December 31, 39636  
2002, shall not be considered as being claimed for the credit 39637  
period beginning on January 1, 2003. 39638

A taxpayer shall apply to the director of job and family 39639  
 services for a tax credit certificate in the manner prescribed by 39640  
 division (C) of section 5733.42 of the Revised Code. Divisions (C) 39641  
 to (H) of that section govern the tax credit allowed by this 39642  
 section, except that "credit period" shall be substituted for "tax 39643  
 year with respect to a calendar year" wherever that phrase appears 39644  
 in those divisions and that a taxpayer under this section shall be 39645  
 considered a taxpayer for the purposes of that section. 39646

A taxpayer may carry forward the credit allowed under this 39647  
 section to the extent that the credit exceeds the taxpayer's tax 39648  
 due for the credit period. The taxpayer may carry the excess 39649  
 credit forward for three credit periods following the credit 39650  
 period for which the credit is first claimed under this section. 39651  
 The credit allowed by this section is in addition to any credit 39652  
 allowed under section 5729.031 of the Revised Code. 39653

**Sec. 5727.25.** (A) Except as provided in division (B) of this 39654  
 section, within forty-five days after the last day of March, June, 39655  
 September, and December, each natural gas company or combined 39656  
 company subject to the excise tax imposed by section 5727.24 of 39657  
 the Revised Code shall file a return with the ~~treasurer of state~~ 39658  
tax commissioner, in such form as the tax commissioner prescribes, 39659  
 and pay the full amount of the tax due on its taxable gross 39660  
 receipts for the preceding calendar quarter, except that the first 39661  
 payment of this tax shall be made on or before November 15, 2000, 39662  
 for the five-month period of May 1, 2000, to September 30, 2000. 39663  
 All payments made under this division shall be made by electronic 39664

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funds transfer in accordance with section 5727.311 of the Revised Code. 39665  
39666

(B) Any natural gas company or combined company subject to 39667  
the excise tax imposed by this section that has an annual tax 39668  
liability for the preceding calendar year ending on the 39669  
thirty-first day of December of less than three hundred 39670  
twenty-five thousand dollars may elect to file an annual return 39671  
with the ~~treasurer of state~~ tax commissioner, in such form as the 39672  
tax commissioner prescribes, for the next year. A company that 39673  
elects to file an annual return for the calendar year shall file 39674  
the return and remit the taxes due on its taxable gross receipts 39675  
within forty-five days after the thirty-first day of December. The 39676  
first payment of the tax under this division shall be made on or 39677  
before February 14, 2001, for the period of May 1, 2000, to 39678  
December 31, 2000. The minimum tax for a natural gas company or 39679  
combined company subject to this division shall be fifty dollars, 39680  
and the company shall not be required to remit the tax due by 39681  
electronic funds transfer. 39682

(C) A return required to be filed under division (A) or (B) 39683  
of this section shall show the amount of tax due from the company 39684  
for the period covered by the return and any other information as 39685  
prescribed by the tax commissioner. A return shall be considered 39686  
filed when received by the ~~treasurer of state~~ tax commissioner. 39687  
The commissioner may extend the time for making and filing returns 39688  
and paying the tax. 39689

(D) Any natural gas company or combined company that fails to 39690  
file a return or pay the full amount of the tax due within the 39691  
period prescribed under this section shall pay an additional 39692  
charge of fifty dollars or ten per cent of the tax required to be 39693  
paid for the reporting period, whichever is greater. If any tax 39694  
due is not paid timely in accordance with this section, the 39695  
company liable for the tax shall pay interest, calculated at the 39696

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rate per annum prescribed by section 5703.47 of the Revised Code, 39697  
 from the date the tax payment was due to the date of payment or to 39698  
 the date an assessment was issued, whichever occurs first. The tax 39699  
 commissioner may collect any additional charge or interest imposed 39700  
 by this section by assessment in the manner provided in section 39701  
 5727.26 of the Revised Code. The commissioner may abate all or a 39702  
 portion of the additional charge and may adopt rules governing 39703  
 such abatements. 39704

(E) The tax commissioner shall immediately forward to the 39705  
treasurer of state any amounts that the commissioner receives 39706  
under this section. The taxes, additional charges, penalties, and 39707  
 interest collected under sections 5727.24 to 5727.29 of the 39708  
 Revised Code shall be credited in accordance with section 5727.45 39709  
 of the Revised Code. 39710

**Sec. 5727.26.** (A) The tax commissioner may make an 39711  
 assessment, based on any information in the commissioner's 39712  
 possession, against any natural gas company or combined company 39713  
 that fails to file a return or pay any tax, interest, or 39714  
 additional charge as required by sections 5727.24 to 5727.29 of 39715  
 the Revised Code. The commissioner shall give the company assessed 39716  
 written notice of the assessment as provided in section 5703.37 of 39717  
 the Revised Code. A penalty of up to fifteen per cent may be added 39718  
 to all amounts assessed under this section. The tax commissioner 39719  
 may adopt rules providing for the imposition and remission of the 39720  
 penalty. 39721

(B) If a party to whom the notice of assessment is directed 39722  
 objects to the assessment, the party may file a petition for 39723  
 reassessment with the tax commissioner. The petition must be made 39724  
 in writing, signed by the party or the party's authorized agent 39725  
 having knowledge of the facts, and filed with the commissioner, 39726  
 either personally or by certified mail, within sixty days after 39727



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service of the notice of assessment. The petition shall indicate 39728  
the objections of the company assessed, but additional objections 39729  
may be raised in writing if received prior to the date shown on 39730  
the final determination of the commissioner. Upon receipt of a 39731  
properly filed petition, the commissioner ~~shall~~ may notify the 39732  
treasurer of state. 39733

Unless the petitioner waives a hearing, the commissioner 39734  
shall grant the petitioner a hearing on the petition, assign a 39735  
time and place for the hearing, and notify the petitioner of the 39736  
time and place of the hearing as provided in section 5703.37 of 39737  
the Revised Code. The commissioner may continue the hearing from 39738  
time to time, if necessary. 39739

If the party to whom the notice of assessment is directed 39740  
does not file a petition for reassessment, the assessment is final 39741  
and the amount of the assessment is due and payable from the 39742  
company assessed ~~to the treasurer of state. The company assessed~~ 39743  
shall make the payment payable to the treasurer of state and shall 39744  
deliver the payment to the tax commissioner. 39745

(C) The tax commissioner may make any correction to the 39746  
assessment that the commissioner finds proper and shall issue a 39747  
final determination thereon. The commissioner shall serve a copy 39748  
of the final determination on the petitioner as provided in 39749  
section 5703.37 of the Revised Code, and the commissioner's 39750  
decision in the matter is final, subject to appeal under section 39751  
5717.02 of the Revised Code. The commissioner ~~also shall~~ may 39752  
transmit a copy of the final determination to the treasurer of 39753  
state. Only objections decided on the merits by the board of tax 39754  
appeals or a court shall be given collateral estoppel or res 39755  
judicata effect in considering an application for refund of an 39756  
amount paid pursuant to the assessment. 39757

(D) After an assessment becomes final, if any portion of the 39758  
assessment, including accrued interest, remains unpaid, a 39759

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certified copy of the tax commissioner's entry making the  
assessment final may be filed in the office of the clerk of the  
court of common pleas in the county in which the natural gas  
company's or combined company's principal place of business is  
located, or in the office of the clerk of court of common pleas of  
Franklin county.

The clerk, immediately on the filing of the entry, must enter  
judgment for the state against the company assessed in the amount  
shown on the entry. The judgment may be filed by the clerk in a  
loose-leaf book entitled, "special judgments for the public  
utility excise tax on natural gas and combined companies," and  
shall have the same effect as other judgments. Execution shall  
issue upon the judgment at the request of the tax commissioner,  
and all laws applicable to sales on execution shall apply to sales  
made under the judgment.

The portion of the assessment not paid within sixty days  
after the day the assessment was issued shall bear interest at the  
rate per annum prescribed by section 5703.47 of the Revised Code  
from the day the tax commissioner issues the assessment until it  
is paid. Interest shall be paid in the same manner as the tax and  
may be collected by the issuance of an assessment under this  
section.

(E) If the tax commissioner believes that collection of the  
tax will be jeopardized unless proceedings to collect or secure  
collection of the tax are instituted without delay, the  
commissioner may issue a jeopardy assessment against the person  
liable for the tax. On issuance of the jeopardy assessment, the  
commissioner immediately shall file an entry with the clerk of the  
court of common pleas in the manner prescribed by division (D) of  
this section. Notice of the jeopardy assessment shall be served on  
the party assessed or the party's legal representative as provided  
in section 5703.37 of the Revised Code within five days of the

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filing of the entry with the clerk. The total amount assessed is 39792  
 immediately due and payable, unless the person assessed files a 39793  
 petition for reassessment in accordance with division (B) of this 39794  
 section and provides security in a form satisfactory to the 39795  
 commissioner and in an amount sufficient to satisfy the unpaid 39796  
 balance of the assessment. Full or partial payment of the 39797  
 assessment does not prejudice the commissioner's consideration of 39798  
 the petition for reassessment. 39799

(F) ~~All interest collected by the~~ The tax commissioner shall 39800  
~~immediately forward to the treasurer of state all amounts that the~~ 39801  
~~tax commissioner receives~~ under this section shall be paid to the 39802  
~~treasurer of state, and when paid such amounts~~ shall be considered 39803  
 revenue arising from the tax imposed by section 5727.24 of the 39804  
 Revised Code. 39805

(G) No assessment shall be made or issued against a natural 39806  
 gas company or combined company for the tax imposed by section 39807  
 5727.24 of the Revised Code more than four years after the return 39808  
 date for the period in which the tax was reported, or more than 39809  
 four years after the return for the period was filed, whichever is 39810  
 later. 39811

**Sec. 5727.81.** (A) For the purpose of raising revenue for 39812  
 public education and state and local government operations, an 39813  
 excise tax is hereby levied and imposed on an electric 39814  
 distribution company for all electricity distributed by such 39815  
 company beginning with the measurement period that includes May 1, 39816  
 2001, at the following rates per kilowatt hour of electricity 39817  
 distributed in a thirty-day period by the company through a meter 39818  
 of an end user in this state: 39819

KILOWATT HOURS DISTRIBUTED TO	RATE PER	39820
AN END USER	KILOWATT HOUR	39821
For the first 2,000	\$.00465	39822

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For the next 2,001 to 15,000	\$ .00419	39823
For 15,001 and above	\$ .00363	39824

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state.

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the ~~treasurer of state~~ tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

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,

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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

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industrial purchaser's receipt of electricity through a meter of 39884  
an end user in this state or through more than one meter at a 39885  
single location in this state in a quantity that exceeds 39886  
forty-five million kilowatt hours of electricity over the course 39887  
of the preceding calendar year, or any commercial or industrial 39888  
purchaser that will consume more than forty-five million kilowatt 39889  
hours of electricity over the course of the succeeding twelve 39890  
months as estimated by the tax commissioner. The tax commissioner 39891  
shall make such an estimate upon the written request by an 39892  
applicant for registration as a self-assessing purchaser under 39893  
this division. Such a purchaser may elect to self-assess the 39894  
excise tax imposed by this section at the rate of \$.00075 per 39895  
kilowatt hour on ~~not more than~~ the first five hundred four million 39896  
kilowatt hours distributed to that meter or location during the 39897  
registration year, and four per cent of the total price of all 39898  
electricity distributed to that meter or location. A qualified end 39899  
user that receives electricity through a meter of an end user in 39900  
this state or through more than one meter at a single location in 39901  
this state and that consumes, over the course of the previous 39902  
calendar year, more than forty-five million kilowatt hours in 39903  
other than its qualifying manufacturing process, may elect to 39904  
self-assess the tax as allowed by this division with respect to 39905  
the electricity used in other than its qualifying manufacturing 39906  
process. Payment of the tax shall be made directly to the tax 39907  
commissioner in accordance with divisions (A)(4) and (5) of 39908  
section 5727.82 of the Revised Code, or the treasurer of state in 39909  
accordance with ~~divisions (A)(4) and (5) of section 5727.82~~ 39910  
5727.83 of the Revised Code. If the electric distribution company 39911  
serving the self-assessing purchaser is a municipal electric 39912  
utility and the purchaser is within the municipal corporation's 39913  
corporate limits, payment shall be made to such municipal 39914  
corporation's general fund and reports shall be filed in 39915  
accordance with divisions (A)(4) and (5) of section 5727.82 of the 39916

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Revised Code, except that "municipal corporation" shall be 39917  
substituted for "treasurer of state" and "tax commissioner." A 39918  
self-assessing purchaser that pays the excise tax as provided in 39919  
this division shall not be required to pay the tax to the electric 39920  
distribution company from which its electricity is distributed. If 39921  
a self-assessing purchaser's receipt of electricity is not subject 39922  
to the tax as measured under this division, the tax on the receipt 39923  
of such electricity shall be measured and paid as provided in 39924  
division (A) of this section. 39925

(3) In the case of the acquisition of a package, unless the 39926  
elements of the package are separately stated isolating the total 39927  
price of electricity from the price of the remaining elements of 39928  
the package, the tax imposed under this section applies to the 39929  
entire price of the package. If the elements of the package are 39930  
separately stated, the tax imposed under this section applies to 39931  
the total price of the electricity. 39932

(4) Any electric supplier that sells electricity as part of a 39933  
package shall separately state to the purchaser the total price of 39934  
the electricity and, upon request by the tax commissioner, the 39935  
total price of each of the other elements of the package. 39936

(5) The tax commissioner may adopt rules relating to the 39937  
computation of the total price of electricity with respect to 39938  
self-assessing purchasers, which may include rules to establish 39939  
the total price of electricity purchased as part of a package. 39940

(6) ~~Application~~ An annual application for registration as a 39941  
self-assessing purchaser shall be made for each qualifying meter 39942  
or location, on a form prescribed by the tax commissioner. The 39943  
registration year begins on the first day of may and ends on the 39944  
following thirtieth day of April. Persons may apply after the 39945  
first day of May for the remainder of the registration year. In 39946  
the case of an applicant applying on the basis of an estimated 39947  
consumption of forty-five million kilowatt hours over the course 39948

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of the succeeding twelve months, the applicant shall provide such 39949  
information as the tax commissioner considers to be necessary to 39950  
estimate such consumption. At the time of making the application 39951  
and by the first day of May of each year, excluding May 1, 2000, a 39952  
self-assessing purchaser shall pay a fee of five hundred dollars 39953  
to the tax commissioner, or to the treasurer of state as provided 39954  
in section 5727.83 of the Revised Code, for each qualifying meter 39955  
or location. The tax commissioner shall immediately pay to the 39956  
treasurer of state all amounts that the tax commissioner receives 39957  
under this section. The treasurer of state shall deposit such ~~fees~~ 39958  
amounts into the kilowatt hour excise tax administration fund, 39959  
which is hereby created in the state treasury. Money in the fund 39960  
shall be used to defray the tax commissioner's cost in 39961  
administering the tax owed under section 5727.81 of the Revised 39962  
Code by self-assessing purchasers. After the application is 39963  
approved by the tax commissioner, the registration shall remain in 39964  
effect for the current registration year, or until canceled by the 39965  
registrant upon written notification to the commissioner of the 39966  
election to pay the tax in accordance with division (A) of this 39967  
section, or until canceled by the tax commissioner for not paying 39968  
the tax or fee under division (C) of this section, or for not 39969  
meeting the qualifications in division (C)(2) of this section. The 39970  
tax commissioner shall give written notice to the electric 39971  
distribution company from which electricity is delivered to a 39972  
self-assessing purchaser of the purchaser's self-assessing status, 39973  
and the electric distribution company is relieved of the 39974  
obligation to pay the tax imposed by division (A) of this section 39975  
for electricity distributed to that self-assessing purchaser until 39976  
it is notified by the tax commissioner that the self-assessing 39977  
purchaser's registration is canceled. Within fifteen days of 39978  
notification of the canceled registration, the electric 39979  
distribution company shall be responsible for payment of the tax 39980  
imposed by division (A) of this section on electricity distributed 39981



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to a purchaser that is no longer registered as a self-assessing purchaser. A self-assessing purchaser with a canceled registration must file a report and remit the tax imposed by division (A) of this section on all electricity it receives for any measurement period prior to the tax being reported and paid by the electric distribution company. A self-assessing purchaser whose registration is canceled by the tax commissioner is not eligible to register as a self-assessing purchaser for two years after the registration is canceled.

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the course of the twelve-month period for which the estimate was made, the tax commissioner shall assess and collect from the purchaser the difference between (a) the amount of tax that would have been payable under division (A) of this section on the electricity distributed to the purchaser during that period and (b) the amount of tax paid by the purchaser on such electricity pursuant to division (C)(2)(a) of this section. The assessment shall be paid within sixty days after the tax commissioner issues it, regardless of whether the purchaser files a petition for reassessment under section 5727.89 of the Revised Code covering that period. If the purchaser does not pay the assessment within the time prescribed, the amount assessed is subject to the additional charge and the interest prescribed by divisions (B) and (C) of section 5727.82 of the Revised Code, and is subject to assessment under section 5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to the distribution of any kilowatt hours of electricity to the federal

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government, to an end user located at a federal facility that uses  
 electricity for the enrichment of uranium, to a qualified  
 regeneration meter, or to an end user for any day the end user is  
 a qualified end user. The exemption under this division for a  
 qualified end user only applies to the manufacturing location  
 where the qualified end user uses more than three million kilowatt  
 hours per day in a qualifying manufacturing process.

**Sec. 5727.811.** (A) For the purpose of raising revenue for  
 public education and state and local government operations, an  
 excise tax is hereby levied on every natural gas distribution  
 company for all natural gas volumes billed by, or on behalf of,  
 the company ~~on and after~~ beginning with the measurement period  
that includes July 1, 2001. Except as provided in divisions (C) or  
 (D) of this section, the tax shall be levied at the following  
 rates per MCF of natural gas distributed by the company through a  
 meter of an end user in this state:

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	
For the next 101 to 2000 MCF per month	\$.0877	
For 2001 and above MCF per month	\$.0411	

If no meter is used to measure the MCF of natural gas  
 distributed by the company, the rates shall apply to the estimated  
 MCF of natural gas distributed to an unmetered location in this  
 state.

(B) A natural gas distribution company shall base the tax on  
 the MCF of natural gas distributed to an end user through the  
 meter of the end user in this state that is estimated to be  
 consumed by the end user as reflected on the end user's customer  
 statement from the natural gas distribution company. The natural  
 gas distribution company shall pay the tax levied by this section  
 to the ~~treasurer of state~~ tax commissioner in accordance with

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section 5727.82 of the Revised Code unless required to remit 40045  
payment to the treasurer of state in accordance with section 40046  
5727.83 of the Revised Code. 40047

(C) A natural gas distribution company with fifty thousand 40048  
customers or less may elect to apply the rates specified in 40049  
division (A) of this section to the aggregate of the natural gas 40050  
distributed by the company through the meter of all its customers 40051  
in this state, and upon such election, this method shall be used 40052  
to determine the amount of tax to be paid by such company. 40053

(D) A natural gas distribution company shall pay the tax 40054  
imposed by this section at the rate of \$.02 per MCF of natural gas 40055  
distributed by the company through the meter of a flex customer. 40056  
The natural gas distribution company correspondingly shall reduce 40057  
the per MCF rate that it charges the flex customer for natural gas 40058  
distribution services by \$.02 per MCF of natural gas distributed 40059  
to the flex customer. 40060

(E) Except as provided in division (F) of this section, each 40061  
natural gas distribution company shall pay the tax imposed by this 40062  
section in all of the following circumstances: 40063

(1) The natural gas is distributed by the company through a 40064  
meter of an end user in this state; 40065

(2) The natural gas distribution company is distributing 40066  
natural gas through a meter located in another state, but the 40067  
natural gas is consumed in this state in the manner prescribed by 40068  
the tax commissioner; 40069

(3) The natural gas distribution company is distributing 40070  
natural gas in this state without the use of a meter, but the 40071  
natural gas is consumed in this state as estimated and in the 40072  
manner prescribed by the tax commissioner. 40073

(F) The tax levied by this section does not apply to the 40074  
distribution of natural gas to the federal government, or natural 40075

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gas produced by an end user in this state that is consumed by that  
end user or its affiliates and is not distributed through the  
facilities of a natural gas company.

**Sec. 5727.82.** (A)(1) Except as provided in divisions (A)(3)  
and (D) of this section, by the twentieth day of each month, each  
electric distribution company required to pay the tax imposed by  
section 5727.81 of the Revised Code shall file with the ~~treasurer~~  
~~of state~~ tax commissioner a return as prescribed by the tax  
commissioner and shall make payment of the full amount of tax due  
for the preceding month. The first payment of this tax shall be  
made on or before June 20, 2001. The electric distribution company  
shall make payment to the tax commissioner unless required to  
remit each tax payment by electronic funds transfer to the  
treasurer of state as provided in section 5727.83 of the Revised  
Code.

(2) By the twentieth day of May, August, November, and  
February, each natural gas distribution company required to pay  
the tax imposed by section 5727.81 of the Revised Code shall file  
with the ~~treasurer of state~~ tax commissioner a return as  
prescribed by the tax commissioner and shall make payment to the  
tax commissioner, or to the treasurer of state as provided in  
section 5727.83 of the Revised Code, of the full amount of tax due  
for the preceding quarter. The first payment of this tax shall be  
made on or before November 20, 2001, for the quarter ending  
September 30, 2001.

(3) If the electric distribution company required to pay the  
tax imposed by section 5727.81 of the Revised Code is a municipal  
electric utility, it may retain in its general fund that portion  
of the tax on the kilowatt hours distributed to end users located  
within the boundaries of the municipal corporation. However, the  
municipal electric utility shall make payment in accordance with

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division (A)(1) of this section of the tax due on the kilowatt  
 hours distributed to end users located outside the boundaries of  
 the municipal corporation.

(4) By the twentieth day of each month, each self-assessing  
 purchaser that under division (C) of section 5727.81 of the  
 Revised Code pays directly to the tax commissioner or the  
 treasurer of state the tax imposed by section 5727.81 of the  
 Revised Code shall file with the ~~treasurer of state tax~~  
commissioner a return as prescribed by the tax commissioner and  
 shall make payment of the full amount of the tax due for the  
 preceding month.

(5) As prescribed by the tax commissioner, a return shall be  
 signed by the company or self-assessing purchaser required to file  
 it, or an authorized employee, officer, or agent of the company or  
 purchaser. ~~The treasurer of state shall mark on the return the~~  
~~date it was received and indicate payment or nonpayment of the tax~~  
~~shown to be due on the return. The treasurer of state immediately~~  
~~shall transmit all returns to the tax commissioner.~~ The return  
 shall be deemed filed when received by the ~~treasurer of state tax~~  
commissioner.

(B) Any natural gas distribution company, electric  
 distribution company, or self-assessing purchaser required by this  
 section to file a return who fails to file it and pay the tax  
 within the period prescribed shall pay an additional charge of  
 fifty dollars or ten per cent of the tax required to be paid for  
 the reporting period, whichever is greater. The tax commissioner  
 may collect the additional charge by assessment pursuant to  
 section 5727.89 of the Revised Code. The commissioner may abate  
 all or a portion of the additional charge and may adopt rules  
 governing such abatements.

(C) If any tax due is not paid timely in accordance with this  
 section, the natural gas distribution company, electric

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distribution company, or self-assessing purchaser liable for the tax shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from the date the tax payment was due to the date of payment or to the date an assessment is issued, whichever occurs first. Interest shall be paid in the same manner as the tax, and the commissioner may collect the interest by assessment pursuant to section 5727.89 of the Revised Code.

(D) Not later than the tenth day of each month, a qualified end user not making the election to self-assess under division (C) of section 5727.81 of the Revised Code shall report in writing to the electric distribution company that distributes electricity to the end user the kilowatt hours that were consumed as a qualified end user in a qualifying manufacturing process for the prior month and the number of days, if any, on which the end user was not a qualified end user. For each calendar day during that month, a qualified end user shall report the kilowatt hours that were not used in a qualifying manufacturing process. For each calendar day the end user was not a qualified end user, the end user shall report in writing to the electric distribution company the total number of kilowatt hours used on that day, and the electric distribution company shall pay the tax imposed under section 5727.81 of the Revised Code on each kilowatt hour that was not distributed to a qualified end user in a qualifying manufacturing process. The electric distribution company may rely in good faith on a qualified end user's report filed under this division. If it is determined that the end user was not a qualified end user for any calendar day or the quantity of electricity used by the qualified end user in a qualifying manufacturing process was overstated, the tax commissioner shall assess and collect any tax imposed under section 5727.81 of the Revised Code directly from the qualified end user. As requested by the commissioner, each end

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user reporting to an electric distribution company that it is a 40171  
 qualified end user shall provide documentation to the commissioner 40172  
 that establishes the volume of electricity consumed daily by the 40173  
 qualified end user and the total number of kilowatt hours consumed 40174  
 in a qualifying manufacturing process. 40175

(E) The tax commissioner shall immediately pay to the 40176  
treasurer of state all amounts that the tax commissioner receives 40177  
under this section. The treasurer of state shall credit such 40178  
amounts in accordance with this chapter. 40179

**Sec. 5727.84.** (A) As used in this section and sections 40180  
 5727.85, 5727.86, and 5727.87 of the Revised Code: 40181

(1) "School district" means a city, local, or exempted 40182  
 village school district. 40183

(2) "Joint vocational school district" means a joint 40184  
 vocational school district created under section 3311.16 of the 40185  
 Revised Code, and includes a cooperative education school district 40186  
 created under section 3311.52 or 3311.521 of the Revised Code and 40187  
 a county school financing district created under section 3311.50 40188  
 of the Revised Code. 40189

(3) "Local taxing unit" means a subdivision or taxing unit, 40190  
 as defined in section 5705.01 of the Revised Code, a park district 40191  
 created under Chapter 1545. of the Revised Code, or a township 40192  
 park district established under section 511.23 of the Revised 40193  
 Code, but excludes school districts and joint vocational school 40194  
 districts. 40195

(4) "State education aid" means the sum of ~~the state basic~~ 40196  
~~aid and state special education aid~~ amounts computed for a school 40197  
~~district or joint vocational school district~~ under ~~divisions (A)~~ 40198  
~~and (C) of section 3317.022 Chapter 3317.~~ of the Revised Code. 40199

(5) "State education aid offset" means the amount certified 40200

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- for each school district under division (A)(1) of section 5727.85 of the Revised Code. 40201  
40202
- (6) "~~Adjusted total taxable value~~ Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code. 40203  
40204
- (7) "Electric company tax value loss" means the amount determined under division (D) of this section. 40205  
40206
- (8) "Natural gas company tax value loss" means the amount determined under division (E) of this section. 40207  
40208
- (9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss. 40209  
40210
- (10) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy. 40211  
40212
- (11) "Fixed-rate levy loss" means the amount determined under division (G) of this section. 40213  
40214
- (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. 40215  
40216  
40217  
40218  
40219
- (13) "Fixed-sum levy loss" means the amount determined under division (H) of this section. 40220  
40221
- (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. 40222  
40223  
40224
- (B) All money arising from the tax imposed by section 5727.81 of the Revised Code shall be credited as follows: 40225  
40226
- (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 40227  
40228  
40229



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revenue fund.	40230
(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.	40231 40232 40233
(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.	40234 40235 40236 40237
(4) Twenty-five and nine-tenths per cent, less an amount equal to seventy per cent of the total state education aid offset, shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	40238 40239 40240 40241 40242 40243
(5) Eleven and one-tenth per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code.	40244 40245 40246 40247
(6) 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 5727.81 of the Revised Code is less than five hundred fifty-two million dollars, the amount credited to the general revenue fund under division (B)(1) of this section shall be reduced by the amount necessary to credit to each of the funds in divisions (B)(2), (3), (4), and (5) of this section the amount it would have received if the tax did raise five hundred fifty-two 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.	40248 40249 40250 40251 40252 40253 40254 40255 40256 40257 40258 40259
(C) All money arising from the tax imposed by section	40260

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5727.811 of the Revised Code shall be credited as follows: 40261

(1) Seventy per cent, less an amount equal to thirty per cent 40262  
of the total state education aid offset, shall be credited to the 40263  
school district property tax replacement fund for the purpose of 40264  
making the payments described in section 5727.85 of the Revised 40265  
Code. 40266

(2) Thirty per cent shall be credited to the local government 40267  
property tax replacement fund for the purpose of making the 40268  
payments described in section 5727.86 of the Revised Code. 40269

(3) An amount equal to thirty per cent of the total state 40270  
education aid offset shall be credited to the general revenue 40271  
fund. 40272

(4) Beginning in the fiscal year in which payments are 40273  
required to be made under sections 5727.85 and 5727.86 of the 40274  
Revised Code, if the revenue arising from the tax levied by 40275  
section 5727.811 of the Revised Code is less than ninety million 40276  
dollars, the amount credited to the general revenue fund under 40277  
division (C)(3) of this section shall be reduced by the amount 40278  
necessary to credit to each of the funds in divisions (C)(1) and 40279  
(2) of this section the amount that it would have received if the 40280  
tax did raise ninety million dollars for that fiscal year. The tax 40281  
commissioner shall certify to the director of budget and 40282  
management the amounts that shall be credited under this division. 40283

(D) Not later than January 1, 2002, the tax commissioner 40284  
shall determine for each taxing district its electric company tax 40285  
value loss, which is the sum of the amounts described in divisions 40286  
(D)(1) and (2) of this section: 40287

(1) The difference obtained by subtracting the amount 40288  
described in division (D)(1)(b) from the amount described in 40289  
division (D)(1)(a) of this section. 40290

(a) The value of electric company and rural electric company 40291

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tangible personal property as assessed by the tax commissioner for 40292  
tax year 1998 on a preliminary assessment, or an amended 40293  
preliminary assessment if issued prior to March 1, 1999, and as 40294  
apportioned to the taxing district for tax year 1998; 40295

(b) The value of electric company and rural electric company 40296  
tangible personal property as assessed by the tax commissioner for 40297  
tax year 1998 had the property been apportioned to the taxing 40298  
district for tax year 2001, and assessed at the rates in effect 40299  
for tax year 2001. 40300

(2) The difference obtained by subtracting the amount 40301  
described in division (D)(2)(b) from the amount described in 40302  
division (D)(2)(a) of this section. 40303

(a) The three-year average for tax years 1996, 1997, and 1998 40304  
of the assessed value from nuclear fuel materials and assemblies 40305  
assessed against a person under Chapter 5711. of the Revised Code 40306  
from the leasing of them to an electric company for those 40307  
respective tax years, as reflected in the preliminary assessments; 40308  
40309

(b) The three-year average assessed value from nuclear fuel 40310  
materials and assemblies assessed under division (D)(2)(a) of this 40311  
section for tax years 1996, 1997, and 1998, as reflected in the 40312  
preliminary assessments, using an assessment rate of twenty-five 40313  
per cent. 40314

(E) Not later than January 1, 2002, the tax commissioner 40315  
shall determine for each taxing district its natural gas company 40316  
tax value loss, which is the sum of the amounts described in 40317  
divisions (E)(1) and (2) of this section: 40318

(1) The difference obtained by subtracting the amount 40319  
described in division (E)(1)(b) from the amount described in 40320  
division (E)(1)(a) of this section. 40321

(a) The value of all natural gas company tangible personal 40322

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property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2000, and apportioned to the taxing district for tax year 1999;

(b) The value of all natural gas company tangible personal property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school

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district, and local taxing unit its fixed-rate levy loss, which is 40354  
the sum of its electric company tax value loss multiplied by the 40355  
tax rate in effect in tax year 1998 for fixed-rate levies and its 40356  
natural gas company tax value loss multiplied by the tax rate in 40357  
effect in tax year 1999 for fixed-rate levies. 40358

(H) Not later than January 1, 2002, the tax commissioner 40359  
shall determine for each school district, joint vocational school 40360  
district, and local taxing unit its fixed-sum levy loss, which is 40361  
the amount obtained by subtracting the amount described in 40362  
division (H)(2) of this section from the amount described in 40363  
division (H)(1) of this section: 40364

(1) The sum of the electric company tax value loss multiplied 40365  
by the tax rate in effect in tax year 1998, and the natural gas 40366  
company tax value loss multiplied by the tax rate in effect in tax 40367  
year 1999, for fixed-sum levies for all taxing districts within 40368  
each school district, joint vocational school district, and local 40369  
taxing unit. For the years 2002 through 2006, this computation 40370  
shall include school district emergency levies that existed in 40371  
1998 in the case of the electric company tax value loss, and 1999 40372  
in the case of the natural gas company tax value loss, and all 40373  
other fixed-sum levies that existed in 1998 in the case of the 40374  
electric company tax value loss and 1999 in the case of the 40375  
natural gas company tax value loss and continue to be charged in 40376  
the tax year preceding the distribution year. For the years 2007 40377  
through 2016 in the case of school district emergency levies, and 40378  
for all years after 2006 in the case of all other fixed-sum 40379  
levies, this computation shall exclude all fixed-sum levies that 40380  
existed in 1998 in the case of the electric company tax value loss 40381  
and 1999 in the case of the natural gas company tax value loss, 40382  
but are no longer in effect in the tax year preceding the 40383  
distribution year. For the purposes of this section, an emergency 40384  
levy that existed in 1998 in the case of the electric company tax 40385

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value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.

(2) The total taxable value in tax year 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas

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company tax value loss, but the 2000 tax rate shall not include 40418  
 for this purpose any tax levy approved by the voters after 40419  
 November 7, 2000. 40420

(J) Not later than January 1, 2002, the tax commissioner 40421  
 shall certify to the department of education the tax value loss 40422  
 determined under divisions (D) and (E) of this section for each 40423  
 taxing district. 40424

**Sec. 5727.85.** (A) By the thirty-first day of July of each 40425  
 year, beginning in 2002 and ending in 2016, the department of 40426  
 education shall determine the following for each school district 40427  
 eligible for payment under division (C) of this section: 40428

(1) The state education aid offset, which is the difference 40429  
 obtained by subtracting the amount described in division (A)(1)(b) 40430  
 of this section from the amount described in division (A)(1)(a) of 40431  
 this section: 40432

(a) The state education aid computed for the school district 40433  
 for the current fiscal year on the basis of ~~the adjusted total~~ 40434  
~~taxable value~~ recognized valuation; 40435

(b) The state education aid that would be computed for the 40436  
 school district for the current fiscal year if the district's 40437  
~~adjusted total taxable value~~ recognized valuation included the tax 40438  
 value loss for all taxing districts in the school district. 40439

(2) The difference obtained by subtracting the state 40440  
 education aid offset determined under division (A)(1) of this 40441  
 section from the fixed-rate levy loss determined under division 40442  
 (G) of section 5727.84 of the Revised Code for all taxing 40443  
 districts in each school district. The department of education 40444  
 shall certify the amount so determined to the director of budget 40445  
 and management. 40446

(B) Not later than the thirty-first day of October of the 40447

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years 2006 through 2016, the department of education shall 40448  
determine all of the following for each school district: 40449

(1) The amount obtained by subtracting the district's state 40450  
education aid computed for fiscal year 2002 from the district's 40451  
state education aid computed for the current fiscal year; 40452

(2) The inflation-adjusted property tax loss. The 40453  
inflation-adjusted property tax loss equals the fixed-rate levy 40454  
loss determined under division (G) of section 5727.84 of the 40455  
Revised Code for all taxing districts in each school district plus 40456  
the product obtained by multiplying that loss by the cumulative 40457  
percentage increase in the consumer price index from January 1, 40458  
2002, to the thirtieth day of June of the current year. 40459

(3) The difference obtained by subtracting the amount 40460  
computed under division (B)(1) from the amount of the 40461  
inflation-adjusted property tax loss. If this difference is zero 40462  
or a negative number, no further payments shall be made under 40463  
division (C) of this section to the school district from the 40464  
school district property tax replacement fund. If the difference 40465  
is greater than zero, the department of education shall certify 40466  
the amount calculated in division (A)(2) of this section to the 40467  
director of budget and management not later than the thirty-first 40468  
day of December of each year, beginning in 2006 and ending in 40469  
2016. 40470

(C) For all taxing districts in each school district, the 40471  
director of budget and management shall pay from the school 40472  
district property tax replacement fund to the county undivided 40473  
income tax fund in the proper county treasury all of the 40474  
following: 40475

(1) In February 2002, one-half of the fixed-rate levy loss 40476  
certified under division (G) of section 5727.84 of the Revised 40477  
Code on or before the day prescribed for the settlement under 40478



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division (A) of section 321.24 of the Revised Code. 40479

(2) From August 2002 through August 2006, one-half of the 40480  
amount certified for that fiscal year under division (A)(2) of 40481  
this section on or before each of the days prescribed for the 40482  
settlements under divisions (A) and (C) of section 321.24 of the 40483  
Revised Code. 40484

(3) From February 2007 through August 2016, one-half of the 40485  
amount certified for that calendar year under division (B)(3) of 40486  
this section on or before each of the days prescribed for the 40487  
settlements under divisions (A) and (C) of section 321.24 of the 40488  
Revised Code. 40489

The county treasurer shall distribute amounts paid under 40490  
divisions (C)(1), (2), and (3) of this section to the proper 40491  
school district as if they had been levied and collected as taxes, 40492  
and the school district shall apportion the amounts so received 40493  
among its funds in the same proportions as if those amounts had 40494  
been levied and collected as taxes. 40495

(D) Not later than January 1, 2002, for all taxing districts 40496  
in each joint vocational school district, the tax commissioner 40497  
shall certify to the director of budget and management the 40498  
fixed-rate levy loss determined under division (G) of section 40499  
5727.84 of the Revised Code. From February 2002 to August 2016, 40500  
the director shall pay from the school district property tax 40501  
replacement fund to the county undivided income tax fund in the 40502  
proper county treasury, one-half of the fixed-rate levy loss so 40503  
certified for each year on or before each of the days prescribed 40504  
for the settlements under divisions (A) and (C) of section 321.24 40505  
of the Revised Code. The county treasurer shall distribute such 40506  
amounts to the proper joint vocational school district as if they 40507  
had been levied and collected as taxes, and the joint vocational 40508  
school district shall apportion the amounts so received among its 40509  
funds in the same proportions as if those amounts had been levied 40510

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and collected as taxes. 40511

(E)(1) Not later than January 1, 2002, for each fixed-sum 40512  
levy levied by each school district or joint vocational school 40513  
district and for each year for which a determination is made under 40514  
division (H) of section 5727.84 of the Revised Code that a 40515  
fixed-sum levy loss is to be reimbursed, the tax commissioner 40516  
shall certify to the director of budget and management the 40517  
fixed-sum levy loss determined under that division. The 40518  
certification shall cover a time period sufficient to include all 40519  
fixed-sum levies for which the tax commissioner made such a 40520  
determination. The director shall pay from the school district 40521  
property tax replacement fund to the county undivided income tax 40522  
fund in the proper county treasury one-half of the fixed-sum levy 40523  
loss so certified for each year on or before each of the days 40524  
prescribed for the settlements under divisions (A) and (C) of 40525  
section 321.24 of the Revised Code. The county treasurer shall 40526  
distribute the amounts to the proper school district or joint 40527  
vocational school district as if they had been levied and 40528  
collected as taxes, and the district shall apportion the amounts 40529  
so received among its funds in the same proportions as if those 40530  
amounts had been levied and collected as taxes. 40531

(2) Beginning in 2003, by the thirty-first day of January of 40532  
each year, the tax commissioner shall review the certification 40533  
originally made under division (E)(1) of this section. If the 40534  
commissioner determines that a fixed-sum levy that had been 40535  
scheduled to be reimbursed in the current year has expired, a 40536  
revised certification for that and all subsequent years shall be 40537  
made to the director of budget and management. 40538

(F) By August 5, 2002, the tax commissioner shall estimate 40539  
the amount of money in the school district property tax 40540  
replacement fund in excess of the amount necessary to make 40541  
payments in that month under divisions (C), (D), and (E) of this 40542

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section. Notwithstanding division (C) of this section, the  
department of education, in consultation with the tax commissioner  
and from those excess funds, may pay any school district four and  
one-half times the amount certified under division (A)(2) of this  
section. Payments shall be made in order from the smallest annual  
loss to the largest annual loss. A payment made under this  
division shall be in lieu of the payment to be made in August 2002  
under division (C)(2) of this section. No payments shall be made  
in the manner established in this division to any school district  
with annual losses from permanent improvement fixed-rate levies in  
excess of twenty thousand dollars, or annual losses from any other  
fixed-rate levies in excess of twenty thousand dollars. A school  
district receiving a payment under this division is no longer  
entitled to any further payments under division (C) of this  
section.

(G) On the thirty-first day of July of 2003, 2004, 2005, and  
2006, and on the thirty-first day of January and July of 2007 and  
each year thereafter, if the amount credited to the school  
district property tax replacement fund exceeds the amount needed  
to make payments from the fund under divisions (C), (D), and (E)  
of this section in the following month, the director of budget and  
management shall distribute the excess among school districts and  
joint vocational school districts. The amount distributed to each  
district shall bear the same proportion to the excess remaining in  
the fund as the ADM of the district bears to the ADM of all of the  
districts. For the purpose of this division, "ADM" means the  
formula ADM in the case of a school district, and the average  
daily membership reported under section 3317.03 of the Revised  
Code in the case of a joint vocational school district.

If, in the opinion of the director of budget and management,  
the excess remaining in the school district property tax  
replacement fund in any year is not sufficient to warrant

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distribution under this division, the excess shall remain to the credit of the fund. 40575  
40576

Amounts received by a school district or joint vocational school district under this division shall be used exclusively for capital improvements. 40577  
40578  
40579

(H) If the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section, the payments required under division (E) of this section shall be made first in their entirety. After all payments are made under division (E) of this section, payments under divisions (C) and (D) of this section shall be made from the balance of money available in the proportion of each school district's or joint vocational school district's payment amount to the total amount of payments under divisions (C) and (D) of this section. 40580  
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(I) If all or a part of the territory of a school district or joint vocational school district is merged with or transferred to another district, the tax commissioner shall adjust the payments made under this section to each of the districts in proportion to the tax value loss apportioned to the merged or transferred territory. 40590  
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(J) There is hereby created the public utility property tax study committee, effective January 1, 2011. The committee shall consist of the following seven members: the tax commissioner, three members of the senate appointed by the president of the senate, and three members of the house of representatives appointed by the speaker of the house of representatives. The appointments shall be made not later than January 31, 2011. The tax commissioner shall be the chairperson of the committee. 40596  
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The committee shall study the extent to which each school district or joint vocational school district has been compensated, 40604  
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under sections 5727.84 and 5727.85 of the Revised Code as enacted 40606  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 40607  
any subsequent acts, for the property tax loss caused by the 40608  
reduction in the assessment rates for natural gas, electric, and 40609  
rural electric company tangible personal property. Not later than 40610  
June 30, 2011, the committee shall issue a report of its findings, 40611  
including any recommendations for providing additional 40612  
compensation for the property tax loss or regarding remedial 40613  
legislation, to the president of the senate and the speaker of the 40614  
house of representatives, at which time the committee shall cease 40615  
to exist. 40616

The department of taxation and department of education shall 40617  
provide such information and assistance as is required for the 40618  
committee to carry out its duties. 40619

**Sec. 5728.08.** Except as provided in section 5728.03 of the 40620  
Revised Code and except as otherwise provided in this section, 40621  
whoever is liable for the payment of the tax levied by section 40622  
5728.06 of the Revised Code, on or before the last day of each 40623  
January, April, July, and October, shall file with the ~~treasurer~~ 40624  
~~of state~~ tax commissioner, on forms prescribed by the tax 40625  
commissioner, a highway use tax return and make payment of the 40626  
full amount of the tax due for the operation of each commercial 40627  
car and commercial tractor for the next preceding three calendar 40628  
months. If the commercial cars or commercial tractors are farm 40629  
trucks and the amount of motor fuel used to operate the trucks 40630  
during the next preceding twelve calendar months was less than 40631  
fifteen thousand gallons, the highway use tax return shall be 40632  
filed and the full amount of tax due paid on or before the last 40633  
day of each July for the next preceding twelve calendar months. If 40634  
the commercial cars or commercial tractors are farm trucks and the 40635  
amount of motor fuel used to operate the trucks during the next 40636  
preceding twelve calendar months was fifteen thousand gallons or 40637

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more, the highway use tax return shall be filed and the full 40638  
amount of the tax due paid either on or before the last day of 40639  
each July for the next preceding twelve calendar months, or on or 40640  
before the last day of each January, April, July, and October for 40641  
the next preceding three calendar months, at the option of the 40642  
person liable for payment of the tax. If the commercial cars or 40643  
commercial tractors are not farm trucks, and if, in the estimation 40644  
of the tax commissioner, the amount of the tax due does not 40645  
warrant quarterly filing, the commissioner may authorize the 40646  
filing of the highway use tax return and payment of the full 40647  
amount due on or before the last day of each July for the next 40648  
preceding twelve months. 40649

~~Immediately upon the receipt of a highway use tax return, the 40650  
treasurer of state shall mark on the return the date it was 40651  
received by the treasurer of state and the amount of tax payment 40652  
accompanying the return and shall transmit the return to the The 40653  
tax commissioner shall immediately forward to the treasurer of  
state all money received from the tax levied by section 5728.06 of  
the Revised Code. 40654  
40655  
40656~~

The treasurer of state shall place to the credit of the tax 40657  
refund fund created by section 5703.052 of the Revised Code, out 40658  
of receipts from the taxes levied by section 5728.06 of the 40659  
Revised Code, amounts equal to the refund certified by the tax 40660  
commissioner pursuant to section 5728.061 of the Revised Code. 40661  
Receipts from the tax shall be used by the tax commissioner to 40662  
defray expenses incurred by the department of taxation in 40663  
administering sections 5728.01 to 5728.14 of the Revised Code. 40664

All moneys received in the state treasury from taxes levied 40665  
by section 5728.06 of the Revised Code and fees assessed under 40666  
sections 5728.02 and 5728.03 of the Revised Code which are not 40667  
required to be placed to the credit of the tax refund fund as 40668  
provided by this section shall, during each calendar year, be 40669

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credited to the highway improvement bond retirement fund created 40670  
by section 5528.12 of the Revised Code until the commissioners of 40671  
the sinking fund certify to the treasurer of state, as required by 40672  
section 5528.17 of the Revised Code, that there are sufficient 40673  
moneys to the credit of the highway improvement bond retirement 40674  
fund to meet in full all payments of interest, principal, and 40675  
charges for the retirement of bonds and other obligations issued 40676  
pursuant to Section 2g of Article VIII, Ohio Constitution, and 40677  
sections 5528.10 and 5528.11 of the Revised Code due and payable 40678  
during the current calendar year and during the next succeeding 40679  
calendar year. From the date of the receipt of the certification 40680  
required by section 5528.17 of the Revised Code by the treasurer 40681  
of state until the thirty-first day of December of the calendar 40682  
year in which the certification is made, all moneys received in 40683  
the state treasury from taxes levied under section 5728.06 of the 40684  
Revised Code and fees assessed under sections 5728.02 and 5728.03 40685  
of the Revised Code which are not required to be placed to the 40686  
credit of the tax refund fund as provided by this section shall be 40687  
credited to the highway obligations bond retirement fund created 40688  
by section 5528.32 of the Revised Code until the commissioners of 40689  
the sinking fund certify to the treasurer of state, as required by 40690  
section 5528.38 of the Revised Code, that there are sufficient 40691  
moneys to the credit of the highway obligations bond retirement 40692  
fund to meet in full all payments of interest, principal, and 40693  
charges for the retirement of bonds and other obligations issued 40694  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 40695  
sections 5528.30 and 5528.31 of the Revised Code due and payable 40696  
during the current calendar year and during the next succeeding 40697  
calendar year. From the date of the receipt of the certification 40698  
required by section 5528.38 of the Revised Code by the treasurer 40699  
of state until the thirty-first day of December of the calendar 40700  
year in which the certification is made, all moneys received in 40701  
the state treasury from taxes levied under section 5728.06 of the 40702

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Revised Code and fees assessed under sections 5728.02 and 5728.03 40703  
of the Revised Code which are not required to be placed to the 40704  
credit of the tax refund fund as provided by this section shall be 40705  
credited to the highway operating fund created by section 5735.291 40706  
of the Revised Code, except as provided by the next succeeding 40707  
paragraph of this section. 40708

From the date of the receipt by the treasurer of state of 40709  
certifications from the commissioners of the sinking fund, as 40710  
required by sections 5528.18 and 5528.39 of the Revised Code, 40711  
certifying that the moneys to the credit of the highway 40712  
improvement bond retirement fund are sufficient to meet in full 40713  
all payments of interest, principal, and charges for the 40714  
retirement of all bonds and other obligations which may be issued 40715  
pursuant to Section 2g of Article VIII, Ohio Constitution, and 40716  
sections 5528.10 and 5528.11 of the Revised Code, and to the 40717  
credit of the highway obligations bond retirement fund are 40718  
sufficient to meet in full all payments of interest, principal, 40719  
and charges for the retirement of all obligations issued pursuant 40720  
to Section 2i of Article VIII, Ohio Constitution, and sections 40721  
5528.30 and 5528.31 of the Revised Code, all moneys received in 40722  
the state treasury from the taxes levied under section 5728.06 and 40723  
fees assessed under sections 5728.02 and 5728.03 of the Revised 40724  
Code, which are not required to be placed to the credit of the tax 40725  
refund fund as provided by this section, shall be deposited to the 40726  
credit of the highway operating fund. 40727

As used in this section, "farm truck" means any commercial 40728  
car or commercial tractor that is registered as a farm truck under 40729  
Chapter 4503. of the Revised Code. 40730

**Sec. 5729.07.** As used in this section: 40731

(A) "Eligible employee" and "eligible training costs" have 40732  
the same meanings as in section 5733.42 of the Revised Code. 40733



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(B) "Credit period" means the calendar year ending on the 40734  
thirty-first day of December next preceding the day the annual 40735  
statement is required to be returned under section 5729.02 of the 40736  
Revised Code. 40737

There is hereby allowed a nonrefundable credit against the 40738  
tax imposed under this chapter for a foreign insurance company for 40739  
which a tax credit certificate is issued under section 5733.42 of 40740  
the Revised Code. The credit may be claimed for credit periods 40741  
beginning on or after January 1, ~~2001~~ 2003, and ending on or 40742  
before December 31, ~~2003~~ 2005. The amount of the credit shall 40743  
equal one-half of the average of the eligible training costs paid 40744  
or incurred by the company during the three calendar years 40745  
~~immediately preceding~~ ending with the end of the credit period for 40746  
which the credit is claimed, not to exceed one thousand dollars 40747  
for each eligible employee on account of whom eligible training 40748  
costs were paid or incurred by the company. The credit claimed by 40749  
a company for each credit period shall not exceed one hundred 40750  
thousand dollars. 40751

If, on or before June 30, 2001, a company had properly filed 40752  
an application for the credit period ending on December 31, 2001, 40753  
or December 31, 2002, as provided in division (C) of section 40754  
5733.42 of the Revised Code, the director of job and family 40755  
services may authorize a credit for that credit period subject to 40756  
the limitations and requirements of this section and section 40757  
5733.42 of the Revised Code, but the tax credit certificate issued 40758  
for that period may be applied only to the company's tax liability 40759  
for business done in this state during calendar year 2003. The 40760  
credit claimed by such a company shall be computed in the manner 40761  
prescribed by this section; is subject to the limitations of this 40762  
section on the amount of the credit for each eligible employee and 40763  
for each credit period; and shall be in addition to any credit 40764  
claimed by the company under this section for the credit period 40765

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beginning on January 1, 2003, and, for the purpose of the 40766  
limitation on the amount of the credit that may be claimed by a 40767  
company for a credit period, the credit claimed for the credit 40768  
period ending on December 31, 2001, or December 31, 2002, shall 40769  
not be considered as being claimed for the credit period beginning 40770  
on January 1, 2003. 40771

A foreign insurance company shall apply to the director of 40772  
job and family services for a tax credit certificate in the manner 40773  
prescribed by division (C) of section 5733.42 of the Revised Code. 40774  
Divisions (C) to (H) of that section govern the tax credit allowed 40775  
by this section, except that "credit period" shall be substituted 40776  
for "tax year with respect to a calendar year" wherever that 40777  
phrase appears in those divisions and that the company shall be 40778  
considered a taxpayer for the purposes of those divisions. 40779

A foreign insurance company may carry forward the credit 40780  
allowed under this section to the extent that the credit exceeds 40781  
the company's tax due for the credit period. The company may carry 40782  
the excess credit forward for three credit periods following the 40783  
credit period for which the credit is first claimed under this 40784  
section. The credit allowed by this section is in addition to any 40785  
credit allowed under section 5729.031 of the Revised Code. 40786

The reduction in the tax due under this chapter to the extent 40787  
of the credit allowed by this section does not increase the amount 40788  
of the tax otherwise due under section 5729.06 of the Revised 40789  
Code. 40790

**Sec. 5731.21.** (A)(1)(a) Except as provided under division 40791  
(A)(3) of this section, the executor or administrator, or, if no 40792  
executor or administrator has been appointed, another person in 40793  
possession of property the transfer of which is subject to estate 40794  
taxes under section 5731.02 or division (A) of section 5731.19 of 40795  
the Revised Code, shall file an estate tax return, within nine 40796

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months of the date of the decedent's death, in the form prescribed 40797  
by the tax commissioner, in duplicate, with the probate court of 40798  
the county. The return shall include all property the transfer of 40799  
which is subject to estate taxes, whether that property is 40800  
transferred under the last will and testament of the decedent or 40801  
otherwise. The time for filing the return may be extended by the 40802  
tax commissioner. 40803

(b) The estate tax return described in division (A)(1)(a) of 40804  
this section shall be accompanied by a certificate, in the form 40805  
prescribed by the tax commissioner, that is signed by the 40806  
executor, administrator, or other person required to file the 40807  
return, and that states all of the following: 40808

(i) The fact that the return was filed; 40809

(ii) The date of the filing of the return; 40810

(iii) The fact that the estate taxes under section 5731.02 or 40811  
division (A) of section 5731.19 of the Revised Code, that are 40812  
shown to be due in the return, have been paid in full; 40813

(iv) If applicable, the fact that real property listed in the 40814  
inventory for the decedent's estate is included in the return; 40815

(v) If applicable, the fact that real property not listed in 40816  
the inventory for the decedent's estate, including, but not 40817  
limited to, survivorship tenancy property as described in section 40818  
5302.17 of the Revised Code or transfer on death property as 40819  
described in sections 5302.22 and 5302.23 of the Revised Code, 40820  
also is included in the return. In this regard, the certificate 40821  
additionally shall describe that real property by the same 40822  
description used in the return. 40823

(2) The probate court shall forward one copy of the estate 40824  
tax return described in division (A)(1)(a) of this section to the 40825  
tax commissioner. 40826

(3) A person may, but shall not be required to, file a return 40827

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under division (A) of this section if the decedent was a resident 40828  
of this state and the value of the decedent's gross estate is 40829  
twenty-five thousand dollars or less in the case of a decedent 40830  
dying on or after July 1, 1968, but before January 1, 2001; two 40831  
hundred thousand dollars or less in the case of a decedent dying 40832  
on or after January 1, 2001, but before January 1, 2002; or three 40833  
hundred thirty-eight thousand three hundred thirty-three dollars 40834  
or less in the case of a decedent dying on or after January 1, 40835  
2002. If a probate court issues an order that grants a summary 40836  
release from administration in connection with a decedent's estate 40837  
under section 2113.031 of the Revised Code, that order eliminates 40838  
the duty of all persons to file an estate tax return and 40839  
certificate under divisions (A)(1)(a) and (b) of this section with 40840  
respect to the estate for which the order was granted. 40841

40842  
(4)(a) Upon receipt of the estate tax return described in 40843  
division (A)(1)(a) of this section and the accompanying 40844  
certificate described in division (A)(1)(b) of this section, the 40845  
probate court promptly shall give notice of the return, by a form 40846  
prescribed by the tax commissioner, to the county auditor. The 40847  
auditor then shall make a charge based upon the notice and shall 40848  
certify a duplicate of the charge to the county treasurer. The 40849  
treasurer then shall collect, subject to division (A) of section 40850  
5731.25 of the Revised Code or any other statute extending the 40851  
time for payment of an estate tax, the tax so charged. 40852

(b) Upon receipt of the return and the accompanying 40853  
certificate, the probate court also shall forward the certificate 40854  
to the auditor. When satisfied that the estate taxes under section 40855  
5731.02 or division (A) of section 5731.19 of the Revised Code, 40856  
that are shown to be due in the return, have been paid in full, 40857  
the auditor shall stamp the certificate so forwarded to verify 40858  
that payment. The auditor then shall return the stamped 40859

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certificate to the probate court. 40860

(5)(a) The certificate described in division (A)(1)(b) of 40861  
this section is a public record subject to inspection and copying 40862  
in accordance with section 149.43 of the Revised Code. It shall be 40863  
kept in the records of the probate court pertaining to the 40864  
decedent's estate and is not subject to the confidentiality 40865  
provisions of section 5731.90 of the Revised Code. 40866

(b) All persons are entitled to rely on the statements 40867  
contained in a certificate as described in division (A)(1)(b) of 40868  
this section if it has been filed in accordance with that 40869  
division, forwarded to a county auditor and stamped in accordance 40870  
with division (A)(4) of this section, and placed in the records of 40871  
the probate court pertaining to the decedent's estate in 40872  
accordance with division (A)(5)(a) of this section. The real 40873  
property referred to in the certificate shall be free of, and may 40874  
be regarded by all persons as being free of, any lien for estate 40875  
taxes under section 5731.02 and division (A) of section 5731.19 of 40876  
the Revised Code. 40877

(B) An estate tax return filed under this section, in the 40878  
form prescribed by the tax commissioner, and showing that no 40879  
estate tax is due shall result in a determination that no estate 40880  
tax is due, if the tax commissioner within three months after the 40881  
receipt of the return by the department of taxation, fails to file 40882  
exceptions to the return in the probate court of the county in 40883  
which the return was filed. A copy of exceptions to a return of 40884  
that nature, when the tax commissioner files them within that 40885  
period, shall be sent by ordinary mail to the person who filed the 40886  
return. The tax commissioner is not bound under this division by a 40887  
determination that no estate tax is due, with respect to property 40888  
not disclosed in the return. 40889

(C) If the executor, administrator, or other person required 40890  
to file an estate tax return fails to file it within nine months 40891

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of the date of the decedent's death, the tax commissioner may 40892  
determine the estate tax in that estate and issue a certificate of 40893  
determination in the same manner as is provided in division (B) of 40894  
section 5731.27 of the Revised Code. A certificate of 40895  
determination of that nature has the same force and effect as 40896  
though a return had been filed and a certificate of determination 40897  
issued with respect to the return. 40898

**Sec. 5733.02.** Annually, between the first day of January and 40899  
the thirty-first day of March or on or before the date as extended 40900  
under section 5733.13 of the Revised Code, each taxpayer shall 40901  
make a report in writing to the ~~treasurer of state tax~~ tax 40902  
commissioner in such form as the tax commissioner prescribes, and 40903  
shall remit to the ~~treasurer of state~~ commissioner, with the 40904  
remittance made payable to the treasurer of state, the amount of 40905  
the tax as shown to be due by such report less the amount paid for 40906  
the year on a declaration of estimated tax report filed by the 40907  
taxpayer as provided by section 5733.021 of the Revised Code. 40908  
Remittance shall be made in the form prescribed by the ~~treasurer~~ 40909  
~~of state~~ commissioner, including electronic funds transfer if 40910  
required by section 5733.022 of the Revised Code. ~~The treasurer~~ 40911  
~~shall show on the report the date it was filed and the amount of~~ 40912  
~~the payment remitted to the treasurer. Thereafter, the treasurer~~ 40913  
~~shall immediately transmit all reports filed under this section to~~ 40914  
~~the tax commissioner.~~ 40915

The commissioner shall furnish corporations, on request, 40916  
copies of the forms prescribed by the commissioner for the purpose 40917  
of making such report. A domestic corporation shall not dissolve, 40918  
and a foreign corporation shall not withdraw or retire from 40919  
business in Ohio, on or after the first day of January in any year 40920  
without making a franchise tax report to the commissioner and 40921  
paying or securing the tax charged for the year in which such 40922  
dissolution or withdrawal occurs. 40923

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The annual corporation report shall be signed by the president, vice-president, secretary, treasurer, general manager, superintendent, or managing agent in this state of such corporation. If a domestic corporation has not completed its organization, its annual report shall be signed by one of its incorporators.

The report shall contain the facts, figures, computations, and attachments that result in the tax charged by this chapter and determined in the manner provided within the chapter.

**Sec. 5733.021.** (A) Each taxpayer which does not in the month of January file the report and make the payment required by section 5733.02 of the Revised Code shall make and file a declaration of estimated tax report for the tax year.

The declaration of estimated tax report shall be filed with the ~~treasurer of state~~ tax commissioner on or before the last day of January in such form as prescribed by the tax commissioner, and shall reflect an estimate of the total amount due under this chapter for the tax year.

(B) A taxpayer required to file a declaration of estimated tax report shall make remittance of such estimated tax to the ~~treasurer of state~~ tax commissioner as follows:

(1) The entire estimated tax at the time of filing the declaration of estimated tax report, if such estimated tax is not in excess of the minimum tax as provided in section 5733.06 of the Revised Code;

(2) If the estimated tax is in excess of the minimum tax:

(a) One-third of the estimated tax at the time of filing the declaration of estimated tax report;

(b) Two-thirds of the estimated tax on or before the last day of March of the tax year, unless the report and payment required

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by section 5733.02 of the Revised Code ~~is~~ are filed and paid on or 40954  
before the last day of March of the tax year~~.~~ 40955

(3) If the estimated tax due is in excess of the minimum tax, 40956  
and an extension of time for filing the report required by section 40957  
5733.02 of the Revised Code has been granted pursuant to section 40958  
5733.13 of the Revised Code~~;~~: 40959

(a) One-third of the estimated tax at the time of filing the 40960  
declaration of estimated tax report; 40961

(b) One-third of the estimated tax on or before the last day 40962  
of March of the tax year; 40963

(c) One-third of the estimated tax on or before the last day 40964  
of May of the tax year, unless the report and payments required by 40965  
section 5733.02 of the Revised Code are filed and paid on or 40966  
before the last day of May of the tax year. 40967

Remittance of the estimated tax shall be made payable to the 40968  
treasurer of state and shall be made in the form prescribed by the 40969  
~~treasurer of state tax commissioner~~, including electronic funds 40970  
transfer if required by section 5733.022 of the Revised Code. 40971

The tax commissioner shall immediately forward to the 40972  
treasurer of state all amounts received under this section, and 40973  
the treasurer of state shall credit all payments of such estimated 40974  
tax as provided in section 5733.12 of the Revised Code, ~~shall show~~ 40975  
~~on all reports the date each was filed and the amount of payment~~ 40976  
~~remitted, and shall immediately transmit all reports filed under~~ 40977  
~~this section to the tax commissioner.~~ 40978

**Sec. 5733.053.** (A) As used in this section: 40979

(1) "Transfer" means a transaction or series of related 40980  
transactions in which a corporation directly or indirectly 40981  
transfers or distributes substantially all of its assets or equity 40982  
to another corporation, if the transfer or distribution qualifies 40983



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<u>for nonrecognition of gain or loss under the Internal Revenue</u>	40984
<u>Code.</u>	40985
(2) "Transferor" means a corporation that has made a transfer.	40986 40987
(3) "Transferee" means a corporation that received substantially all of the assets or equity of a transferor in a transfer.	40988 40989 40990
(B) <del>For</del> <u>Except as provided in division (F) of this section,</u> <u>for</u> purposes of valuing its issued and outstanding shares of stock under division (B) of section 5733.05 of the Revised Code, a transferee shall add to its net income allocated or apportioned to this state its transferor's net income allocated or apportioned to this state. The transferee shall add such income in computing its tax for the same tax year or years that such income would have been reported by the transferor if the transfer had not been made. The transferee shall add such income only to the extent the income is not required to be reported by the transferor for the purposes of the tax imposed by divisions (A) and (B) of section 5733.06 of the Revised Code.	40991 40992 40993 40994 40995 40996 40997 40998 40999 41000 41001 41002
(C) The following shall be determined in the same manner as if the transfer had not been made:	41003 41004
(1) The transferor's net income allocated or apportioned to this state for the tax year under divisions (B)(1) and (2) of section 5733.05 of the Revised Code;	41005 41006 41007
(2) The transferor's requirements for the combination of net income under section 5733.052 of the Revised Code;	41008 41009
(3) Any other determination regarding the transferor that is necessary to avoid an absurd or unreasonable result in the application of this chapter.	41010 41011 41012
(D) A transferee shall be allowed the following credits and shall make the following adjustments in the same manner that they	41013 41014

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would have been available to the transferor: 41015

(1) The credits enumerated in section 5733.98 of the Revised Code; 41016  
41017

(2) The deduction under division (I)(1) of section 5733.04 of the Revised Code for net operating losses incurred by its transferor, subject to the limitations set forth in sections 381 and 382 of the Internal Revenue Code concerning net operating loss carryovers; 41018  
41019  
41020  
41021  
41022

(3) Any other deduction from or addition to net income under this chapter involving the transferor, the disallowance of which would be absurd or unreasonable. Such adjustments to net income and allowance of credits shall be subject to the limitations set forth in sections 381 and 382 of the Internal Revenue Code and regulations prescribed thereunder. 41023  
41024  
41025  
41026  
41027  
41028

(E) If a transferee subject to this section subsequently becomes a transferor, any net income that the transferee would have been required to add under division (B) of this section shall be included in its income as a transferor and any credits or adjustments to which the transferee would have been entitled under division (D) of this section shall be available to it as a transferor. 41029  
41030  
41031  
41032  
41033  
41034  
41035

(F) The amendments made to this section by Am. Sub. S.B. 287 of the 123rd general assembly do not apply to any transfer for which negotiations began prior to January 1, 2001, and that was commenced in and completed during calendar year 2001, unless the transferee makes an election prior to December 31, 2001, to apply the section. 41036  
41037  
41038  
41039  
41040  
41041

**Sec. 5733.056.** (A) As used in this section: 41042

(1) "Billing address" means the address where any notice, statement, or bill relating to a customer's account is mailed, as 41043  
41044

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- indicated in the books and records of the taxpayer on the first 41045  
day of the taxable year or on such later date in the taxable year 41046  
when the customer relationship began. 41047
- (2) "Borrower or credit card holder located in this state" 41048  
means: 41049
- (a) A borrower, other than a credit card holder, that is 41050  
engaged in a trade or business and maintains its commercial 41051  
domicile in this state; or 41052
- (b) A borrower that is not engaged in a trade or business, or 41053  
a credit card holder, whose billing address is in this state. 41054
- (3) "Branch" means a "domestic branch" as defined in section 41055  
3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 41056  
1813(o), as amended. 41057
- (4) "Compensation" means wages, salaries, commissions, and 41058  
any other form of remuneration paid to employees for personal 41059  
services that are included in such employee's gross income under 41060  
the Internal Revenue Code. In the case of employees not subject to 41061  
the Internal Revenue Code, such as those employed in foreign 41062  
countries, the determination of whether such payments would 41063  
constitute gross income to such employees under the Internal 41064  
Revenue Code shall be made as though such employees were subject 41065  
to the Internal Revenue Code. 41066
- (5) "Credit card" means a credit, travel, or entertainment 41067  
card. 41068
- (6) "Credit card issuer's reimbursement fee" means the fee a 41069  
taxpayer receives from a merchant's bank because one of the 41070  
persons to whom the taxpayer has issued a credit card has charged 41071  
merchandise or services to the credit card. 41072
- (7) "Deposits" has the meaning given in section 3 of the 41073  
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 41074

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as amended. 41075

(8) "Employee" means, with respect to a particular taxpayer, 41076  
any individual who under the usual common law rules applicable in 41077  
determining the employer-employee relationship, has the status of 41078  
an employee of that taxpayer. 41079

(9) "Gross rents" means the actual sum of money or other 41080  
consideration payable for the use or possession of property. 41081  
"Gross rents" includes: 41082

(a) Any amount payable for the use or possession of real 41083  
property or tangible personal property whether designated as a 41084  
fixed sum of money or as a percentage of receipts, profits, or 41085  
otherwise; 41086

(b) Any amount payable as additional rent or in lieu of rent, 41087  
such as interest, taxes, insurance, repairs, or any other amount 41088  
required to be paid by the terms of a lease or other arrangement; 41089  
and 41090

(c) A proportionate part of the cost of any improvement to 41091  
real property made by or on behalf of the taxpayer which reverts 41092  
to the owner or lessor upon termination of a lease or other 41093  
arrangement. The amount to be included in gross rents is the 41094  
amount of amortization or depreciation allowed in computing the 41095  
taxable income base for the taxable year. However, where a 41096  
building is erected on leased land, by or on behalf of the 41097  
taxpayer, the value of the land is determined by multiplying the 41098  
gross rent by eight, and the value of the building is determined 41099  
in the same manner as if owned by the taxpayer. 41100

(d) The following are not included in the term "gross rents": 41101  
41102

(i) Reasonable amounts payable as separate charges for water 41103  
and electric service furnished by the lessor; 41104

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- (ii) Reasonable amounts payable as service charges for 411105  
janitorial services furnished by the lessor; 411106
- (iii) Reasonable amounts payable for storage, provided such 411107  
amounts are payable for space not designated and not under the 411108  
control of the taxpayer; and 411109
- (iv) That portion of any rental payment which is applicable 411110  
to the space subleased from the taxpayer and not used by it. 411111
- (10) "Loan" means any extension of credit resulting from 411112  
direct negotiations between the taxpayer and its customer, or the 411113  
purchase, in whole or in part, of such extension of credit from 411114  
another. Loans include debt obligations of subsidiaries, 411115  
participations, syndications, and leases treated as loans for 411116  
federal income tax purposes. "Loan" does not include: properties 411117  
treated as loans under section 595 of the Internal Revenue Code; 411118  
futures or forward contracts; options; notional principal 411119  
contracts such as swaps; credit card receivables, including 411120  
purchased credit card relationships; non-interest bearing balances 411121  
due from depositor institutions; cash items in the process of 411122  
collection; federal funds sold; securities purchased under 411123  
agreements to resell; assets held in a trading account; 411124  
securities; interests in a real estate mortgage investment conduit 411125  
or other mortgage-backed or asset-backed security; and other 411126  
similar items. 411127
- (11) "Loan secured by real property" means that fifty per 411128  
cent or more of the aggregate value of the collateral used to 411129  
secure a loan or other obligation, when valued at fair market 411130  
value as of the time the original loan or obligation was incurred, 411131  
was real property. 411132
- (12) "Merchant discount" means the fee, or negotiated 411133  
discount, charged to a merchant by the taxpayer for the privilege 411134  
of participating in a program whereby a credit card is accepted in 411135

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payment for merchandise or services sold to the card holder. 41136

(13) "Participation" means an extension of credit in which an undivided ownership interest is held on a pro rata basis in a single loan or pool of loans and related collateral. In a loan participation, the credit originator initially makes the loan and then subsequently resells all or a portion of it to other lenders. The participation may or may not be known to the borrower.

(14) "Principal base of operations" with respect to transportation property means the place of more or less permanent nature from which the property is regularly directed or controlled. With respect to an employee, the "principal base of operations" means the place of more or less permanent nature from which the employee regularly (a) starts work and to which the employee customarily returns in order to receive instructions from the employer or (b) communicates with the employee's customers or other persons or (c) performs any other functions necessary to the exercise of the trade or profession at some other point or points.

(15) "Qualified institution" means a financial institution that on or after June 1, 1997:

(a)(i) Has consummated one or more approved transactions with insured banks with different home states that would qualify under section 102 of the "Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994," Public Law 103-328, 108 ~~stat.~~ Stat. 2338;

(ii) Is a federal savings association or federal savings bank that has consummated one or more interstate acquisitions that result in a financial institution that has branches in more than one state; or

(iii) Has consummated one or more approved interstate acquisitions under authority of Title XI of the Revised Code that result in a financial institution that has branches in more than

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one state; and	41167
(b) Has at least ten per cent of its deposits in this state	41168
as of the last day of June prior to the beginning of the tax year.	41169
(16) "Real property owned" and "tangible personal property	41170
owned" mean real and tangible personal property, respectively, on	41171
which the taxpayer may claim depreciation for federal income tax	41172
purposes, or to which the taxpayer holds legal title and on which	41173
no other person may claim depreciation for federal income tax	41174
purposes, or could claim depreciation if subject to federal income	41175
tax. Real and tangible personal property do not include coin,	41176
currency, or property acquired in lieu of or pursuant to a	41177
foreclosure.	41178
(17) "Regular place of business" means an office at which the	41179
taxpayer carries on its business in a regular and systematic	41180
manner and which is continuously maintained, occupied, and used by	41181
employees of the taxpayer.	41182
(18) "State" means a state of the United States, the District	41183
of Columbia, the commonwealth of Puerto Rico, or any territory or	41184
possession of the United States.	41185
(19) "Syndication" means an extension of credit in which two	41186
or more persons fund and each person is at risk only up to a	41187
specified percentage of the total extension of credit or up to a	41188
specified dollar amount.	41189
(20) "Transportation property" means vehicles and vessels	41190
capable of moving under their own power, such as aircraft, trains,	41191
water vessels and motor vehicles, as well as any equipment or	41192
containers attached to such property, such as rolling stock,	41193
barges, trailers, or the like.	41194
(B) The annual financial institution report determines the	41195
value of the issued and outstanding shares of stock of the	41196
taxpayer, and is the base or measure of the franchise tax	41197

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liability. Such determination shall be made as of the date shown 41198  
by the report to have been the beginning of the financial 41199  
institution's annual accounting period that includes the first day 41200  
of January of the tax year. For purposes of this section, division 41201  
(A) of section 5733.05, and division (D) of section 5733.06 of the 41202  
Revised Code, the value of the issued and outstanding shares of 41203  
stock of the financial institution shall include the total value, 41204  
as shown by the books of the financial institution, of its 41205  
capital, surplus, whether earned or unearned, undivided profits, 41206  
and reserves, but exclusive of: 41207

(1) Reserves for accounts receivable, depreciation, 41208  
depletion, and any other valuation reserves with respect to 41209  
specific assets; 41210

(2) Taxes due and payable during the year for which such 41211  
report was made; 41212

(3) Voting stock and participation certificates in 41213  
corporations chartered pursuant to the "Farm Credit Act of 1971," 41214  
85 Stat. 597, 12 U.S.C. 2091, as amended; 41215

(4) Good will, appreciation, and abandoned property as set up 41216  
in the annual report of the financial institution, provided a 41217  
certified balance sheet of the company is made available upon the 41218  
request of the tax commissioner. Such balance sheet shall not be a 41219  
part of the public records, but shall be a confidential report for 41220  
use of the tax commissioner only. 41221

(5) A portion of the value of the issued and outstanding 41222  
shares of stock of such financial institution equal to the amount 41223  
obtained by multiplying such value by the quotient obtained by: 41224

(a) Dividing (1) the amount of the financial institution's 41225  
assets, as shown on its books, represented by investments in the 41226  
capital stock and indebtedness of public utilities of which at 41227  
least eighty per cent of the utility's issued and outstanding 41228



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common stock is owned by the financial institution by (2) the 41229  
total assets of such financial institution as shown on its books; 41230

(b) Dividing (1) the amount of the financial institution's 41231  
assets, as shown on its books, represented by investments in the 41232  
capital stock and indebtedness of insurance companies of which at 41233  
least eighty per cent of the insurance company's issued and 41234  
outstanding common stock is owned by the financial institution by 41235  
(2) the total assets of such financial institution as shown on its 41236  
books; 41237

(c) Dividing (1) the amount of the financial institution's 41238  
assets, as shown on its books, represented by investments in the 41239  
capital stock and indebtedness of other financial institutions of 41240  
which at least twenty-five per cent of the other financial 41241  
institution's issued and outstanding common stock is owned by the 41242  
financial institution by (2) the total assets of the financial 41243  
institution as shown on its books. Division (B)(5)(c) of this 41244  
section applies only with respect to such other financial 41245  
institutions that for the tax year immediately following the 41246  
taxpayer's taxable year will pay the tax imposed by division (D) 41247  
of section 5733.06 of the Revised Code. 41248

(6) Land that has been determined pursuant to section 5713.31 41249  
of the Revised Code by the county auditor of the county in which 41250  
the land is located to be devoted exclusively to agricultural use 41251  
as of the first Monday of June in the financial institution's 41252  
taxable year. 41253

(7) Property within this state used exclusively during the 41254  
taxable year for qualified research as defined in section 5733.05 41255  
of the Revised Code. 41256

(C) The base upon which the tax levied under division (D) of 41257  
section 5733.06 of the Revised Code shall be computed by 41258  
multiplying the value of a financial institution's issued and 41259

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outstanding shares of stock as determined in division (B) of this section by a fraction. The numerator of the fraction is the sum of the following: the property factor multiplied by fifteen, the payroll factor multiplied by fifteen, and the sales factor multiplied by seventy. The denominator of the fraction is one hundred, provided that the denominator shall be reduced by fifteen if the property factor has a denominator of zero, by fifteen if the payroll factor has a denominator of zero, and by seventy if the sales factor has a denominator of zero.

(D) A financial institution shall calculate the property factor as follows:

(1) The property factor is a fraction, the numerator of which is the average value of real property and tangible personal property rented to the taxpayer that is located or used within 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

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income tax purposes shall be treated as charged-off for purposes 41292  
of this section. 41293

(c) Credit card receivables are valued at their outstanding 41294  
principal balance, without regard to any reserve for bad debts. If 41295  
a credit card receivable is charged-off in whole or in part for 41296  
federal income tax purposes, the portion of the receivable 41297  
charged-off is not outstanding. 41298

(3) The average value of property owned by the taxpayer is 41299  
computed on an annual basis by adding the value of the property on 41300  
the first day of the taxable year and the value on the last day of 41301  
the taxable year and dividing the sum by two. If averaging on this 41302  
basis does not properly reflect average value, the tax 41303  
commissioner may require averaging on a more frequent basis. The 41304  
taxpayer may elect to average on a more frequent basis. When 41305  
averaging on a more frequent basis is required by the tax 41306  
commissioner or is elected by the taxpayer, the same method of 41307  
valuation must be used consistently by the taxpayer with respect 41308  
to property within and without this state and on all subsequent 41309  
returns unless the taxpayer receives prior permission from the tax 41310  
commissioner or the tax commissioner requires a different method 41311  
of determining value. 41312

(4)(a) The average value of real property and tangible 41313  
personal property that the taxpayer has rented from another and is 41314  
not treated as property owned by the taxpayer for federal income 41315  
tax purposes, shall be determined annually by multiplying the 41316  
gross rents payable during the taxable year by eight. 41317

(b) Where the use of the general method described in division 41318  
(D)(4)(a) of this section results in inaccurate valuations of 41319  
rented property, any other method which properly reflects the 41320  
value may be adopted by the tax commissioner or by the taxpayer 41321  
when approved in writing by the tax commissioner. Once approved, 41322  
such other method of valuation must be used on all subsequent 41323

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returns unless the taxpayer receives prior approval from the tax commissioner or the tax commissioner requires a different method of valuation. 41324  
41325  
41326

(5)(a) Except as described in division (D)(5)(b) of this section, real property and tangible personal property owned by or rented to the taxpayer is considered to be located within this state if it is physically located, situated, or used within this state. 41327  
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(b) Transportation property is included in the numerator of the property factor to the extent that the property is used in this state. The extent an aircraft will be deemed to be used in this state and the amount of value that is to be included in the numerator of this state's property factor is determined by multiplying the average value of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this state and the denominator of which is the total number of landings of the aircraft everywhere. If the extent of the use of any transportation property within this state cannot be determined, then the property will be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle will be deemed to be used wholly in the state in which it is registered. 41332  
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(6)(a)(i) A loan, other than a loan or advance described in division (D)(6)(d) of this section, is considered to be located within this state if it is properly assigned to a regular place of business of the taxpayer within this state. 41346  
41347  
41348  
41349

(ii) A loan is properly assigned to the regular place of business with which it has a preponderance of substantive contacts. A loan assigned by the taxpayer to a regular place of business without the state shall be presumed to have been properly assigned if: 41350  
41351  
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41354

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(I) The taxpayer has assigned, in the regular course of its business, such loan on its records to a regular place of business consistent with federal or state regulatory requirements;

(II) Such assignment on its records is based upon substantive contacts of the load to such regular place of business; and

(III) The taxpayer uses the records reflecting assignment of loans for the filing of all state and local tax returns for which an assignment of loans to a regular place of business is required.

(iii) The presumption of proper assignment of a loan provided in division (D)(6)(a)(ii) of this section may be rebutted upon a showing by the tax commissioner, supported by a preponderance of the evidence, that the preponderance of substantive contacts regarding such loan did not occur at the regular place of business to which it was assigned on the taxpayer's records. When such presumption has been rebutted, the loan shall then be located within this state if (1) the taxpayer had a regular place of business within this state at the time the loan was made; and (2) the taxpayer fails to show, by a preponderance of the evidence, that the preponderance of substantive contacts regarding such load did not occur within this state.

(b) In the case of a loan which is assigned by the taxpayer to a place without this state which is not a regular place of business, it shall be presumed, subject to rebuttal by the taxpayer on a showing supported by the preponderance of evidence, that the preponderance of substantive contacts regarding the loan occurred within this state if, at the time the loan was made the taxpayer's commercial domicile was within this state.

(c) To determine the state in which the preponderance of substantive contacts relating to a loan have occurred, the facts

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and circumstances regarding the loan at issue shall be reviewed on 41386  
a case-by-case basis and consideration shall be given to such 41387  
activities as the solicitation, investigation, negotiation, 41388  
approval, and administration of the loan. The terms 41389  
"solicitation," "investigation," "negotiation," "approval," and 41390  
"administration" are defined as follows: 41391

(i) "Solicitation" is either active or passive. Active 41392  
solicitation occurs when an employee of the taxpayer initiates the 41393  
contact with the customer. Such activity is located at the regular 41394  
place of business which the taxpayer's employee is regularly 41395  
connected with or working out of, regardless of where the services 41396  
of such employee were actually performed. Passive solicitation 41397  
occurs when the customer initiates the contact with the taxpayer. 41398  
If the customer's initial contact was not at a regular place of 41399  
business of the taxpayer, the regular place of business, if any, 41400  
where the passive solicitation occurred is determined by the facts 41401  
in each case. 41402

(ii) "Investigation" is the procedure whereby employees of 41403  
the taxpayer determine the creditworthiness of the customer as 41404  
well as the degree of risk involved in making a particular 41405  
agreement. Such activity is located at the regular place of 41406  
business which the taxpayer's employees are regularly connected 41407  
with or working out of, regardless of where the services of such 41408  
employees were actually performed. 41409

(iii) Negotiation is the procedure whereby employees of the 41410  
taxpayer and its customer determine the terms of the agreement, 41411  
such as the amount, duration, interest rate, frequency of 41412  
repayment, currency denomination, and security required. Such 41413  
activity is located at the regular place of business to which the 41414  
taxpayer's employees are regularly connected or working from, 41415  
regardless of where the services of such employees were actually 41416  
performed. 41417

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(iv) "Approval" is the procedure whereby employees or the board of directors of the taxpayer make the final determination whether to enter into the agreement. Such activity is located at the regular place of business to which the taxpayer's employees are regularly connected or working from, regardless of where the services of such employees were actually performed. If the board of directors makes the final determination, such activity is located at the commercial domicile of the taxpayer.

(v) "Administration" is the process of managing the account. This process includes bookkeeping, collecting the payments, corresponding with the customer, reporting to management regarding the status of the agreement, and proceeding against the borrower or the security interest if the borrower is in default. Such activity is located at the regular place of business that oversees this activity.

(d) A loan or advance to a subsidiary corporation at least fifty-one per cent of whose common stock is owned by the financial institution shall be allocated in and out of the state by the application of a ratio whose numerator is the sum of the net book value of the subsidiary's real property owned in this state and the subsidiary's tangible personal property owned in this state and whose denominator is the sum of the subsidiary's real property owned wherever located and the subsidiary's tangible personal property owned wherever located. For purposes of calculating this ratio, the taxpayer shall determine net book value in accordance with generally accepted accounting principles. If the subsidiary corporation owns at least fifty-one per cent of the common stock of another corporation, the ratio shall be calculated by including the other corporation's real property and tangible personal property. The calculation of the ratio applies with respect to all lower-tiered subsidiaries, provided that the immediate parent corporation of the subsidiary owns at least fifty-one per cent of

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- the common stock of that subsidiary. 41450
- (7) For purposes of determining the location of credit card 41451  
receivables, credit card receivables shall be treated as loans and 41452  
shall be subject to division (D)(6) of this section. 41453
- (8) A loan that has been properly assigned to a state shall, 41454  
absent any change of material fact, remain assigned to that state 41455  
for the length of the original term of the loan. Thereafter, the 41456  
loan may be properly assigned to another state if the loan has a 41457  
preponderance of substantive contact to a regular place of 41458  
business there. 41459
- (E) A financial institution shall calculate the payroll 41460  
factor as follows: 41461
- (1) The payroll factor is a fraction, the numerator of which 41462  
is the total amount paid in this state during the taxable year by 41463  
the taxpayer for compensation, and the denominator of which is the 41464  
total compensation paid both within and without this state during 41465  
the taxable year. 41466
- (2) Compensation is paid in this state if any one of the 41467  
following tests, applied consecutively, is met: 41468
- (a) The employee's services are performed entirely within 41469  
this state. 41470
- (b) The employee's services are performed both within and 41471  
without this state, but the service performed without this state 41472  
is incidental to the employee's service within this state. The 41473  
term "incidental" means any service which is temporary or 41474  
transitory in nature, or which is rendered in connection with an 41475  
isolated transaction. 41476
- (c) The employee's services are performed both within and 41477  
without this state, and: 41478
- (i) The employee's principal base of operations is within 41479



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this state; or 41480

(ii) There is no principal base of operations in any state in 41481  
which some part of the services are performed, but the place from 41482  
which the services are directed or controlled is in this state; or 41483  
41484

(iii) The principal base of operations and the place from 41485  
which the services are directed or controlled are not in any state 41486  
in which some part of the service is performed but the employee's 41487  
residence is in this state. 41488

(F) A financial institution shall calculate the sales factor 41489  
as follows: 41490

(1) The sales factor is a fraction, the numerator of which is 41491  
the receipts of the taxpayer in this state during the taxable year 41492  
and the denominator of which is the receipts of the taxpayer 41493  
within and without this state during the taxable year. The method 41494  
of calculating receipts for purposes of the denominator is the 41495  
same as the method used in determining receipts for purposes of 41496  
the numerator. 41497

(2) The numerator of the sales factor includes receipts from 41498  
the lease or rental of real property owned by the taxpayer if the 41499  
property is located within this state, or receipts from the 41500  
sublease of real property if the property is located within this 41501  
state. 41502

(3)(a) Except as described in division (F)(3)(b) of this 41503  
section the numerator of the sales factor includes receipts from 41504  
the lease or rental of tangible personal property owned by the 41505  
taxpayer if the property is located within this state when it is 41506  
first placed in service by the lessee. 41507

(b) Receipts from the lease or rental of transportation 41508  
property owned by the taxpayer are included in the numerator of 41509  
the sales factor to the extent that the property is used in this 41510

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state. The extent an aircraft will be deemed to be used in this state and the amount of receipts that is to be included in the numerator of this state's sales factor is determined by multiplying all the receipts from the lease or rental of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this state and the denominator of which is the total number of landings of the aircraft. If the extent of the use of any transportation property within this state cannot be determined, then the property will be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle will be deemed to be used wholly in the state in which it is registered.

(4)(a) The numerator of the sales factor includes interest and fees or penalties in the nature of interest from loans secured by real property if the property is located within this state. If the property is located both within this state and one or more other states, the receipts described in this paragraph are included in the numerator of the sales factor if more than fifty per cent of the fair market value of the real property is located within this state. If more than fifty per cent of the fair market value of the real property is not located within any one state, then the receipts described in this paragraph shall be included in the numerator of the sales factor if the borrower is located in this state.

(b) The determination of whether the real property securing a loan is located within this state shall be made as of the time the original agreement was made and any and all subsequent substitutions of collateral shall be disregarded.

(5) The numerator of the sales factor includes interest and fees or penalties in the nature of interest from loans not secured by real property if the borrower is located in this state.

(6) The numerator of the sales factor includes net gains from

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the sale of loans. Net gains from the sale of loans includes 41543  
income recorded under the coupon stripping rules of section 1286 41544  
of the Internal Revenue Code. 41545

(a) The amount of net gains, but not less than zero, from the 41546  
sale of loans secured by real property included in the numerator 41547  
is determined by multiplying such net gains by a fraction the 41548  
numerator of which is the amount included in the numerator of the 41549  
sales factor pursuant to division (F)(4) of this section and the 41550  
denominator of which is the total amount of interest and fees or 41551  
penalties in the nature of interest from loans secured by real 41552  
property. 41553

(b) The amount of net gains, but not less than zero, from the 41554  
sale of loans not secured by real property included in the 41555  
numerator is determined by multiplying such net gains by a 41556  
fraction the numerator of which is the amount included in the 41557  
numerator of the sales factor pursuant to division (F)(5) of this 41558  
section and the denominator of which is the total amount of 41559  
interest and fees or penalties in the nature of interest from 41560  
loans not secured by real property. 41561

(7) The numerator of the sales factor includes interest and 41562  
fees or penalties in the nature of interest from credit card 41563  
receivables and receipts from fees charged to card holders, such 41564  
as annual fees, if the billing address of the card holder is in 41565  
this state. 41566

(8) The numerator of the sales factor includes net gains, but 41567  
not less than zero, from the sale of credit card receivables 41568  
multiplied by a fraction, the numerator of which is the amount 41569  
included in the numerator of the sales factor pursuant to division 41570  
(F)(7) of this section and the denominator of which is the 41571  
taxpayer's total amount of interest and fees or penalties in the 41572  
nature of interest from credit card receivables and fees charged 41573  
to card holders. 41574

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(9) The numerator of the sales factor includes all credit card issuer's reimbursement fees multiplied by a fraction, the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(7) of this section and the denominator of which is the taxpayer's total amount of interest and fees or penalties in the nature of interest from credit card receivables and fees charged to card holders.

(10) The numerator of the sales factor includes receipts from merchant discount if the commercial domicile of the merchant is in this state. Such receipts shall be computed net of any card holder charge backs, but shall not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its card holders.

(11)(a)(i) The numerator of the sales factor includes loan servicing fees derived from loans secured by real property multiplied by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(4) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans secured by real property.

(ii) The numerator of the sales factor includes loan servicing fees derived from loans not secured by real property multiplied by a fraction the numerator of which is the amount included in the numerator of the sales factor pursuant to division (F)(5) of this section and the denominator of which is the total amount of interest and fees or penalties in the nature of interest from loans not secured by real property.

(b) In circumstances in which the taxpayer receives loan servicing fees for servicing either the secured or the unsecured loans of another, the numerator of the sales factor shall include such fees if the borrower is located in this state.

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(12) The numerator of the sales factor includes receipts from services not otherwise apportioned under this section if the service is performed in this state. If the service is performed both within and without this state, the numerator of the sales factor includes receipts from services not otherwise apportioned under this section, if a greater proportion of the income producing activity is performed in this state based on cost of performance.

(13)(a) Interest, dividends, net gains, but not less than zero, and other income from investment assets and activities and from trading assets and activities shall be included in the sales factor. Investment assets and activities and trading assets and activities include but are not limited to: investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions. With respect to the investment and trading assets and activities described in divisions (F)(13)(a)(i) and (ii) of this section, the sales factor shall include the amounts described in such divisions.

(i) The sales factor shall include the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(ii) The sales factor shall include the amount by which interest, dividends, gains, and other income from trading assets and activities, including, but not limited to, assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(b) The numerator of the sales factor includes interest,

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dividends, net gains, but not less than zero, and other income 41638  
from investment assets and activities and from trading assets and 41639  
activities described in division (F)(13)(a) of this section that 41640  
are attributable to this state. 41641

(i) The amount of interest, other than interest described in 41642  
division (F)(13)(b)(iv) of this section, dividends, other than 41643  
dividends described in that division, net gains, but not less than 41644  
zero, and other income from investment assets and activities in 41645  
the investment account to be attributed to this state and included 41646  
in the numerator is determined by multiplying all such income from 41647  
such assets and activities by a fraction, the numerator of which 41648  
is the average value of such assets which are properly assigned to 41649  
a regular place of business of the taxpayer within this state and 41650  
the denominator of which is the average value of all such assets. 41651

(ii) The amount of interest from federal funds sold and 41652  
purchased and from securities purchased under resale agreements 41653  
and securities sold under repurchase agreements attributable to 41654  
this state and included in the numerator is determined by 41655  
multiplying the amount described in division (F)(13)(a)(i) of this 41656  
section from such funds and such securities by a fraction, the 41657  
numerator of which is the average value of federal funds sold and 41658  
securities purchased under agreements to resell which are properly 41659  
assigned to a regular place of business of the taxpayer within 41660  
this state and the denominator of which is the average value of 41661  
all such funds and such securities. 41662

(iii) The amount of interest, dividends, gains, and other 41663  
income from trading assets and activities, including but not 41664  
limited to assets and activities in the matched book, in the 41665  
arbitrage book, and foreign currency transaction, but excluding 41666  
amounts described in division (F)(13)(b)(i) or (ii) of this 41667  
section, attributable to this state and included in the numerator 41668  
is determined by multiplying the amount described in division 41669

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(F)(13)(a)(ii) of this section by a fraction, the numerator of which is the average value of such trading assets which are properly assigned to a regular place of business of the taxpayer within this state and the denominator of which is the average value of all such assets.

(iv) The amount of dividends received on the capital stock of, and the amount of interest received from loans and advances to, subsidiary corporations at least fifty-one per cent of whose common stock is owned by the reporting financial institution shall be allocated in and out of this state by the application of a ratio whose numerator is the sum of the net book value of the payor's real property owned in this state and the payor's tangible personal property owned in this state and whose denominator is the sum of the net book value of the payor's real property owned wherever located and the payor's tangible personal property owned wherever located. For purposes of calculating this ratio, the taxpayer shall determine net book value in accordance with generally accepted accounting principles.

(v) For purposes of this division, average value shall be determined using the rules for determining the average value of tangible personal property set forth in division (D)(2) and (3) of this section.

(c) In lieu of using the method set forth in division (F)(13)(b) of this section, the taxpayer may elect, or the tax commissioner may require in order to fairly represent the business activity of the taxpayer in this state, the use of the method set forth in division (F)(13)(c) of this section.

(i) The amount of interest, other than interest described in division (F)(13)(b)(iv) of this section, dividends, other than dividends described in that division, net gains, but not less than zero, and other income from investment assets and activities in the investment account to be attributed to this state and included

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in the numerator is determined by multiplying all such income from  
such assets and activities by a fraction, the numerator of which  
is the gross income from such assets and activities which are  
properly assigned to a regular place of business of the taxpayer  
within this state, and the denominator of which is the gross  
income from all such assets and activities.

(ii) The amount of interest from federal funds sold and  
purchased and from securities purchased under resale agreements  
and securities sold under repurchase agreements attributable to  
this state and included in the numerator is determined by  
multiplying the amount described in division (F)(13)(a)(i) of this  
section from such funds and such securities by a fraction, the  
numerator of which is the gross income from such funds and such  
securities which are properly assigned to a regular place of  
business of the taxpayer within this state and the denominator of  
which is the gross income from all such funds and such securities.

(iii) The amount of interest, dividends, gains, and other  
income from trading assets and activities, including, but not  
limited to, assets and activities in the matched book, in the  
arbitrage book, and foreign currency transactions, but excluding  
amounts described in division (F)(13)(a)(i) or (ii) of this  
section, attributable to this state and included in the numerator,  
is determined by multiplying the amount described in division  
(F)(13)(a)(ii) of this section by a fraction, the numerator of  
which is the gross income from such trading assets and activities  
which are properly assigned to a regular place of business of the  
taxpayer within this state and the denominator of which is the  
gross income from all such assets and activities.

(iv) The amount of dividends received on the capital stock  
of, and the amount of interest received from loans and advances  
to, subsidiary corporations at least fifty-one per cent of whose  
common stock is owned by the reporting financial institution shall



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be allocated in and out of this state by the application of a ratio whose numerator is the sum of the net book value of the payor's real property owned in this state and the payor's tangible personal property owned in this state and whose denominator is the sum of the payor's real property owned wherever located and the payor's tangible personal property owned wherever located. For purposes of calculating this ratio, the taxpayer shall determine net book value in accordance with generally accepted accounting principles.

(d) If the taxpayer elects or is required by the tax commissioner to use the method set forth in division (F)(13)(c) of this section, it shall use this method on all subsequent returns unless the taxpayer receives prior permission from the tax commissioner to use or the tax commissioner requires a different method.

(e) The taxpayer shall have the burden of proving that an investment asset or activity or trading asset or activity was properly assigned to a regular place of business outside of this state by demonstrating that the day-to-day decisions regarding the asset or activity occurred at a regular place of business outside this state. Where the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one regular place of business and one such regular place of business is in this state and one such regular place of business is outside this state such asset or activity shall be considered to be located at the regular place of business of the taxpayer where the investment or trading policies or guidelines with respect to the asset or activity are established. Unless the taxpayer demonstrates to the contrary, such policies and guidelines shall be presumed to be established at the commercial domicile of the taxpayer.

(14) The numerator of the sales factor includes all other

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receipts if either: 41766

(a) The income-producing activity is performed solely in this 41767  
state; or 41768

(b) The income-producing activity is performed both within 41769  
and without this state and a greater proportion of the 41770  
income-producing activity is performed within this state than in 41771  
any other state, based on costs of performance. 41772

(G) A qualified institution may calculate the base upon which 41773  
the fee provided for in division (D) of section 5733.06 ~~(D)~~ of the 41774  
~~revised code~~ Revised Code is determined for each of the tax years 41775  
1998, 1999, 2000, ~~and~~ 2001, 2002, and 2003 by multiplying the 41776  
value of its issued and outstanding shares of stock determined 41777  
under division (B) of this section by a single deposits fraction 41778  
whose numerator is the deposits assigned to branches in this state 41779  
and whose denominator is the deposits assigned to branches 41780  
everywhere. Deposits shall be assigned to branches in the same 41781  
manner in which the assignment is made for regulatory purposes. If 41782  
the base calculated under this division is less than the base 41783  
calculated under division (C) of this section, then the qualifying 41784  
institution may elect to substitute the base calculated under this 41785  
division for the base calculated under division (C) of this 41786  
section. Such election may be made annually for each of the tax 41787  
years 1998, 1999, 2000, ~~and~~ 2001, 2002, and 2003 on the corporate 41788  
report. The election need not accompany the report; rather, the 41789  
election may accompany a subsequently filed but timely application 41790  
for refund, a subsequently filed but timely amended report, or a 41791  
subsequently filed but timely petition for reassessment. The 41792  
election is not irrevocable and it applies only to the specified 41793  
tax year. Nothing in this division shall be construed to extend 41794  
any statute of limitations set forth in this chapter 41795

(H) If the apportionment provisions of this section do not 41796  
fairly represent the extent of the taxpayer's business activity in 41797

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this state, the taxpayer may petition for or the tax commissioner	41798
may require, in respect to all or any part of the taxpayer's	41799
business activity, if reasonable:	41800
(1) Separate accounting;	41801
(2) The exclusion of any one or more of the factors;	41802
(3) The inclusion of one or more additional factors which	41803
will fairly represent the taxpayer's business activity in this	41804
state; or	41805
(4) The employment of any other method to effectuate an	41806
equitable allocation and apportionment of the taxpayer's value.	41807
<b>Sec. 5733.06.</b> The tax hereby charged each corporation subject	41808
to this chapter shall be the greater of the sum of divisions (A)	41809
and (B) of this section, after the reduction, if any, provided by	41810
division (J) of this section, or division (C) of this section,	41811
after the reduction, if any, provided by division (J) of this	41812
section, except that the tax hereby charged each financial	41813
institution subject to this chapter shall be the amount computed	41814
under division (D) of this section:	41815
(A) Except as set forth in division (F) of this section, five	41816
and one-tenth per cent upon the first fifty thousand dollars of	41817
the value of the taxpayer's issued and outstanding shares of stock	41818
as determined under division (B) of section 5733.05 of the Revised	41819
Code;	41820
(B) Except as set forth in division (F) of this section,	41821
eight and one-half per cent upon the value so determined in excess	41822
of fifty thousand dollars; or	41823
(C) Except as otherwise provided under division (G) of this	41824
section, four mills times that portion of the value of the issued	41825
and outstanding shares of stock as determined under division (C)	41826
of section 5733.05 of the Revised Code. For the purposes of	41827

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division (C) of this section, division (C)(2) of section 5733.065, 41828  
and division (C) of section 5733.066 of the Revised Code, the 41829  
value of the issued and outstanding shares of stock of a qualified 41830  
holding company is zero. 41831

(D) The tax charged each financial institution subject to 41832  
this chapter shall be that portion of the value of the issued and 41833  
outstanding shares of stock as determined under division (A) of 41834  
section 5733.05 of the Revised Code, multiplied by the following 41835  
amounts: 41836

(1) For tax years prior to the 1999 tax year, fifteen mills; 41837

(2) For the 1999 tax year, fourteen mills; 41838

(3) For tax year 2000 and thereafter, thirteen mills. 41839

(E) No tax shall be charged from any corporation that has 41840  
been adjudicated bankrupt, or for which a receiver has been 41841  
appointed, or that has made a general assignment for the benefit 41842  
of creditors, except for the portion of the then current tax year 41843  
during which the tax commissioner finds such corporation had the 41844  
power to exercise its corporate franchise unimpaired by such 41845  
proceedings or act. The minimum payment for all corporations shall 41846  
be fifty dollars. 41847

The tax charged to corporations under this chapter for the 41848  
privilege of engaging in business in this state, which is an 41849  
excise tax levied on the value of the issued and outstanding 41850  
shares of stock, shall in no manner be construed as prohibiting or 41851  
otherwise limiting the powers of municipal corporations, joint 41852  
economic development zones created under section 715.691 of the 41853  
Revised Code, and joint economic development districts created 41854  
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 41855  
Revised Code in this state to impose an income tax on the income 41856  
of such corporations. 41857

(F) If two or more taxpayers satisfy the ownership or control 41858

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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.

(H)(1) For the purposes of division (H) of this section, "exiting corporation" means a corporation that satisfies all of the following conditions:

(a) The corporation had nexus with or in this state under the Constitution of the United States during any portion of a calendar year;

(b) The corporation was not a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following that calendar year;

(c) The corporation was not a financial institution on the first day of January immediately following that calendar year;

(d) If the corporation was a transferor as defined in section 5733.053 of the Revised Code, the corporation's transferee was not required to add to the transferee's net income the income of the transferor pursuant to division (B) of that section;

(e) During any portion of that calendar year, or any portion of the immediately preceding calendar year, the corporation had

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net income that was not included in a report filed by the corporation or its transferee pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code;

(f) The corporation would have been subject to the tax computed under divisions (A), (B), (C), (F), and (G) of this section if the corporation is assumed to be a corporation described in division (A) of section 5733.01 of the Revised Code on the first day of January immediately following the calendar year to which division (H)(1)(a) of this section refers.

(2) For the purposes of division (H) of this section, "unreported net income" means net income that was not previously included in a report filed pursuant to section 5733.02, 5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code and that was realized or recognized during the calendar year to which division (H)(1) of this section refers or the immediately preceding calendar year.

(3) Each exiting corporation shall pay a tax computed by first allocating and apportioning the unreported net income pursuant to division (B) of section 5733.05 and section 5733.051 and, if applicable, section 5733.052 of the Revised Code. The exiting corporation then shall compute the tax due on its unreported net income allocated and apportioned to this state by applying divisions (A), (B), and (F) of this section to that income.

(4) Divisions (C) and (G) of this section, division (D)(2) of section 5733.065, and division (C) of section 5733.066 of the Revised Code do not apply to an exiting corporation, but exiting corporations are subject to every other provision of this chapter.

(5) Notwithstanding division (B) of section 5733.01 or sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the contrary, each exiting corporation shall report and pay the tax

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due under division (H) of this section on or before the 41921  
thirty-first day of May immediately following the calendar year to 41922  
which division (H)(1)(a) of this section refers. The exiting 41923  
corporation shall file that report on the form most recently 41924  
prescribed by the tax commissioner for the purposes of complying 41925  
with sections 5733.02 and 5733.03 of the Revised Code. Upon 41926  
request by the corporation, the tax commissioner may extend the 41927  
date for filing the report. 41928

(6) If, on account of the application of section 5733.053 of 41929  
the Revised Code, net income is subject to the tax imposed by 41930  
divisions (A) and (B) of this section, such income shall not be 41931  
subject to the tax imposed by division (H)(3) of this section. 41932

(7) The amendments made to division (H) of this section by 41933  
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 41934  
any transfer, as defined in section 5733.053 of the Revised Code, 41935  
for which negotiations began prior to January 1, 2001, and that 41936  
was commenced in and completed during calendar year 2001, unless 41937  
the taxpayer makes an election prior to December 31, 2001, to 41938  
apply the section. 41939

(8) The tax commissioner may adopt rules governing division 41940  
(H) of this section. 41941

(I) Any reference in the Revised Code to "the tax imposed by 41942  
section 5733.06 of the Revised Code" or "the tax due under section 41943  
5733.06 of the Revised Code" includes the taxes imposed under 41944  
sections 5733.065 and 5733.066 of the Revised Code. 41945

(J)(1) Division (J) of this section applies solely to a 41946  
combined company. Section 5733.057 of the Revised Code shall apply 41947  
when calculating the adjustments required by division (J) of this 41948  
section. 41949

(2) Subject to division (J)(4) of this section, the total tax 41950  
calculated in divisions (A) and (B) of this section shall be 41951

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reduced by an amount calculated by multiplying such tax by a  
fraction, the numerator of which is the total taxable gross  
receipts attributed to providing public utility activity other  
than as an electric company under section 5727.03 of the Revised  
Code for the year upon which the taxable gross receipts are  
measured immediately preceding the tax year, and the denominator  
of which is the total gross receipts from all sources for the year  
upon which the taxable gross receipts are measured immediately  
preceding the tax year. Nothing herein shall be construed to  
exclude from the denominator any item of income described in  
section 5733.051 of the Revised Code.

(3) Subject to division (J)(4) of this section, the total tax  
calculated in division (C) of this section shall be reduced by an  
amount calculated by multiplying such tax by the fraction  
described in division (J)(2) of this section.

(4) In no event shall the reduction provided by division  
(J)(2) or (J)(3) of this section exceed the amount of the excise  
tax paid in accordance with section 5727.38 of the Revised Code,  
for the year upon which the taxable gross receipts are measured  
immediately preceding the tax year.

**Sec. 5733.12.** (A) Four and two-tenths per cent of all  
payments received ~~by the treasurer of state~~ from the taxes imposed  
under sections 5733.06 and 5733.41 of the Revised Code shall be  
credited to the local government fund for distribution in  
accordance with section 5747.50 of the Revised Code, six-tenths of  
one per cent shall be credited to the local government revenue  
assistance fund for distribution in accordance with section  
5747.61 of the Revised Code, and ninety-five and two-tenths per  
cent shall be credited to the general revenue fund.

(B) Except as otherwise provided under divisions (C) and (D)  
of this section, an application to refund to the corporation the



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amount of taxes imposed under section 5733.06 of the Revised Code 41983  
 that are overpaid, paid illegally or erroneously, or paid on any 41984  
 illegal, erroneous, or excessive assessment, with interest thereon 41985  
 as provided by section 5733.26 of the Revised Code, shall be filed 41986  
 with the tax commissioner, on the form prescribed by the 41987  
 commissioner, within three years from the date of the illegal, 41988  
 erroneous, or excessive payment of the tax, or within any 41989  
 additional period allowed by division (C)(2) of section 5733.031, 41990  
 division (D)(2) of section 5733.067, or division (A) of section 41991  
 5733.11 of the Revised Code. 41992

On the filing of the refund application, the commissioner 41993  
 shall determine the amount of refund due and certify such amount 41994  
 to the director of budget and management and treasurer of state 41995  
 for payment from the tax refund fund created by section 5703.052 41996  
 of the Revised Code. 41997

(C) "Ninety days" shall be substituted for "three years" in 41998  
 division (B) of this section if the taxpayer satisfies both of the 41999  
 following: 42000

(1) The taxpayer has applied for a refund based in whole or 42001  
 in part upon section 5733.0611 of the Revised Code; 42002

(2) The taxpayer asserts that the imposition or collection of 42003  
 the tax imposed or charged by section 5733.06 of the Revised Code 42004  
 or any portion of such tax violates the Constitution of the United 42005  
 States or the Constitution of this state. 42006

(D)(1) Division (D)(2) of this section applies only if all of 42007  
 the following conditions are satisfied: 42008

(a) A qualifying pass-through entity pays an amount of the 42009  
 tax imposed by section 5733.41 of the Revised Code; 42010

(b) The taxpayer is a qualifying investor as to that 42011  
 qualifying pass-through entity; 42012

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(c) The taxpayer did not claim the credit provided for in 42013  
 section 5733.0611 of the Revised Code as to the tax described in 42014  
 division (D)(1)(a) of this section; 42015

(d) The three-year period described in division (B) of this 42016  
 section has ended as to the taxable year for which the taxpayer 42017  
 otherwise would have claimed that credit. 42018

(2) A taxpayer shall file an application for refund pursuant 42019  
 to this division within one year after the date the payment 42020  
 described in division (D)(1)(a) of this section is made. An 42021  
 application filed under this division shall only claim refund of 42022  
 overpayments resulting from the taxpayer's failure to claim the 42023  
 credit described in division (D)(1)(c) of this section. Nothing in 42024  
 this division shall be construed to relieve a taxpayer from 42025  
 complying with the provisions of division (I)(14) of section 42026  
 5733.04 of the Revised Code. 42027

**Sec. 5733.122.** Between the first and fifteenth days of July 42028  
each year, the tax commissioner shall certify to the director of 42029  
budget and management the total reported liability of the taxes or 42030  
surcharges levied in the second preceding year under sections 42031  
5733.065 and 5733.066 of the Revised Code. Notwithstanding section 42032  
5733.12 of the Revised Code, during the period July 1, 1980, to 42033  
December 31, 1981, four million dollars received by the treasurer 42034  
of state under this chapter the total amount certified in each 42035  
year less an amount to be retained by the department of taxation 42036  
for expenses resulting from the administration of the taxes or 42037  
surcharges levied under sections 5733.065 and 5733.066 of the 42038  
Revised Code shall be credited to the recycling and litter 42039  
prevention fund created by section 1502.02 of the Revised Code. 42040  
~~Thereafter, during each of the consecutive six-month periods~~ 42041  
~~beginning January 1, 1982, five million dollars from amounts~~ 42042  
~~received by the treasurer of state under this chapter shall be~~ 42043

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~~credited to that fund.~~ No amount shall be credited to the local 42044  
government fund from any receipts credited to the recycling and 42045  
litter prevention fund under this section. 42046

The office of budget and mangement shall provide the 42047  
treasurer of state with a monthly schedule in accordance with 42048  
which the amounts shall be credited. 42049

**Sec. 5733.18.** Annually, on the day fixed for the payment of 42050  
any excise or franchise tax required to be paid by law, such tax, 42051  
together with any penalties subsequently accruing thereon, shall 42052  
become a lien on all property in this state of a corporation, 42053  
whether such property is employed by the corporation in the 42054  
prosecution of its business or is in the hands of an assignee, 42055  
trustee, or receiver for the benefit of the creditors and 42056  
stockholders. Such lien shall continue until such taxes, together 42057  
with any penalties subsequently accruing, are paid. 42058

Upon failure of such corporation to pay such tax on the day 42059  
fixed for payment, ~~the treasurer of state shall thereupon notify~~ 42060  
~~the tax commissioner and the commissioner~~ may file, for which 42061  
filing no fee shall be charged, in the office of the county 42062  
recorder in each county in this state in which such corporation 42063  
owns or has a beneficial interest in real estate, notice of such 42064  
lien containing a brief description of such real estate. Such lien 42065  
shall not be valid as against any mortgagee, purchaser, or 42066  
judgment creditor whose rights have attached prior to the time 42067  
such notice is so filed in the county in which the real estate 42068  
which is the subject of such mortgage, purchase, or judgment lien 42069  
is located. Such notice shall be recorded in a book kept by the 42070  
recorder, called the corporation franchise lien record, and 42071  
indexed under the name of the corporation charged with such tax. 42072  
When such tax, together with any penalties subsequently accruing 42073  
thereon, has been paid, the tax commissioner shall furnish to the 42074  
corporation an acknowledgment of such payment which the 42075

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corporation may record with the recorder of each county in which 42076  
 notice of such lien has been filed, for which recording the 42077  
 recorder shall charge and receive a fee of two dollars. 42078

**Sec. 5733.401.** (A) As used in this section: 42079

(1) "Investment pass-through entity" means a pass-through 42080  
 entity having for its qualifying taxable year at least ninety per 42081  
 cent of its gross income from transaction fees in connection with 42082  
 the acquisition, ownership, or disposition of intangible property, 42083  
 loan fees, financing fees, consent fees, waiver fees, application 42084  
 fees, net management fees, dividend income, interest income, net 42085  
 capital gains from the sale or exchange of intangible property, or 42086  
 distributive shares of income from pass-through entities; and 42087  
 having for its qualifying taxable year at least ninety per cent of 42088  
 the net book value of its assets represented by intangible assets. 42089  
 Such percentages shall be the quarterly average of those 42090  
 percentages as calculated during the pass-through entity's taxable 42091  
 year. 42092

(2) "Net management fees" means management fees that a 42093  
 pass-through entity earns or receives from all sources, reduced by 42094  
 management fees that the pass-through entity incurs or pays to any 42095  
 person. 42096

(B) For the purposes of divisions (A) and (C) of this section 42097  
 only, an investment in a pass-through entity shall be deemed to be 42098  
 an investment in an intangible asset. 42099

(C) Except as otherwise provided in division (D) of this 42100  
 section, for the purposes of division (A) of section 5733.40 of 42101  
 the Revised Code, an investment pass-through entity shall exclude 42102  
 from the calculation of the adjusted qualifying amount all 42103  
 transaction fees in connection with the acquisition, ownership, or 42104  
 disposition of intangible property; loan fees; financing fees; 42105  
consent fees; waiver fees; application fees; net management 42106

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fees, but if such fees exceed five per cent of the entity's net 42107  
income calculated in accordance with generally accepted accounting 42108  
principles, all net management fees shall be included in the 42109  
calculation of the adjusted qualifying amount; dividend income<sub>7,i</sub> 42110  
interest income<sub>7,i</sub>; net capital gains from the sale or exchange of 42111  
intangible property<sub>7,i</sub>; and all types and classifications of income 42112  
attributable to distributive shares of income from other 42113  
pass-through entities. Nothing in this division shall be construed 42114  
to provide for an exclusion of any item from adjusted qualifying 42115  
amount more than once. 42116

(D) Sections 5733.057 and 5747.231 of the Revised Code do not 42117  
apply for the purposes of making the determinations required by 42118  
division (A) of this section or claiming the exclusion provided by 42119  
division (C) of this section. 42120

**Sec. 5733.42.** (A) As used in this section: 42121

(1) "Eligible training program" means a program to provide 42122  
job skills to eligible employees who are unable effectively to 42123  
function on the job due to skill deficiencies or who would 42124  
otherwise be displaced because of their skill deficiencies or 42125  
inability to use new technology, or to provide job skills to 42126  
eligible employees that enable them to perform other job duties 42127  
for the taxpayer. Eligible training programs do not include 42128  
executive, management, or personal enrichment training programs, 42129  
or training programs intended exclusively for personal career 42130  
development. 42131

(2) "Eligible employee" means an individual who is employed 42132  
in this state by a taxpayer and has been so employed by the same 42133  
taxpayer for at least one hundred eighty consecutive days before 42134  
the day an application for the credit is filed under this section. 42135  
"Eligible employee" does not include any employee for which a 42136  
credit is claimed pursuant to division (A)(5) of section 5709.65 42137

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of the Revised Code for all or any part of the same year, an 42138  
 employee who is not a full-time employee, or executive or 42139  
 managerial personnel except for the immediate supervisors of 42140  
 nonexecutive, nonmanagerial personnel. 42141

(3) "Eligible training costs" means: 42142

(a) Direct instructional costs, such as instructor salaries, 42143  
 materials and supplies, textbooks and manuals, videotapes, and 42144  
 other instructional media and training equipment used exclusively 42145  
 for the purpose of training eligible employees; 42146

(b) Wages paid to eligible employees for time devoted 42147  
 exclusively to an eligible training program during normal paid 42148  
 working hours. 42149

(4) "Full-time employee" means an individual who is employed 42150  
 for consideration for at least thirty-five hours per week, or who 42151  
 renders any other standard of service generally accepted by custom 42152  
 or specified by contract as full-time employment. 42153

(5) "Partnership" includes a limited liability company formed 42154  
 under Chapter 1705. of the Revised Code or under the laws of 42155  
 another state, provided that the company is not classified for 42156  
 federal income tax purposes as an association taxable as a 42157  
 corporation. 42158

(B) There is hereby allowed a nonrefundable credit against 42159  
 the tax imposed by section 5733.06 of the Revised Code for 42160  
 taxpayers for which a tax credit certificate is issued under 42161  
 division (C) of this section. The credit may ~~not~~ be claimed for 42162  
~~any tax year after tax year years 2004, except for amounts carried~~ 42163  
~~forward to subsequent tax years to the extent allowed under~~ 42164  
~~division (J) of this section 2005, and 2006, but may not be~~ 42165  
claimed for tax years 2002 and 2003. The amount of the credit for 42166  
 each tax year shall equal one-half of the average of the eligible 42167  
 training costs paid or incurred by the taxpayer during the three 42168

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calendar years immediately preceding the tax year for which the 42169  
 credit is claimed, not to exceed one thousand dollars for each 42170  
 eligible employee on account of whom eligible training costs were 42171  
 paid or incurred by the taxpayer during those calendar years. The 42172  
 credit claimed by a taxpayer each tax year shall not exceed one 42173  
 hundred thousand dollars. 42174

If, on or before June 30, 2001, a taxpayer had properly filed 42175  
an application for a credit for tax year 2002 or 2003 as provided 42176  
in division (C) of this section, the director of job and family 42177  
services may authorize a credit for the eligible training costs 42178  
for which the credit is claimed subject to the limitations and 42179  
requirements of this section, but the tax credit certificate 42180  
issued for tax year 2002 or 2003 shall be applied only to the 42181  
taxpayer's liability for tax for tax year 2004. The credit claimed 42182  
by such a taxpayer shall be computed in the manner prescribed by 42183  
this section; is subject to the limitations of this section on the 42184  
amount of the credit for each eligible employee and for each tax 42185  
year; and shall be in addition to any credit claimed by the 42186  
taxpayer under this section for tax year 2004. For the purpose of 42187  
the limitation on the amount of the credit that may be claimed by 42188  
a company for tax year 2004, tax credit certificates issued for 42189  
tax year 2002 or 2003 shall not be considered as being claimed for 42190  
tax year 2004. 42191

(C) A taxpayer who proposes to conduct an eligible training 42192  
 program may apply to the director of job and family services for a 42193  
 tax credit certificate under this section. The taxpayer may apply 42194  
 for such a certificate for ~~each tax year with respect to a~~ 42195  
~~calendar year in which the taxpayer paid or incurred eligible~~ 42196  
~~training costs~~ tax years 2004, 2005, and 2006, subject to ~~division~~ 42197  
divisions (B) and (L) of this section. The director shall 42198  
 prescribe the form of the application, which shall require a 42199  
 detailed description of the proposed training program. The 42200

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director may require applicants to remit an application fee with 42201  
each application filed with the director. The fee shall not exceed 42202  
the reasonable and necessary expenses incurred by the director in 42203  
receiving, reviewing, and approving such applications and issuing 42204  
tax credit certificates. Proceeds from fees shall be used solely 42205  
for the purpose of receiving, reviewing, and approving such 42206  
applications and issuing such certificates. 42207

After receipt of an application, the director shall authorize 42208  
a credit under this section by issuing a tax credit certificate, 42209  
in the form prescribed by the director, if the director determines 42210  
all of the following: 42211

(1) The proposed training program is an eligible training 42212  
program under this section; 42213

(2) The proposed training program is economically sound and 42214  
will benefit the people of this state by improving workforce 42215  
skills and strengthening the economy of this state; 42216

(3) Receiving the tax credit is a major factor in the 42217  
taxpayer's decision to go forward with the training program; 42218

(4) Authorization of the credit is consistent with division 42219  
(H) of this section. 42220

The credit also is allowed for a taxpayer that is a partner 42221  
in a partnership that pays or incurs eligible training costs. Such 42222  
a taxpayer shall determine the taxpayer's credit amount in the 42223  
manner prescribed by division (K) of this section. 42224

(D) If the director of job and family services denies an 42225  
application for a tax credit certificate, the director shall send 42226  
notice of the denial and the reason for denial to the applicant by 42227  
certified mail, return receipt requested. If the director 42228  
determines that an authorized training program, as actually 42229  
conducted, fails to meet the requirements of this section or to 42230  
comply with any condition set forth in the authorization, the 42231



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director may reduce the amount of the tax credit previously 42232  
granted. If the director reduces a tax credit, the director shall 42233  
send notice of the reduction and the reason for the reduction to 42234  
the taxpayer by certified mail, return receipt requested, and 42235  
shall certify the reduction to the tax commissioner or, in the 42236  
case of the reduction of a credit claimed by an insurance company, 42237  
the superintendent of insurance. The tax commissioner or 42238  
superintendent of insurance shall reduce the credit that may be 42239  
claimed by the taxpayer accordingly. Within sixty days after 42240  
receiving a notice of denial or notice of reduction of the tax 42241  
credit, an applicant or taxpayer may request, in writing, a 42242  
hearing before the director to review the denial or reduction. 42243  
Within sixty days after receiving a request that is filed within 42244  
the prescribed time, the director shall hold such a hearing at a 42245  
location to be determined by the director. Within thirty days 42246  
after the hearing is adjourned, the director shall issue a 42247  
redetermination affirming, reversing, or modifying the denial or 42248  
reduction of the tax credit and send notice of the redetermination 42249  
to the applicant or taxpayer by certified mail, return receipt 42250  
requested, and shall issue a notice of the redetermination to the 42251  
tax commissioner or superintendent of insurance. If an applicant 42252  
or taxpayer is aggrieved by the director's redetermination, the 42253  
applicant or taxpayer may appeal the redetermination to the board 42254  
of tax appeals in the manner prescribed by section 5717.02 of the 42255  
Revised Code. 42256

(E) A taxpayer to which a tax credit certificate is issued 42257  
shall retain records indicating the eligible training costs it 42258  
pays or incurs for the eligible training program for which the 42259  
certificate is issued for four years following the end of the tax 42260  
year for which the credit is claimed. Such records shall be open 42261  
to inspection by the director of job and family services upon the 42262  
director's request during business hours. 42263

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Financial statements and other information submitted by an applicant to the director of job and family services for a tax credit under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the director of job and family services, the tax commissioner, or superintendent of insurance may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credits allowed under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code.

(F) The director of job and family services, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The rules shall be adopted after consultation with the tax commissioner and the superintendent of insurance. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons and ranking minority members of the standing committees in the senate and the house of representatives to which legislation on economic development matters are customarily referred.

(G) On or before the thirtieth day of September of ~~2001,~~ ~~2002,~~ 2003, ~~and~~ 2004, 2005, and 2006, the director of job and family services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The report shall include information on the number of training programs that were authorized under those sections during the preceding calendar year, a description of each authorized training

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program, the dollar amounts of the credits granted, and an 42296  
estimate of the impact of the credits on the economy of this 42297  
state. 42298

(H) The aggregate amount of credits authorized under this 42299  
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 42300  
Code shall not exceed twenty million dollars per calendar year. No 42301  
more than ten million dollars in credits per calendar year shall 42302  
be authorized for persons engaged primarily in manufacturing. No 42303  
less than five million dollars in credits per calendar year shall 42304  
be set aside for persons engaged primarily in activities other 42305  
than manufacturing and having fewer than five hundred employees. 42306  
Subject to such limits, credits shall be authorized for applicants 42307  
meeting the requirements of this section in the order in which 42308  
they submit complete and accurate applications. 42309

(I) A nonrefundable credit allowed under this section shall 42310  
be claimed in the order required under section 5733.98 of the 42311  
Revised Code. 42312

(J) The taxpayer may carry forward any credit amount in 42313  
excess of its tax due after allowing for any other credits that 42314  
precede the credit under this section in the order required under 42315  
section 5733.98 of the Revised Code. The excess credit may be 42316  
carried forward for three years following the tax year for which 42317  
it is first claimed under this section. 42318

(K) A taxpayer that is a partner in a partnership on the last 42319  
day of the third calendar year of the three-year period during 42320  
which the partnership pays or incurs eligible training costs may 42321  
claim a credit under this section for the tax year immediately 42322  
following that calendar year. The amount of a partner's credit 42323  
equals the partner's interest in the partnership on the last day 42324  
of such calendar year multiplied by the credit available to the 42325  
partnership as computed by the partnership. 42326

(L) The director of job and family services shall not 42327

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authorize any credits under this section and sections 5725.31, 42328  
 5729.07, and 5747.39 of the Revised Code for eligible training 42329  
 costs paid or incurred after December 31, ~~2003~~ 2005. 42330

**Sec. 5735.06.** (A) On or before the last day of each month, 42331  
 each motor fuel dealer shall file with the ~~treasurer of state tax~~ 42332  
~~commissioner~~ commissioner a report for the preceding calendar month, on forms 42333  
 prescribed by or in a form acceptable to the tax commissioner. The 42334  
 report shall include the following information: 42335

(1) An itemized statement of the number of gallons of all 42336  
 motor fuel received during the preceding calendar month by such 42337  
 motor fuel dealer, which has been produced, refined, prepared, 42338  
 distilled, manufactured, blended, or compounded by such motor fuel 42339  
 dealer in the state; 42340

(2) An itemized statement of the number of gallons of all 42341  
 motor fuel received by such motor fuel dealer in the state from 42342  
 any source during the preceding calendar month, other than motor 42343  
 fuel included in division (A)(1) of this section, together with a 42344  
 statement showing the date of receipt of such motor fuel; the name 42345  
 of the person from whom purchased or received; the date of receipt 42346  
 of each shipment of motor fuel; the point of origin and the point 42347  
 of destination of each shipment; the quantity of each of said 42348  
 purchases or shipments; the name of the carrier; the number of 42349  
 gallons contained in each car if shipped by rail; the point of 42350  
 origin, destination, and shipper if shipped by pipe line; or the 42351  
 name and owner of the boat, barge, or vessel if shipped by water; 42352

(3) An itemized statement of the number of gallons of motor 42353  
 fuel which such motor fuel dealer has during the preceding 42354  
 calendar month: 42355

(a) For motor fuel other than gasoline sold for use other 42356  
 than for operating motor vehicles on the public highways or on 42357  
 waters within the boundaries of this state; 42358

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(b) Exported from this state to any other state or foreign country as provided in division (A)(3) of section 5735.05 of the Revised Code;	42359 42360 42361
(c) Sold to the United States government or any of its agencies;	42362 42363
(d) Sold for delivery to motor fuel dealers;	42364
(e) Sold exclusively for use in the operation of aircraft;	42365
(4) Such other information incidental to the enforcement of the motor fuel laws of the state as the commissioner requires.	42366 42367
(B) The report shall show the tax due, computed as follows:	42368
(1) The following deductions shall be made from the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month:	42369 42370 42371
(a) The total number of gallons of motor fuel received by the motor fuel dealer within the state and sold or otherwise disposed of during the preceding calendar month as set forth in section 5735.05 of the Revised Code;	42372 42373 42374 42375
(b) The total number of gallons received during the preceding calendar month and sold or otherwise disposed of to another licensed motor fuel dealer pursuant to section 5735.05 of the Revised Code;	42376 42377 42378 42379
(c) To cover the costs of the motor fuel dealer in compiling the report, and evaporation, shrinkage, or other unaccounted-for losses:	42380 42381 42382
(i) If the report is timely filed and the tax is timely paid, three per cent of the total number of gallons of motor fuel received by the motor fuel dealer within the state during the preceding calendar month less the total number of gallons deducted under divisions (B)(1)(a) and (b) of this section, less one per cent of the total number of gallons of motor fuel that were sold	42383 42384 42385 42386 42387 42388

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to a retail dealer during the preceding calendar month;	42389
(ii) If the report required by division (A) of this section is not timely filed and the tax is not timely paid, no deduction shall be allowed;	42390 42391 42392
(iii) If the report is incomplete, no deduction shall be allowed for any fuel on which the tax is not timely reported and paid;	42393 42394 42395
(2) The number of gallons remaining after the deductions have been made shall be multiplied separately by each of the following amounts:	42396 42397 42398
(a) The cents per gallon rate;	42399
(b) Two cents.	42400
The sum of the products obtained in divisions (B)(2)(a) and (b) of this section shall be the amount of motor fuel tax for the preceding calendar month.	42401 42402 42403
(C) The report shall be filed together with payment of the tax shown on the report to be due, unless the motor fuel dealer is required by section 5735.062 of the Revised Code to pay the tax by electronic funds transfer, in which case the dealer shall file the report pursuant to this section and pay the tax pursuant to section 5735.062 of the Revised Code. The commissioner may extend the time for filing reports and may remit all or part of penalties which may become due under sections 5735.01 to 5735.99 of the Revised Code. <del>The treasurer of state shall stamp or otherwise mark on all returns the date received by the treasurer and shall also show thereon by stamp or otherwise the amount of payment received for the month for which the report is filed. Thereafter, the treasurer of state shall immediately transmit all reports filed under this section to the commissioner.</del> For purposes of this section and sections 5735.062 and 5735.12 of the Revised Code, a report required to be filed under this section is considered filed	42404 42405 42406 42407 42408 42409 42410 42411 42412 42413 42414 42415 42416 42417 42418 42419

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when it is received by the ~~treasurer of state~~ tax commissioner, 42420  
 and remittance of the tax due is considered to be made when the 42421  
 remittance is received by the ~~treasurer of state~~ tax commissioner 42422  
 or when credited to an account designated by the treasurer of 42423  
 state and the tax commissioner for the receipt of tax remittances. 42424  
The tax commissioner shall immediately forward to the treasurer of 42425  
state all amounts received under this section. 42426

(D) The tax commissioner may require a motor fuel dealer to 42427  
 file a report for a period other than one month. Such a report, 42428  
 together with payment of the tax, shall be filed not later than 42429  
 thirty days after the last day of the prescribed reporting period. 42430

(E) No person required by this section to file a tax report 42431  
 shall file a false or fraudulent tax report or supporting 42432  
 schedule. 42433

**Sec. 5735.061.** (A) By the fifteenth day of June of 1988, 42434  
 1989, 1990, 1991, 1992, and 1993, the tax commissioner shall 42435  
 certify to each dealer the following: 42436

(1) The cents per gallon rate computed for the period that 42437  
 begins on the first day of July of the current year pursuant to 42438  
 section 5735.011 of the Revised Code; 42439

(2) The difference between the cents per gallon rate 42440  
 presently in effect and the cents per gallon rate referred to in 42441  
 division (A)(1) of this section. 42442

(B) By the thirty-first day of July of each year each motor 42443  
 fuel dealer shall file with the ~~treasurer of state~~ tax 42444  
commissioner, on forms prescribed by the commissioner, a report 42445  
 signed by the motor fuel dealer showing the total number of 42446  
 gallons of all motor fuel that is held in the inventory of such 42447  
 motor fuel dealer as of the beginning of business on the first day 42448  
 of July of such year and on which the motor fuel tax has been 42449  
 paid. 42450

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(C) If the cents per gallon rate referred to in division 42451  
 (A)(1) of this section is greater than the cents per gallon rate 42452  
 it replaced, each motor fuel dealer shall pay to the ~~treasurer of~~ 42453  
~~state tax commissioner~~, upon the filing of the report under 42454  
 division (B) of this section, an amount equal to the product 42455  
 obtained by multiplying the gallonage referred to in division (B) 42456  
 of this section by the cents per gallon rate difference referred 42457  
 to in division (A)(2) of this section. ~~Taxes collected pursuant to~~ 42458  
The tax commissioner shall immediately forward to the treasurer of 42459  
state all money collected under this section, and such money shall 42460  
 be treated as revenue arising from the tax levied pursuant to 42461  
 section 5735.05 of the Revised Code. 42462

(D) If the cents per gallon rate referred to in division 42463  
 (A)(1) of this section is lower than the cents per gallon rate it 42464  
 replaced, each motor fuel dealer shall be entitled to a refund in 42465  
 an amount equal to the product obtained by multiplying the 42466  
 gallonage referred to in division (B) of this section by the cents 42467  
 per gallon rate difference referred to in division (A)(2) of this 42468  
 section. Within forty-five days from the date the motor fuel 42469  
 dealer files a report pursuant to division (B) of this section, 42470  
 the tax commissioner shall certify the amount of the refund to the 42471  
 director of budget and management and treasurer of state for 42472  
 payment from the tax refund fund created by section 5703.052 of 42473  
 the Revised Code. 42474

**Sec. 5739.01.** As used in this chapter: 42475

(A) "Person" includes individuals, receivers, assignees, 42476  
 trustees in bankruptcy, estates, firms, partnerships, 42477  
 associations, joint-stock companies, joint ventures, clubs, 42478  
 societies, corporations, the state and its political subdivisions, 42479  
 and combinations of individuals of any form. 42480

(B) "Sale" and "selling" include all of the following 42481



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transactions for a consideration in any manner, whether absolutely	42482
or conditionally, whether for a price or rental, in money or by	42483
exchange, and by any means whatsoever:	42484
(1) All transactions by which title or possession, or both,	42485
of tangible personal property, is or is to be transferred, or a	42486
license to use or consume tangible personal property is or is to	42487
be granted;	42488
(2) All transactions by which lodging by a hotel is or is to	42489
be furnished to transient guests;	42490
(3) All transactions by which:	42491
(a) An item of tangible personal property is or is to be	42492
repaired, except property, the purchase of which would be exempt	42493
from the tax imposed by section 5739.02 of the Revised Code;	42494
(b) An item of tangible personal property is or is to be	42495
installed, except property, the purchase of which would be exempt	42496
from the tax imposed by section 5739.02 of the Revised Code or	42497
property that is or is to be incorporated into and will become a	42498
part of a production, transmission, transportation, or	42499
distribution system for the delivery of a public utility service;	42500
(c) The service of washing, cleaning, waxing, polishing, or	42501
painting a motor vehicle is or is to be furnished;	42502
(d) Industrial laundry cleaning services are or are to be	42503
provided;	42504
(e) Automatic data processing, computer services, or	42505
electronic information services are or are to be provided for use	42506
in business when the true object of the transaction is the receipt	42507
by the consumer of automatic data processing, computer services,	42508
or electronic information services rather than the receipt of	42509
personal or professional services to which automatic data	42510
processing, computer services, or electronic information services	42511

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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  
 terminates in this state; but does not include transactions by  
 which telecommunications service is paid for by using a prepaid  
 authorization number or prepaid telephone calling card, or by  
which local telecommunications service is obtained from a  
coin-operated telephone and paid for by using coin;

(g) Landscaping and lawn care service is or is to be  
 provided;

(h) Private investigation and security service is or is to be  
 provided;

(i) Information services or tangible personal property is  
 provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to  
 be provided;

(k) Employment service is or is to be provided;

(l) Employment placement service is or is to be provided;

(m) Exterminating service is or is to be provided;

(n) Physical fitness facility service is or is to be  
 provided;

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(o) Recreation and sports club service is or is to be provided. 42542  
42543

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred; 42544  
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(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or 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. 42548  
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As used in division (B)(5) of this section: 42572

(a) "Agricultural land tile" means fired clay or concrete 42573

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tile, or flexible or rigid perforated plastic pipe or tubing, 42574  
incorporated or to be incorporated into a subsurface drainage 42575  
system appurtenant to land used or to be used directly in 42576  
production by farming, agriculture, horticulture, or floriculture. 42577  
The term does not include such materials when they are or are to 42578  
be incorporated into a drainage system appurtenant to a building 42579  
or structure even if the building or structure is used or to be 42580  
used in such production. 42581

(b) "Portable grain bin" means a structure that is used or to 42582  
be used by a person engaged in farming or agriculture to shelter 42583  
the person's grain and that is designed to be disassembled without 42584  
significant damage to its component parts. 42585

(6) All transactions in which all of the shares of stock of a 42586  
closely held corporation are transferred, if the corporation is 42587  
not engaging in business and its entire assets consist of boats, 42588  
planes, motor vehicles, or other tangible personal property 42589  
operated primarily for the use and enjoyment of the shareholders; 42590

(7) All transactions in which a warranty, maintenance or 42591  
service contract, or similar agreement by which the vendor of the 42592  
warranty, contract, or agreement agrees to repair or maintain the 42593  
tangible personal property of the consumer is or is to be 42594  
provided; 42595

(8) All transactions by which a prepaid authorization number 42596  
or a prepaid telephone calling card is or is to be transferred. 42597

(C) "Vendor" means the person providing the service or by 42598  
whom the transfer effected or license given by a sale is or is to 42599  
be made or given and, for sales described in division (B)(3)(i) of 42600  
this section, the telecommunications service vendor that provides 42601  
the nine hundred telephone service; if two or more persons are 42602  
engaged in business at the same place of business under a single 42603  
trade name in which all collections on account of sales by each 42604

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are made, such persons shall constitute a single vendor. 42605

Physicians, dentists, hospitals, and veterinarians who are 42606  
engaged in selling tangible personal property as received from 42607  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 42608  
articles, are vendors. Veterinarians who are engaged in 42609  
transferring to others for a consideration drugs, the dispensing 42610  
of which does not require an order of a licensed veterinarian or 42611  
physician under federal law, are vendors. 42612

(D)(1) "Consumer" means the person for whom the service is 42613  
provided, to whom the transfer effected or license given by a sale 42614  
is or is to be made or given, to whom the service described in 42615  
division (B)(3)(f) or (i) of this section is charged, or to whom 42616  
the admission is granted. 42617

(2) Physicians, dentists, hospitals, and blood banks operated 42618  
by nonprofit institutions and persons licensed to practice 42619  
veterinary medicine, surgery, and dentistry are consumers of all 42620  
tangible personal property and services purchased by them in 42621  
connection with the practice of medicine, dentistry, the rendition 42622  
of hospital or blood bank service, or the practice of veterinary 42623  
medicine, surgery, and dentistry. In addition to being consumers 42624  
of drugs administered by them or by their assistants according to 42625  
their direction, veterinarians also are consumers of drugs that 42626  
under federal law may be dispensed only by or upon the order of a 42627  
licensed veterinarian or physician, when transferred by them to 42628  
others for a consideration to provide treatment to animals as 42629  
directed by the veterinarian. 42630

(3) A person who performs a facility management, or similar 42631  
service contract for a contractee is a consumer of all tangible 42632  
personal property and services purchased for use in connection 42633  
with the performance of such contract, regardless of whether title 42634  
to any such property vests in the contractee. The purchase of such 42635  
property and services is not subject to the exception for resale 42636

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under division (E)(1) of this section. 42637

(4)(a) In the case of a person who purchases printed matter 42638  
for the purpose of distributing it or having it distributed to the 42639  
public or to a designated segment of the public, free of charge, 42640  
that person is the consumer of that printed matter, and the 42641  
purchase of that printed matter for that purpose is a sale. 42642

(b) In the case of a person who produces, rather than 42643  
purchases, printed matter for the purpose of distributing it or 42644  
having it distributed to the public or to a designated segment of 42645  
the public, free of charge, that person is the consumer of all 42646  
tangible personal property and services purchased for use or 42647  
consumption in the production of that printed matter. That person 42648  
is not entitled to claim exception under division (E)(8) of this 42649  
section for any material incorporated into the printed matter or 42650  
any equipment, supplies, or services primarily used to produce the 42651  
printed matter. 42652

(c) The distribution of printed matter to the public or to a 42653  
designated segment of the public, free of charge, is not a sale to 42654  
the members of the public to whom the printed matter is 42655  
distributed or to any persons who purchase space in the printed 42656  
matter for advertising or other purposes. 42657

(5) A person who makes sales of any of the services listed in 42658  
division (B)(3) of this section is the consumer of any tangible 42659  
personal property used in performing the service. The purchase of 42660  
that property is not subject to the resale exception under 42661  
division (E)(1) of this section. 42662

(E) "Retail sale" and "sales at retail" include all sales 42663  
except those in which the purpose of the consumer is: 42664

(1) To resell the thing transferred or benefit of the service 42665  
provided, by a person engaging in business, in the form in which 42666  
the same is, or is to be, received by the person; 42667

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- (2) To incorporate the thing transferred as a material or a part, into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining, or to use or consume the thing transferred directly in producing a product for sale by mining, including without limitation the extraction from the earth of all substances ~~which~~ that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, and persons engaged in rendering farming, agricultural, horticultural, or floricultural services, and services in the exploration for, and production of, crude oil and natural gas, for others are deemed engaged directly in farming, agriculture, horticulture, and floriculture, or exploration for, and production of, crude oil and natural gas; directly in the rendition of a public utility service, except that the sales tax levied by section 5739.02 of the Revised Code shall be collected upon all meals, drinks, and food for human consumption sold upon Pullman and railroad coaches. This paragraph does not exempt or except from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.
- (3) To hold the thing transferred as security for the performance of an obligation of the vendor;
- (4) To use or consume the thing transferred in the process of reclamation as required by Chapters 1513. and 1514. of the Revised Code;
- (5) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;
- (6) To use or consume the thing directly in commercial fishing;
- (7) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in

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the production of, magazines distributed as controlled circulation	42699
publications;	42700
(8) To use or consume the thing transferred in the production	42701
and preparation in suitable condition for market and sale of	42702
printed, imprinted, overprinted, lithographic, multilithic,	42703
blueprinted, photostatic, or other productions or reproductions of	42704
written or graphic matter;	42705
(9) To use the thing transferred, as described in section	42706
5739.011 of the Revised Code, primarily in a manufacturing	42707
operation to produce tangible personal property for sale;	42708
(10) To use the benefit of a warranty, maintenance or service	42709
contract, or similar agreement, as defined in division (B)(7) of	42710
this section, to repair or maintain tangible personal property, if	42711
all of the property that is the subject of the warranty, contract,	42712
or agreement would be exempt on its purchase from the tax imposed	42713
by section 5739.02 of the Revised Code;	42714
(11) To use the thing transferred as qualified research and	42715
development equipment;	42716
(12) To use or consume the thing transferred primarily in	42717
storing, transporting, mailing, or otherwise handling purchased	42718
sales inventory in a warehouse, distribution center, or similar	42719
facility when the inventory is primarily distributed outside this	42720
state to retail stores of the person who owns or controls the	42721
warehouse, distribution center, or similar facility, to retail	42722
stores of an affiliated group of which that person is a member, or	42723
by means of direct marketing. Division (E)(12) of this section	42724
does not apply to motor vehicles registered for operation on the	42725
public highways. As used in division (E)(12) of this section,	42726
"affiliated group" has the same meaning as in division (B)(3)(e)	42727
of this section and "direct marketing" has the same meaning as in	42728
division (B)(37) of section 5739.02 of the Revised Code.	42729



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(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 an integral part of the performance of the service.

As used in division (E) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of this section.

Sales conducted through a coin-operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction, are not retail sales or sales at retail.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds ~~self~~ itself out to the public as conducting such business. Making a casual sale is not engaging in business.

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(H)(1) "Price," except as provided in divisions (H)(2) and 42761  
(3) of this section, means the aggregate value in money of 42762  
anything paid or delivered, or promised to be paid or delivered, 42763  
in the complete performance of a retail sale, without any 42764  
deduction on account of the cost of the property sold, cost of 42765  
materials used, labor or service cost, interest, discount paid or 42766  
allowed after the sale is consummated, or any other expense. If 42767  
the retail sale consists of the rental or lease of tangible 42768  
personal property, "price" means the aggregate value in money of 42769  
anything paid or delivered, or promised to be paid or delivered, 42770  
in the complete performance of the rental or lease, without any 42771  
deduction for tax, interest, labor or service charge, damage 42772  
liability waiver, termination or damage charge, discount paid or 42773  
allowed after the lease is consummated, or any other expense. The 42774  
sales tax shall be calculated and collected by the lessor on each 42775  
payment made by the lessee. Price does not include the 42776  
consideration received as a deposit refundable to the consumer 42777  
upon return of a beverage container, the consideration received as 42778  
a deposit on a carton or case that is used for such returnable 42779  
containers, or the consideration received as a refundable security 42780  
deposit for the use of tangible personal property to the extent 42781  
that it actually is refunded, if the consideration for such 42782  
refundable deposit is separately stated from the consideration 42783  
received or to be received for the tangible personal property 42784  
transferred in the retail sale. Such separation must appear in the 42785  
sales agreement or on the initial invoice or initial billing 42786  
rendered by the vendor to the consumer. Price is the amount 42787  
received inclusive of the tax, provided the vendor establishes to 42788  
the satisfaction of the tax commissioner that the tax was added to 42789  
the price. When the price includes both a charge for tangible 42790  
personal property and a charge for providing a service and the 42791  
sale of the property and the charge for the service are separately 42792  
taxable, or have a separately determinable tax status, the price 42793

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shall be separately stated for each such charge so the tax can be  
correctly computed and charged.

The tax collected by the vendor from the consumer under this  
chapter is not part of the price, but is a tax collection for the  
benefit of the state and of counties levying an additional sales  
tax pursuant to section 5739.021 or 5739.026 of the Revised Code  
and of transit authorities levying an additional sales tax  
pursuant to section 5739.023 of the Revised Code. Except for the  
discount authorized in section 5739.12 of the Revised Code, no  
person other than the state or such a county or transit authority  
shall derive any benefit from the collection or payment of such  
tax.

(2) In the case of a sale of any new motor vehicle by a new  
motor vehicle dealer, as defined in section 4517.01 of the Revised  
Code, in which another motor vehicle is accepted by the dealer as  
part of the consideration received, "price" has the same meaning  
as in division (H)(1) of this section, reduced by the credit  
afforded the consumer by the dealer for the motor vehicle received  
in trade.

(3) In the case of a sale of any watercraft or outboard motor  
by a watercraft dealer licensed in accordance with section  
1547.543 of the Revised Code, in which another watercraft,  
watercraft and trailer, or outboard motor is accepted by the  
dealer as part of the consideration received, "price" has the same  
meaning as in division (H)(1) of this section, reduced by the  
credit afforded the consumer by the dealer for the watercraft,  
watercraft and trailer, or outboard motor received in trade. As  
used in division (H)(3) of this section, "watercraft" includes an  
outdrive unit attached to the watercraft.

(I) "Receipts" means the total amount of the prices of the  
sales of vendors, provided that cash discounts allowed and taken  
on sales at the time they are consummated are not included, minus

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any amount deducted as a bad debt pursuant to section 5739.121 of  
the Revised Code. "Receipts" does not include the sale price of  
property returned or services rejected by consumers when the full  
sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person  
engages in business.

(K) "Premises" includes any real property or portion thereof  
upon which any person engages in selling tangible personal  
property at retail or making retail sales and also includes any  
real property or portion thereof designated for, or devoted to,  
use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible  
personal property ~~which~~ that was obtained by the person making the  
sale, through purchase or otherwise, for the person's own use in  
this state and ~~which~~ was previously subject to any state's taxing  
jurisdiction on its sale or use, and includes such items acquired  
for the seller's use ~~which~~ that are sold by an auctioneer employed  
directly by the person for such purpose, provided the location of  
such sales is not the auctioneer's permanent place of business. As  
used in this division, "permanent place of business" includes any  
location where such auctioneer has conducted more than two  
auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained,  
advertised, or held out to the public to be a place where sleeping  
accommodations are offered to guests<sup>7</sup>. "Hotel" includes only those  
establishments in which five or more rooms are used for the  
accommodation of such guests, whether ~~such~~ the rooms are in one or  
several structures, except as specified by a board of county  
commissioners, a board of township trustees, or the legislative  
authority of a municipal corporation as provided in division (G)  
of section 5739.024 of the Revised Code.

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(N) "Transient guests" means persons occupying a room or 42857  
rooms for sleeping accommodations for less than thirty consecutive 42858  
days. 42859

(O) "Making retail sales" means the effecting of transactions 42860  
wherein one party is obligated to pay the price and the other 42861  
party is obligated to provide a service or to transfer title to or 42862  
possession of the item sold. "Making retail sales" does not 42863  
include the preliminary acts of promoting or soliciting the retail 42864  
sales, other than the distribution of printed matter which 42865  
displays or describes and prices the item offered for sale, nor 42866  
does it include delivery of a predetermined quantity of tangible 42867  
personal property or transportation of property or personnel to or 42868  
from a place where a service is performed, regardless of whether 42869  
the vendor is a delivery vendor. 42870

(P) "Used directly in the rendition of a public utility 42871  
service" means that property which is to be incorporated into and 42872  
will become a part of the consumer's production, transmission, 42873  
transportation, or distribution system and ~~which~~ that retains its 42874  
classification as tangible personal property after such 42875  
incorporation; fuel or power used in the production, transmission, 42876  
transportation, or distribution system; and tangible personal 42877  
property used in the repair and maintenance of the production, 42878  
transmission, transportation, or distribution system, including 42879  
only such motor vehicles as are specially designed and equipped 42880  
for such use. Tangible personal property and services used 42881  
primarily in providing highway transportation for hire are not 42882  
used in providing a public utility service as defined in this 42883  
division. 42884

(Q) "Refining" means removing or separating a desirable 42885  
product from raw or contaminated materials by distillation or 42886  
physical, mechanical, or chemical processes. 42887

(R) "Assembly" and "assembling" mean attaching or fitting 42888

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together parts to form a product, but do not include packaging a 42889  
product. 42890

(S) "Manufacturing operation" means a process in which 42891  
materials are changed, converted, or transformed into a different 42892  
state or form from which they previously existed and includes 42893  
refining materials, assembling parts, and preparing raw materials 42894  
and parts by mixing, measuring, blending, or otherwise committing 42895  
such materials or parts to the manufacturing process. 42896  
"Manufacturing operation" does not include packaging. 42897

(T) "Fiscal officer" means, with respect to a regional 42898  
transit authority, the secretary-treasurer thereof, and with 42899  
respect to a county ~~which~~ that is a transit authority, the fiscal 42900  
officer of the county transit board if one is appointed pursuant 42901  
to section 306.03 of the Revised Code or the county auditor if the 42902  
board of county commissioners operates the county transit system. 42903

(U) "Transit authority" means a regional transit authority 42904  
created pursuant to section 306.31 of the Revised Code or a county 42905  
in which a county transit system is created pursuant to section 42906  
306.01 of the Revised Code. For the purposes of this chapter, a 42907  
transit authority must extend to at least the entire area of a 42908  
single county. A transit authority ~~which~~ that includes territory 42909  
in more than one county must include all the area of the most 42910  
populous county ~~which~~ that is a part of such transit authority. 42911  
County population shall be measured by the most recent census 42912  
taken by the United States census bureau. 42913

(V) "Legislative authority" means, with respect to a regional 42914  
transit authority, the board of trustees thereof, and with respect 42915  
to a county ~~which~~ that is a transit authority, the board of county 42916  
commissioners. 42917

(W) "Territory of the transit authority" means all of the 42918  
area included within the territorial boundaries of a transit 42919

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authority as they from time to time exist. Such territorial 42920  
boundaries must at all times include all the area of a single 42921  
county or all the area of the most populous county ~~which~~ that is a 42922  
part of such transit authority. County population shall be 42923  
measured by the most recent census taken by the United States 42924  
census bureau. 42925

(X) "Providing a service" means providing or furnishing 42926  
anything described in division (B)(3) of this section for 42927  
consideration. 42928

(Y)(1)(a) "Automatic data processing" means processing of 42929  
others' data, including keypunching or similar data entry services 42930  
together with verification thereof, or providing access to 42931  
computer equipment for the purpose of processing data. 42932

(b) "Computer services" means providing services consisting 42933  
of specifying computer hardware configurations and evaluating 42934  
technical processing characteristics, computer programming, and 42935  
training of computer programmers and operators, provided in 42936  
conjunction with and to support the sale, lease, or operation of 42937  
taxable computer equipment or systems. 42938

(c) "Electronic information services" means providing access 42939  
to computer equipment by means of telecommunications equipment for 42940  
the purpose of either of the following: 42941

(i) Examining or acquiring data stored in or accessible to 42942  
the computer equipment; 42943

(ii) Placing data into the computer equipment to be retrieved 42944  
by designated recipients with access to the computer equipment. 42945  
42946

(d) "Automatic data processing, computer services, or 42947  
electronic information services" shall not include personal or 42948  
professional services. 42949

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- (2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:
- (a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;
  - (b) Analyzing business policies and procedures;
  - (c) Identifying management information needs;
  - (d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;
  - (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;
  - (f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;
  - (g) Testing of business procedures;
  - (h) Training personnel in business procedure applications;
  - (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;
  - (j) Providing debt collection services by any oral, written,



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graphic, or electronic means.	42980
The services listed in divisions (Y)(2)(a) to (j) of this	42981
section are not automatic data processing or computer services.	42982
(Z) "Highway transportation for hire" means the	42983
transportation of personal property belonging to others for	42984
consideration by any of the following:	42985
(1) The holder of a permit or certificate issued by this	42986
state or the United States authorizing the holder to engage in	42987
transportation of personal property belonging to others for	42988
consideration over or on highways, roadways, streets, or any	42989
similar public thoroughfare;	42990
(2) A person who engages in the transportation of personal	42991
property belonging to others for consideration over or on	42992
highways, roadways, streets, or any similar public thoroughfare	42993
but who could not have engaged in such transportation on December	42994
11, 1985, unless the person was the holder of a permit or	42995
certificate of the types described in division (Z)(1) of this	42996
section;	42997
(3) A person who leases a motor vehicle to and operates it	42998
for a person described by division (Z)(1) or (2) of this section.	42999
(AA) "Telecommunications service" means the transmission of	43000
any interactive, two-way electromagnetic communications, including	43001
voice, image, data, and information, through the use of any medium	43002
such as wires, cables, microwaves, cellular radio, radio waves,	43003
light waves, or any combination of those or similar media.	43004
"Telecommunications service" includes message toll service even	43005
though the vendor provides the message toll service by means of	43006
wide area transmission type service or private communications	43007
service purchased from another telecommunications service	43008
provider, but does not include any of the following:	43009
(1) Sales of incoming or outgoing wide area transmission	43010

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service or wide area transmission type service, including eight	43011
hundred or eight-hundred-type service, to the person contracting	43012
for the receipt of that service;	43013
(2) Sales of private communications service to the person	43014
contracting for the receipt of that service that entitles the	43015
purchaser to exclusive or priority use of a communications channel	43016
or group of channels between exchanges;	43017
(3) Sales of telecommunications service by companies subject	43018
to the excise tax imposed by Chapter 5727. of the Revised Code;	43019
(4) Sales of telecommunications service to a provider of	43020
telecommunications service, including access services, for use in	43021
providing telecommunications service;	43022
(5) Value-added nonvoice services in which computer	43023
processing applications are used to act on the form, content,	43024
code, or protocol of the information to be transmitted;	43025
(6) Transmission of interactive video programming by a cable	43026
television system as defined in section 505.90 of the Revised	43027
Code.	43028
(BB) "Industrial laundry cleaning services" means removing	43029
soil or dirt from or supplying towels, linens, or articles of	43030
clothing that belong to others and are used in a trade or	43031
business.	43032
(CC) "Magazines distributed as controlled circulation	43033
publications" means magazines containing at least twenty-four	43034
pages, at least twenty-five per cent editorial content, issued at	43035
regular intervals four or more times a year, and circulated	43036
without charge to the recipient, provided that such magazines are	43037
not owned or controlled by individuals or business concerns which	43038
conduct such publications as an auxiliary to, and essentially for	43039
the advancement of the main business or calling of, those who own	43040
or control them.	43041

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(DD) "Landscaping and lawn care service" means the services 43042  
of planting, seeding, sodding, removing, cutting, trimming, 43043  
pruning, mulching, aerating, applying chemicals, watering, 43044  
fertilizing, and providing similar services to establish, promote, 43045  
or control the growth of trees, shrubs, flowers, grass, ground 43046  
cover, and other flora, or otherwise maintaining a lawn or 43047  
landscape grown or maintained by the owner for ornamentation or 43048  
other nonagricultural purpose. However, "landscaping and lawn care 43049  
service" does not include the providing of such services by a 43050  
person who has less than five thousand dollars in sales of such 43051  
services during the calendar year. 43052

(EE) "Private investigation and security service" means the 43053  
performance of any activity for which the provider of such service 43054  
is required to be licensed pursuant to Chapter 4749. of the 43055  
Revised Code, or would be required to be so licensed in performing 43056  
such services in this state, and also includes the services of 43057  
conducting polygraph examinations and of monitoring or overseeing 43058  
the activities on or in, or the condition of, the consumer's home, 43059  
business, or other facility by means of electronic or similar 43060  
monitoring devices. "Private investigation and security service" 43061  
does not include special duty services provided by off-duty police 43062  
officers, deputy sheriffs, and other peace officers regularly 43063  
employed by the state or a political subdivision. 43064

(FF) "Information services" means providing conversation, 43065  
giving consultation or advice, playing or making a voice or other 43066  
recording, making or keeping a record of the number of callers, 43067  
and any other service provided to a consumer by means of a nine 43068  
hundred telephone call, except when the nine hundred telephone 43069  
call is the means by which the consumer makes a contribution to a 43070  
recognized charity. 43071

(GG) "Research and development" means designing, creating, or 43072  
formulating new or enhanced products, equipment, or manufacturing 43073

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processes, and conducting scientific or technological inquiry and  
experimentation in the physical sciences with the goal of  
increasing scientific knowledge which may reveal the bases for new  
or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means  
capitalized tangible personal property, and leased personal  
property that would be capitalized if purchased, used by a person  
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

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personnel performing the work are not under the direct control of the purchaser. 43106  
43107

(2) Medical and health care services. 43108

(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. 43109  
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(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 43113  
43114

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position. 43115  
43116  
43117

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure. 43118  
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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 43123  
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a 43130  
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continuing, long-term basis, the facilities used by its members 43137  
and includes an aviation club, gun or shooting club, yacht club, 43138  
card club, swimming club, tennis club, golf club, country club, 43139  
riding club, amateur sports club, or similar organization. 43140

(OO) "Livestock" means farm animals commonly raised for food 43141  
or food production, and includes but is not limited to cattle, 43142  
sheep, goats, swine, and poultry. "Livestock" does not include 43143  
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 43144  
animals for use in laboratories or for exhibition, or other 43145  
animals not commonly raised for food or food production. 43146

(PP) "Livestock structure" means a building or structure used 43147  
exclusively for the housing, raising, feeding, or sheltering of 43148  
livestock, and includes feed storage or handling structures and 43149  
structures for livestock waste handling. 43150

(QQ) "Horticulture" means the growing, cultivation, and 43151  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 43152  
and nursery stock. As used in this division, "nursery stock" has 43153  
the same meaning as in section 927.51 of the Revised Code. 43154

(RR) "Horticulture structure" means a building or structure 43155  
used exclusively for the commercial growing, raising, or 43156  
overwintering of horticultural products, and includes the area 43157  
used for stocking, storing, and packing horticultural products 43158  
when done in conjunction with the production of those products. 43159

(SS) "Newspaper" means an unbound publication bearing a title 43160  
or name that is regularly published, at least as frequently as 43161  
biweekly, and distributed from a fixed place of business to the 43162  
public in a specific geographic area, and that contains a 43163  
substantial amount of news matter of international, national, or 43164  
local events of interest to the general public. 43165

(TT) "Professional racing team" means a person that employs 43166  
at least twenty full-time employees for the purpose of conducting 43167

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a motor vehicle racing business for profit. The person must  
conduct the business with the purpose of racing one or more motor  
racing vehicles in at least ten competitive professional racing  
events each year that comprise all or part of a motor racing  
series sanctioned by one or more motor racing sanctioning  
organizations. A "motor racing vehicle" means a vehicle for which  
the chassis, engine, and parts are designed exclusively for motor  
racing, and does not include a stock or production model vehicle  
that may be modified for use in racing. For the purposes of this  
division:

(1) A "competitive professional racing event" is a motor  
vehicle racing event sanctioned by one or more motor racing  
sanctioning organizations, at which aggregate cash prizes in  
excess of eight hundred thousand dollars are awarded to the  
competitors.

(2) "Full-time employee" means an individual who is employed  
for consideration for thirty-five or more hours a week, or who  
renders any other standard of service generally accepted by custom  
or specified by contract as full-time employment.

(UU)(1) "Prepaid authorization number" means a numeric or  
alphanumeric combination that represents a prepaid account that  
can be used by the account holder solely to obtain  
telecommunications service, and includes any renewals or increases  
in the prepaid account.

(2) "Prepaid telephone calling card" means a tangible item  
that contains a prepaid authorization number that can be used  
solely to obtain telecommunications service, and includes any  
renewals or increases in the prepaid account.

**Sec. 5739.02.** For the purpose of providing revenue with which  
to meet the needs of the state, for the use of the general revenue  
fund of the state, for the purpose of securing a thorough and

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efficient system of common schools throughout the state, for the 43199  
purpose of affording revenues, in addition to those from general 43200  
property taxes, permitted under constitutional limitations, and 43201  
from other sources, for the support of local governmental 43202  
functions, and for the purpose of reimbursing the state for the 43203  
expense of administering this chapter, an excise tax is hereby 43204  
levied on each retail sale made in this state. 43205

(A) The tax shall be collected pursuant to the schedules in 43206  
section 5739.025 of the Revised Code. 43207

The tax applies and is collectible when the sale is made, 43208  
regardless of the time when the price is paid or delivered. 43209

In the case of a sale, the price of which consists in whole 43210  
or in part of rentals for the use of the thing transferred, the 43211  
tax, as regards such rentals, shall be measured by the 43212  
installments thereof. 43213

In the case of a sale of a service defined under division 43214  
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 43215  
which consists in whole or in part of a membership for the receipt 43216  
of the benefit of the service, the tax applicable to the sale 43217  
shall be measured by the installments thereof. 43218

(B) The tax does not apply to the following: 43219

(1) Sales to the state or any of its political subdivisions, 43220  
or to any other state or its political subdivisions if the laws of 43221  
that state exempt from taxation sales made to this state and its 43222  
political subdivisions; 43223

(2) Sales of food for human consumption off the premises 43224  
where sold; 43225

(3) Sales of food sold to students only in a cafeteria, 43226  
dormitory, fraternity, or sorority maintained in a private, 43227  
public, or parochial school, college, or university; 43228



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- (4) Sales of newspapers, and of magazine subscriptions 43229  
shipped by second class mail, and sales or transfers of magazines 43230  
distributed as controlled circulation publications; 43231
- (5) The furnishing, preparing, or serving of meals without 43232  
charge by an employer to an employee provided the employer records 43233  
the meals as part compensation for services performed or work 43234  
done; 43235
- (6) Sales of motor fuel upon receipt, use, distribution, or 43236  
sale of which in this state a tax is imposed by the law of this 43237  
state, but this exemption shall not apply to the sale of motor 43238  
fuel on which a refund of the tax is allowable under section 43239  
5735.14 of the Revised Code; and the tax commissioner may deduct 43240  
the amount of tax levied by this section applicable to the price 43241  
of motor fuel when granting a refund of motor fuel tax pursuant to 43242  
section 5735.14 of the Revised Code and shall cause the amount 43243  
deducted to be paid into the general revenue fund of this state; 43244
- (7) Sales of natural gas by a natural gas company, of water 43245  
by a water-works company, or of steam by a heating company, if in 43246  
each case the thing sold is delivered to consumers through pipes 43247  
or conduits, and all sales of communications services by a 43248  
telephone or telegraph company, all terms as defined in section 43249  
5727.01 of the Revised Code; 43250
- (8) Casual sales by a person, or auctioneer employed directly 43251  
by the person to conduct such sales, except as to such sales of 43252  
motor vehicles, watercraft or outboard motors required to be 43253  
titled under section 1548.06 of the Revised Code, watercraft 43254  
documented with the United States coast guard, snowmobiles, and 43255  
all-purpose vehicles as defined in section 4519.01 of the Revised 43256  
Code; 43257
- (9) Sales of services or tangible personal property, other 43258  
than motor vehicles, mobile homes, and manufactured homes, by 43259

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churches, organizations exempt from taxation under section 43260  
 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 43261  
 organizations operated exclusively for charitable purposes as 43262  
 defined in division (B)(12) of this section, provided that the 43263  
 number of days on which such tangible personal property or 43264  
 services, other than items never subject to the tax, are sold does 43265  
 not exceed six in any calendar year. If the number of days on 43266  
 which such sales are made exceeds six in any calendar year, the 43267  
 church or organization shall be considered to be engaged in 43268  
 business and all subsequent sales by it shall be subject to the 43269  
 tax. In counting the number of days, all sales by groups within a 43270  
 church or within an organization shall be considered to be sales 43271  
 of that church or organization, except that sales made by separate 43272  
 student clubs and other groups of students of a primary or 43273  
 secondary school, and sales made by a parent-teacher association, 43274  
 booster group, or similar organization that raises money to 43275  
 support or fund curricular or extracurricular activities of a 43276  
 primary or secondary school, shall not be considered to be sales 43277  
 of such school, and sales by each such club, group, association, 43278  
 or organization shall be counted separately for purposes of the 43279  
 six-day limitation. This division does not apply to sales by a 43280  
 noncommercial educational radio or television broadcasting 43281  
 station. 43282

(10) Sales not within the taxing power of this state under 43283  
 the Constitution of the United States; 43284

(11) The transportation of persons or property, unless the 43285  
 transportation is by a private investigation and security service; 43286

(12) Sales of tangible personal property or services to 43287  
 churches, to organizations exempt from taxation under section 43288  
 501(c)(3) of the Internal Revenue Code of 1986, and to any other 43289  
 nonprofit organizations operated exclusively for charitable 43290  
 purposes in this state, no part of the net income of which inures 43291

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to the benefit of any private shareholder or individual, and no 43292  
substantial part of the activities of which consists of carrying 43293  
on propaganda or otherwise attempting to influence legislation; 43294  
sales to offices administering one or more homes for the aged or 43295  
one or more hospital facilities exempt under section 140.08 of the 43296  
Revised Code; and sales to organizations described in division (D) 43297  
of section 5709.12 of the Revised Code. 43298

"Charitable purposes" means the relief of poverty; the 43299  
improvement of health through the alleviation of illness, disease, 43300  
or injury; the operation of an organization exclusively for the 43301  
provision of professional, laundry, printing, and purchasing 43302  
services to hospitals or charitable institutions; the operation of 43303  
a home for the aged, as defined in section 5701.13 of the Revised 43304  
Code; the operation of a radio or television broadcasting station 43305  
that is licensed by the federal communications commission as a 43306  
noncommercial educational radio or television station; the 43307  
operation of a nonprofit animal adoption service or a county 43308  
humane society; the promotion of education by an institution of 43309  
learning that maintains a faculty of qualified instructors, 43310  
teaches regular continuous courses of study, and confers a 43311  
recognized diploma upon completion of a specific curriculum; the 43312  
operation of a parent-teacher association, booster group, or 43313  
similar organization primarily engaged in the promotion and 43314  
support of the curricular or extracurricular activities of a 43315  
primary or secondary school; the operation of a community or area 43316  
center in which presentations in music, dramatics, the arts, and 43317  
related fields are made in order to foster public interest and 43318  
education therein; the production of performances in music, 43319  
dramatics, and the arts; or the promotion of education by an 43320  
organization engaged in carrying on research in, or the 43321  
dissemination of, scientific and technological knowledge and 43322  
information primarily for the public. 43323

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Nothing in this division shall be deemed to exempt sales to 43324  
any organization for use in the operation or carrying on of a 43325  
trade or business, or sales to a home for the aged for use in the 43326  
operation of independent living facilities as defined in division 43327  
(A) of section 5709.12 of the Revised Code. 43328

(13) Building and construction materials and services sold to 43329  
construction contractors for incorporation into a structure or 43330  
improvement to real property under a construction contract with 43331  
this state or a political subdivision thereof, or with the United 43332  
States government or any of its agencies; building and 43333  
construction materials and services sold to construction 43334  
contractors for incorporation into a structure or improvement to 43335  
real property that are accepted for ownership by this state or any 43336  
of its political subdivisions, or by the United States government 43337  
or any of its agencies at the time of completion of such 43338  
structures or improvements; building and construction materials 43339  
sold to construction contractors for incorporation into a 43340  
horticulture structure or livestock structure for a person engaged 43341  
in the business of horticulture or producing livestock; building 43342  
materials and services sold to a construction contractor for 43343  
incorporation into a house of public worship or religious 43344  
education, or a building used exclusively for charitable purposes 43345  
under a construction contract with an organization whose purpose 43346  
is as described in division (B)(12) of this section; building 43347  
materials and services sold to a construction contractor for 43348  
incorporation into a building under a construction contract with 43349  
an organization exempt from taxation under section 501(c)(3) of 43350  
the Internal Revenue Code of 1986 when the building is to be used 43351  
exclusively for the organization's exempt purposes; building and 43352  
construction materials sold for incorporation into the original 43353  
construction of a sports facility under section 307.696 of the 43354  
Revised Code; and building and construction materials and services 43355

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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;

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(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;

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(15) Sales to persons engaged in any of the activities mentioned in division (E)(2) or (9) of section 5739.01 of the Revised Code, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, and "packaging" means placing therein.

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(16) Sales of food to persons using food stamp ~~coupons~~ benefits to purchase the food. As used in division (B)(16) of this section, "food" has the same meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal regulations adopted pursuant to that act.

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(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for

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use or consumption directly in the production by farming, 43388  
 agriculture, horticulture, or floriculture of other tangible 43389  
 personal property for use or consumption directly in the 43390  
 production of tangible personal property for sale by farming, 43391  
 agriculture, horticulture, or floriculture; or material and parts 43392  
 for incorporation into any such tangible personal property for use 43393  
 or consumption in production; and of tangible personal property 43394  
 for such use or consumption in the conditioning or holding of 43395  
 products produced by and for such use, consumption, or sale by 43396  
 persons engaged in farming, agriculture, horticulture, or 43397  
 floriculture, except where such property is incorporated into real 43398  
 property; 43399

(18) Sales of drugs dispensed by a licensed pharmacist upon 43400  
 the order of a licensed health professional authorized to 43401  
 prescribe drugs to a human being, as the term "licensed health 43402  
 professional authorized to prescribe drugs" is defined in section 43403  
 4729.01 of the Revised Code; insulin as recognized in the official 43404  
 United States pharmacopoeia; urine and blood testing materials 43405  
 when used by diabetics or persons with hypoglycemia to test for 43406  
 glucose or acetone; hypodermic syringes and needles when used by 43407  
 diabetics for insulin injections; epoetin alfa when purchased for 43408  
 use in the treatment of persons with end-stage renal disease; 43409  
 hospital beds when purchased for use by persons with medical 43410  
 problems for medical purposes; and oxygen and oxygen-dispensing 43411  
 equipment when purchased for use by persons with medical problems 43412  
 for medical purposes; 43413

(19) Sales of artificial limbs or portion thereof, breast 43414  
 prostheses, and other prosthetic devices for humans; braces or 43415  
 other devices for supporting weakened or nonfunctioning parts of 43416  
 the human body; wheelchairs; devices used to lift wheelchairs into 43417  
 motor vehicles and parts and accessories to such devices; crutches 43418  
 or other devices to aid human perambulation; and items of tangible 43419

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personal property used to supplement impaired functions of the 43420  
human body such as respiration, hearing, or elimination. No 43421  
exemption under this division shall be allowed for nonprescription 43422  
drugs, medicines, or remedies; items or devices used to supplement 43423  
vision; items or devices whose function is solely or primarily 43424  
cosmetic; or physical fitness equipment. This division does not 43425  
apply to sales to a physician or medical facility for use in the 43426  
treatment of a patient. 43427

(20) Sales of emergency and fire protection vehicles and 43428  
equipment to nonprofit organizations for use solely in providing 43429  
fire protection and emergency services, including trauma care and 43430  
emergency medical services, for political subdivisions of the 43431  
state; 43432

(21) Sales of tangible personal property manufactured in this 43433  
state, if sold by the manufacturer in this state to a retailer for 43434  
use in the retail business of the retailer outside of this state 43435  
and if possession is taken from the manufacturer by the purchaser 43436  
within this state for the sole purpose of immediately removing the 43437  
same from this state in a vehicle owned by the purchaser; 43438  
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(22) Sales of services provided by the state or any of its 43440  
political subdivisions, agencies, instrumentalities, institutions, 43441  
or authorities, or by governmental entities of the state or any of 43442  
its political subdivisions, agencies, instrumentalities, 43443  
institutions, or authorities; 43444

(23) Sales of motor vehicles to nonresidents of this state 43445  
upon the presentation of an affidavit executed in this state by 43446  
the nonresident purchaser affirming that the purchaser is a 43447  
nonresident of this state, that possession of the motor vehicle is 43448  
taken in this state for the sole purpose of immediately removing 43449  
it from this state, that the motor vehicle will be permanently 43450  
titled and registered in another state, and that the motor vehicle 43451

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will not be used in this state;	43452
(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 public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.	43453 43454 43455 43456 43457 43458 43459 43460 43461 43462 43463 43464 43465 43466 43467
(25)(a) Sales of water to a consumer for residential use, except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;	43468 43469 43470
(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.	43471 43472 43473 43474
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	43475 43476
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	43477 43478 43479 43480
(a) To prepare food for human consumption for sale;	43481
(b) To preserve food that has been or will be prepared for	43482



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human consumption for sale by the food service operator, not	43483
including tangible personal property used to display food for	43484
selection by the consumer;	43485
(c) To clean tangible personal property used to prepare or	43486
serve food for human consumption for sale.	43487
(28) Sales of animals by nonprofit animal adoption services	43488
or county humane societies;	43489
(29) Sales of services to a corporation described in division	43490
(A) of section 5709.72 of the Revised Code, and sales of tangible	43491
personal property that qualifies for exemption from taxation under	43492
section 5709.72 of the Revised Code;	43493
(30) Sales and installation of agricultural land tile, as	43494
defined in division (B)(5)(a) of section 5739.01 of the Revised	43495
Code;	43496
(31) Sales and erection or installation of portable grain	43497
bins, as defined in division (B)(5)(b) of section 5739.01 of the	43498
Revised Code;	43499
(32) The sale, lease, repair, and maintenance of, parts for,	43500
or items attached to or incorporated in, motor vehicles that are	43501
primarily used for transporting tangible personal property by a	43502
person engaged in highway transportation for hire;	43503
(33) Sales to the state headquarters of any veterans'	43504
organization in Ohio that is either incorporated and issued a	43505
charter by the congress of the United States or is recognized by	43506
the United States veterans administration, for use by the	43507
headquarters;	43508
(34) Sales to a telecommunications service vendor of tangible	43509
personal property and services used directly and primarily in	43510
transmitting, receiving, switching, or recording any interactive,	43511
two-way electromagnetic communications, including voice, image,	43512

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data, and information, through the use of any medium, including, 43513  
but not limited to, poles, wires, cables, switching equipment, 43514  
computers, and record storage devices and media, and component 43515  
parts for the tangible personal property. The exemption provided 43516  
in division (B)(34) of this section shall be in lieu of all other 43517  
exceptions under division (E)(2) of section 5739.01 of the Revised 43518  
Code to which a telecommunications service vendor may otherwise be 43519  
entitled based upon the use of the thing purchased in providing 43520  
the telecommunications service. 43521

(35) Sales of investment metal bullion and investment coins. 43522  
"Investment metal bullion" means any elementary precious metal 43523  
that has been put through a process of smelting or refining, 43524  
including, but not limited to, gold, silver, platinum, and 43525  
palladium, and which is in such state or condition that its value 43526  
depends upon its content and not upon its form. "Investment metal 43527  
bullion" does not include fabricated precious metal that has been 43528  
processed or manufactured for one or more specific and customary 43529  
industrial, professional, or artistic uses. "Investment coins" 43530  
means numismatic coins or other forms of money and legal tender 43531  
manufactured of gold, silver, platinum, palladium, or other metal 43532  
under the laws of the United States or any foreign nation with a 43533  
fair market value greater than any statutory or nominal value of 43534  
such coins. 43535

(36)(a) Sales where the purpose of the consumer is to use or 43536  
consume the things transferred in making retail sales and 43537  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 43538  
certificates, or other advertising material that prices and 43539  
describes tangible personal property offered for retail sale. 43540

(b) Sales to direct marketing vendors of preliminary 43541  
materials such as photographs, artwork, and typesetting that will 43542  
be used in printing advertising material; of printed matter that 43543  
offers free merchandise or chances to win sweepstake prizes and 43544

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that is mailed to potential customers with advertising material 43545  
described in division (B)(36)(a) of this section; and of equipment 43546  
such as telephones, computers, facsimile machines, and similar 43547  
tangible personal property primarily used to accept orders for 43548  
direct marketing retail sales. 43549

(c) Sales of automatic food vending machines that preserve 43550  
food with a shelf life of forty-five days or less by refrigeration 43551  
and dispense it to the consumer. 43552

For purposes of division (B)(36) of this section, "direct 43553  
marketing" means the method of selling where consumers order 43554  
tangible personal property by United States mail, delivery 43555  
service, or telecommunication and the vendor delivers or ships the 43556  
tangible personal property sold to the consumer from a warehouse, 43557  
catalogue distribution center, or similar fulfillment facility by 43558  
means of the United States mail, delivery service, or common 43559  
carrier. 43560

(37) Sales to a person engaged in the business of 43561  
horticulture or producing livestock of materials to be 43562  
incorporated into a horticulture structure or livestock structure; 43563

(38) The sale of a motor vehicle that is used exclusively for 43564  
a vanpool ridesharing arrangement to persons participating in the 43565  
vanpool ridesharing arrangement when the vendor is selling the 43566  
vehicle pursuant to a contract between the vendor and the 43567  
department of transportation; 43568

(39) Sales of personal computers, computer monitors, computer 43569  
keyboards, modems, and other peripheral computer equipment to an 43570  
individual who is licensed or certified to teach in an elementary 43571  
or a secondary school in this state for use by that individual in 43572  
preparation for teaching elementary or secondary school students; 43573  
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(40) Sales to a professional racing team of any of the 43575

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following:	43576
(a) Motor racing vehicles;	43577
(b) Repair services for motor racing vehicles;	43578
(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 collect and transmit data by means of telemetry and other forms of communication.	43579 43580 43581 43582 43583 43584 43585 43586
(41) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	43587 43588 43589
(42) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exceptions in division (E)(2) of section 5739.01 of the Revised Code to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.	43590 43591 43592 43593 43594 43595 43596 43597 43598 43599 43600 43601 43602 43603 43604 43605 43606

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For the purpose of the proper administration of this chapter, 43607  
 and to prevent the evasion of the tax, it is presumed that all 43608  
 sales made in this state are subject to the tax until the contrary 43609  
 is established. 43610

As used in this section, except in division (B)(16) of this 43611  
 section, "food" includes cereals and cereal products, milk and 43612  
 milk products including ice cream, meat and meat products, fish 43613  
 and fish products, eggs and egg products, vegetables and vegetable 43614  
 products, fruits, fruit products, and pure fruit juices, 43615  
 condiments, sugar and sugar products, coffee and coffee 43616  
 substitutes, tea, and cocoa and cocoa products. It does not 43617  
 include: spirituous or malt liquors; soft drinks; sodas and 43618  
 beverages that are ordinarily dispensed at bars and soda fountains 43619  
 or in connection therewith, other than coffee, tea, and cocoa; 43620  
 root beer and root beer extracts; malt and malt extracts; mineral 43621  
 oils, cod liver oils, and halibut liver oil; medicines, including 43622  
 tonics, vitamin preparations, and other products sold primarily 43623  
 for their medicinal properties; and water, including mineral, 43624  
 bottled, and carbonated waters, and ice. 43625

(C) The levy of an excise tax on transactions by which 43626  
 lodging by a hotel is or is to be furnished to transient guests 43627  
 pursuant to this section and division (B) of section 5739.01 of 43628  
 the Revised Code does not prevent any of the following: 43629

(1) A municipal corporation or township from levying an 43630  
 excise tax for any lawful purpose not to exceed three per cent on 43631  
 transactions by which lodging by a hotel is or is to be furnished 43632  
 to transient guests in addition to the tax levied by this section. 43633  
 If a municipal corporation or township repeals a tax imposed under 43634  
 division (C)(1) of this section and a county in which the 43635  
 municipal corporation or township has territory has a tax imposed 43636  
 under division (C) of section 5739.024 of the Revised Code in 43637  
 effect, the municipal corporation or township may not reimpose its 43638

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tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (C)(1) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(2) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such 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.

(3) A county from levying an excise tax pursuant to division (A) of section 5739.024 of the Revised Code.

(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.

(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.

(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.

(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

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section. 43670

(D) The levy of this tax on retail sales of recreation and 43671  
sports club service shall not prevent a municipal corporation from 43672  
levying any tax on recreation and sports club dues or on any 43673  
income generated by recreation and sports club dues. 43674

**Sec. 5739.024.** (A)(1) A board of county commissioners may, by 43675  
resolution adopted by a majority of the members of the board, levy 43676  
an excise tax not to exceed three per cent on transactions by 43677  
which lodging by a hotel is or is to be furnished to transient 43678  
guests. The board shall establish all regulations necessary to 43679  
provide for the administration and allocation of the tax. The 43680  
regulations may prescribe the time for payment of the tax, and may 43681  
provide for the imposition of a penalty or interest, or both, for 43682  
late payments, provided that the penalty does not exceed ten per 43683  
cent of the amount of tax due, and the rate at which interest 43684  
accrues does not exceed the rate per annum prescribed pursuant to 43685  
section 5703.47 of the Revised Code. Except as ~~otherwise~~ provided 43686  
in divisions (A)(2) and (3) of this section, the regulations shall 43687  
provide, after deducting the real and actual costs of 43688  
administering the tax, for the return to each municipal 43689  
corporation or township that does not levy an excise tax on such 43690  
transactions, a uniform percentage of the tax collected in the 43691  
municipal corporation or in the unincorporated portion of the 43692  
township from each such transaction, not to exceed thirty-three 43693  
and one-third per cent. The remainder of the revenue arising from 43694  
the tax shall be deposited in a separate fund and shall be spent 43695  
solely to make contributions to the convention and visitors' 43696  
bureau operating within the county, including a pledge and 43697  
contribution of any portion of such remainder pursuant to an 43698  
agreement authorized by section 307.695 of the Revised Code. 43699  
Except as ~~otherwise~~ provided ~~under~~ in division (A)(2) or (3) of 43700  
this section, on and after May 10, 1994, a board of county 43701

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commissioners may not levy an excise tax pursuant to this division 43702  
in any municipal corporation or township located wholly or partly 43703  
within the county that has in effect an ordinance or resolution 43704  
levying an excise tax pursuant to division (B) of this section. 43705  
The board of a county that has levied a tax under division (C) of 43706  
this section may, by resolution adopted within ninety days after 43707  
July 15, 1985, by a majority of the members of the board, amend 43708  
the resolution levying a tax under this division to provide for a 43709  
portion of that tax to be pledged and contributed in accordance 43710  
with an agreement entered into under section 307.695 of the 43711  
Revised Code. A tax, any revenue from which is pledged pursuant to 43712  
such an agreement, shall remain in effect at the rate at which it 43713  
is imposed for the duration of the period for which the revenue 43714  
therefrom has been so pledged. 43715

(2) A board of county commissioners that levies an excise tax 43716  
under division (A)(1) of this section on June 30, 1997, at a rate 43717  
of three per cent, and that has pledged revenue from the tax to an 43718  
agreement entered into under section 307.695 of the Revised Code, 43719  
may amend the resolution levying that tax to provide for an 43720  
increase in the rate of the tax up to five per cent on each 43721  
transaction; to provide that revenue from the increase in the rate 43722  
shall be spent solely to make contributions to the convention and 43723  
visitors' bureau operating within the county to be used 43724  
specifically for promotion, advertising, and marketing of the 43725  
region in which the county is located; to provide that the rate in 43726  
excess of the three per cent levied under division (A)(1) of this 43727  
section shall remain in effect at the rate at which it is imposed 43728  
for the duration of the period during which any agreement is in 43729  
effect that was entered into under section 307.695 of the Revised 43730  
Code by the board of county commissioners levying a tax under 43731  
division (A)(1) of this section; and to provide that no portion of 43732  
that revenue need be returned to townships or municipal 43733



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corporations as would otherwise be required under division (A)(1) 43734  
of this section. 43735

(3) A board of county commissioners that levies a tax under 43736  
division (A)(1) of this section on March 18, 1999, at a rate of 43737  
three per cent may, by resolution adopted not later than 43738  
forty-five days after March 18, 1999, amend the resolution levying 43739  
the tax to provide for all of the following: 43740

(a) That the rate of the tax shall be increased by not more 43741  
than an additional four per cent on each transaction; 43742

(b) That all of the revenue from the increase in rate shall 43743  
be pledged and contributed to a convention facilities authority 43744  
established by the board of county commissioners under Chapter 43745  
351. of the Revised Code on or before November 15, 1998, and used 43746  
to pay costs of constructing, maintaining, operating, and 43747  
promoting a facility in the county, including paying bonds, or 43748  
notes issued in anticipation of bonds, as provided by that 43749  
chapter; 43750

(c) That no portion of the revenue arising from the increase 43751  
in rate need be returned to municipal corporations or townships as 43752  
otherwise required under division (A)(1) of this section; 43753

(d) That the increase in rate shall not be subject to 43754  
diminution by initiative or referendum or by law while any bonds, 43755  
or notes in anticipation of bonds, issued by the authority under 43756  
Chapter 351. of the Revised Code to which the revenue is pledged 43757  
remain outstanding in accordance with their terms, unless 43758  
provision is made by law or by the board of county commissioners 43759  
for an adequate substitute therefor that is satisfactory to the 43760  
trustee if a trust agreement secures the bonds. 43761

Division (A)(3) of this section does not apply to the board 43762  
of county commissioners of any county in which a convention center 43763  
or facility exists or is being constructed on November 15, 1998, 43764

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or of any county in which a convention facilities authority levies 43765  
 a tax pursuant to section 351.021 of the Revised Code on that 43766  
 date. 43767

As used in division (A)(3) of this section, "costs" and 43768  
 "facility" have the same meanings as in section 351.01 of the 43769  
 Revised Code, and "convention center" has the same meaning as in 43770  
 section 307.695 of the Revised Code. 43771

(B) The legislative authority of a municipal corporation or 43772  
 the board of trustees of a township that is not wholly or partly 43773  
 located in a county that has in effect a resolution levying an 43774  
 excise tax pursuant to division (A)(1) of this section may by 43775  
 ordinance or resolution levy an excise tax not to exceed three per 43776  
 cent on transactions by which lodging by a hotel is or is to be 43777  
 furnished to transient guests. The legislative authority of the 43778  
 municipal corporation or township shall deposit at least fifty per 43779  
 cent of the revenue from the tax levied pursuant to this division 43780  
 into a separate fund, which shall be spent solely to make 43781  
 contributions to convention and visitors' bureaus operating within 43782  
 the county in which the municipal corporation or township is 43783  
 wholly or partly located, and the balance of such revenue shall be 43784  
 deposited in the general fund. The municipal corporation or 43785  
 township shall establish all regulations necessary to provide for 43786  
 the administration and allocation of the tax. The regulations may 43787  
prescribe the time for payment of the tax, and may provide for the 43788  
imposition of a penalty or interest, or both, for late payments, 43789  
provided that the penalty does not exceed ten per cent of the 43790  
amount of tax due, and the rate at which interest accrues does not 43791  
exceed the rate per annum prescribed pursuant to section 5703.47 43792  
of the Revised Code. The levy of a tax under this division is in 43793  
 addition to any tax imposed on the same transaction by a municipal 43794  
 corporation or a township as authorized by division (C)(1) of 43795  
 section 5739.02 of the Revised Code. 43796

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(C) For the purpose of making the payments authorized by 43797  
 section 307.695 of the Revised Code to construct and equip a 43798  
 convention center in the county and to cover the costs of 43799  
 administering the tax, a board of county commissioners of a county 43800  
 where a tax imposed under division (A)(1) of this section is in 43801  
 effect may, by resolution adopted within ninety days after July 43802  
 15, 1985, by a majority of the members of the board, levy an 43803  
 additional excise tax not to exceed three per cent on transactions 43804  
 by which lodging by a hotel is or is to be furnished to transient 43805  
 guests. The tax authorized by this division shall be in addition 43806  
 to any tax that is levied pursuant to division (A) of this 43807  
 section, but it shall not apply to transactions subject to a tax 43808  
 levied by a municipal corporation or township pursuant to the 43809  
 authorization granted by division (C)(1) of section 5739.02 of the 43810  
 Revised Code. The board shall establish all regulations necessary 43811  
 to provide for the administration and allocation of the tax. The 43812  
regulations may prescribe the time for payment of the tax, and may 43813  
provide for the imposition of a penalty or interest, or both, for 43814  
late payments, provided that the penalty does not exceed ten per 43815  
cent of the amount of tax due, and the rate at which interest 43816  
accrues does not exceed the rate per annum prescribed pursuant to 43817  
section 5703.47 of the Revised Code. All revenues arising from the 43818  
 tax shall be expended in accordance with section 307.695 of the 43819  
 Revised Code. A tax imposed under this section shall remain in 43820  
 effect at the rate at which it is imposed for the duration of the 43821  
 period for which the revenue therefrom has been pledged pursuant 43822  
 to such section. 43823

(D) For the purpose of providing contributions under division 43824  
 (B)(1) of section 307.671 of the Revised Code to enable the 43825  
 acquisition, construction, and equipping of a port authority 43826  
 educational and cultural facility in the county and, to the extent 43827  
 provided for in the cooperative agreement authorized by that 43828

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section, for the purpose of paying debt service charges on bonds, 43829  
or notes in anticipation thereof, described in division (B)(1)(b) 43830  
of that section, a board of county commissioners, by resolution 43831  
adopted within ninety days after December 22, 1992, by a majority 43832  
of the members of the board, may levy an additional excise tax not 43833  
to exceed one and one-half per cent on transactions by which 43834  
lodging by a hotel is or is to be furnished to transient guests. 43835  
The excise tax authorized by this division shall be in addition to 43836  
any tax that is levied pursuant to divisions (A), (B), and (C) of 43837  
this section, to any excise tax levied pursuant to division (C) of 43838  
section 5739.02 of the Revised Code, and to any excise tax levied 43839  
pursuant to section 351.021 of the Revised Code. The board of 43840  
county commissioners shall establish all regulations necessary to 43841  
provide for the administration and allocation of the tax that are 43842  
not inconsistent with this section or section 307.671 of the 43843  
Revised Code. The regulations may prescribe the time for payment 43844  
of the tax, and may provide for the imposition of a penalty or 43845  
interest, or both, for late payments, provided that the penalty 43846  
does not exceed ten per cent of the amount of tax due, and the 43847  
rate at which interest accrues does not exceed the rate per annum 43848  
prescribed pursuant to section 5703.47 of the Revised Code. All 43849  
revenues arising from the tax shall be expended in accordance with 43850  
section 307.671 of the Revised Code and division (D) of this 43851  
section. The levy of a tax imposed under this section may not 43852  
commence prior to the first day of the month next following the 43853  
execution of the cooperative agreement authorized by section 43854  
307.671 of the Revised Code by all parties to that agreement. Such 43855  
tax shall remain in effect at the rate at which it is imposed for 43856  
the period of time described in division (C) of section 307.671 of 43857  
the Revised Code for which the revenue from the tax has been 43858  
pledged by the county to the corporation pursuant to such section, 43859  
but, to any extent provided for in the cooperative agreement, for 43860  
no lesser period than the period of time required for payment of 43861

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the debt service charges on bonds, or notes in anticipation 43862  
thereof, described in division (B)(1)(b) of that section. 43863

(E) For the purpose of paying the costs of acquiring, 43864  
constructing, equipping, and improving a municipal educational and 43865  
cultural facility, including debt service charges on bonds 43866  
provided for in division (B) of section 307.672 of the Revised 43867  
Code, and for such additional purposes as are determined by the 43868  
county in the resolution levying the tax or amendments thereto, 43869  
including subsequent amendments providing for paying costs of 43870  
acquiring, constructing, renovating, rehabilitating, equipping, 43871  
and improving a port authority educational and cultural performing 43872  
arts facility, as defined in section 307.674 of the Revised Code, 43873  
including debt service charges on bonds provided for in division 43874  
(B) of section 307.674 of the Revised Code, the legislative 43875  
authority of a county, by resolution adopted within ninety days 43876  
after June 30, 1993, by a majority of the members of the 43877  
legislative authority, may levy an additional excise tax not to 43878  
exceed one and one-half per cent on transactions by which lodging 43879  
by a hotel is or is to be furnished to transient guests. The 43880  
excise tax authorized by this division shall be in addition to any 43881  
tax that is levied pursuant to divisions (A), (B), (C), and (D) of 43882  
this section, to any excise tax levied pursuant to division (C) of 43883  
section 5739.02 of the Revised Code, and to any excise tax levied 43884  
pursuant to section 351.021 of the Revised Code. The legislative 43885  
authority of the county shall establish all regulations necessary 43886  
to provide for the administration and allocation of the tax. The 43887  
regulations may prescribe the time for payment of the tax, and may 43888  
provide for the imposition of a penalty or interest, or both, for 43889  
late payments, provided that the penalty does not exceed ten per 43890  
cent of the amount of tax due, and the rate at which interest 43891  
accrues does not exceed the rate per annum prescribed pursuant to 43892  
section 5703.47 of the Revised Code. All revenues arising from the 43893  
tax shall be expended in accordance with section 307.672 of the 43894

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Revised Code and division (E) of this section. The levy of a tax 43895  
imposed under this division shall not commence prior to the first 43896  
day of the month next following the execution of the cooperative 43897  
agreement authorized by section 307.672 of the Revised Code by all 43898  
parties to that agreement. Such tax shall remain in effect at the 43899  
rate at which it is imposed for the period of time determined by 43900  
the legislative authority of the county, but not to exceed fifteen 43901  
years. 43902

(F) The legislative authority of a county that has levied a 43903  
tax under division (E) of this section may, by resolution adopted 43904  
within one hundred eighty days after ~~the effective date of this~~ 43905  
~~amendment~~ January 4, 2001, by a majority of the members of the 43906  
legislative authority, amend the resolution levying a tax under 43907  
division (E) of this section to provide for the use of the 43908  
proceeds of that tax, to the extent that it is no longer needed 43909  
for its original purpose as determined by the parties to a 43910  
cooperative agreement amendment pursuant to division (D) of 43911  
section 307.672 of the Revised Code, to pay costs of acquiring, 43912  
constructing, renovating, rehabilitating, equipping, and improving 43913  
a port authority educational and cultural performing arts 43914  
facility, including debt service charges on bonds provided for in 43915  
division (B) of section 307.674 of the Revised Code, and to pay 43916  
all obligations under any guaranty agreements, reimbursement 43917  
agreements, or other credit enhancement agreements described in 43918  
division (C) of section 307.674 of the Revised Code. The 43919  
resolution may also provide for the extension of the tax at the 43920  
same rate for the longer of the period of time determined by the 43921  
legislative authority of the county, but not to exceed an 43922  
additional twenty-five years, or the period of time required to 43923  
pay all debt service charges on bonds provided for in division (B) 43924  
of section 307.672 of the Revised Code and on port authority 43925  
revenue bonds provided for in division (B) of section 307.674 of 43926  
the Revised Code. All revenues arising from the amendment and 43927

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extension of the tax shall be expended in accordance with section 43928  
307.674 of the Revised Code and divisions (E) and (F) of this 43929  
section. 43930

(G) A board of county commissioners, board of township 43931  
trustees, or the legislative authority of a municipal corporation 43932  
may adopt a resolution or ordinance at any time specifying that 43933  
"hotel," as otherwise defined in section 5739.01 of the Revised 43934  
Code, includes establishments in which fewer than five rooms are 43935  
used for the accommodation of guests. The resolution or ordinance 43936  
may apply to a tax imposed pursuant to this section prior to the 43937  
adoption of the resolution or ordinance if the resolution or 43938  
ordinance so states, but the tax shall not apply to transactions 43939  
by which lodging by such an establishment is provided to transient 43940  
guests prior to the adoption of the resolution or ordinance. 43941

**Sec. 5739.032.** (A) If the total amount of tax required to be 43942  
paid by a permit holder under section 5739.031 of the Revised Code 43943  
for any calendar year indicated in the following schedule equals 43944  
or exceeds the amounts prescribed for that year in the schedule, 43945  
the permit holder shall remit each monthly tax payment in the 43946  
second ensuing and each succeeding year by electronic funds 43947  
transfer as prescribed by division (B) of this section. 43948

Year	1992	1993 through 1999	2000 and thereafter	43949
Tax payment	\$1,200,000	\$600,000	\$60,000	43950

If a permit holder's tax payment for each of two consecutive 43951  
years beginning with 2000 is less than sixty thousand dollars, the 43952  
permit holder is relieved of the requirement to remit taxes by 43953  
electronic funds transfer for the year that next follows the 43954  
second of the consecutive years in which the tax payment is less 43955  
than sixty thousand dollars, and is relieved of that requirement 43956  
for each succeeding year unless the tax payment in a subsequent 43957  
year equals or exceeds sixty thousand dollars. 43958

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The tax commissioner shall notify each permit holder required to remit taxes by electronic funds transfer of the permit holder's obligation to do so, shall maintain an updated list of those permit holders, and shall timely certify the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify a permit holder subject to this section to remit taxes by electronic funds transfer does not relieve the permit holder of its obligation to remit taxes by electronic funds transfer.

(B) Permit holders required by division (A) of this section to remit payments by electronic funds transfer shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer under section 113.061 of the Revised Code and on or before the dates specified under section 5739.031 of the Revised Code. The payment of taxes by electronic funds transfer does not affect a permit holder's obligation to file the monthly return as required under section 5739.031 of the Revised Code.

A permit holder required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state in the manner prescribed by the treasurer to be excused from that requirement. The treasurer of state may excuse the permit holder from remittance by electronic funds transfer for good cause shown for the period of time requested by the permit holder or for a portion of that period. The treasurer shall notify the tax commissioner and the permit holder of the treasurer's decision as soon as is practicable.

(C) If a permit holder required by this section to remit taxes by electronic funds transfer remits those taxes by some means other than by electronic funds transfer as prescribed by this section and the rules adopted by the treasurer of state, and the ~~treasurer~~ tax commissioner determines that such failure was



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not due to reasonable cause or was due to willful neglect, the 43991  
~~treasurer shall notify the tax commissioner of the failure to~~ 43992  
~~remit by electronic funds transfer and shall provide the~~ 43993  
~~commissioner with any information used in making that~~ 43994  
~~determination. The tax~~ commissioner may collect an additional 43995  
charge by assessment in the manner prescribed by section 5739.13 43996  
of the Revised Code. The additional charge shall equal five per 43997  
cent of the amount of the taxes required to be paid by electronic 43998  
funds transfer, but shall not exceed five thousand dollars. Any 43999  
additional charge assessed under this section is in addition to 44000  
any other penalty or charge imposed under this chapter, and shall 44001  
be considered as revenue arising from taxes imposed under this 44002  
chapter. The tax commissioner may remit all or a portion of such a 44003  
charge and may adopt rules governing such remission. 44004

No additional charge shall be assessed under this division 44005  
against a permit holder that has been notified of its obligation 44006  
to remit taxes under this section and that remits its first two 44007  
tax payments after such notification by some means other than 44008  
electronic funds transfer. The additional charge may be assessed 44009  
upon the remittance of any subsequent tax payment that the permit 44010  
holder remits by some means other than electronic funds transfer. 44011

**Sec. 5739.07.** (A) The tax commissioner shall refund to 44012  
vendors the amount of taxes paid illegally or erroneously or paid 44013  
on any illegal or erroneous assessment if the vendor has not been 44014  
reimbursed from the consumer. When the illegal or erroneous 44015  
payment or assessment was not paid to a vendor but was paid by the 44016  
consumer directly to the treasurer of state ~~or~~ an agent of the 44017  
treasurer of state, the tax commissioner, or an agent of the tax 44018  
commissioner, the tax commissioner shall refund to the consumer. 44019  
When a refund is granted for payment of an illegal or erroneous 44020  
assessment issued by the department, the refund shall include 44021  
interest as provided by section 5739.132 of the Revised Code. 44022

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(B) The tax commissioner may make a refund to the consumer of 44023  
 taxes paid illegally or erroneously if the tax has not been 44024  
 refunded to the vendor and any of the following circumstances 44025  
 apply: 44026

(1) The consumer is unable to receive a refund from the 44027  
 vendor because the vendor has ceased business; 44028

(2) The vendor is unable to issue a refund because of 44029  
 bankruptcy or similar financial condition; 44030

(3) The consumer receives a refund of the full price paid to 44031  
 the vendor from a manufacturer or other person, other than the 44032  
 vendor, as a settlement for a complaint by the consumer about the 44033  
 property or service purchased. 44034

(C) Applications for refund shall be filed with the tax 44035  
 commissioner, on the form prescribed by the tax commissioner, 44036  
 within four years from the date of the illegal or erroneous 44037  
 payment of the tax, unless the vendor or consumer waives the time 44038  
 limitation under division (A)(3) of section 5739.16 of the Revised 44039  
 Code. If the time limitation is waived, the four-year refund 44040  
 limitation shall be extended for the same period of time as the 44041  
 waiver. On the filing of an application for refund, the 44042  
 commissioner shall determine the amount of refund due and certify 44043  
 that amount to the director of budget and management and treasurer 44044  
 of state for payment from the tax refund fund created by section 44045  
 5703.052 of the Revised Code. 44046

**Sec. 5739.102.** A person who is liable for a tax levied under 44047  
 section 5739.101 of the Revised Code shall file a return with the 44048  
~~treasurer of state~~ tax commissioner showing ~~his~~ the person's 44049  
 taxable gross receipts from sales described under division (B)(1) 44050  
 or (2) of that section. The tax commissioner shall prescribe the 44051  
 form of the return, and the six- or twelve-month reporting period. 44052  
 The person shall file the return on or before the last day of the 44053

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month following the end of the reporting period prescribed by the 44054  
 commissioner, and shall include with the return payment of the tax 44055  
 for the period. The remittance shall be made payable to the 44056  
treasurer of state. 44057

Upon receipt of a return, the ~~treasurer of state tax~~ 44058  
~~commissioner~~ shall credit any money included with it to the resort 44059  
 area excise tax fund, which is hereby created, ~~and shall forward~~ 44060  
~~the return to the tax commissioner. The treasurer of state shall~~ 44061  
~~stamp or otherwise mark on the return the date it was received,~~ 44062  
~~and shall indicate on the return the amount of payment received~~ 44063  
~~with it.~~ Within forty-five days after the end of each month, the 44064  
 commissioner shall provide for the distribution of all money paid 44065  
 during that month into the resort area excise tax fund to the 44066  
 appropriate municipal corporations and townships, after first 44067  
 subtracting and crediting to the general revenue fund one per cent 44068  
 to cover the costs of administering the excise tax. 44069

If a person liable for the tax fails to file a return or pay 44070  
 the tax as required under this section and the rules of the tax 44071  
 commissioner, ~~he~~ the person shall pay an additional charge of the 44072  
 greater of fifty dollars or ten per cent of the tax due for the 44073  
 return period. The additional charge shall be considered revenue 44074  
 arising from the tax levied under section 5739.101 of the Revised 44075  
 Code, and may be collected by assessment in the manner provided in 44076  
 section 5739.13 of the Revised Code. The tax commissioner may 44077  
 remit all or a portion of the charge. 44078

**Sec. 5739.12.** Each person who has or is required to have a 44079  
 vendor's license, on or before the twenty-third day of each month, 44080  
 shall make and file a return for the preceding month, on forms 44081  
 prescribed by the tax commissioner, and shall pay the tax shown on 44082  
 the return to be due. The return shall show the amount of tax due 44083  
 from the vendor to the state for the period covered by the return 44084  
 and such other information as the commissioner deems necessary for 44085

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the proper administration of this chapter. The commissioner may 44086  
extend the time for making and filing returns and paying the tax, 44087  
and may require that the return for the last month of any annual 44088  
or semiannual period, as determined by the commissioner, be a 44089  
reconciliation return detailing the vendor's sales activity for 44090  
the preceding annual or semiannual period. The reconciliation 44091  
return shall be filed by the last day of the month following the 44092  
last month of the annual or semiannual period. The commissioner 44093  
may remit all or any part of amounts or penalties which may become 44094  
due under this chapter and may adopt rules relating thereto. Such 44095  
return shall be filed by mailing ~~the same~~ it to the ~~treasurer of~~ 44096  
state tax commissioner, together with payment of the amount of tax 44097  
shown to be due thereon after deduction of any discount provided 44098  
for under this section. Remittance shall be made payable to the 44099  
treasurer of state. The return shall be considered filed when 44100  
received by the ~~treasurer of state~~ tax commissioner, and the 44101  
payment shall be considered made when received by the ~~treasurer of~~ 44102  
state tax commissioner or when credited to an account designated 44103  
by the treasurer of state or the tax commissioner. If the return 44104  
is filed and the amount of tax shown thereon to be due is paid on 44105  
or before the date such return is required to be filed, the vendor 44106  
shall be entitled to a discount of three-fourths of one per cent 44107  
of the amount shown to be due on the return. Amounts paid to the 44108  
clerk of courts pursuant to section 4505.06 of the Revised Code 44109  
shall be subject to the three-fourths of one per cent discount. 44110  
The discount shall be in consideration for prompt payment to the 44111  
clerk of courts and for other services performed by the vendor in 44112  
the collection of the tax. 44113

Upon application to the commissioner, a vendor who is 44114  
required to file monthly returns may be relieved of the 44115  
requirement to report and pay the actual tax due, provided that 44116  
the vendor agrees to remit to the ~~treasurer of state~~ tax 44117  
commissioner payment of not less than an amount determined by the 44118

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commissioner to be the average monthly tax liability of the 44119  
 vendor, based upon a review of the returns or other information 44120  
 pertaining to such vendor for a period of not less than six months 44121  
 nor more than two years immediately preceding the filing of the 44122  
 application. Vendors who agree to the above conditions shall make 44123  
 and file an annual or semiannual reconciliation return, as 44124  
 prescribed by the commissioner. The reconciliation return shall be 44125  
 filed by mailing or delivering ~~the same~~ it to the ~~treasurer of~~ 44126  
~~state tax commissioner~~, together with payment of the amount of tax 44127  
 shown to be due thereon after deduction of any discount provided 44128  
 in this section. Remittance shall be made payable to the treasurer 44129  
of state. Failure of a vendor to comply with any of the above 44130  
 conditions may result in immediate reinstatement of the 44131  
 requirement of reporting and paying the actual tax liability on 44132  
 each monthly return, and the commissioner may at the 44133  
 commissioner's discretion deny the vendor the right to report and 44134  
 pay based upon the average monthly liability for a period not to 44135  
 exceed two years. The amount ~~determined~~ ascertained by the 44136  
 commissioner to be the average monthly tax liability of a vendor 44137  
 may be adjusted, based upon a review of the returns or other 44138  
 information pertaining to the vendor for a period of not less than 44139  
 six months nor more than two years preceding such adjustment. 44140

The commissioner may authorize vendors whose tax liability is 44141  
 not such as to merit monthly returns, as ~~determined~~ ascertained by 44142  
 the commissioner upon the basis of administrative costs to the 44143  
 state, to make and file returns at less frequent intervals. When 44144  
 returns are filed at less frequent intervals in accordance with 44145  
 such a ~~determination~~ authorization, the vendor shall be allowed 44146  
 the discount of three-fourths of one per cent in consideration for 44147  
 prompt payment with the return, provided the return is filed 44148  
 together with payment of the amount of tax shown to be due 44149  
 thereon, at the time specified by the commissioner. 44150

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~~The treasurer of state shall stamp or otherwise mark on all~~ 44151  
~~returns the date received by the treasurer of state and shall also~~ 44152  
~~show thereon by stamp or otherwise the amount of payment received~~ 44153  
~~for the period for which the return is filed. Thereafter, the~~ 44154  
~~treasurer of state shall immediately transmit all returns filed~~ 44155  
~~under this section to the commissioner.~~ Any vendor who fails to 44156  
file a return or pay the full amount of the tax shown on the 44157  
return to be due under this section and the rules of the 44158  
commissioner may, for each such return the vendor fails to file or 44159  
each such tax the vendor fails to pay in full as shown on the 44160  
return within the period prescribed by this section and the rules 44161  
of the commissioner, be required to forfeit and pay into the state 44162  
treasury an additional charge not exceeding fifty dollars or ten 44163  
per cent of the tax required to be paid for the reporting period, 44164  
whichever is greater, as revenue arising from the tax imposed by 44165  
this chapter, and such sum may be collected by assessment in the 44166  
manner provided in section 5739.13 of the Revised Code. The 44167  
commissioner may remit all or a portion of the additional charge 44168  
and may adopt rules relating to the imposition and remission of 44169  
the additional charge. 44170

If the amount required to be collected by a vendor from 44171  
consumers is in excess of five per cent of the vendor's receipts 44172  
from sales which are taxable under section 5739.02 of the Revised 44173  
Code, or in the case of sales subject to a tax levied pursuant to 44174  
section 5739.021, 5739.023, or 5739.026 of the Revised Code, in 44175  
excess of the percentage equal to the aggregate rate of such taxes 44176  
and the tax levied by section 5739.02 of the Revised Code, such 44177  
excess shall be remitted along with the remittance of the amount 44178  
of tax due under section 5739.10 of the Revised Code. 44179

The commissioner, if the commissioner deems it necessary in 44180  
order to insure the payment of the tax imposed by this chapter, 44181  
may require returns and payments to be made for other than monthly 44182

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periods. The returns shall be signed by the vendor or the vendor's  
authorized agent. 44183  
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Any vendor required to file a return and pay the tax under 44185  
this section whose total payment in any year indicated in division 44186  
(A) of section 5739.122 of the Revised Code equals or exceeds the 44187  
amount shown in that division shall make each payment required by 44188  
this section in the second ensuing and each succeeding year by 44189  
electronic funds transfer as prescribed by section 5739.122 of the 44190  
Revised Code, except as otherwise prescribed by that section. 44191

**Sec. 5739.121.** As used in this section, "bad debt" means any 44192  
debt that has become worthless or uncollectible in the time period 44193  
between a vendor's preceding return and the present return, have 44194  
been uncollected for at least six months, and that may be claimed 44195  
as a deduction pursuant to the "Internal Revenue Code of 1954," 44196  
68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 44197  
pursuant thereto, or that could be claimed as such a deduction if 44198  
the vendor kept accounts on an accrual basis. "Bad debt" does not 44199  
include any interest or sales tax on the purchase price, 44200  
uncollectible amounts on property that remains in the possession 44201  
of the vendor until the full purchase price is paid, expenses 44202  
incurred in attempting to collect any account receivable or for 44203  
any portion of the debt recovered, any accounts receivable that 44204  
have been sold to a third party for collection, and repossessed 44205  
property. 44206

In computing taxable receipts for purposes of this chapter, a 44207  
vendor may deduct the amount of bad debts, as defined in this 44208  
section. The amount deducted must be charged off as uncollectible 44209  
on the books of the vendor. A deduction may be claimed only with 44210  
respect to bad debts on which the taxes pursuant to sections 44211  
5739.10 and 5739.12 of the Revised Code were paid in a preceding 44212  
tax period. If the vendor's business consists of taxable and 44213

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nontaxable transactions, the deduction shall equal the full amount  
of the debt if the debt is documented as a taxable transaction in  
the vendor's records. If no such documentation is available, the  
maximum deduction on any bad debt shall equal the amount of the  
bad debt multiplied by the quotient obtained by dividing the sales  
taxed pursuant to this chapter during the preceding calendar year  
by all sales during the preceding calendar year, whether taxed or  
not. If a consumer or other person pays all or part of a bad debt  
with respect to which a vendor claimed a deduction under this  
section, the vendor shall be liable for the amount of taxes  
deducted in connection with that portion of the debt for which  
payment is received and shall remit such taxes in ~~his~~ the vendor's  
next payment to the ~~treasurer of state~~ tax commissioner.

Any claim for a bad debt deduction under this section shall  
be supported by such evidence as the tax commissioner by rule  
requires. The commissioner shall review any change in the rate of  
taxation applicable to any taxable sales by a vendor claiming a  
deduction pursuant to this section and adopt rules for altering  
the deduction in the event of such a change in order to ensure  
that the deduction on any bad debt does not result in the vendor  
claiming the deduction recovering any more or less than the taxes  
imposed on the sale that constitutes the bad debt.

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of  
the Revised Code, and fails to remit the tax to the state as  
prescribed, or on the sale of a motor vehicle, watercraft, or  
outboard motor required to be titled, fails to remit payment to a  
clerk of a court of common pleas as provided in section 1548.06 or  
4505.06 of the Revised Code, the vendor shall be personally liable  
for any tax collected and not remitted. The tax commissioner may  
make an assessment against such vendor based upon any information  
in the commissioner's possession.



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If any vendor fails to collect the tax or any consumer fails to pay the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code, on any transaction subject to the tax, the vendor or consumer shall be personally liable for the amount of the tax applicable to the transaction. The commissioner may make an assessment against either the vendor or consumer, as the facts may require, based upon any information in the commissioner's possession.

An assessment against a vendor when the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code has not been collected or paid, shall not discharge the purchaser's or consumer's liability to reimburse the vendor for the tax applicable to such transaction.

An assessment issued against either, pursuant to this section, shall not be considered an election of remedies, nor a bar to an assessment against the other for the tax applicable to the same transaction, provided that no assessment shall be issued against any person for the tax due on a particular transaction if the tax on that transaction actually has been paid by another.

The commissioner may make an assessment against any vendor who fails to file a return or remit the proper amount of tax required by this chapter, or against any consumer who fails to pay the proper amount of tax required by this chapter. When information in the possession of the commissioner indicates that the amount required to be collected or paid under this chapter is greater than the amount remitted by the vendor or paid by the consumer, the commissioner may audit a sample of the vendor's sales or the consumer's purchases for a representative period, to ascertain the per cent of exempt or taxable transactions or the effective tax rate and may issue an assessment based on the audit. The commissioner shall make a good faith effort to reach agreement with the vendor or consumer in selecting a representative sample

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period.

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The tax commissioner may make an assessment, based on any information in his possession, against any person who fails to file a return or remit the proper amount of tax required by section 5739.102 of the Revised Code.

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The tax commissioner may issue an assessment on any transaction for which any tax imposed under this chapter or Chapter 5741. of the Revised Code was due and unpaid on the date the vendor or consumer was informed by an agent of the tax commissioner of an investigation or audit. If the vendor or consumer remits any payment of the tax for the period covered by the assessment after the vendor or consumer was informed of the investigation or audit, the payment shall be credited against the amount of the assessment.

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The commissioner shall give the party assessed written notice of the assessment as provided in section 5703.37 of the Revised Code.

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(B) Unless the party to whom the notice of assessment is directed files with the commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a petition for reassessment in writing, signed by the party assessed, or by the party's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment shall be due ~~and payable~~ from the party assessed and payable to the treasurer of state and remitted to the tax commissioner. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received prior to the date shown on the final determination by the commissioner.

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Unless the petitioner waives a hearing, the commissioner shall assign a time and place for the hearing on the petition and

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notify the petitioner of the time and place of the hearing by 44309  
personal service or certified mail, but the commissioner may 44310  
continue the hearing from time to time if necessary. 44311

The commissioner may make such correction to the assessment 44312  
as the commissioner finds proper. The commissioner shall serve a 44313  
copy of the commissioner's final determination on the petitioner 44314  
by personal service or certified mail, and the commissioner's 44315  
decision in the matter shall be final, subject to appeal as 44316  
provided in section 5717.02 of the Revised Code. Only objections 44317  
decided on the merits by the board of tax appeals or a court shall 44318  
be given collateral estoppel or res judicata effect in considering 44319  
an application for refund of amounts paid pursuant to the 44320  
assessment. 44321

(C) After an assessment becomes final, if any portion of the 44322  
assessment remains unpaid, including accrued interest, a certified 44323  
copy of the commissioner's entry making the assessment final may 44324  
be filed in the office of the clerk of the court of common pleas 44325  
in the county in which the place of business of the party assessed 44326  
is located or the county in which the party assessed resides. If 44327  
the party assessed maintains no place of business in this state 44328  
and is not a resident of this state, the certified copy of the 44329  
entry may be filed in the office of the clerk of the court of 44330  
common pleas of Franklin county. 44331

The clerk, immediately upon the filing of such entry, shall 44332  
enter a judgment for the state against the party assessed in the 44333  
amount shown on the entry. The judgment may be filed by the clerk 44334  
in a loose-leaf book entitled "special judgments for state, 44335  
county, and transit authority retail sales tax" or, if 44336  
appropriate, "special judgments for resort area excise tax," and 44337  
shall have the same effect as other judgments. Execution shall 44338  
issue upon the judgment upon the request of the tax commissioner, 44339  
and all laws applicable to sales on execution shall apply to sales 44340

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made under the judgment except as otherwise provided in this 44341  
chapter. 44342

The portion of the assessment not paid within sixty days 44343  
after the date the assessment was issued shall bear interest at 44344  
the rate per annum prescribed by section 5703.47 of the Revised 44345  
Code from the day the tax commissioner issues the assessment until 44346  
the assessment is paid. Interest shall be paid in the same manner 44347  
as the tax and may be collected by issuing an assessment under 44348  
this section. 44349

(D) All money collected by the commissioner under this 44350  
section shall be paid to the treasurer of state, and when paid 44351  
shall be considered as revenue arising from the taxes imposed by 44352  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 44353

**Sec. 5739.18.** On the first business day of each week, each 44354  
county auditor shall make in triplicate a list showing the names 44355  
of all vendors licensed in ~~his~~ the auditor's county during the 44356  
preceding week pursuant to sections 5739.01 to 5739.31, ~~inclusive,~~ 44357  
of the Revised Code, and such other information as to each, 44358  
available from the records in ~~his~~ the auditor's office, as the tax 44359  
commissioner prescribes, and shall immediately certify one of such 44360  
lists to the commissioner, one to the treasurer of state, and one 44361  
to the county treasurer. The commissioner shall keep an 44362  
alphabetical index of such licensees so certified to ~~him~~ the 44363  
commissioner but ~~he~~ may delete therefrom the names of those 44364  
persons whose licenses have been cancelled. 44365

**Sec. 5741.10.** The tax commissioner shall refund to sellers 44366  
the amount of tax levied pursuant to section 5741.02, 5741.021, 44367  
5741.022, or 5741.023 of the Revised Code paid on any illegal or 44368  
erroneous payment or assessment, where the seller has reimbursed 44369  
the consumer. When such payment or assessment was not paid to a 44370

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seller, but was paid by the consumer directly to the treasurer of 44371  
state, ~~or the treasurer of state's agent, by the consumer~~ 44372  
commissioner, or the commissioner's agent, the treasurer of state 44373  
shall make refund to the consumer. When such a refund is granted, 44374  
it shall include interest thereon as provided by section 5739.132 44375  
of the Revised Code. Applications for refund shall be filed with 44376  
the tax commissioner, on the form prescribed by the commissioner, 44377  
within four years from the date of the illegal or erroneous 44378  
payment of the tax except where the vendor or consumer waives the 44379  
time limitation under division (C) of section 5741.16 of the 44380  
Revised Code, in which case the four-year refund limitation shall 44381  
be extended for the same period of time as the waiver. On filing 44382  
such application, the commissioner shall determine the amount of 44383  
refund due and shall certify such amount to the director of budget 44384  
and management and treasurer of state for payment from the tax 44385  
refund fund created by section 5703.052 of the Revised Code. 44386

**Sec. 5741.12.** (A) Each seller required by section 5741.17 of 44387  
the Revised Code to register with the tax commissioner, and any 44388  
seller authorized by the commissioner to collect the tax imposed 44389  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 44390  
of the Revised Code is subject to the same requirements and 44391  
entitled to the same deductions and discount for prompt payments 44392  
as are vendors under section 5739.12 of the Revised Code. The 44393  
powers and duties of the commissioner and the treasurer of state 44394  
with respect to returns and tax remittances under this section 44395  
shall be identical with those prescribed in section 5739.12 of the 44396  
Revised Code. 44397

(B) Every person storing, using, or consuming tangible 44398  
personal property or receiving the benefit of a service, the 44399  
storage, use, consumption, or receipt of which is subject to the 44400  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 44401  
or 5741.023 of the Revised Code, when such tax was not paid to a 44402

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seller, shall, on or before the twenty-third day of each month, 44403  
 file with the ~~treasurer of state~~ tax commissioner a return for the 44404  
 preceding month in such form as is prescribed by the commissioner, 44405  
 showing such information as the commissioner deems necessary, and 44406  
 shall pay the tax shown on the return to be due. Remittance shall 44407  
be made payable to the treasurer of state. The commissioner may 44408  
 require consumers to file returns and pay the tax at other than 44409  
 monthly intervals, if ~~he~~ the commissioner determines that such 44410  
 filing is necessary for the efficient administration of the tax. 44411  
 If the commissioner determines that a consumer's tax liability is 44412  
 not such as to merit monthly filing, the commissioner may 44413  
 authorize the consumer to file returns and pay tax at less 44414  
 frequent intervals. ~~The treasurer of state shall show on the~~ 44415  
~~return the date it was filed and the amount of the payment~~ 44416  
~~remitted to the treasurer. Thereafter, the treasurer immediately~~ 44417  
~~shall transmit all returns filed under this section to the tax~~ 44418  
~~commissioner.~~ 44419

Any consumer required to file a return and pay the tax under 44420  
 this section whose payment for any year indicated in section 44421  
 5741.121 of the Revised Code equals or exceeds the amount shown in 44422  
 that section shall make each payment required by this section in 44423  
 the second ensuing and each succeeding year by means of electronic 44424  
 funds transfer as prescribed by section 5741.121 of the Revised 44425  
 Code, except as otherwise prescribed by that section. 44426

(C) Every person storing, using, or consuming a motor 44427  
 vehicle, watercraft, or outboard motor, the ownership of which 44428  
 must be evidenced by certificate of title, shall file the return 44429  
 required by this section and pay the tax due at or prior to the 44430  
 time of filing an application for certificate of title. 44431

**Sec. 5743.62.** (A) To provide revenue for the general revenue 44432  
 fund of the state, an excise tax is hereby levied on the seller of 44433

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tobacco products in this state at the rate of seventeen per cent 44434  
of the wholesale price of the tobacco product whenever the tobacco 44435  
product is delivered to a consumer in this state for the storage, 44436  
use, or other consumption of such tobacco products. The tax 44437  
imposed by this section applies only to sellers having nexus in 44438  
this state, as defined in section 5741.01 of the Revised Code. 44439

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(B) A seller of tobacco products who has nexus in this state 44441  
as defined in section 5741.01 of the Revised Code shall register 44442  
with the tax commissioner and supply any information concerning 44443  
~~his~~ the seller's contacts with this state as may be required by 44444  
the tax commissioner. A seller who does not have nexus in this 44445  
state may voluntarily register with the tax commissioner. A seller 44446  
who voluntarily registers with the tax commissioner is entitled to 44447  
the same benefits and is subject to the same duties and 44448  
requirements as a seller required to be registered with the tax 44449  
commissioner under this division. 44450

(C) Each seller of tobacco products subject to the tax levied 44451  
by this section, on or before the last day of each month, shall 44452  
file with the ~~treasurer of state~~ tax commissioner a return for the 44453  
preceding month showing any information the tax commissioner finds 44454  
necessary for the proper administration of sections 5743.51 to 44455  
5743.66 of the Revised Code, together with remittance of the tax 44456  
due. ~~The, payable to the treasurer of state shall stamp or~~ 44457  
~~otherwise mark on the return the date it was received and the~~ 44458  
~~amount of payment received with the return. Thereafter, the~~ 44459  
~~treasurer of state shall immediately transmit all returns filed~~ 44460  
~~under this section to the commissioner.~~ The return and payment of 44461  
the tax required by this section shall be filed in such a manner 44462  
that it is received by the ~~treasurer of state~~ tax commissioner on 44463  
or before the last day of the month following the reporting 44464  
period. If the return is filed and the amount of the tax shown on 44465

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the return to be due is paid on or before the date the return is 44466  
 required to be filed, the seller is entitled to a discount equal 44467  
 to two and five-tenths per cent of the amount shown on the return 44468  
 to be due. 44469

(D) ~~The tax commissioner shall immediately forward to the~~ 44470  
~~treasurer of state all~~ money received into the state treasury from 44471  
 the tax levied by this section, and the treasurer shall be 44472  
~~credited~~ credit the amount to the general revenue fund. 44473

(E) Each seller of tobacco products subject to the tax levied 44474  
 by this section shall mark on the invoices of tobacco products 44475  
 sold that the tax levied by that section has been paid and shall 44476  
 indicate the seller's account number as assigned by the tax 44477  
 commissioner. 44478

**Sec. 5743.63.** (A) To provide revenue for the general revenue 44479  
 fund of the state, an excise tax is hereby levied on the storage, 44480  
 use, or other consumption of tobacco products at the rate of 44481  
 seventeen per cent of the wholesale price of the tobacco product, 44482  
 provided the tax has not been paid by the seller as provided in 44483  
 section 5743.62 of the Revised Code, or by the distributor as 44484  
 provided in section 5743.51 of the Revised Code. 44485

(B) Each person subject to the tax levied by this section, on 44486  
 or before the last day of each month, shall file with the 44487  
~~treasurer of state~~ tax commissioner a return for the preceding 44488  
 month showing any information the tax commissioner finds necessary 44489  
 for the proper administration of sections 5743.51 to 5743.66 of 44490  
 the Revised Code, together with remittance of the tax due. ~~The,~~ 44491  
~~payable to the~~ treasurer of state ~~shall stamp or otherwise mark on~~ 44492  
~~the return the date it was received and the amount of payment~~ 44493  
~~received with the return. Thereafter, the treasurer of state shall~~ 44494  
~~immediately transmit all returns filed under this section to the~~ 44495  
 commissioner. The return and payment of the tax required by this 44496



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section shall be filed in such a manner that it is received by the 44497  
~~treasurer of state tax commissioner~~ on or before the last day of 44498  
the month following the reporting period. 44499

(C) The tax commissioner shall immediately forward to the 44500  
treasurer of state all money received ~~into the state treasury~~ from 44501  
the tax levied by this section, and the treasurer shall be 44502  
~~credited~~ credit the amount to the general revenue fund. 44503

**Sec. 5745.03.** (A) For each taxable year, each taxpayer shall 44504  
file an annual report with the ~~treasurer of state tax commissioner~~ 44505  
not later than the fifteenth day of the fourth month after the end 44506  
of the taxpayer's taxable year, and shall remit with that report 44507  
the amount of tax due as shown on the report less the amount paid 44508  
for the year under section 5745.04 of the Revised Code. The 44509  
remittance shall be made in the form prescribed by the ~~treasurer~~ 44510  
~~of state, including electronic funds transfer if tax commissioner.~~ 44511  
If the amount payable with the report exceeds one thousand 44512  
dollars, the taxpayer shall remit the amount by electronic funds 44513  
transfer as prescribed by the treasurer of state. The tax 44514  
commissioner shall immediately forward to the treasurer of state 44515  
all amounts that the tax commissioner receives pursuant to this 44516  
chapter. The treasurer of state shall credit ninety-eight and 44517  
one-half per cent of such remittances to the municipal income tax 44518  
fund, which is hereby created in the state treasury, and credit 44519  
the remainder to the municipal income tax administrative fund, 44520  
which is hereby created in the state treasury. ~~The treasurer of~~ 44521  
~~state shall indicate on the report the date it was filed and the~~ 44522  
~~amount remitted, and immediately shall transmit the report to the~~ 44523  
~~tax commissioner.~~ 44524

(B) Any taxpayer that has been granted an extension for 44525  
filing a federal income tax return may request an extension for 44526  
filing the return required under this section by filing with the 44527  
tax commissioner a copy of the taxpayer's request for the federal 44528

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filing extension. The request shall be filed not later than the  
last day for filing the return as required under division (A) of  
this section. If such a request is properly and timely filed, the  
tax commissioner shall extend the last day for filing the return  
required under this section for the same period for which the  
federal filing extension was granted. The tax commissioner may  
deny the filing extension request only if the taxpayer fails to  
timely file the request, fails to file a copy of the federal  
extension request, owes past due taxes, interest, or penalty under  
this chapter, or has failed to file a required report or other  
document for a prior taxable year. The granting of an extension  
under this section does not extend the last day for paying taxes  
without penalty pursuant to this chapter unless the tax  
commissioner extends the payment date.

(C) The annual report shall include statements of the  
following facts as of the last day of the taxpayer's taxable year:

(1) The name of the taxpayer;

(2) The name of the state or country under the laws of which  
it is incorporated;

(3) The location of its principal office in this state and,  
in the case of a taxpayer organized under the laws of another  
state, the principal place of business in this state and the name  
and address of the officer or agent of the taxpayer in charge of  
the business conducted in this state;

(4) The names of the president, secretary, treasurer, and  
statutory agent in this state, with the post-office address of  
each;

(5) The date on which the taxpayer's taxable year begins and  
ends;

(6) The taxpayer's federal taxable income during the  
taxpayer's taxable year;

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(7) Any other information the tax commissioner requires for 44560  
the proper administration of this chapter. 44561

(D) The tax commissioner may require any reports required 44562  
under this chapter to be filed in an electronic format. 44563

(E) A municipal corporation may not require a taxpayer 44564  
required to file a report under this section to file a report of 44565  
the taxpayer's income, but a municipal corporation may require a 44566  
taxpayer to report to the municipal corporation the value of the 44567  
taxpayer's real and tangible personal property situated in the 44568  
municipal corporation, compensation paid by the taxpayer to its 44569  
employees in the municipal corporation, and sales made in the 44570  
municipal corporation by the taxpayer, to the extent necessary for 44571  
the municipal corporation to compute the taxpayer's municipal 44572  
property, payroll, and sales factors for the municipal 44573  
corporation. 44574

(F) On or before the thirty-first day of January each year, 44575  
each municipal corporation imposing a tax on income shall certify 44576  
to the tax commissioner the rate of the tax in effect on the first 44577  
day of January of that year. If any municipal corporation fails to 44578  
certify its income tax rate as required by this division, the tax 44579  
commissioner shall notify the director of budget and management, 44580  
who, upon receiving such notification, shall withhold from each 44581  
payment made to the municipal corporation under section 5745.05 of 44582  
the Revised Code fifty per cent of the amount of the payment 44583  
otherwise due the municipal corporation under that section as 44584  
computed on the basis of the tax rate most recently certified 44585  
until the municipal corporation certifies the tax rate in effect 44586  
on the first day of January of that year. 44587

The tax rate used to determine the tax payable to a municipal 44588  
corporation under this section for a taxpayer's taxable year shall 44589  
be the tax rate in effect in a municipal corporation on the first 44590  
day of January in that taxable year. If a taxpayer's taxable year 44591

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is for a period less than twelve months that does not include the 44592  
 first day of January, the tax rate used to determine the tax 44593  
 payable to a municipal corporation under this section for the 44594  
 taxpayer's taxable year shall be the tax rate in effect in a 44595  
 municipal corporation on the first day of January in the preceding 44596  
 taxable year. 44597

**Sec. 5745.04.** (A) As used in this section, "combined tax 44598  
 liability" means the total of a taxpayer's income tax liabilities 44599  
 to all municipal corporations in this state for a taxable year. 44600

(B) Beginning with its taxable year beginning in 2003, each 44601  
 taxpayer shall file a declaration of estimated tax report with, 44602  
 and remit estimated taxes to the tax commissioner, payable to the 44603  
treasurer of state, at the times and in the amounts prescribed in 44604  
 divisions (B)(1) to (4) of this section. This division also 44605  
 applies to a taxpayer having a taxable year consisting of fewer 44606  
 than twelve months, at least one of which is in 2002, that ends 44607  
 before January 1, 2003. 44608

(1) Not less than twenty-five per cent of the combined tax 44609  
 liability for the preceding taxable year or twenty per cent of the 44610  
 combined tax liability for the current taxable year shall have 44611  
 been remitted not later than the fifteenth day of the fourth month 44612  
 after the end of the preceding taxable year. 44613

(2) Not less than fifty per cent of the combined tax 44614  
 liability for the preceding taxable year or forty per cent of the 44615  
 combined tax liability for the current taxable year shall have 44616  
 been remitted not later than the fifteenth day of the sixth month 44617  
 after the end of the preceding taxable year. 44618

(3) Not less than seventy-five per cent of the combined tax 44619  
 liability for the preceding taxable year or sixty per cent of the 44620  
 combined tax liability for the current taxable year shall have 44621  
 been remitted not later than the fifteenth day of the ninth month 44622

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after the end of the preceding taxable year. 44623

(4) Not less than one hundred per cent of the combined tax 44624  
liability for the preceding taxable year or eighty per cent of the 44625  
combined tax liability for the current taxable year shall have 44626  
been remitted not later than the fifteenth day of the twelfth 44627  
month after the end of the preceding taxable year. 44628

(C) Each taxpayer shall report on the declaration of 44629  
estimated tax report the portion of the remittance that the 44630  
taxpayer estimates that it owes to each municipal corporation for 44631  
the taxable year. 44632

(D) Upon receiving a declaration of estimated tax report and 44633  
remittance of estimated taxes under this section, the tax 44634  
commissioner shall immediately forward to the treasurer of state 44635  
such remittance. The treasurer of state shall credit ninety-eight 44636  
and one-half per cent of the remittance to the municipal income 44637  
tax fund and credit the remainder to the municipal income tax 44638  
administrative fund, ~~and shall transmit the report to the tax~~ 44639  
~~commissioner.~~ 44640

(E) If any remittance of estimated taxes is for one thousand 44641  
dollars or more, the taxpayer shall make the remittance by 44642  
electronic funds transfer as prescribed by section 5745.04 of the 44643  
Revised Code. 44644

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised 44645  
Code, no penalty or interest shall be imposed on a taxpayer if the 44646  
declaration of estimated tax report is properly filed, and the 44647  
estimated tax is ~~remitted~~ paid, within the time prescribed by 44648  
division (B) of this section. 44649

**Sec. 5747.122.** (A) The tax commissioner, in accordance with 44650  
section 5101.184 of the Revised Code, shall cooperate with the 44651  
director of job and family services to collect overpayments of 44652

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assistance under Chapter 5107., 5111., or 5115., former Chapter 44653  
5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code 44654  
from refunds of state income taxes for taxable year 1992 and 44655  
thereafter that are payable to the recipients of such 44656  
overpayments. 44657

(B) At the request of the department of job and family 44658  
services in connection with the collection of an overpayment of 44659  
assistance from a refund of state income taxes pursuant to this 44660  
section and section 5101.184 of the Revised Code, the tax 44661  
commissioner shall release to the department the home address and 44662  
social security number of any recipient of assistance whose 44663  
overpayment may be collected from a refund of state income taxes 44664  
under those sections. 44665

(C) In the case of a joint income tax return for two people 44666  
who were not married to each other at the time one of them 44667  
received an overpayment of assistance, only the portion of a 44668  
refund that is due to the recipient of the overpayment shall be 44669  
available for collection of the overpayment under this section and 44670  
section 5101.184 of the Revised Code. The tax commissioner shall 44671  
determine such portion. A recipient's spouse who objects to the 44672  
portion as determined by the commissioner may file a complaint 44673  
with the commissioner within twenty-one days after receiving 44674  
notice of the collection, and the commissioner shall afford the 44675  
spouse an opportunity to be heard on the complaint. The 44676  
commissioner shall waive or extend the twenty-one-day period if 44677  
the recipient's spouse establishes that such action is necessary 44678  
to avoid unjust, unfair, or unreasonable results. After the 44679  
hearing, the commissioner shall make a final determination of the 44680  
portion of the refund available for collection of the overpayment. 44681

(D) The welfare overpayment intercept fund is hereby created 44682  
in the state treasury. The tax commissioner shall deposit amounts 44683  
collected from income tax refunds under this section to the credit 44684

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of the welfare overpayment intercept fund. The director of job and 44685  
 family services shall distribute money in the fund in accordance 44686  
 with appropriate federal or state laws and procedures regarding 44687  
 collection of welfare overpayments. 44688

Sec. 5747.221. For (A) As used in this section, "investment 44689  
pass-through entity" has the same meaning as in section 5733.401 44690  
of the Revised Code. 44691

(B) Except as provided in division (C) of this section, for 44692  
 the purposes of sections 5747.20, 5747.21, and 5747.22 of the 44693  
 Revised Code, no item of income or deduction shall be allocated or 44694  
 apportioned to this state to the extent that such item represents 44695  
~~or relates to~~ the portion of an adjusted qualifying amount for 44696  
 which the withholding tax is not imposed under section 5747.41 of 44697  
 the Revised Code by reason of division (C) of section 5733.401 of 44698  
 the Revised Code. This section shall be applied without regard to 44699  
 division (I) of section 5733.40 of the Revised Code. 44700

(C) If a taxpayer has a direct or indirect investment in an 44701  
investment pass-through entity that has a direct or indirect 44702  
investment in any other pass-through entity, division (B) of this 44703  
section does not apply to any item of income, gain, deduction, or 44704  
loss where, under section 5747.231 of the Revised Code, the item 44705  
is directly or indirectly attributable to either of the following: 44706

(1) A distributive share of income or gain from a 44707  
pass-through entity that does not qualify as an investment 44708  
pass-through entity; 44709

(2) A pass-through entity's income or gain to which division 44710  
(C) of section 5733.401 of the Revised Code does not apply. 44711  
 44712

An indirect investment includes any interest that a person 44713  
constructively owns on account of the attribution rules set forth 44714

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in section 267, 318, or 1563 of the Internal Revenue Code.

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**Sec. 5747.39.** As used in this section, "eligible employee" and "eligible training costs" have the same meanings as in section 5733.42 of the Revised Code, and "pass-through entity" includes a sole proprietorship.

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For taxable years beginning after December 31, ~~2000~~ 2002, there is hereby allowed a nonrefundable credit against the tax imposed by section 5747.02 of the Revised Code for a taxpayer that is an investor in a pass-through entity for which a tax credit certificate is issued under section 5733.42 of the Revised Code. The amount of eligible training costs for which a credit may be claimed by all taxpayers that are investors in an entity shall equal one-half of the average of the eligible training costs incurred by the entity during the three calendar ~~years that end~~ year period that ends in the taxable year for which the credit is claimed, but shall not exceed one thousand dollars for each eligible employee on account of whom such costs were paid or incurred by the entity, and the total amount of credits that may be claimed by all such taxpayers shall not exceed one hundred thousand dollars each year. Each taxpayer's credit shall be claimed for the taxpayer's taxable year that includes the last day of the third calendar year of the three-year period during which eligible training costs are paid or incurred by the entity. The credit may be claimed for eligible training costs paid or incurred on or before December 31, ~~2003~~ 2005. ~~The~~

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If a pass-through entity, on or before June 30, 2001, had properly filed an application for the credit on the basis of eligible training costs paid or incurred in calendar year 1999, 2000, or 2001 as provided in division (C) of section 5733.42 of the Revised Code, the director of job and family services may authorize a credit for the eligible training costs for which the

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application was filed subject to the limitations and requirements 44746  
of this section and section 5733.42 of the Revised Code, but the 44747  
tax credit certificate may be applied only to a taxpayer's tax 44748  
liability for the taxpayer's taxable year beginning in 2003. The 44749  
credit claimed by such a taxpayer shall be computed in the manner 44750  
prescribed by this section; is subject to the limitations of this 44751  
section on the amount of the credit for each eligible employee and 44752  
for all taxpayers with respect to the same entity each year; and 44753  
shall be in addition to any credit claimed by the taxpayer under 44754  
this section for the taxpayer's taxable year beginning in 2003. 44755  
For the purpose of the limitation on the amount of the credit that 44756  
may be claimed by all taxpayers with respect to the same entity 44757  
for a taxable year beginning in 2003, tax credit certificates 44758  
issued pursuant to applications filed before June 30, 2001, shall 44759  
not be considered as being claimed for that taxable year. 44760

The amount of a taxpayer's credit shall equal the taxpayer's 44761  
interest in the entity on the last day of the third calendar year 44762  
of the three-year period ending in or with the last day of the 44763  
taxpayer's taxable year, multiplied by the credit available to the 44764  
entity as computed by the entity. 44765

The credit shall be claimed in the order prescribed by 44766  
section 5747.98 of the Revised Code. A taxpayer may carry forward 44767  
the credit to the extent that the taxpayer's credit exceeds the 44768  
taxpayer's tax due after allowing for any other credits that 44769  
precede the credit allowed by this section in the order prescribed 44770  
by section 5747.98 of the Revised Code. The taxpayer may carry the 44771  
excess credit forward for three taxable years following the 44772  
taxable year for which the taxpayer first claims the credit under 44773  
this section. 44774

A pass-through entity shall apply to the director of job and 44775  
family services for a tax credit certificate in the manner 44776  
prescribed by division (C) of section 5733.42 of the Revised Code. 44777

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Divisions (C) to (H) of that section govern the tax credit allowed 44778  
by this section, except that "taxable year" shall be substituted 44779  
for "tax year" wherever that phrase appears in those divisions, 44780  
and that "pass-through entity" shall be substituted for "taxpayer" 44781  
wherever "taxpayer" appears in those divisions. 44782

**Sec. 5749.06.** Each severer liable for the tax imposed by 44783  
section 5749.02 of the Revised Code shall make and file returns 44784  
with the tax commissioner in the prescribed form and as of the 44785  
prescribed times, computing and reflecting therein the tax as 44786  
required by this chapter. 44787

The returns shall be filed for every quarterly period, which 44788  
periods shall end on the thirty-first of March, the thirtieth day 44789  
of June, the thirtieth day of September, and the thirty-first day 44790  
of December of each year, as required by this section, unless a 44791  
different return period is prescribed for a taxpayer by the tax 44792  
commissioner. 44793

A separate return shall be filed for each calendar quarterly 44794  
period, or other period, or any part thereof, during which the 44795  
severer holds a license as provided by section 5749.04 of the 44796  
Revised Code, or is required to hold such license, and such return 44797  
shall be filed within forty-five days after the last day of each 44798  
such calendar month, or other period, or any part thereof, for 44799  
which such return is required and shall include remittance payable 44800  
to the treasurer of state of the amount of tax due. All such 44801  
returns shall contain such information as the commissioner may 44802  
require to fairly administer the tax. 44803

All returns shall be signed by the severer, shall contain the 44804  
full and complete information requested, and shall be made under 44805  
penalty of perjury. 44806

If the commissioner believes that quarterly payments of tax 44807  
would result in a delay which might jeopardize the collection of 44808

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such tax payments, the commissioner may order that such payments 44809  
 be made weekly, or more frequently if necessary, such payments to 44810  
 be made not later than seven days following the close of the 44811  
 period for which the jeopardy payment is required. Such an order 44812  
 shall be delivered to the taxpayer personally or by certified mail 44813  
 and shall remain in effect until the commissioner notifies the 44814  
 taxpayer to the contrary. 44815

Upon good cause the commissioner may extend the period for 44816  
 filing any notice or return required to be filed under this 44817  
 section, and may remit all or a part of penalties that may become 44818  
 due under this chapter. 44819

Any tax not paid by the day the tax is due shall bear 44820  
 interest computed at the rate per annum prescribed by section 44821  
 5703.47 of the Revised Code on that amount of tax due from the day 44822  
 that such amount was originally required to be paid to the day of 44823  
 actual payment or to the day an assessment was issued under 44824  
 section 5749.07 or 5749.10 of the Revised Code, whichever occurs 44825  
 first. 44826

The severer shall make all payments payable to the treasurer 44827  
of state. All amounts that the tax commissioner receives under 44828  
this section shall be deemed to be revenue from taxes imposed 44829  
under this chapter. The tax commissioner shall immediately forward 44830  
to the treasurer of state all amounts received under this section. 44831

**Sec. 6101.25.** The board of directors of a conservancy 44832  
 district may construct, improve, operate, maintain, and protect 44833  
 parks, parkways, forest preserves, bathing beaches, playgrounds, 44834  
 and other recreational facilities upon the lands owned or 44835  
 controlled by the district, or upon lands located within the 44836  
 district owned or controlled by the United States government or 44837  
 any department of it, by this state or any department or division 44838  
 of it, or by any political subdivision, if authorized by lease, 44839

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contract, or other arrangements with the appropriate agency of 44840  
government having ownership or control. The board may acquire by 44841  
lease, purchase, or appropriation property additional to that 44842  
required for the purposes for which the district was incorporated, 44843  
in order to provide for the protection, more adequate development, 44844  
and fuller public use and enjoyment of the improvements and 44845  
facilities. The board may impose and collect charges for the use 44846  
of the properties, improvements, and facilities maintained or 44847  
operated by the district for recreational purposes. Moneys 44848  
collected from these charges may be used to promote the district's 44849  
recreational facilities. 44850

In case the revenues derived or to be derived from the 44851  
properties, improvements, and facilities maintained, operated, 44852  
used, or acquired by the district for recreational purposes are 44853  
not sufficient for the purposes of this section, the board, with 44854  
the approval of the court, may provide for the payment of 44855  
obligations incurred under this section by the levy of special 44856  
assessments upon all the taxable property of the district and upon 44857  
public corporations having lands within the district. 44858

In no case shall the obligations incurred under this section 44859  
be paid from the proceeds of special assessments levied under 44860  
section 6101.48 or 6101.53 of the Revised Code, or of bonds or 44861  
notes issued in anticipation of them. After special assessments 44862  
against the taxable property and public corporations are approved 44863  
by the court, the board of appraisers of the conservancy district 44864  
shall appraise the benefits to be conferred on each parcel of 44865  
taxable property and public corporation by reason of the 44866  
acquisition and construction of the properties and improvements 44867  
authorized by the board of directors under this section, and shall 44868  
appraise the damages accruing to persons and public corporations 44869  
from the improvements. The provisions of this chapter that refer 44870  
to the determination of benefits and damages apply to the 44871

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appraisals made under this section, but they shall be separate 44872  
from other appraisals of benefits and damages made under this 44873  
chapter, and separate records of them shall be prepared. After the 44874  
appraisal of benefits has been approved by the court, and within 44875  
the amount of benefits so determined, the board of directors may 44876  
levy assessments on the taxable property and public corporations 44877  
benefited to pay the cost of the properties and improvements 44878  
acquired and constructed under this section, and may issue bonds 44879  
and notes in anticipation of the collection of these assessments. 44880  
In addition, the board of directors may annually levy a 44881  
maintenance assessment for the purposes of this section on the 44882  
taxable property and public corporations upon the basis of total 44883  
appraised benefits. The provisions of this chapter that relate to 44884  
assessments for district purposes and to bonds and notes issued in 44885  
anticipation of the assessments apply to the assessments 44886  
authorized under this section and the bonds and notes issued in 44887  
anticipation of the assessments. Improvement, bond retirement, and 44888  
maintenance funds shall be established for recreational purposes 44889  
in conformity with section 6101.44 of the Revised Code, which 44890  
shall be separate from one another and from other funds of the 44891  
district, and no transfers shall be made to them from the other 44892  
funds of the district. The proceeds of all bonds, notes, and 44893  
assessments authorized by this section and all receipts derived 44894  
from the recreational properties, improvements, and facilities 44895  
owned, controlled, operated, or maintained by the district shall 44896  
be paid into those funds, and all expenditures in accordance with 44897  
this section shall be made from them. 44898

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 44899  
of this section, on and after January 1, 1994, no person shall 44900  
operate or maintain a public water system in this state without a 44901  
license issued by the director of environmental protection. A 44902  
person who operates or maintains a public water system on January 44903

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1, 1994, shall obtain an initial license under this section in accordance with the following schedule:

(1) If the public water system is a community water system, not later than January 31, 1994;

(2) If the public water system is not a community water system and serves a nontransient population, not later than January 31, 1994;

(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995.

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

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public water system after January 1, 1994, shall submit a fee that 44935  
equals a prorated amount of the appropriate fee established under 44936  
that division for the remainder of the licensing year. 44937

(B) Not later than thirty days after receiving a completed 44938  
application and the appropriate license fee for an initial license 44939  
under division (A) of this section, the director shall issue the 44940  
license for the public water system. Not later than thirty days 44941  
after receiving a completed application and the appropriate 44942  
license fee for a license renewal under division (A) of this 44943  
section, the director shall do one of the following: 44944

(1) Issue the license renewal for the public water system; 44945

(2) Issue the license renewal subject to terms and conditions 44946  
that the director determines are necessary to ensure compliance 44947  
with this chapter and rules adopted under it; 44948

(3) Deny the license renewal if the director finds that the 44949  
public water system was not operated in substantial compliance 44950  
with this chapter and rules adopted under it. 44951

(C) The director may suspend or revoke a license or license 44952  
renewal issued under this section if the director finds that the 44953  
public water system was not operated in substantial compliance 44954  
with this chapter and rules adopted under it. The director shall 44955  
adopt, and may amend and rescind, rules in accordance with Chapter 44956  
119. of the Revised Code governing such suspensions and 44957  
revocations. 44958

(D)(1) As used in division (D) of this section, "church" 44959  
means a fellowship of believers, congregation, society, 44960  
corporation, convention, or association that is formed primarily 44961  
or exclusively for religious purposes and that is not formed or 44962  
operated for the private profit of any person. 44963

(2) This section does not apply to a church that operates or 44964  
maintains a public water system solely to provide water for that 44965

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church or for a campground that is owned by the church and 44966  
operated primarily or exclusively for members of the church and 44967  
their families. A church that, on or before March 5, 1996, has 44968  
obtained a license under this section for such a public water 44969  
system need not obtain a license renewal under this section. 44970

(E) This section does not apply to any public or nonpublic 44971  
school that meets minimum standards of the state board of 44972  
education that operates or maintains a public water system solely 44973  
to provide water for that school. 44974

**Sec. 6111.035.** (A) The director of environmental protection, 44975  
consistent with the Federal Water Pollution Control Act and the 44976  
regulations adopted thereunder, without application therefor, may 44977  
issue, modify, revoke, or terminate a general permit under this 44978  
chapter for both of the following: 44979

(1) Discharge of stormwater; the discharge of liquids, 44980  
sediments, solids, or water-borne mining related waste, such as, 44981  
but not limited to, acids, metallic cations, or their salts, from 44982  
coal mining and reclamation operations as defined in section 44983  
1513.01 of the Revised Code; or treatment works whose discharge 44984  
would have de minimis impact on the waters of the state receiving 44985  
the discharge; 44986

(2) Installation or modification of disposal systems or any 44987  
parts thereof, including disposal systems for stormwater or for 44988  
coal mining and reclamation operations as defined in section 44989  
1513.01 of the Revised Code. 44990

A general permit shall apply to a class or category of 44991  
discharges or disposal systems or to persons conducting similar 44992  
activities, within any area of the state, including the entire 44993  
state. 44994

A general permit shall not be issued unless the director 44995



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determines that the discharges authorized by the permit will have only minimal cumulative adverse effects on the environment when the discharges are considered collectively and individually and if, in the opinion of the director, the discharges, installations, or modifications authorized by the permit are more appropriately authorized by a general permit than by an individual permit.

A general permit shall be issued subject to applicable mandatory provisions and may be issued subject to any applicable permissive provision of the Federal Water Pollution Control Act and the regulations adopted thereunder.

The director, at the director's discretion, may require any person authorized to discharge or to install or modify a disposal system under a general permit to apply for and obtain an individual permit for the discharge, installation, or modification. When a particular discharge, installation, or modification is subject to an individual permit, a general permit shall not apply to that discharge, installation, or modification until the individual permit is revoked, terminated, or modified to exclude the discharge, installation, or modification.

(B) Notwithstanding any requirement under Chapter 119. of the Revised Code concerning the manner in which notice of a permit action is provided, the director shall not be required to provide certified mail notice to persons subject to the issuance, modification, revocation, or termination of a general permit under division (A) of this section.

Notwithstanding section 3745.07 of the Revised Code concerning the location of newspapers in which notices of permit actions are published, the director shall cause notice of the issuance, modification, revocation, or termination of a general permit to be published in the newspapers of general circulation determined by the director to provide reasonable notice to persons affected by the permit action in the geographic area covered by

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the general permit within the time periods prescribed by section 45028  
3745.07 of the Revised Code. Any notice under this section or 45029  
section 3745.07 of the Revised Code concerning the issuance, 45030  
modification, revocation, or termination of a general permit shall 45031  
include a summary of the permit action and instructions on how to 45032  
obtain a copy of the full text of the permit action. The director 45033  
may take other appropriate measures, such as press releases and 45034  
notice to trade journals, associations, and other persons known to 45035  
the director to desire notification, in order to provide notice of 45036  
the director's actions concerning the issuance, modification, 45037  
revocation, or termination of a general permit; however, the 45038  
failure to provide such notice shall not invalidate any general 45039  
permit. 45040

(C) Notwithstanding any other provision of the Revised Code, 45041  
a person subject to the proposed issuance, modification, 45042  
revocation, or termination of a general permit under division (A) 45043  
of this section may request an adjudication hearing pursuant to 45044  
section 119.07 of the Revised Code concerning the proposed action 45045  
within thirty days after publication of the notice of the proposed 45046  
action in newspapers of general circulation pursuant to division 45047  
(B) of this section. This division shall not be interpreted to 45048  
affect the authority of the director to take actions on general 45049  
permits in forms other than proposed general permits. 45050

(D) The director may exercise all incidental powers required 45051  
to carry out this section, including, without limitation, the 45052  
adoption, amendment, and rescission of rules to implement a 45053  
general permit program for classes or categories of dischargers or 45054  
disposal systems. 45055

(E) On and after the date on which the United States 45056  
environmental protection agency approves the NPDES program 45057  
submitted by the director of agriculture under section 903.08 of 45058  
the Revised Code, this section does not apply to storm water from 45059

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an animal feeding facility, as defined in section 903.01 of the Revised Code, or to manure, as defined in that section.

(F) As used in this section, "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal Wastewater Treatment Construction Grant Amendments of 1981," 95 Stat. 1623, 33 U.S.C.A. 1281, and the "Water Quality Act of 1987," 101 Stat. 7, 33 U.S.C.A. 1251.

**Sec. 6111.044.** Upon receipt of an application for an injection well drilling permit, an injection well operating permit, a renewal of an injection well operating permit, or a modification of an injection well drilling permit, operating permit, or renewal of an operating permit, the director of environmental protection shall determine whether the application is complete and demonstrates that the activities for which the permit, renewal permit, or modification is requested will comply with the Federal Water Pollution Control Act and regulations adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted under it; and this chapter and the rules adopted under it. If the application demonstrates that the proposed activities will not comply or will pose an unreasonable risk of inducing seismic activity, inducing geologic fracturing, or contamination of an underground source of drinking water, the director shall deny the application. If the application does not make the required demonstrations, the director shall return it to the applicant with an indication of those matters about which a required demonstration was not made. If the director determines that the application makes the required demonstrations, the director shall transmit copies of the application and all of the accompanying

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maps, data, samples, and information to the chief of the division 45092  
of mineral resources management, the chief of the division of 45093  
geological survey, and the chief of the division of water in the 45094  
department of natural resources. 45095

The chief of the division of geological survey shall comment 45096  
upon the application if the chief determines that the proposed 45097  
well or injection will present an unreasonable risk of loss or 45098  
damage to valuable mineral resources. If the chief submits 45099  
comments on the application, those comments shall be accompanied 45100  
by an evaluation of the geological factors upon which the comments 45101  
are based, including fractures, faults, earthquake potential, and 45102  
the porosity and permeability of the injection zone and confining 45103  
zone, and by the documentation supporting the evaluation. The 45104  
director shall take into consideration the chief's comments, and 45105  
the accompanying evaluation of geologic factors and supporting 45106  
documentation, when considering the application. The director 45107  
shall provide written notice to the chief of the director's 45108  
decision on the application and, if the chief's comments are not 45109  
included in the permit, renewal permit, or modification, of the 45110  
director's rationale for not including them. 45111

The chief of the division of mineral resources management 45112  
shall comment upon the application if the chief determines that 45113  
the proposed well or injection will present an unreasonable risk 45114  
that waste or contamination of recoverable oil or gas in the earth 45115  
will occur. If the chief submits comments on the application, 45116  
those comments shall be accompanied by an evaluation of the oil or 45117  
gas reserves that, in the best professional judgment of the chief, 45118  
are recoverable and will be adversely affected by the proposed 45119  
well or injection, and by the documentation supporting the 45120  
evaluation. The director shall take into consideration the chief's 45121  
comments, and the accompanying evaluation and supporting 45122  
documentation, when considering the application. The director 45123

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shall provide written notice to the chief of the director's 45124  
decision on the application and, if the chief's comments are not 45125  
included in the permit, renewal permit, or modification, of the 45126  
director's rationale for not including them. 45127

The chief of the division of water shall assist the director 45128  
in determining whether all underground sources of drinking water 45129  
in the area of review of the proposed well or injection have been 45130  
identified and correctly delineated in the application. If the 45131  
application fails to identify or correctly delineate an 45132  
underground source of drinking water, the chief shall provide 45133  
written notice of that fact to the director. 45134

The chief of the division of mineral resources management 45135  
also shall review the application as follows: 45136

If the application concerns the drilling or conversion of a 45137  
well or the injection into a well that is not or is not to be 45138  
located within five thousand feet of the excavation and workings 45139  
of a mine, the chief of the division of mineral resources 45140  
management shall note upon the application that it has been 45141  
examined by the division of mineral resources management, retain a 45142  
copy of the application and map, and immediately return a copy of 45143  
the application to the director. 45144

If the application concerns the drilling or conversion of a 45145  
well or the injection into a well that is or is to be located 45146  
within five thousand feet, but more than five hundred feet from 45147  
the surface excavations and workings of a mine, the chief of the 45148  
division of mineral resources management immediately shall notify 45149  
the owner or lessee of the mine that the application has been 45150  
filed and send to the owner or lessee a copy of the map 45151  
accompanying the application setting forth the location of the 45152  
well. The chief of the division of mineral resources management 45153  
shall note on the application that the notice has been sent to the 45154  
owner or lessee of the mine, retain a copy of the application and 45155

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map, and immediately return a copy of the application to the 45156  
director with the chief's notation on it. 45157

If the application concerns the drilling or conversion of a 45158  
well or the injection into a well that is or is to be located 45159  
within five thousand feet of the underground excavations and 45160  
workings of a mine or within five hundred feet of the surface 45161  
excavations and workings of a mine, the chief of the division of 45162  
mineral resources management immediately shall notify the owner or 45163  
lessee of the mine that the application has been filed and send to 45164  
the owner or lessee a copy of the map accompanying the application 45165  
setting forth the location of the well. If the owner or lessee 45166  
objects to the application, the owner or lessee shall notify the 45167  
chief of the division of mineral resources management of the 45168  
objection, giving the reasons, within six days after the receipt 45169  
of the notice. If the chief of the division of mineral resources 45170  
management receives no objections from the owner or lessee of the 45171  
mine within ten days after the receipt of the notice by the owner 45172  
or lessee, or if in the opinion of the chief of the division of 45173  
mineral resources management the objections offered by the owner 45174  
or lessee are not sufficiently well-founded, the chief shall 45175  
retain a copy of the application and map and return a copy of the 45176  
application to the director with any applicable notes concerning 45177  
it. 45178

If the chief of the division of mineral resources management 45179  
receives an objection from the owner or lessee of the mine as to 45180  
the application, within ten days after receipt of the notice by 45181  
the owner or lessee, and if in the opinion of the chief the 45182  
objection is well-founded, the chief shall disapprove the 45183  
application and immediately return it to the director together 45184  
with the chief's reasons for the disapproval. The director 45185  
promptly shall notify the applicant for the permit, renewal 45186  
permit, or modification of the disapproval. The applicant may 45187

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appeal the disapproval of the application by the chief of the 45188  
division of mineral resources management to the ~~mine-examining~~ 45189  
~~board~~ reclamation commission created under section ~~1561.10~~ 1513.05 45190  
of the Revised Code, and the ~~board~~ commission shall hear the 45191  
appeal in accordance with section ~~1561.53~~ 1513.13 of the Revised 45192  
Code. The appeal shall be filed within thirty days from the date 45193  
the applicant receives notice of the disapproval. No comments 45194  
concerning or disapproval of an application shall be delayed by 45195  
the chief of the division of mineral resources management for more 45196  
than fifteen days from the date of sending of notice to the mine 45197  
owner or lessee as required by this section. 45198

The director shall not approve an application for an 45199  
injection well drilling permit, an injection well operating 45200  
permit, a renewal of an injection well operating permit, or a 45201  
modification of an injection well drilling permit, operating 45202  
permit, or renewal of an operating permit for a well that is or is 45203  
to be located within three hundred feet of any opening of any mine 45204  
used as a means of ingress, egress, or ventilation for persons 45205  
employed in the mine, nor within one hundred feet of any building 45206  
or flammable structure connected with the mine and actually used 45207  
as a part of the operating equipment of the mine, unless the chief 45208  
of the division of mineral resources management determines that 45209  
life or property will not be endangered by drilling and operating 45210  
the well in that location. 45211

Upon review by the chief of the division of mineral resources 45212  
management, the chief of the division of geological survey, and 45213  
the chief of the division of water, and if the chief of the 45214  
division of mineral resources management has not disapproved the 45215  
application, the director shall issue a permit, renewal permit, or 45216  
modification with any terms and conditions that may be necessary 45217  
to comply with the Federal Water Pollution Control Act and 45218  
regulations adopted under it; the "Safe Drinking Water Act," 88 45219

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Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, and regulations 45220  
adopted under it; and this chapter and the rules adopted under it. 45221  
The director shall not issue a permit, renewal permit, or 45222  
modification to an applicant if the applicant or persons 45223  
associated with the applicant have engaged in or are engaging in a 45224  
substantial violation of this chapter that is endangering or may 45225  
endanger human health or the environment or if, in the case of an 45226  
applicant for an injection well drilling permit, the applicant, at 45227  
the time of applying for the permit, did not hold an injection 45228  
well operating permit or renewal of an injection well drilling 45229  
permit and failed to demonstrate sufficient expertise and 45230  
competency to operate the well in compliance with the applicable 45231  
provisions of this chapter. 45232

If the director receives a disapproval from the chief of the 45233  
division of mineral resources management regarding an application 45234  
for an injection well drilling or operating permit, renewal 45235  
permit, or modification, if required, the director shall issue an 45236  
order denying the application. 45237

The director need not issue a proposed action under section 45238  
3745.07 of the Revised Code or hold an adjudication hearing under 45239  
that section and Chapter 119. of the Revised Code before issuing 45240  
or denying a permit, renewal permit, or modification of a permit 45241  
or renewal permit. Before issuing or renewing a permit to drill or 45242  
operate a class I injection well or a modification of it, the 45243  
director shall propose the permit, renewal permit, or modification 45244  
in draft form and shall hold a public hearing to receive public 45245  
comment on the draft permit, renewal permit, or modification. At 45246  
least fifteen days before the public hearing on a draft permit, 45247  
renewal permit, or modification, the director shall publish notice 45248  
of the date, time, and location of the public hearing in at least 45249  
one newspaper of general circulation serving the area where the 45250  
well is or is to be located. The proposing of such a draft permit, 45251



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renewal permit, or modification does not constitute the issuance 45252  
of a proposed action under section 3745.07 of the Revised Code, 45253  
and the holding of the public hearing on such a draft permit, 45254  
renewal permit, or modification does not constitute the holding of 45255  
an adjudication hearing under that section and Chapter 119. of the 45256  
Revised Code. Appeals of orders other than orders of the chief of 45257  
the division of mineral resources management shall be taken under 45258  
sections 3745.04 to 3745.08 of the Revised Code. 45259

The director may order that an injection well drilling permit 45260  
or an injection well operating permit or renewal permit be 45261  
suspended and that activities under it cease after determining 45262  
that those activities are occurring in violation of law, rule, 45263  
order, or term or condition of the permit. Upon service of a copy 45264  
of the order upon the permit holder or the permit holder's 45265  
authorized agent or assignee, the permit and activities under it 45266  
shall be suspended immediately without prior hearing and shall 45267  
remain suspended until the violation is corrected and the order of 45268  
suspension is lifted. If a violation is the second within a 45269  
one-year period, the director, after a hearing, may revoke the 45270  
permit. 45271

The director may order that an injection well drilling permit 45272  
or an injection well operating permit or renewal permit be 45273  
suspended and that activities under it cease if the director has 45274  
reasonable cause to believe that the permit would not have been 45275  
issued if the information available at the time of suspension had 45276  
been available at the time a determination was made by one of the 45277  
agencies acting under authority of this section. Upon service of a 45278  
copy of the order upon the permit holder or the permit holder's 45279  
authorized agent or assignee, the permit and activities under it 45280  
shall be suspended immediately without prior hearing, but a permit 45281  
may not be suspended for that reason without prior hearing unless 45282  
immediate suspension is necessary to prevent waste or 45283

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contamination of oil or gas, comply with the Federal Water  
 Pollution Control Act and regulations adopted under it; the "Safe  
 Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as  
 amended, and regulations adopted under it; and this chapter and  
 the rules adopted under it, or prevent damage to valuable mineral  
 resources, prevent contamination of an underground source of  
 drinking water, or prevent danger to human life or health. If  
 after a hearing the director determines that the permit would not  
 have been issued if the information available at the time of the  
 hearing had been available at the time a determination was made by  
 one of the agencies acting under authority of this section, the  
 director shall revoke the permit.

When a permit has been revoked, the permit holder or other  
 person responsible for it immediately shall plug the well in the  
 manner required by the director.

The director may issue orders to prevent or require cessation  
 of violations of this section, section 6111.043, 6111.045,  
 6111.046, or 6111.047 of the Revised Code, rules adopted under any  
 of those sections, and terms or conditions of permits issued under  
 any of them. The orders may require the elimination of conditions  
 caused by the violation.

**Section 2.** That existing sections 9.06, 9.821, 9.822, 101.15,  
 101.27, 101.30, 101.34, 101.37, 101.72, 101.73, 102.02, 102.03,  
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 5101.852, 5111.341, 5111.88, 5126.054, 5139.28, and 5741.18 of the 45387  
 Revised Code are hereby repealed. 45388  
 45389

**Section 3.** That the versions of sections 5139.29, 5139.31, 45390  
 and 5705.19 of the Revised Code that are scheduled to take effect 45391  
 January 1, 2002, be amended to read as follows: 45392

**Sec. 5139.29.** The department of youth services shall adopt 45393  
 and promulgate regulations prescribing the method of calculating 45394  
 the amount of and the time and manner for the payment of financial 45395  
 assistance granted under sections 5139.27, and 5139.271, ~~and~~ 45396  
~~5139.28~~ of the Revised Code, for the construction or acquisition 45397  
 of a district detention facility established under section 2152.41 45398  
 of the Revised Code, or for the construction and maintenance of a 45399  
 school, forestry camp, or other facility established under section 45400  
 2151.65 of the Revised Code. 45401

**Sec. 5139.31.** The department of youth services may inspect 45402  
 any school, forestry camp, district detention facility, or other 45403  
 facility for which an application for financial assistance has 45404  
 been made to the department under section 2152.43, or 2151.651, ~~or~~ 45405  
~~2151.652~~ of the Revised Code or for which financial assistance has 45406  
 been granted by the department under section 5139.27, 5139.271, 45407  
~~5139.28~~, or 5139.281 of the Revised Code. The inspection may 45408

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include, but need not be limited to, examination and evaluation of 45409  
the physical condition of the school, forestry camp, district 45410  
detention facility, or other facility, including any equipment 45411  
used in connection with it; observation and evaluation of the 45412  
training and treatment of children admitted to it; examination and 45413  
analysis and copying of any papers, records, or other documents 45414  
relating to the qualifications of personnel, the commitment of 45415  
children to it, and its administration. 45416

**Sec. 5705.19.** This section does not apply to school districts 45417  
or county school financing districts. 45418

The taxing authority of any subdivision at any time and in 45419  
any year, by vote of two-thirds of all the members of the taxing 45420  
authority, may declare by resolution and certify the resolution to 45421  
the board of elections not less than seventy-five days before the 45422  
election upon which it will be voted that the amount of taxes that 45423  
may be raised within the ten-mill limitation will be insufficient 45424  
to provide for the necessary requirements of the subdivision and 45425  
that it is necessary to levy a tax in excess of that limitation 45426  
for any of the following purposes: 45427

(A) For current expenses of the subdivision, except that the 45428  
total levy for current expenses of a detention facility district 45429  
or district organized under section 2151.65 of the Revised Code 45430  
shall not exceed two mills and that the total levy for current 45431  
expenses of a combined district organized under sections 2152.41 45432  
and 2151.65 of the Revised Code shall not exceed four mills; 45433

(B) For the payment of debt charges on certain described 45434  
bonds, notes, or certificates of indebtedness of the subdivision 45435  
issued subsequent to January 1, 1925; 45436

(C) For the debt charges on all bonds, notes, and 45437  
certificates of indebtedness issued and authorized to be issued 45438  
prior to January 1, 1925; 45439

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(D) For a public library of, or supported by, the subdivision	45440
under whatever law organized or authorized to be supported;	45441
	45442
(E) For a municipal university, not to exceed two mills over	45443
the limitation of one mill prescribed in section 3349.13 of the	45444
Revised Code;	45445
(F) For the construction or acquisition of any specific	45446
permanent improvement or class of improvements that the taxing	45447
authority of the subdivision may include in a single bond issue;	45448
(G) For the general construction, reconstruction,	45449
resurfacing, and repair of streets, roads, and bridges in	45450
municipal corporations, counties, or townships;	45451
(H) For recreational purposes;	45452
(I) For the purpose of providing and maintaining fire	45453
apparatus, appliances, buildings, or sites therefor, or sources of	45454
water supply and materials therefor, or the establishment and	45455
maintenance of lines of fire alarm telegraph, or the payment of	45456
permanent, part-time, or volunteer firefighters or firefighting	45457
companies to operate the same, including the payment of the	45458
firefighter employers' contribution required under section 742.34	45459
of the Revised Code, or the purchase of ambulance equipment, or	45460
the provision of ambulance, paramedic, or other emergency medical	45461
services operated by a fire department or firefighting company;	45462
(J) For the purpose of providing and maintaining motor	45463
vehicles, communications, and other equipment used directly in the	45464
operation of a police department, or the payment of salaries of	45465
permanent police personnel, including the payment of the police	45466
officer employers' contribution required under section 742.33 of	45467
the Revised Code, or the payment of the costs incurred by	45468
townships as a result of contracts made with other political	45469
subdivisions in order to obtain police protection, or the	45470

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provision of ambulance or emergency medical services operated by a	45471
police department;	45472
(K) For the maintenance and operation of a county home or	45473
detention facility;	45474
(L) For community mental retardation and developmental	45475
disabilities programs and services pursuant to Chapter 5126. of	45476
the Revised Code, except that the procedure for such levies shall	45477
be as provided in section 5705.222 of the Revised Code;	45478
(M) For regional planning;	45479
(N) For a county's share of the cost of maintaining and	45480
operating schools, district detention facilities, forestry camps,	45481
or other facilities, or any combination thereof, established under	45482
section 2152.41 or 2151.65 of the Revised Code or both of those	45483
sections;	45484
(O) For providing for flood defense, providing and	45485
maintaining a flood wall or pumps, and other purposes to prevent	45486
floods;	45487
(P) For maintaining and operating sewage disposal plants and	45488
facilities;	45489
(Q) For the purpose of purchasing, acquiring, constructing,	45490
enlarging, improving, equipping, repairing, maintaining, or	45491
operating, or any combination of the foregoing, a county transit	45492
system pursuant to sections 306.01 to 306.13 of the Revised Code,	45493
or of making any payment to a board of county commissioners	45494
operating a transit system or a county transit board pursuant to	45495
section 306.06 of the Revised Code;	45496
(R) For the subdivision's share of the cost of acquiring or	45497
constructing any schools, forestry camps, detention facilities, or	45498
other facilities, or any combination thereof, under section	45499
2152.41 or 2151.65 of the Revised Code or both of those sections;	45500



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(S) For the prevention, control, and abatement of air pollution;	45501 45502
(T) For maintaining and operating cemeteries;	45503
(U) For providing ambulance service, emergency medical service, or both;	45504 45505
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	45506 45507
(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;	45508 45509 45510
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	45511 45512
(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;	45513 45514 45515
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	45516 45517 45518
(AA) For the maintenance and operation of a free public museum of art, science, or history;	45519 45520
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	45521 45522
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.	45523 45524 45525 45526 45527
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in	45528 45529

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section 755.16 of the Revised Code;	45530
(EE) For the creation and operation of an office or joint	45531
office of economic development, for any economic development	45532
purpose of the office, and to otherwise provide for the	45533
establishment and operation of a program of economic development	45534
pursuant to sections 307.07 and 307.64 of the Revised Code;	45535
(FF) For the purpose of acquiring, establishing,	45536
constructing, improving, equipping, maintaining, or operating, or	45537
any combination of the foregoing, a township airport, landing	45538
field, or other air navigation facility pursuant to section 505.15	45539
of the Revised Code;	45540
(GG) For the payment of costs incurred by a township as a	45541
result of a contract made with a county pursuant to section	45542
505.263 of the Revised Code in order to pay all or any part of the	45543
cost of constructing, maintaining, repairing, or operating a water	45544
supply improvement;	45545
(HH) For a board of township trustees to acquire, other than	45546
by appropriation, an ownership interest in land, water, or	45547
wetlands, or to restore or maintain land, water, or wetlands in	45548
which the board has an ownership interest, not for purposes of	45549
recreation, but for the purposes of protecting and preserving the	45550
natural, scenic, open, or wooded condition of the land, water, or	45551
wetlands against modification or encroachment resulting from	45552
occupation, development, or other use, which may be styled as	45553
protecting or preserving "greenspace" in the resolution, notice of	45554
election, or ballot form;	45555
(II) For the support by a county of a crime victim assistance	45556
program that is provided and maintained by a county agency or a	45557
private, nonprofit corporation or association under section 307.62	45558
of the Revised Code;	45559
(JJ) For any or all of the purposes set forth in divisions	45560

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(I) and (J) of this section. This division applies only to a township.	45561 45562
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	45563 45564 45565
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	45566 45567
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	45568 45569 45570
(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold agricultural fairs. This division applies only to a county.	45571 45572 45573
(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements, by a board of township trustees;	45574 45575 45576 45577 45578
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township.	45579 45580
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	45581 45582
(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.	45583 45584 45585 45586 45587
<u>(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.</u>	45588 45589
The resolution shall be confined to the purpose or purposes	45590

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described in one division of this section, to which the revenue  
derived therefrom shall be applied. The existence in any other  
division of this section of authority to levy a tax for any part  
or all of the same purpose or purposes does not preclude the use  
of such revenues for any part of the purpose or purposes of the  
division under which the resolution is adopted.

The resolution shall specify the amount of the increase in  
rate that it is necessary to levy, the purpose of that increase in  
rate, and the number of years during which the increase in rate  
shall be in effect, which may or may not include a levy upon the  
duplicate of the current year. The number of years may be any  
number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt  
charges, the increased rate shall be for the life of the  
indebtedness.

(2) When the additional rate is for any of the following, the  
increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention facility  
district, a district organized under section 2151.65 of the  
Revised Code, or a combined district organized under sections  
2152.41 and 2151.65 of the Revised Code;

(b) For providing a county's share of the cost of maintaining  
and operating schools, district detention facilities, forestry  
camps, or other facilities, or any combination thereof,  
established under section 2152.41 or 2151.65 of the Revised Code  
or under both of those sections.

(3) When the additional rate is for any of the following, the  
increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or  
(KK) of this section;

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(b) For the maintenance and operation of a joint recreation district; 45621  
45622

(c) A levy imposed by a township for the purposes set forth in division (G) of this section. 45623  
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(4) When the increase is for the purpose set forth in division (D) or (CC) of this section or for both of the purposes set forth in divisions (G) and (OO) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution. 45625  
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(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten. 45630  
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A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for the purposes set forth in division (I), (J), or (U) of this section, and a levy imposed by a township for the purposes set forth in division (G) of this section, may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount. 45633  
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A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2152.41 and 2151.65 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied 45644  
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each year for the current expenses and the other purpose or 45652  
purposes shall be limited by the apportionment. 45653

Whenever a board of county commissioners, acting either as 45654  
the taxing authority of its county or as the taxing authority of a 45655  
sewer district or subdistrict created under Chapter 6117. of the 45656  
Revised Code, by resolution declares it necessary to levy a tax in 45657  
excess of the ten-mill limitation for the purpose of constructing, 45658  
improving, or extending sewage disposal plants or sewage systems, 45659  
the tax may be in effect for any number of years not exceeding 45660  
twenty, and the proceeds of the tax, notwithstanding the general 45661  
provisions of this section, may be used to pay debt charges on any 45662  
obligations issued and outstanding on behalf of the subdivision 45663  
for the purposes enumerated in this paragraph, provided that any 45664  
such obligations have been specifically described in the 45665  
resolution. 45666

The resolution shall go into immediate effect upon its 45667  
passage, and no publication of the resolution is necessary other 45668  
than that provided for in the notice of election. 45669

When the electors of a subdivision have approved a tax levy 45670  
under this section, the taxing authority of the subdivision may 45671  
anticipate a fraction of the proceeds of the levy and issue 45672  
anticipation notes in accordance with section 5705.191 or 5705.193 45673  
of the Revised Code. 45674

**Section 4.** That the existing versions of sections 5139.29, 45675  
5139.31, and 5705.19 and the version of section 2151.652 of the 45676  
Revised Code that are scheduled to take effect January 1, 2002, 45677  
are hereby repealed. 45678

**Section 5.** Sections 3 and 4 of this act shall take effect on 45679  
January 1, 2002. 45680

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**Section 6.** That the versions of sections 5139.01 and 5139.11 45681  
of the Revised Code that are scheduled to take effect January 1, 45682  
2002, be amended to read as follows: 45683

**Sec. 5139.01.** (A) As used in this chapter: 45684

(1) "Commitment" means the transfer of the physical custody 45685  
of a child or youth from the court to the department of youth 45686  
services. 45687

(2) "Permanent commitment" means a commitment that vests 45688  
legal custody of a child in the department of youth services. 45689

(3) "Legal custody," insofar as it pertains to the status 45690  
that is created when a child is permanently committed to the 45691  
department of youth services, means a legal status in which the 45692  
department has the following rights and responsibilities: the 45693  
right to have physical possession of the child; the right and duty 45694  
to train, protect, and control the child; the responsibility to 45695  
provide the child with food, clothing, shelter, education, and 45696  
medical care; and the right to determine where and with whom the 45697  
child shall live, subject to the minimum periods of, or periods 45698  
of, institutional care prescribed in sections 2152.13 to 2152.18 45699  
of the Revised Code; provided, that these rights and 45700  
responsibilities are exercised subject to the powers, rights, 45701  
duties, and responsibilities of the guardian of the person of the 45702  
child, and subject to any residual parental rights and 45703  
responsibilities. 45704

(4) Unless the context requires a different meaning, 45705  
"institution" means a state facility that is created by the 45706  
general assembly and that is under the management and control of 45707  
the department of youth services or a private entity with which 45708  
the department has contracted for the institutional care and 45709  
custody of felony delinquents. 45710

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- (5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks. 45711  
45712
- (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 2152.22 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. 45713  
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- (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. 45721  
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- (8) "Discharge" means that the department of youth services' legal custody of a child is terminated. 45724  
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- (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. 45726  
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- (10) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 45730  
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- (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. 45732  
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- (12) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 45740  
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(13) "Public safety beds" means all of the following: 45742

(a) Felony delinquents who have been committed to the 45743  
department of youth services for the commission of an act, other 45744  
than a violation of section 2911.01 or 2911.11 of the Revised 45745  
Code, that is a category one offense or a category two offense and 45746  
who are in the care and custody of an institution or have been 45747  
diverted from care and custody in an institution and placed in a 45748  
community corrections facility; 45749

(b) Felony delinquents who, while committed to the department 45750  
of youth services and in the care and custody of an institution or 45751  
a community corrections facility, are adjudicated delinquent 45752  
children for having committed in that institution or community 45753  
corrections facility an act that if committed by an adult would be 45754  
a felony; 45755

(c) Children who satisfy all of the following: 45756

(i) They are at least twelve years of age but less than 45757  
eighteen years of age. 45758

(ii) They are adjudicated delinquent children for having 45759  
committed acts that if committed by an adult would be a felony. 45760

(iii) They are committed to the department of youth services 45761  
by the juvenile court of a county that has had one-tenth of one 45762  
per cent or less of the statewide adjudications for felony 45763  
delinquents as averaged for the past four fiscal years. 45764

(iv) They are in the care and custody of an institution or a 45765  
community corrections facility. 45766

(d) Felony delinquents who, while committed to the department 45767  
of youth services and in the care and custody of an institution, 45768  
commit in that institution an act that if committed by an adult 45769  
would be a felony, who are serving disciplinary time for having 45770  
committed that act, and who have been institutionalized or 45771

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institutionalized in a secure facility for the minimum period of 45772  
time specified in divisions (A)(1)(b) to (e) of section 2152.16 of 45773  
the Revised Code. 45774

(e) Felony delinquents who are subject to and serving a 45775  
three-year period of commitment order imposed by a juvenile court 45776  
pursuant to divisions (A) and (B) of section 2152.17 of the 45777  
Revised Code for an act, other than a violation of section 2911.11 45778  
of the Revised Code, that would be a category one offense or 45779  
category two offense if committed by an adult. 45780

(f) Felony delinquents who are described in divisions 45781  
(A)(13)(a) to (e) of this section, who have been granted a 45782  
judicial release to court supervision under division (B) of 45783  
section 2152.22 of the Revised Code or a judicial release to the 45784  
department of youth services supervision under division (C) of 45785  
that section from the commitment to the department of youth 45786  
services for the act described in divisions (A)(13)(a) to (e) of 45787  
this section, who have violated the terms and conditions of that 45788  
release, and who, pursuant to an order of the court of the county 45789  
in which the particular felony delinquent was placed on release 45790  
that is issued pursuant to division (D) of section 2152.22 of the 45791  
Revised Code, have been returned to the department for 45792  
institutionalization or institutionalization in a secure facility. 45793

(g) Felony delinquents who have been committed to the custody 45794  
of the department of youth services, who have been granted 45795  
supervised release from the commitment pursuant to section 5139.51 45796  
of the Revised Code, who have violated the terms and conditions of 45797  
that supervised release, and who, pursuant to an order of the 45798  
court of the county in which the particular child was placed on 45799  
supervised release issued pursuant to division (F) of section 45800  
5139.52 of the Revised Code, have had the supervised release 45801  
revoked and have been returned to the department for 45802  
institutionalization. A felony delinquent described in this 45803

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division shall be a public safety bed only for the time during 45804  
which the felony delinquent is institutionalized as a result of 45805  
the revocation subsequent to the initial thirty-day period of 45806  
institutionalization required by division (F) of section 5139.52 45807  
of the Revised Code. 45808

(14) "State target youth" means twenty-five per cent of the 45809  
projected total number of felony delinquents for each year of a 45810  
biennium, factoring in revocations and recommitments. 45811

(15) Unless the context requires a different meaning, 45812  
"community corrections facility" means a county or multicounty 45813  
rehabilitation center for felony delinquents who have been 45814  
committed to the department of youth services and diverted from 45815  
care and custody in an institution and placed in the 45816  
rehabilitation center pursuant to division (E) of section 5139.36 45817  
of the Revised Code. 45818

(16) "Secure facility" means any facility that is designed 45819  
and operated to ensure that all of its entrances and exits are 45820  
under the exclusive control of its staff and to ensure that, 45821  
because of that exclusive control, no child who has been 45822  
institutionalized in the facility may leave the facility without 45823  
permission or supervision. 45824

(17) "Community residential program" means a program that 45825  
satisfies both of the following: 45826

(a) It is housed in a building or other structure that has no 45827  
associated major restraining construction, including, but not 45828  
limited to, a security fence. 45829

(b) It provides twenty-four-hour care, supervision, and 45830  
programs for felony delinquents who are in residence. 45831

(18) "Category one offense" and "category two offense" have 45832  
the same meanings as in section 2151.26 of the Revised Code. 45833

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(19) "Disciplinary time" means additional time that the department of youth services requires a felony delinquent to serve in an institution, that delays the person's or felony delinquent's planned release, and that the department imposes upon the person or 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:

(a) An act that if committed by an adult would be a felony;

(b) An act that if committed by an adult would be a misdemeanor;

(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.

(20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code.

(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.

(22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code.

(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 an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community.

(24) "Victim" means the person identified in a police report,

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complaint, or information as the victim of an act that would have  
been a criminal offense if committed by an adult and that provided  
the basis for adjudication proceedings resulting in a child's  
commitment to the legal custody of the department of youth  
services.

(25) "Victim's representative" means a member of the victim's  
family or another person whom the victim or another authorized  
person designates in writing, pursuant to section 5139.56 of the  
Revised Code, to represent the victim with respect to proceedings  
of the release authority of the department of youth services and  
with respect to other matters specified in that section.

(26) "Member of the victim's family" means a spouse, child,  
stepchild, sibling, parent, stepparent, grandparent, other  
relative, or legal guardian of a child but does not include a  
person charged with, convicted of, or adjudicated a delinquent  
child for committing a criminal or delinquent act against the  
victim or another criminal or delinquent act arising out of the  
same conduct, criminal or delinquent episode, or plan as the  
criminal or delinquent act committed against the victim.

(27) "Judicial release to court supervision" means a release  
of a child from institutional care or institutional care in a  
secure facility that is granted by a court pursuant to division  
(B) of section 2152.22 of the Revised Code during the period  
specified in that division.

(28) "Judicial release to department of youth services  
supervision" means a release of a child from institutional care or  
institutional care in a secure facility that is granted by a court  
pursuant to division (C) of section 2152.22 of the Revised Code  
during the period specified in that division.

(29) "Juvenile justice system" includes all of the functions  
of the juvenile courts, the department of youth services, any

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public or private agency whose purposes include the prevention of 45895  
delinquency or the diversion, adjudication, detention, or 45896  
rehabilitation of delinquent children, and any of the functions of 45897  
the criminal justice system that are applicable to children. 45898

(30) "Metropolitan county criminal justice services agency" 45899  
means an agency that is established pursuant to division (A) of 45900  
section 181.54 of the Revised Code. 45901

(31) "Administrative planning district" means a district that 45902  
is established pursuant to division (A) or (B) of section 181.56 45903  
of the Revised Code. 45904

(32) "Criminal justice coordinating council" means a criminal 45905  
justice services agency that is established pursuant to division 45906  
(D) of section 181.56 of the Revised Code. 45907

(33) "Comprehensive plan" means a document that coordinates, 45908  
evaluates, and otherwise assists, on an annual or multi-year 45909  
basis, all of the functions of the juvenile justice systems of the 45910  
state or a specified area of the state, that conforms to the 45911  
priorities of the state with respect to juvenile justice systems, 45912  
and that conforms with the requirements of all federal criminal 45913  
justice acts. These functions include, but are not limited to, all 45914  
of the following: 45915

(a) Delinquency; 45916

(b) Identification, detection, apprehension, and detention of 45917  
persons charged with delinquent acts; 45918

(c) Assistance to crime victims or witnesses, except that the 45919  
comprehensive plan does not include the functions of the attorney 45920  
general pursuant to sections 109.91 and 109.92 of the Revised 45921  
Code; 45922

(d) Adjudication or diversion of persons charged with 45923  
delinquent acts; 45924

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(e) Custodial treatment of delinquent children; 45925

(f) Institutional and noninstitutional rehabilitation of delinquent children. 45926  
45927

(B) There is hereby created the department of youth services. 45928  
The governor shall appoint the director of the department with the 45929  
advice and consent of the senate. The director shall hold office 45930  
during the term of the appointing governor but subject to removal 45931  
at the pleasure of the governor. Except as otherwise authorized in 45932  
section 108.05 of the Revised Code, the director shall devote the 45933  
director's entire time to the duties of the director's office and 45934  
shall hold no other office or position of trust or profit during 45935  
the director's term of office. 45936

The director is the chief executive and administrative 45937  
officer of the department and has all the powers of a department 45938  
head set forth in Chapter 121. of the Revised Code. The director 45939  
may adopt rules for the government of the department, the conduct 45940  
of its officers and employees, the performance of its business, 45941  
and the custody, use, and preservation of the department's 45942  
records, papers, books, documents, and property. The director 45943  
shall be an appointing authority within the meaning of Chapter 45944  
124. of the Revised Code. Whenever this or any other chapter or 45945  
section of the Revised Code imposes a duty on or requires an 45946  
action of the department, the duty or action shall be performed by 45947  
the director or, upon the director's order, in the name of the 45948  
department. 45949

**Sec. 5139.11.** The department of youth services shall do all 45950  
of the following: 45951

(A) Through a program of education, promotion, and 45952  
organization, form groups of local citizens and assist these 45953  
groups in conducting activities aimed at the prevention and 45954  
control of juvenile delinquency, making use of local people and 45955

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resources for the following purposes:	45956
(1) Combatting local conditions known to contribute to juvenile delinquency;	45957 45958
(2) Developing recreational and other programs for youth work;	45959 45960
(3) Providing adult sponsors for delinquent children cases;	45961
(4) Dealing with other related problems of the locality.	45962
(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;	45963 45964 45965 45966
(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;	45967 45968 45969
(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;	45970 45971 45972 45973
(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;	45974 45975 45976 45977
(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;	45978 45979 45980 45981
(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;	45982 45983 45984



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(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;

(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 judicial release under section 2152.22 of the Revised Code if appropriate and recommending conditions for judicial release;

(3) Reviewing the placement of children and recommending alternative placements where appropriate.

(J) Coordinate dates for hearings to be conducted under section 2152.22 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

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county criminal justice services agencies, criminal justice 46015  
coordinating councils, and agencies, offices, and departments of 46016  
the juvenile justice system in the state, and other appropriate 46017  
organizations and persons; 46018

(d) Encouraging and assisting agencies, offices, and 46019  
departments of the juvenile justice system in the state and other 46020  
appropriate organizations and persons to solve problems that 46021  
relate to the duties of the department; 46022

(e) Administering within the state any juvenile justice acts 46023  
and programs that the governor requires the department to 46024  
administer; 46025

(f) Implementing the state comprehensive plans; 46026

(g) Auditing grant activities of agencies, offices, 46027  
organizations, and persons that are financed in whole or in part 46028  
by funds granted through the department; 46029

(h) Monitoring or evaluating the performance of juvenile 46030  
justice system projects and programs in the state that are 46031  
financed in whole or in part by funds granted through the 46032  
department; 46033

(i) Applying for, allocating, disbursing, and accounting for 46034  
grants that are made available pursuant to federal juvenile 46035  
justice acts, or made available from other federal, state, or 46036  
private sources, to improve the criminal and juvenile justice 46037  
systems in the state. All money from federal juvenile justice act 46038  
grants shall, if the terms under which the money is received 46039  
require that the money be deposited into an interest bearing fund 46040  
or account, be deposited in the state treasury to the credit of 46041  
the federal juvenile justice program purposes fund, which is 46042  
hereby created. All investment earnings shall be credited to the 46043  
fund. 46044

(j) Contracting with federal, state, and local agencies, 46045

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<u>foundations, corporations, businesses, and persons when necessary</u>	46046
<u>to carry out the duties of the department;</u>	46047
<u>(k) Overseeing the activities of metropolitan county criminal</u>	46048
<u>justice services agencies, administrative planning districts, and</u>	46049
<u>juvenile justice coordinating councils in the state;</u>	46050
	46051
<u>(l) Advising the general assembly and governor on legislation</u>	46052
<u>and other significant matters that pertain to the improvement and</u>	46053
<u>reform of the juvenile justice system in the state;</u>	46054
	46055
<u>(m) Preparing and recommending legislation to the general</u>	46056
<u>assembly and governor for the improvement of the juvenile justice</u>	46057
<u>system in the state;</u>	46058
<u>(n) Assisting, advising, and making any reports that are</u>	46059
<u>required by the governor, attorney general, or general assembly;</u>	46060
<u>(o) Adopting rules pursuant to Chapter 119. of the Revised</u>	46061
<u>Code.</u>	46062
<u>(2) Division (K)(1) of this section does not limit the</u>	46063
<u>discretion or authority of the attorney general with respect to</u>	46064
<u>crime victim assistance and criminal and juvenile justice</u>	46065
<u>programs.</u>	46066
<u>(3) Nothing in division (K)(1) of this section is intended to</u>	46067
<u>diminish or alter the status of the office of the attorney general</u>	46068
<u>as a criminal justice services agency.</u>	46069
<u>(4) The governor may appoint any advisory committees to</u>	46070
<u>assist the department that the governor considers appropriate or</u>	46071
<u>that are required under any state or federal law.</u>	46072
<b>Section 7.</b> That the existing versions of sections 5139.01 and	46073
5139.11 of the Revised Code that are scheduled to take effect	46074

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January 1, 2002, are hereby repealed. 46075

**Section 8.** Sections 6 and 7 of this act shall take effect on 46076  
January 1, 2002. 46077

**Section 9.** Except as otherwise provided, all appropriation 46078  
items (AI) in this act are appropriated out of any moneys in the 46079  
state treasury to the credit of the designated fund that are not 46080  
otherwise appropriated. For all appropriations made in this act, 46081  
the amounts in the first column are for fiscal year 2002 and the 46082  
amounts in the second column are for fiscal year 2003. 46083

FND ALI AI TITLE FY 2002 FY 2003 46084  
46085

**Section 10.** ACC ACCOUNTANCY BOARD OF OHIO 46086

General Services Fund Group 46087

4J8 889-601 CPA Education \$ 204,400 \$ 209,510 46088

Assistance

4K9 889-609 Operating Expenses \$ 870,318 \$ 917,458 46089

TOTAL GSF General Services Fund 46090

Group \$ 1,074,718 \$ 1,126,968 46091

TOTAL ALL BUDGET FUND GROUPS \$ 1,074,718 \$ 1,126,968 46092

**Section 11.** PAY ACCRUED LEAVE LIABILITY 46094

Accrued Leave Liability Fund Group 46095

806 995-666 Accrued Leave Fund \$ 52,083,178 \$ 56,760,331 46096

807 995-667 Disability Fund \$ 42,843,384 \$ 47,127,722 46097

TOTAL ALF Accrued Leave Liability 46098

Fund Group \$ 94,926,562 \$ 103,888,053 46099

Agency Fund Group 46100

808 995-668 State Employee Health \$ 163,866,236 \$ 187,635,594 46101

Benefit Fund

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809	995-669	Dependent Care Spending Account	\$	3,050,554	\$	3,355,609	46102
810	995-670	Life Insurance Investment Fund	\$	2,109,592	\$	2,236,167	46103
811	995-671	Parental Leave Benefit Fund	\$	4,914,815	\$	6,143,519	46104
TOTAL AGY	Agency Fund Group		\$	173,941,197	\$	199,370,889	46105
TOTAL ALL BUDGET FUND GROUPS			\$	268,867,759	\$	303,258,942	46106

ACCRUED LEAVE LIABILITY FUND 46107

The foregoing appropriation item 995-666, Accrued Leave Fund, 46108  
 shall be used to make payments from the Accrued Leave Liability 46109  
 Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 46110  
 If it is determined by the Director of Budget and Management that 46111  
 additional amounts are necessary, the amounts are appropriated. 46112

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 46113

The foregoing appropriation item 995-667, Disability Fund, 46114  
 shall be used to make payments from the State Employee Disability 46115  
 Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 46116  
 Revised Code. If it is determined by the Director of Budget and 46117  
 Management that additional amounts are necessary, the amounts are 46118  
 appropriated. 46119

STATE EMPLOYEE HEALTH BENEFIT FUND 46120

The foregoing appropriation item 995-668, State Employee 46121  
 Health Benefit Fund, shall be used to make payments from the State 46122  
 Employee Health Benefit Fund (Fund 808), pursuant to section 46123  
 124.87 of the Revised Code. If it is determined by the Director of 46124  
 Budget and Management that additional amounts are necessary, the 46125  
 amounts are appropriated. 46126

DEPENDENT CARE SPENDING ACCOUNT 46127

The foregoing appropriation item 995-669, Dependent Care 46128  
 Spending Account, shall be used to make payments from the 46129

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Dependent Care Spending Account (Fund 809) to employees eligible 46130  
 for dependent care expenses. If it is determined by the Director 46131  
 of Budget and Management that additional amounts are necessary, 46132  
 the amounts are appropriated. 46133

LIFE INSURANCE INVESTMENT FUND 46134

The foregoing appropriation item 995-670, Life Insurance 46135  
 Investment Fund, shall be used to make payments from the Life 46136  
 Insurance Investment Fund (Fund 810) for the costs and expenses of 46137  
 the state's life insurance benefit program pursuant to section 46138  
 125.212 of the Revised Code. If it is determined by the Director 46139  
 of Budget and Management that additional amounts are necessary, 46140  
 the amounts are appropriated. 46141

PARENTAL LEAVE BENEFIT FUND 46142

The foregoing appropriation item 995-671, Parental Leave 46143  
 Benefit Fund, shall be used to make payments from the Parental 46144  
 Leave Benefit Fund (Fund 811) to employees eligible for parental 46145  
 leave benefits pursuant to section 124.137 of the Revised Code. If 46146  
 it is determined by the Director of Budget and Management that 46147  
 additional amounts are necessary, the amounts are appropriated. 46148

**Section 12.** ADJ ADJUTANT GENERAL 46149

General Revenue Fund 46150

GRF 745-401	Ohio Military Reserve	\$	14,901	\$	15,200	46151
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GRF 745-403	Armory Deferred	\$	250,000	\$	250,000	46152
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Maintenance

GRF 745-404	Air National Guard	\$	1,845,527	\$	1,921,854	46153
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GRF 745-409	Central Administration	\$	3,975,185	\$	4,222,598	46154
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GRF 745-499	Army National Guard	\$	3,878,881	\$	3,988,519	46155
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GRF 745-502	Ohio National Guard	\$	106,980	\$	103,058	46156
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Unit Fund

TOTAL GRF	General Revenue Fund	\$	10,071,474		10,501,229	46157
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General Services Fund Group				46158	
534 745-612 Armory Improvements	\$	529,014	\$	534,304	46159
536 745-620 Camp Perry Clubhouse and Rental	\$	1,054,359	\$	1,094,970	46160
537 745-604 ONG Maintenance	\$	214,464	\$	219,826	46161
TOTAL GSF General Services Fund Group	\$	1,797,837	\$	1,849,100	46162
Federal Special Revenue Fund Group				46163	
3E8 745-628 Air National Guard Operations and Maintenance Agreement	\$	11,821,084	\$	12,770,931	46164
3R8 745-603 Counter Drug Operations	\$	25,000	\$	25,000	46165
3S0 745-602 Higher Ground Training	\$	20,000	\$	20,000	46166
341 745-615 Air National Guard Base Security	\$	1,770,744	\$	1,841,573	46167
342 745-616 Army National Guard Service Agreement	\$	6,429,352	\$	6,749,210	46168
TOTAL FED Federal Special Revenue Fund Group	\$	20,066,180	\$	21,406,714	46169
State Special Revenue Fund Group				46170	
528 745-605 Marksmanship Activities	\$	64,466	\$	66,078	46171
TOTAL SSR State Special Revenue Fund Group	\$	64,466	\$	66,078	46172
TOTAL ALL BUDGET FUND GROUPS	\$	31,999,957	\$	33,823,121	46173
ARMY NATIONAL GUARD SERVICE AGREEMENT AND ARMY NATIONAL GUARD TRAINING SITE AGREEMENT				46174	
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				46176	
				46177	
				46178	
				46179	

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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  
 appropriation item 745-616, Army National Guard Service Agreement  
 (Fund 342). The amounts of the reestablished encumbrances are  
 appropriated, and Fund 343 is abolished.

**Section 13.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

General Revenue Fund					46188	
GRF 100-402	Unemployment	\$	107,713	\$	109,114	46189
	Compensation					
GRF 100-405	Agency Audit Expenses	\$	662,147	\$	614,704	46190
GRF 100-406	County & University	\$	850,133	\$	838,777	46191
	Human Resources					
	Services					
GRF 100-409	Departmental	\$	948,332	\$	975,481	46192
	Information Services					
GRF 100-410	Veterans' Records	\$	480,000	\$	480,000	46193
	Conversion					
GRF 100-414	Ohio Geographically	\$	512,410	\$	510,807	46194
	Referenced Information					
	Program					
GRF 100-416	Strategic Technology	\$	3,470,440	\$	5,000,000	46195
	Development Programs					
GRF 100-417	MARCS	\$	5,350,344	\$	6,176,160	46196
GRF 100-419	Ohio SONET	\$	4,527,924	\$	4,625,879	46197
GRF 100-420	Innovation Ohio	\$	144,000	\$	144,000	46198
GRF 100-421	ERP Project	\$	600,000	\$	624,000	46199
	Implementation					
GRF 100-433	State of Ohio Computer	\$	5,003,580	\$	5,027,234	46200
	Center					
GRF 100-439	Equal Opportunity	\$	817,894	\$	861,093	46201



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		Certification Programs				
GRF 100-447	OBA - Building Rent	\$	100,075,600	\$	119,923,600	46202
	Payments					
GRF 100-448	OBA - Building	\$	26,098,000	\$	26,098,000	46203
	Operating Payments					
GRF 100-449	DAS - Building	\$	5,126,955	\$	5,126,968	46204
	Operating Payments					
GRF 100-451	Minority Affairs	\$	119,706	\$	118,043	46205
GRF 100-734	Major Maintenance	\$	70,224	\$	68,376	46206
GRF 102-321	Construction	\$	1,392,590	\$	1,396,506	46207
	Compliance					
GRF 130-321	State Agency Support	\$	3,632,427	\$	3,740,888	46208
	Services					
TOTAL GRF	General Revenue Fund	\$	159,990,419	\$	182,459,630	46209
	General Services Fund Group					46210
112 100-616	DAS Administration	\$	5,243,105	\$	5,503,547	46211
115 100-632	Central Service Agency	\$	399,438	\$	376,844	46212
117 100-644	General Services	\$	5,790,000	\$	7,091,000	46213
	Division - Operating					
122 100-637	Fleet Management	\$	1,600,913	\$	1,652,189	46214
125 100-622	Human Resources	\$	23,895,125	\$	24,640,311	46215
	Division - Operating					
127 100-627	Vehicle Liability	\$	3,373,835	\$	3,487,366	46216
	Insurance					
128 100-620	Collective Bargaining	\$	3,292,859	\$	3,410,952	46217
130 100-606	Risk Management	\$	185,900	\$	197,904	46218
	Reserve					
131 100-639	State Architect's	\$	7,504,787	\$	7,772,789	46219
	Office					
132 100-631	DAS Building	\$	10,887,913	\$	11,362,872	46220
	Management					
188 100-649	Equal Opportunity	\$	1,214,691	\$	1,253,311	46221
	Programs					

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201	100-653	General Services	\$	1,779,000	\$	1,833,000	46222
		Resale Merchandise					
210	100-612	State Printing	\$	6,648,503	\$	6,928,823	46223
4H2	100-604	Governor's Residence	\$	22,628	\$	23,194	46224
		Gift					
4P3	100-603	Departmental MIS	\$	7,447,713	\$	7,761,365	46225
		Services					
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184	46226
5C2	100-605	MARCS Development	\$	3,429,947	\$	4,475,190	46227
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464	46228
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	46229
5L7	100-610	Professional	\$	2,700,000	\$	2,700,000	46230
		Development					
TOTAL GSF General Services Fund							46231
Group			\$	103,858,292	\$	108,982,305	46232
Intragovernmental Service Fund Group							46233
133	100-607	Information Technology	\$	104,482,097	\$	111,387,436	46234
		Fund					
4N6	100-617	Major Computer	\$	12,000,000	\$	4,500,000	46235
		Purchases					
TOTAL ISF Intragovernmental							46236
Service Fund Group			\$	116,482,097	\$	115,887,436	46237
Agency Fund Group							46238
113	100-628	Unemployment	\$	3,500,000	\$	3,577,000	46239
		Compensation					
124	100-629	Payroll Deductions	\$	1,877,100,000	\$	1,999,100,000	46240
TOTAL AGY Agency Fund Group			\$	1,880,600,000	\$	2,002,677,000	46241
Holding Account Redistribution Fund Group							46242
R08	100-646	General Services	\$	20,000	\$	20,000	46243
		Refunds					
TOTAL 090 Holding Account							46244
Redistribution Fund Group			\$	20,000	\$	20,000	46245

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TOTAL ALL BUDGET FUND GROUPS \$ 2,260,950,808 \$ 2,410,026,371 46246

Section 13.01. AGENCY AUDIT EXPENSES 46248

Of the foregoing appropriation item 100-405, Agency Audit Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in 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 46263

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

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appropriations are the source of funds pledged for bond service 46277  
charges on obligations issued pursuant to Chapter 152. of the 46278  
Revised Code. 46279

The payments to the Ohio Building Authority are for the 46280  
purpose of paying the expenses of agencies that occupy space in 46281  
the various state facilities. The Department of Administrative 46282  
Services may enter into leases and agreements with the Ohio 46283  
Building Authority providing for the payment of these expenses. 46284  
The Ohio Building Authority shall report to the Department of 46285  
Administrative Services and the Office of Budget and Management 46286  
not later than five months after the start of a fiscal year the 46287  
actual expenses incurred by the Ohio Building Authority in 46288  
operating the facilities and any balances remaining from payments 46289  
and rentals received in the prior fiscal year. The Department of 46290  
Administrative Services shall reduce subsequent payments by the 46291  
amount of the balance reported to it by the Ohio Building 46292  
Authority. 46293

**Section 13.03.** DAS - BUILDING OPERATING PAYMENTS 46294

The foregoing appropriation item 100-449, DAS - Building 46295  
Operating Payments, shall be used to pay the rent expenses of 46296  
veterans organizations pursuant to section 123.024 of the Revised 46297  
Code in fiscal years 2002 and 2003. 46298

The foregoing appropriation item, 100-449, DAS - Building 46299  
Operating Payments, may be used to provide funding for the cost of 46300  
property appraisals that the Department of Administrative Services 46301  
may be required to obtain for property that is being sold by the 46302  
state or property under consideration to be purchased by the 46303  
state. 46304

Of the foregoing appropriation item 100-449, DAS - Building 46305  
Operating Payment, \$100,000 shall be used in fiscal year 2002 to 46306  
fund the renovation of new office space for the State Library and 46307

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the Ohioana Library Association. 46308

Notwithstanding section 125.28 of the Revised Code, the 46309  
remaining portion of the appropriation may be used to pay the 46310  
operating expenses of state facilities maintained by the 46311  
Department of Administrative Services that are not billed to 46312  
building tenants. These expenses may include, but are not limited 46313  
to, the costs for vacant space and space undergoing renovation, 46314  
and the rent expenses of tenants that are relocated due to 46315  
building renovations. These payments shall be processed by the 46316  
Department of Administrative Services through intrastate transfer 46317  
vouchers and placed in the Facilities Management Fund (Fund 132). 46318

**Section 13.04. MINORITY AFFAIRS** 46319

The foregoing appropriation item 100-451, Minority Affairs, 46320  
shall be used to establish minority affairs programs within the 46321  
Equal Opportunity Division. The office shall provide an access 46322  
point and official representation to multi-cultural communities; 46323  
research and reports on multi-cultural issues; and educational, 46324  
governmental, and other services that foster multi-cultural 46325  
opportunities and understanding in the state of Ohio. 46326

**Section 13.05. CENTRAL SERVICE AGENCY FUND** 46327

In order to complete the migration of the licensing 46328  
applications of the professional licensing boards to a local area 46329  
network, the Director of Budget and Management may, at the request 46330  
of the Director of Administrative Services, cancel related 46331  
encumbrances in the Central Service Agency Fund (Fund 115) and 46332  
reestablish these encumbrances in fiscal year 2002 for the same 46333  
purpose and to the same vendor. The Director of Budget and 46334  
Management shall reduce the appropriation balance in fiscal year 46335  
2001 by the amount of encumbrances canceled in Fund 115. As 46336  
determined by the Director of Budget and Management, the amount 46337

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necessary to reestablish such encumbrances or parts of 46338  
 encumbrances in fiscal year 2002 in the Central Service Agency 46339  
 Fund (Fund 115) is appropriated. 46340

The Director of Budget and Management may transfer up to 46341  
 \$399,000 in fiscal year 2002 and up to \$354,000 in fiscal year 46342  
 2003 from the Occupational Licensing and Regulatory Fund (Fund 46343  
 4K9) to the Central Service Agency Fund (Fund 115). The Director 46344  
 of Budget and Management may transfer up to \$34,000 in fiscal year 46345  
 2002 and up to \$30,000 in fiscal year 2003 from the State Medical 46346  
 Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 46347  
 (Fund 115). The Director of Budget and Management may transfer up 46348  
 to \$18,000 in fiscal year 2002 and up to \$16,000 in fiscal year 46349  
 2003 from the Pharmacy Board Operating Fund (Fund 5N2) to the 46350  
 Central Service Agency Fund (Fund 115). The appropriation item 46351  
 100-632, Central Service Agency, shall be used to purchase the 46352  
 necessary equipment, products, and services to install and 46353  
 maintain a local area network for the professional licensing 46354  
 boards, and to support their licensing applications. The amount of 46355  
 the cash transfer is appropriated to appropriation item 100-632, 46356  
 Central Service Agency. 46357

**Section 13.06. TUITION REIMBURSEMENT** 46358

Of the foregoing appropriation item 100-622, Human Resources 46359  
 Division - Operating, \$350,000 in fiscal year 2002 and \$400,000 in 46360  
 fiscal year 2003 shall be set aside for the District 1199 Health 46361  
 Care Employees Tuition Reimbursement Program, per existing 46362  
 collective bargaining agreements. Of the foregoing appropriation 46363  
 item 100-622, Human Resources Division - Operating, \$75,000 in 46364  
 fiscal year 2002 and \$75,000 in fiscal year 2003 shall be set 46365  
 aside for the Ohio Education Association Tuition Reimbursement 46366  
 Program, per existing collective bargaining agreements. The 46367  
 Department of Administrative Services, with the approval of the 46368

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Director of Budget and Management, shall establish charges for 46369  
recovering the costs of administering the District 1199 Health 46370  
Care Employees Tuition Reimbursement Program and the Ohio 46371  
Education Association Tuition Reimbursement Program. Receipts for 46372  
these charges shall be deposited into the Human Resources Services 46373  
Fund (Fund 125). 46374

**Section 13.07. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 46375

With approval of the Director of Budget and Management, the 46376  
Department of Administrative Services may seek reimbursement from 46377  
state agencies for the actual costs and expenses the department 46378  
incurs in the collective bargaining arbitration process. The 46379  
reimbursements shall be processed through intrastate transfer 46380  
vouchers and placed in the Collective Bargaining Fund (Fund 128). 46381

**Section 13.08. EQUAL OPPORTUNITY PROGRAM** 46382

The Department of Administrative Services, with the approval 46383  
of the Director of Budget and Management, shall establish charges 46384  
for recovering the costs of administering the activities supported 46385  
by the Equal Opportunity Programs Fund (Fund 188). These charges 46386  
shall be deposited to the credit of the Equal Opportunity Programs 46387  
Fund (Fund 188) upon payment made by state agencies, 46388  
state-supported or state-assisted institutions of higher 46389  
education, and tax-supported agencies, municipal corporations, and 46390  
other political subdivisions of the state, for services rendered. 46391

**Section 13.09. MERCHANDISE FOR RESALE** 46392

The foregoing appropriation item 100-653, General Services 46393  
Resale Merchandise, shall be used to account for merchandise for 46394  
resale, which is administered by the General Services Division. 46395  
Deposits to the fund may comprise the cost of merchandise for 46396  
resale and shipping fees. 46397

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**Section 13.10.** GOVERNOR'S RESIDENCE GIFT 46398

The foregoing appropriation item 100-604, Governor's Residence Gift, shall be used to provide part or all of the funding related to construction, goods, or services for the Governor's residence. All receipts for this purpose shall be deposited into Fund 4H2.

**Section 13.11.** DEPARTMENTAL MIS 46404

The foregoing appropriation item 100-603, Departmental MIS Services, may be used to pay operating expenses of management information systems activities in the Department of Administrative Services. The Department of Administrative Services shall establish charges for recovering the costs of management information systems activities. These charges shall be deposited to the credit of the Departmental MIS Fund (Fund 4P3).

Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to \$3,000,000 of fiscal year 2002 appropriations and up to \$3,000,000 of fiscal year 2003 appropriations from appropriation item 100-603, Departmental MIS Services, to any Department of Administrative Services non-General Revenue Fund appropriation item. The appropriations transferred shall be used to make payments for management information systems services. Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer up to \$217,313 of fiscal year 2002 appropriations and up to \$193,031 of fiscal year 2003 appropriations from appropriation item 100-409, Departmental Information Services, to any Department of Administrative Services appropriation item in the General Revenue Fund. The appropriations transferred shall be used to make payments for management information systems services.



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Section 13.12. INVESTMENT RECOVERY FUND 46428

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 46429  
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Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the State Property Inventory and Fixed Assets Management System Program. 46433  
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Of the foregoing appropriation item 100-602, Investment Recovery, up to \$2,045,302 in fiscal year 2002 and up to \$1,959,192 in fiscal year 2003 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the State Property Inventory and Fixed Assets Management System Program pursuant to Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 46437  
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Of the foregoing appropriation item 100-602, Investment Recovery, \$2,045,302 in fiscal year 2002 and \$1,959,192 in fiscal year 2003 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds pursuant to division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional appropriations are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to increase the amounts. Such amounts are appropriated. 46448  
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Notwithstanding division (B) of section 125.14 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, shall transfer up to \$2,500,000 of the amounts held for transfer to the General Revenue Fund from the Investment Recovery Fund (Fund 427) to the General Services Fund (Fund 117) during the biennium beginning July 1, 2001, and ending June 30, 2003. The cash transferred to the General Services Fund shall be used to pay the operating expenses of the Competitive Sealed Proposal Program.

**Section 13.13. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM**

Notwithstanding division (B)(3) of section 4505.09 of the Revised Code, the Director of Budget and Management, at the request of the Director of Administrative Services, may transfer up to \$3,429,947 in fiscal year 2002 and \$4,475,190 in fiscal year 2003 from the Automated Title Processing System (Fund 849) to the Multi-Agency Radio Communications Systems Fund (Fund 5C2). The cash transferred to the Multi-Agency Radio Communications Systems Fund shall be used for the development of the MARCS system.

Effective with the implementation of the Multi-Agency Radio Communications System, the Director of Administrative Services shall collect user fees from participants in the system. The Director of Administrative Services, with the advice of the Multi-Agency Radio Communications System Steering Committee and the Director of Budget and Management, shall determine the amount of the fees and the manner by which the fees shall be collected. Such user charges shall comply with the applicable cost principles issued by the federal Office of Management and Budget. All moneys from user charges and fees shall be deposited in the state treasury to the credit of the Multi-Agency Radio Communications System Administration Fund (Fund 5C2).

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**Section 13.14. WORKFORCE DEVELOPMENT FUND** 46489

There is hereby established in the state treasury the 46490  
 Workforce Development Fund (Fund 5D7). The foregoing appropriation 46491  
 item 100-621, Workforce Development, shall be used to make 46492  
 payments from the fund. The fund shall be under the supervision of 46493  
 the Department of Administrative Services, which may adopt rules 46494  
 with regard to administration of the fund. The fund shall be used 46495  
 to pay the costs of the Workforce Development Program established 46496  
 by Article 37 of the contract between the State of Ohio and 46497  
 OCSEA/AFSCME, Local 11, effective March 1, 2000. The program shall 46498  
 be administered in accordance with the contract. Revenues shall 46499  
 accrue to the fund as specified in the contract. The fund may be 46500  
 used to pay direct and indirect costs of the program that are 46501  
 attributable to staff, consultants, and service providers. All 46502  
 income derived from the investment of the fund shall accrue to the 46503  
 fund. 46504

If it is determined by the Director of Administrative 46505  
 Services that additional appropriation amounts are necessary, the 46506  
 Director of Administrative Services may request that the Director 46507  
 of Budget and Management increase such amounts. Such amounts are 46508  
 appropriated. 46509

**Section 13.15. PROFESSIONAL DEVELOPMENT FUND** 46510

The foregoing appropriation item 100-610, Professional 46511  
 Development, shall be used to make payments from the Professional 46512  
 Development Fund (Fund 5L7) pursuant to section 124.182 of the 46513  
 Revised Code. 46514

**Section 13.16. COMPUTER EQUIPMENT PURCHASES** 46515

The Director of Administrative Services shall compute the 46516  
 amount of revenue attributable to the amortization of all 46517

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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).

**Section 13.17. INFORMATION TECHNOLOGY ASSESSMENT**

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  
 programs. Such assessment shall comply with applicable cost  
 principles issued by the federal Office of Management and Budget.  
 During the fiscal year 2001-2003 biennium, the information  
 technology assessment may be used to partially fund the cost of  
 electronic-government infrastructure. The information technology  
 assessment shall be charged to all organized bodies, offices, or  
 agencies established by the laws of the state for the exercise of  
 any function of state government except for the General Assembly,  
 any legislative agency, the Supreme Court, the other courts of  
 record in Ohio, or any judicial agency, the Adjutant General, the  
 Bureau of Workers' Compensation, and institutions administered by  
 a board of trustees. Any state-entity exempted by this section may  
 utilize the infrastructure or statewide program by participating  
 in the information technology assessment. All charges for the  
 information technology assessment shall be deposited to the credit  
 of the Information Technology Fund (Fund 133) created in section  
 125.15 of the Revised Code.

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**Section 13.18.** E-GOVERNMENT DEVELOPMENT FUND 46550

The Director of Budget and Management shall transfer any cash 46551  
 balances remaining in the E-Government Development Fund (Fund 5M6) 46552  
 after November 30, 2001, from the E-Government Development Fund to 46553  
 the Information Technology Fund (Fund 133) created in section 46554  
 125.15 of the Revised Code. 46555

**Section 13.19.** UNEMPLOYMENT COMPENSATION FUND 46556

The foregoing appropriation item 100-628, Unemployment 46557  
 Compensation, shall be used to make payments from the Unemployment 46558  
 Compensation Fund (Fund 113), pursuant to section 4141.241 of the 46559  
 Revised Code. If it is determined that additional amounts are 46560  
 necessary, such amounts are appropriated. 46561

**Section 13.20.** PAYROLL WITHHOLDING FUND 46562

The foregoing appropriation item 100-629, Payroll Deductions, 46563  
 shall be used to make payments from the Payroll Withholding Fund 46564  
 (Fund 124). If it is determined by the Director of Budget and 46565  
 Management that additional appropriation amounts are necessary, 46566  
 such amounts are appropriated. 46567

**Section 13.21.** GENERAL SERVICES REFUNDS 46568

The foregoing appropriation item 100-646, General Services 46569  
 Refunds, shall be used to hold bid guarantee and building plans 46570  
 and specifications deposits until they are refunded. The Director 46571  
 of Administrative Services may request that the Director of Budget 46572  
 and Management transfer cash received for the costs of providing 46573  
 the building plans and specifications to contractors from the 46574  
 General Services Refund Fund to Fund 131, State Architect's 46575  
 Office. Prior to the transfer of cash, the Director of 46576  
 Administrative Services shall certify that such amounts are in 46577

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excess of amounts required for refunding deposits and are directly 46578  
 related to costs of producing building plans and specifications. 46579  
 If it is determined that additional appropriations are necessary, 46580  
 such amounts are appropriated. 46581

**Section 13.22. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 46582**  
**SERVICE PAYMENTS 46583**

The Director of Administrative Services, in consultation with 46584  
 the Multi-Agency Radio Communication System (MARCS) Steering 46585  
 Committee and the Director of Budget and Management, shall 46586  
 determine the share of debt service payments attributable to 46587  
 spending for MARCS components that are not specific to any one 46588  
 agency and that shall be charged to agencies supported by the 46589  
 motor fuel tax. Such share of debt service payments shall be 46590  
 calculated for MARCS capital disbursements made beginning July 1, 46591  
 1997. Within thirty days of any payment made from appropriation 46592  
 item 100-447, OBA - Building Rent Payments, the Director of 46593  
 Administrative Services shall certify to the Director of Budget 46594  
 and Management the amount of this share. The Director of Budget 46595  
 and Management shall transfer such amounts to the General Revenue 46596  
 Fund from the Highway Operating Fund (Fund 002) established in 46597  
 section 5735.281 of the Revised Code. 46598

**Section 13.23. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 46599**

Whenever the Director of Administrative Services declares a 46600  
 "Public Exigency," as provided in division (C) of section 123.15 46601  
 of the Revised Code, the Director shall also notify the members of 46602  
 the Controlling Board. 46603

**Section 13.24. GENERAL SERVICE CHARGES 46604**

The Department of Administrative Services, with the approval 46605  
 of the Director of Budget and Management, shall establish charges 46606

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for recovering the costs of administering the programs in the 46607  
 General Services Fund (Fund 117) and the State Printing Fund (Fund 46608  
 210). 46609

**Section 14. AAM COMMISSION ON AFRICAN AMERICAN MALES** 46610

General Revenue Fund 46611

GRF 036-100 Personal Services \$ 254,538 \$ 267,265 46612

GRF 036-200 Maintenance \$ 47,500 \$ 47,175 46613

GRF 036-300 Equipment \$ 19,000 \$ 18,870 46614

GRF 036-501 CAAM Awards and \$ 15,200 \$ 15,096 46615

Scholarships

GRF 036-502 Community Projects \$ 38,000 \$ 27,750 46616

TOTAL GRF General Revenue Fund \$ 374,238 \$ 376,156 46617

State Special Revenue Fund Group 46618

4H3 036-601 Commission on African \$ 10,000 \$ 10,000 46619

American Males -

Gifts/Grants

TOTAL SSR State Special Revenue \$ 10,000 \$ 10,000 46620

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 384,238 \$ 386,156 46621

COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW 46622

No later than December 31, 2001, the Commission on African 46623

American Males shall submit to the chairperson and ranking 46624

minority member of the Human Services Subcommittee of the Finance 46625

and Appropriations Committee of the House of Representatives a 46626

report that demonstrates the progress that has been made toward 46627

meeting the Commission's mission statement. 46628

**Section 15. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW** 46629

General Revenue Fund 46630

GRF 029-321 Operating Expenses \$ 365,881 \$ 365,881 46631

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TOTAL GRF General Revenue Fund	\$	365,881	\$	365,881	46632
TOTAL ALL BUDGET FUND GROUPS	\$	365,881	\$	365,881	46633
OPERATING					46634
The Chief Administrative Officer of the House of					46635
Representatives and the Clerk of the Senate shall determine, by					46636
mutual agreement, which of them shall act as fiscal agent for the					46637
Joint Committee on Agency Rule Review.					46638
<b>Section 16. AGE DEPARTMENT OF AGING</b>					46639
General Revenue Fund					46640
GRF 490-321 Operating Expenses	\$	2,798,946	\$	2,798,946	46641
GRF 490-403 PASSPORT	\$	61,867,800	\$	63,840,739	46642
GRF 490-404 Eldercare	\$	98,000	\$	78,400	46643
GRF 490-405 Golden Buckeye Card	\$	377,560	\$	377,560	46644
GRF 490-406 Senior Olympics	\$	39,862	\$	39,862	46645
GRF 490-407 Long-Term Care	\$	622,799	\$	622,799	46646
Consumer Guide					
GRF 490-409 Ohio Community Service	\$	311,640	\$	311,640	46647
Council Operations					
GRF 490-410 Long-Term Care	\$	1,412,058	\$	1,412,058	46648
Ombudsman					
GRF 490-411 Senior Community	\$	13,684,750	\$	13,684,750	46649
Services					
GRF 490-412 Residential State	\$	12,534,591	\$	12,290,915	46650
Supplement					
GRF 490-414 Alzheimers Respite	\$	4,436,673	\$	4,436,673	46651
GRF 490-416 Transportation For	\$	183,000	\$	183,000	46652
Elderly					
GRF 490-499 Senior Employment	\$	15,574	\$	15,574	46653
Program					
GRF 490-504 Senior Facilities	\$	230,000	\$	200,000	46654
GRF 490-506 Senior Volunteers	\$	491,614	\$	496,580	46655
TOTAL GRF General Revenue Fund	\$	99,104,867	\$	100,789,496	46656



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General Services Fund Group				46657
480 490-606 Senior Citizens	\$	363,587	\$ 372,677	46658
Services Special				
Events				
TOTAL GSF General Services Fund				46659
Group	\$	363,587	\$ 372,677	46660
Federal Special Revenue Fund Group				46661
3C4 490-607 PASSPORT	\$	129,645,833	\$ 144,875,065	46662
3M3 490-611 Federal Aging	\$	22,943,588	\$ 23,517,178	46663
Nutrition				
3M4 490-612 Federal Supportive	\$	21,025,940	\$ 21,545,338	46664
Services				
3R7 490-617 Ohio Community Service	\$	7,350,920	\$ 7,350,920	46665
Council Programs				
322 490-618 Older Americans	\$	10,873,661	\$ 11,144,778	46666
Support Services				
TOTAL FED Federal Special Revenue				46667
Fund Group	\$	191,839,942	\$ 208,433,279	46668
State Special Revenue Fund Group				46669
4C4 490-609 Regional Long-Term	\$	440,185	\$ 451,190	46670
Care Ombudsman Program				
4J4 490-610 PASSPORT/Residential	\$	24,000,000	\$ 24,000,000	46671
State Supplement				
4U9 490-602 PASSPORT Fund	\$	5,000,000	\$ 5,000,000	46672
5K9 490-613 Nursing Home Consumer	\$	400,000	\$ 400,000	46673
Guide				
624 490-604 OCSC Community Support	\$	2,500	\$ 2,500	46674
TOTAL SSR State Special Revenue				46675
Fund Group	\$	29,842,685	\$ 29,853,690	46676
TOTAL ALL BUDGET FUND GROUPS	\$	321,151,081	\$ 339,449,142	46677
<b>Section 16.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY</b>				46679

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ADMISSION	46680
Pursuant to sections 5101.751 and 5101.754 of the Revised Code and an interagency agreement, the Department of Job and Family Services shall designate the Department of Aging to perform assessments under sections 5101.75 and 5111.204 of the Revised Code. Of the foregoing appropriation item 490-403, PASSPORT, the Department of Aging may use not more than \$2,390,300 in fiscal year 2002 and \$2,450,058 in fiscal year 2003 to perform the assessments for persons not eligible for Medicaid in accordance with the department's interagency agreement with the Department of Job and Family Services and to assist individuals in planning for their long-term health care needs.	46681 46682 46683 46684 46685 46686 46687 46688 46689 46690 46691
<b>Section 16.02. PASSPORT</b>	46692
Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may be used to assess clients regardless of Medicaid eligibility.	46693 46694 46695 46696
The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility.	46697 46698 46699
The Department of Aging shall administer the Medicaid Waiver funded PASSPORT Home Care program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver funded PASSPORT Home Care program. Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610,	46700 46701 46702 46703 46704 46705 46706 46707 46708 46709

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PASSPORT/Residential State Supplement, may also be used to support 46710  
 the Department of Aging's administrative costs associated with 46711  
 operating the PASSPORT program. 46712

The foregoing appropriation item 490-607, PASSPORT, shall be 46713  
 used to provide the federal matching share for all PASSPORT 46714  
 program costs determined by the Department of Job and Family 46715  
 Services to be eligible for Medicaid reimbursement. 46716

## ELDERCARE PILOT 46717

The foregoing appropriation item 490-404, Eldercare, shall be 46718  
 used to fund the existing eldercare service programs and shall be 46719  
 limited to providing services to those persons who are enrolled in 46720  
 these programs on the effective date of this section. 46721

## SENIOR COMMUNITY SERVICES 46722

The foregoing appropriation item 490-411, Senior Community 46723  
 Services, shall be used for services designated by the Department 46724  
 of Aging, including, but not limited to, home-delivered meals, 46725  
 transportation services, personal care services, respite services, 46726  
 home repair, and care coordination. Service priority shall be 46727  
 given to low income, frail, and cognitively impaired persons 60 46728  
 years of age and over. The department shall promote cost sharing 46729  
 by service recipients for those services funded with block grant 46730  
 funds, including, where possible, sliding-fee scale payment 46731  
 systems based on the income of service recipients. 46732

## ALZHEIMERS RESPITE 46733

The foregoing appropriation item 490-414, Alzheimers Respite, 46734  
 shall be used only to fund Alzheimer's disease services under 46735  
 section 173.04 of the Revised Code. 46736

## TRANSPORTATION FOR ELDERLY 46737

The foregoing appropriation item 490-416, Transportation for 46738  
 Elderly, shall be used for non-capital expenses related to 46739

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transportation services for the elderly that provide access to  
such things as healthcare services, congregate meals,  
socialization programs, and grocery shopping. The appropriation  
shall be allocated to the following agencies:

(A) \$45,000 per fiscal year to the Cincinnati Jewish  
Vocational Services;

(B) \$45,000 per fiscal year to the Cleveland Jewish Community  
Center;

(C) \$45,000 per fiscal year to the Columbus Jewish  
Federation;

(D) \$20,000 per fiscal year to the Dayton Jewish Family  
Services;

(E) \$10,000 per fiscal year to the Akron Jewish Community  
Center;

(F) \$5,000 per fiscal year to the Youngstown Jewish  
Federation;

(G) \$3,000 per fiscal year to the Canton Jewish Federation;

(H) \$10,000 per fiscal year to the Toledo Jewish Federation.

Agencies receiving funding from appropriation item 490-XXX,  
Transportation for Elderly, shall coordinate services with other  
local service agencies.

## RESIDENTIAL STATE SUPPLEMENT 46761

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:

(A) \$900 for a residential care facility, as defined in  
section 3721.01 of the Revised Code;

(B) \$900 for an adult group home, as defined in Chapter 3722.

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of the Revised Code;	46769
(C) \$800 for an adult foster home, as defined in Chapter 173.	46770
of the Revised Code;	46771
(D) \$800 for an adult family home, as defined in Chapter	46772
3722. of the Revised Code;	46773
(E) \$800 for an adult community alternative home, as defined	46774
in Chapter 3724. of the Revised Code;	46775
(F) \$800 for an adult residential facility, as defined in	46776
Chapter 5119. of the Revised Code;	46777
(G) \$600 for adult community mental health housing services,	46778
as defined in division (B)(5) of section 173.35 of the Revised	46779
Code.	46780
The Departments of Aging and Job and Family Services shall	46781
reflect this amount in any applicable rules the departments adopt	46782
under section 173.35 of the Revised Code.	46783
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	46784
The Department of Aging may transfer cash by intrastate	46785
transfer vouchers from the foregoing appropriation items 490-412,	46786
Residential State Supplement, and 490-610, PASSPORT/Residential	46787
State Supplement, to the Department of Job and Family Services'	46788
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	46789
funds shall be used to make benefit payments to Residential State	46790
Supplement recipients.	46791
LONG-TERM CARE OMBUDSMAN	46792
The foregoing appropriation item 490-410, Long-Term Care	46793
Ombudsman, shall be used for a program to fund ombudsman program	46794
activities in nursing homes, adult care facilities, boarding	46795
homes, and home and community care services.	46796
SENIOR FACILITIES	46797

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Of the foregoing appropriation item 490-504, Senior Facilities, in fiscal year 2002, \$10,000 shall be for the Tri-city Senior Center, \$10,000 shall be for the Westlake Senior Center, and \$10,000 shall be for the Rocky River Senior Center.

## REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS 46802

The foregoing appropriation item 490-609, Regional Long-Term Care Ombudsman Programs, shall be used solely to pay the costs of operating the regional long-term care ombudsman programs.

## PASSPORT/RESIDENTIAL STATE SUPPLEMENT 46806

Of the foregoing appropriation item 490-610, PASSPORT/Residential State Supplement, up to \$2,835,000 each fiscal year shall be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program.

**Section 16.03. RESIDENTIAL STATE SUPPLEMENT** 46812

If the Department of Aging, in consultation with the Director of Budget and Management, determines that available funding is insufficient to make payments to all eligible individuals, the department may establish priority policies to further limit eligibility criteria.

## TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES 46818

Upon written request of the Director of Aging, the Director of Budget and Management may transfer appropriation authority among appropriation items 490-611, Federal Aging Nutrition, 490-612, Federal Supportive Services, and 490-618, Older Americans Support Services, in amounts not to exceed 30 per cent of the appropriation from which the transfer is made. The Department of Aging shall report such transfers to the Controlling Board at the next regularly scheduled meeting of the board.

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OHIO COMMUNITY SERVICE COUNCIL				46828	
The foregoing appropriation items 490-409, Ohio Community				46829	
Service Council, and 490-617, Ohio Community Service Council				46830	
Programs, shall be used in accordance with section 121.40 of the				46831	
Revised Code.				46832	
<b>Section 17.</b> AGR DEPARTMENT OF AGRICULTURE				46833	
General Revenue Fund				46834	
GRF 700-321 Operating Expenses	\$	3,160,884	\$	3,334,073	46835
GRF 700-401 Animal Disease Control	\$	4,340,887	\$	4,385,108	46836
GRF 700-402 Amusement Ride Safety	\$	226,451	\$	230,769	46837
GRF 700-403 Dairy Division	\$	1,569,097	\$	1,707,877	46838
GRF 700-404 Ohio Proud	\$	222,856	\$	228,266	46839
GRF 700-405 Animal Damage Control	\$	86,780	\$	84,358	46840
GRF 700-406 Consumer Analytical	\$	889,058	\$	900,001	46841
Lab					
GRF 700-407 Food Safety	\$	1,422,998	\$	1,377,956	46842
GRF 700-409 Farmland Preservation	\$	100,000	\$	100,000	46843
GRF 700-410 Plant Industry	\$	1,517,969	\$	1,561,620	46844
GRF 700-411 International Trade	\$	889,620	\$	798,062	46845
and Market Development					
GRF 700-412 Weights and Measures	\$	991,136	\$	996,634	46846
GRF 700-413 Gypsy Moth Prevention	\$	633,214	\$	634,279	46847
GRF 700-414 Concentrated Animal	\$	23,275	\$	22,663	46848
Feeding Facilities					
Advisory Committee					
GRF 700-415 Poultry Inspection	\$	322,256	\$	320,960	46849
GRF 700-418 Livestock Regulation	\$	1,357,487	\$	1,563,898	46850
Program					
GRF 700-424 Livestock Testing and	\$	229,996	\$	228,438	46851
Inspections					
GRF 700-499 Meat Inspection	\$	4,654,566	\$	4,977,168	46852

## Substitute Version as Presented to the Senate Finance and Financial Institutions

		Program - State Share				
GRF	700-501	County Agricultural Societies	\$	466,842	\$	466,842 46853
GRF	700-503	Swine and Cattle Breeder Awards	\$	113,160	\$	107,076 46854
TOTAL GRF		General Revenue Fund	\$	23,218,532	\$	24,026,048 46855
		Federal Special Revenue Fund Group				46856
3J4	700-607	Indirect Cost	\$	1,380,026	\$	1,314,020 46857
3R2	700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330 46858
326	700-618	Meat Inspection Service - Federal Share	\$	4,401,707	\$	4,959,973 46859
336	700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774 46860
382	700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347 46861
TOTAL FED		Federal Special Revenue Fund Group	\$	8,599,086	\$	9,229,444 46862
		State Special Revenue Fund Group				46864
4C9	700-605	Feed, Fertilizer, and Lime Inspection	\$	909,033	\$	975,244 46865
4D2	700-609	Auction Education	\$	30,476	\$	30,476 46866
4E4	700-606	Utility Radiological Safety	\$	69,016	\$	73,059 46867
4P7	700-610	Food Safety Inspection	\$	559,611	\$	575,797 46868
4R0	700-636	Ohio Proud Marketing	\$	125,297	\$	133,614 46869
4R2	700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591 46870
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294 46871
4T7	700-613	International Trade and Market Development Rotary	\$	161,991	\$	166,356 46872
4V5	700-615	Animal Industry Lab	\$	626,633	\$	633,097 46873



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		Fees					
493	700-603	Fruits and Vegetables	\$	212,764	\$	171,772	46874
		Inspection Fees					
494	700-612	Agricultural Commodity	\$	166,536	\$	169,867	46875
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099	46876
497	700-627	Commodity Handlers	\$	566,862	\$	648,616	46877
		Regulatory Program					
5B8	700-628	Auctioneers	\$	346,769	\$	365,390	46878
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624	46879
5L8	700-604	Livestock Management	\$	250,000	\$	250,000	46880
		Program					
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774	46881
579	700-630	Scale Certification	\$	230,047	\$	230,047	46882
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766	46883
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491	46884
TOTAL SSR State Special Revenue							46885
Fund Group		\$	10,530,736	\$	10,831,974	46886	
TOTAL ALL BUDGET FUND GROUPS		\$	42,348,354	\$	44,087,466	46887	

## ANIMAL DISEASE CONTROL 46888

The funds in appropriation item 700-401, Animal Disease 46889  
Control, may be used for the detection, prevention, and emergency 46890  
management of, and the education of the public regarding, Foot and 46891  
Mouth disease, Mad Cow disease, and West Nile virus. 46892

## THE AUCTION FUND 46893

On October 1, 2001, the unencumbered cash balances in the 46894  
Auction Education Fund (Fund 4D2) and the Auction Licensing Fund 46895  
(Fund 5B8) shall be transferred from the Department of Commerce to 46896  
the Department of Agriculture. During the 90-day period before the 46897  
transfer, the Director of Commerce and the Director of Agriculture 46898  
shall enter into an agreement and take all steps necessary to 46899  
transfer the duties and responsibilities related to the licensing 46900

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and oversight of auctioneers from the Department of Commerce to 46901  
 the Department of Agriculture. The Director of Commerce and the 46902  
 Director of Agriculture shall recommend to the Director of Budget 46903  
 and Management any transfer of funds necessary to carry out this 46904  
 transfer of responsibilities. 46905

THE DAIRY INDUSTRY FUND 46906

On July 1, 2001, or as soon thereafter as possible, the 46907  
 Director of Budget and Management shall transfer the cash balance 46908  
 in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund 46909  
 4R2). The director shall cancel any existing encumbrances against 46910  
 appropriation item 700-602, License Fees (Fund 4V0), and 46911  
 reestablish them against appropriation item 700-637, Dairy 46912  
 Inspection (Fund 4R2). The amounts of the reestablished 46913  
 encumbrances are appropriated. 46914

**Section 18.** AIR AIR QUALITY DEVELOPMENT AUTHORITY 46915

Agency Fund Group 46916

4Z9	898-602	Small Business	\$	222,719	\$	233,482	46917
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Ombudsman

5A0	898-603	Small Business	\$	192,647	\$	197,463	46918
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Assistance

570	898-601	Operating Expenses	\$	243,070	\$	258,383	46919
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TOTAL AGY	Agency Fund Group	\$	658,436	\$	689,328	46920
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TOTAL ALL BUDGET FUND GROUPS	\$	658,436	\$	689,328	46921
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**Section 19.** ADA DEPARTMENT OF ALCOHOL AND 46923

DRUG ADDICTION SERVICES 46924

General Revenue Fund 46925

GRF	038-321	Operating Expenses	\$	1,500,549	\$	1,548,211	46926
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GRF	038-401	Alcohol and Drug	\$	29,742,355	\$	28,946,504	46927
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Addiction Services

GRF	038-404	Prevention Services	\$	1,327,357	\$	1,292,427	46928
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TOTAL GRF General Revenue Fund	\$	32,570,261	\$	31,787,142	46929
General Services Fund					46930
5B7 038-629 TANF Transfer - Treatment	\$	3,500,000	\$	3,500,000	46931
5EB 038-630 TANF Transfer - Mentoring	\$	1,500,000	\$	1,500,000	46932
TOTAL GSF General Services Fund Group	\$	5,000,000	\$	5,000,000	46933
Federal Special Revenue Fund Group					46934
3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	46935
3G4 038-614 Substance Abuse Block Grant	\$	65,062,211	\$	65,062,211	46936
3H8 038-609 Demonstration Grants	\$	3,093,075	\$	3,093,075	46937
3J8 038-610 Medicaid	\$	21,500,000	\$	21,500,000	46938
3N8 038-611 Administrative Reimbursement	\$	500,000	\$	500,000	46939
TOTAL FED Federal Special Revenue Fund Group	\$	93,655,286	\$	93,655,286	46940 46941
State Special Revenue Fund Group					46942
475 038-621 Statewide Treatment and Prevention	\$	15,100,000	\$	14,550,000	46943
5P1 038-615 Credentialing	\$	450,000	\$	0	46944
689 038-604 Education and Conferences	\$	245,000	\$	245,000	46945
TOTAL SSR State Special Revenue Fund Group	\$	15,795,000	\$	14,795,000	46946 46947
TOTAL ALL BUDGET FUND GROUPS	\$	147,020,547	\$	145,237,428	46948
AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY					46949
Of the foregoing appropriation item 038-401, Alcohol and Drug Addiction Services, \$4 million in each fiscal year shall be allocated for services to families, adults, and adolescents pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd					46950 46951 46952 46953

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General Assembly.	46954
ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER	46955
The foregoing appropriation item 038-629, TANF	46956
Transfer-Treatment, shall be used to provide substance abuse	46957
prevention and treatment services to children, or their families,	46958
whose income is at or below 200 per cent of the official income	46959
poverty guideline.	46960
The foregoing appropriation item 038-630, TANF	46961
Transfer-Mentoring, shall be used to fund adolescent youth	46962
mentoring programs for children, or their families, whose income	46963
is at or below 200 per cent of the official income poverty	46964
guideline. The Director of Alcohol and Drug Addiction Services and	46965
the Director of Job and Family Services shall develop operating	46966
and reporting guidelines for these programs.	46967
PARENT AWARENESS TASK FORCE	46968
The Parent Awareness Task Force shall study ways to engage	46969
more parents in activities, coalitions, and educational programs	46970
in Ohio relating to alcohol and other drug abuse prevention. Of	46971
the foregoing appropriation item 038-404, Prevention Services,	46972
\$30,000 in each fiscal year may be used to support the functions	46973
of the Parent Awareness Task Force.	46974
PLAN TO EVALUATE PER CAPITA FORMULA	46975
Not later than June 30, 2002, the Department of Alcohol and	46976
Drug Addiction Services shall establish a plan to evaluate the	46977
current per capita formula used in determining how state and	46978
federal funds for alcohol and drug addiction services are	46979
allocated under section 3793.04 of the Revised Code. The plan	46980
shall evaluate all of the following:	46981
(A) Whether population statistics alone should be used to	46982
quantify the need for funding in a county;	46983

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(B) Whether other social and economic demographic indicators should be utilized;				46984
				46985
(C) The appropriateness of the current per capita formula.				46986
<b>Section 20. AMB AMBULANCE LICENSING BOARD</b>				46987
General Services Fund Group				46988
4N1 915-601 Operating Expenses	\$	240,894	\$	251,255
TOTAL GSF General Services Fund Group	\$	240,894	\$	251,255
TOTAL ALL BUDGET FUND GROUPS	\$	240,894	\$	251,255
<b>Section 21. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS</b>				46994
General Services Fund Group				46995
4K9 891-609 Operating Expenses	\$	461,465	\$	484,574
TOTAL GSF General Services Fund Group	\$	461,465	\$	484,574
TOTAL ALL BUDGET FUND GROUPS	\$	461,465	\$	484,574
<b>Section 22. ART OHIO ARTS COUNCIL</b>				47001
General Revenue Fund				47002
GRF 370-100 Personal Services	\$	2,104,509	\$	2,176,032
GRF 370-200 Maintenance	\$	517,233	\$	513,694
GRF 370-300 Equipment	\$	21,843	\$	21,693
GRF 370-502 Program Subsidies	\$	13,199,273	\$	13,199,273
TOTAL GRF General Revenue Fund	\$	15,842,858	\$	15,910,692
General Services Fund Group				47008
4B7 370-603 Per Cent for Art Acquisitions	\$	84,672	\$	86,366
460 370-602 Gifts and Donations	\$	334,969	\$	345,012
TOTAL GSF General Services Fund Group	\$	419,641	\$	431,378

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Federal Special Revenue Fund Group				47012
314 370-601 Federal Programs	\$	862,000	\$ 862,000	47013
TOTAL FED Federal Special Revenue	\$	862,000	\$ 862,000	47014
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	17,124,499	\$ 17,204,070	47015
PROGRAM SUBSIDIES				47016
A museum is not eligible to receive funds from appropriation				47017
item 370-502, Program Subsidies, if \$8,000,000 or more in capital				47018
appropriations were appropriated by the state for the museum				47019
between January 1, 1986, and December 31, 2002.				47020
PER CENT FOR ART ACQUISITIONS				47021
The unobligated balance remaining from prior projects of				47022
appropriation item 370-603, Per Cent for Art Acquisitions, shall				47023
be used by the Ohio Arts Council to pay for start-up costs in				47024
connection with the selection of artists of new Per Cent for Art				47025
projects.				47026
<b>Section 23. AFC OHIO ARTS AND SPORTS FACILITIES</b>				47027
COMMISSION				47028
General Revenue Fund				47029
GRF 371-321 Operating Expenses	\$	100,000	\$ 100,000	47030
GRF 371-401 Lease Rental Payments	\$	33,526,100	\$ 36,413,200	47031
TOTAL GRF General Revenue Fund	\$	33,626,100	\$ 36,513,200	47032
State Special Revenue Fund Group				47033
4T8 371-601 Riffe Theatre	\$	22,628	\$ 23,194	47034
Equipment Maintenance				
4T8 371-603 Project Administration	\$	924,075	\$ 921,868	47035
TOTAL SSR State Special Revenue	\$	946,703	\$ 945,062	47036
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	34,572,803	\$ 37,458,262	47037
OHIO BUILDING AUTHORITY LEASE PAYMENTS				47038

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Appropriations to the Arts and Sports Facilities Commission 47039  
from the General Revenue Fund include \$69,939,300 for the biennium 47040  
for appropriation item 371-401, Lease Rental Payments. This 47041  
appropriation shall be used for payments to the Ohio Building 47042  
Authority for the period July 1, 2001, to June 30, 2003, pursuant 47043  
to the primary leases and agreements for those buildings made 47044  
under Chapter 152. of the Revised Code which are the source of 47045  
funds pledged for bond service charges on related obligations 47046  
issued pursuant to Chapter 152. of the Revised Code. 47047

## OPERATING EXPENSES 47048

The foregoing appropriation item 371-603, Project 47049  
Administration, shall be used by the Ohio Arts and Sports 47050  
Facilities Commission to carry out its responsibilities pursuant 47051  
to this section and Chapter 3383. of the Revised Code. 47052

Within ten days after the effective date of this section, or 47053  
as soon as possible thereafter, the Executive Director of the Ohio 47054  
Arts and Sports Facilities Commission shall certify to the 47055  
Director of Budget and Management the amount of cash to be 47056  
transferred, up to the amount of the appropriation, from the Arts 47057  
Facilities Building Fund (Fund 030) and the Sports Facilities 47058  
Building Fund (Fund 024) to the Arts and Sports Facilities 47059  
Commission Administration Fund (Fund 4T8). 47060

By July 10, 2002, or as soon as possible thereafter, the 47061  
Executive Director of the Arts and Sports Facilities Commission 47062  
shall certify to the Director of Budget and Management the amount 47063  
of cash to be transferred, up to the amount of the appropriation, 47064  
from the Arts Facilities Building Fund (Fund 030) and the Sports 47065  
Facilities Fund (Fund 024) to the Arts and Sports Administration 47066  
Fund (Fund 4T8). 47067

**Section 24.** ATH ATHLETIC COMMISSION 47068

## Substitute Version as Presented to the Senate Finance and Financial Institutions

General Services Fund Group				47069	
4K9 175-609 Athletic Commission -	\$	140,088	\$	144,343	47070
Operating					
TOTAL GSF General Services Fund	\$	140,088	\$	144,343	47071
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	140,088	\$	144,343	47072
<b>Section 25. AGO ATTORNEY GENERAL</b>				47074	
General Revenue Fund				47075	
GRF 055-321 Operating Expenses	\$	59,120,482	\$	61,775,856	47076
GRF 055-405 Law-Related Education	\$	199,790	\$	204,785	47077
GRF 055-406 Community Police Match	\$	3,013,464	\$	3,111,336	47078
and Law Enforcement					
Assistance					
GRF 055-411 County Sheriffs	\$	620,506	\$	636,019	47079
GRF 055-415 County Prosecutors	\$	520,084	\$	533,086	47080
TOTAL GRF General Revenue Fund	\$	63,474,326	\$	66,261,082	47081
General Services Fund Group				47082	
106 055-612 General Reimbursement	\$	14,997,546	\$	15,786,163	47083
107 055-624 Employment Services	\$	1,211,307	\$	1,284,396	47084
195 055-660 Workers' Compensation	\$	7,343,128	\$	7,769,628	47085
Section					
4Y7 055-608 Title Defect	\$	840,260	\$	870,623	47086
Rescission					
4Z2 055-609 BCI Asset Forfeiture	\$	324,009	\$	332,109	47087
and Cost Reimbursement					
418 055-615 Charitable Foundations	\$	1,841,113	\$	1,899,066	47088
420 055-603 Attorney General	\$	435,560	\$	446,449	47089
Antitrust					
421 055-617 Police Officers'	\$	1,134,861	\$	1,193,213	47090
Training Academy Fee					
5A9 055-618 Telemarketing Fraud	\$	51,100	\$	52,378	47091



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		Enforcement					
590	055-633	Peace Officer Private	\$	94,784	\$	98,370	47092
		Security Fund					
629	055-636	Corrupt Activity	\$	105,590	\$	108,230	47093
		Investigation and Prosecution					
631	055-637	Consumer Protection	\$	1,254,020	\$	1,373,832	47094
		Enforcement					
TOTAL GSF General Services Fund							47095
Group			\$	29,633,278	\$	31,214,457	47096
Federal Special Revenue Fund Group							47097
3E5	055-638	Anti-Drug Abuse	\$	2,939,693	\$	2,939,693	47098
3R6	055-613	Attorney General	\$	1,929,110	\$	1,998,972	47099
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	2,633,348	\$	2,765,015	47100
381	055-611	Civil Rights Legal	\$	334,249	\$	354,304	47101
		Service					
383	055-634	Crime Victims	\$	14,500,000	\$	15,225,000	47102
		Assistance					
TOTAL FED Federal Special Revenue							47103
Fund Group			\$	22,336,400	\$	23,282,984	47104
State Special Revenue Fund Group							47105
4L6	055-606	DARE	\$	3,830,137	\$	3,927,962	47106
402	055-616	Victims of Crime	\$	26,144,763	\$	27,933,893	47107
417	055-621	Domestic Violence	\$	14,139	\$	14,492	47108
		Shelter					
419	055-623	Claims Section	\$	14,017,852	\$	14,749,954	47109
659	055-641	Solid and Hazardous	\$	834,417	\$	880,751	47110
		Waste Background Investigations					
TOTAL SSR State Special Revenue							47111
Fund Group			\$	44,841,308	\$	47,507,052	47112

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Holding Account Redistribution Fund Group				47113
R03 055-629 Bingo License Refunds	\$	5,200	\$ 5,200	47114
R04 055-631 General Holding Account	\$	275,000	\$ 275,000	47115
R05 055-632 Antitrust Settlements	\$	10,400	\$ 10,400	47116
R18 055-630 Consumer Frauds	\$	750,000	\$ 750,000	47117
R42 055-601 Organized Crime Commission Account	\$	200,000	\$ 200,000	47118
TOTAL 090 Holding Account				47119
Redistribution Fund Group	\$	1,240,600	\$ 1,240,600	47120
TOTAL ALL BUDGET FUND GROUPS	\$	161,525,912	\$ 169,506,175	47121

LAW-RELATED EDUCATION 47122

The foregoing appropriation item 055-405, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students and accessing additional public and private money for new programs. 47123  
47124  
47125  
47126  
47127  
47128

WORKERS' COMPENSATION SECTION 47129

The Workers' Compensation Section Fund (Fund 195) shall receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. Such advance payment shall be subject to adjustment. 47130  
47131  
47132  
47133  
47134  
47135  
47136

In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit. 47137  
47138  
47139

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio 47140  
47141

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Industrial Commission.	47142
CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION	47143
The foregoing appropriation item 055-636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are appropriated.	47144 47145 47146 47147 47148 47149 47150 47151
COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE	47152
In fiscal years 2002 and 2003, the Attorney General's Office may request that the Director of Budget and Management transfer appropriation authority from appropriation Item 055-321, Operating Expenses, to appropriation item 055-406, Community Police Match and Law Enforcement Assistance. The Director of Budget and Management shall then transfer appropriation authority from appropriation item 055-321, Operating Expenses, to appropriation item 055-406, Community Police Match and Law Enforcement Assistance. Moneys transferred to appropriation item 055-406 shall be used to pay operating expenses and to provide grants to local law enforcement agencies and communities for the purpose of supporting law enforcement-related activities.	47153 47154 47155 47156 47157 47158 47159 47160 47161 47162 47163 47164
<b>Section 26.</b> AUD AUDITOR OF STATE	47165
General Revenue Fund	47166
GRF 070-321 Operating Expenses \$ 34,052,713 \$ 35,006,189	47167
GRF 070-403 Fiscal Watch/Emergency \$ 1,000,000 \$ 1,000,000	47168
Technical Assistance	
GRF 070-405 Electronic Data \$ 1,030,137 \$ 1,058,981	47169
Processing - Auditing	

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	and Administration				
GRF 070-406	Uniform Accounting	\$	2,423,314	\$	2,458,201
	Network/Technology				
	Improvements Fund				
TOTAL GRF	General Revenue Fund	\$	38,506,164	\$	39,523,371
	General Services Fund Group				47172
109 070-601	Public Audit Expense -	\$	9,497,201	\$	9,629,588
	Intra-State				
422 070-601	Public Audit Expense -	\$	37,450,472	\$	37,617,072
	Local Government				
584 070-603	Training Program	\$	198,200	\$	217,000
675 070-605	Uniform Accounting	\$	2,809,200	\$	2,741,600
	Network				
TOTAL GSF	General Services Fund				47177
Group		\$	49,955,073	\$	50,205,260
	Holding Account Redistribution Fund Group				47179
R06 070-604	Continuous Receipts	\$	204,400	\$	209,510
TOTAL 090	Holding Account				47181
Redistribution Fund Group		\$	204,400	\$	209,510
TOTAL ALL BUDGET FUND GROUPS		\$	88,665,637	\$	89,938,141
	FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE				47184
	The foregoing appropriation item 070-403, Fiscal				47185
	Watch/Emergency Technical Assistance, shall be used for all				47186
	expenses incurred by the Office of the Auditor of State in its				47187
	role relating to fiscal watch or fiscal emergency activities under				47188
	Chapters 118. and 3316. of the Revised Code. Expenses shall				47189
	include, but shall not be limited to, the following: duties				47190
	related to the determination or termination of fiscal watch or				47191
	fiscal emergency of municipal corporations, counties, or townships				47192
	as outlined in Chapter 118. of the Revised Code and of school				47193
	districts as outlined in Chapter 3316. of the Revised Code;				47194
	development of preliminary accounting reports; performance of				47195

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annual forecasts; provision of performance audits; and 47196  
 supervisory, accounting, or auditing services for the mentioned 47197  
 public entities and school districts. The unencumbered balance of 47198  
 appropriation item 070-403, Fiscal Watch/Fiscal Emergency 47199  
 Technical Assistance, at the end of fiscal year 2002 is 47200  
 transferred to fiscal year 2003 for use under the same 47201  
 appropriation item. 47202

ELECTRONIC DATA PROCESSING 47203

The unencumbered balance of appropriation item 070-405, 47204  
 Electronic Data Processing-Auditing and Administration, at the end 47205  
 of fiscal year 2002 is transferred to fiscal year 2003 for use 47206  
 under the same appropriation item. 47207

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 47208

The foregoing appropriation item 070-406, Uniform Accounting 47209  
 Network/Technology Improvements Fund, shall be used to pay the 47210  
 costs of developing and implementing the Uniform Accounting 47211  
 Network and technology improvements for the Office of the Auditor 47212  
 of State. The unencumbered balance of the appropriation at the end 47213  
 of fiscal year 2002 is transferred to fiscal year 2003 to pay the 47214  
 costs of the developing and implementing the Uniform Accounting 47215  
 Network and technology improvements for the Office of the Auditor 47216  
 of State. 47217

**Section 27. BRB BOARD OF BARBER EXAMINERS** 47218

General Services Fund Group				47219
4K9 877-609 Operating Expenses	\$	479,264	\$ 505,999	47220
TOTAL GSF General Services Fund				47221
Group	\$	479,264	\$ 505,999	47222
TOTAL ALL BUDGET FUND GROUPS	\$	479,264	\$ 505,999	47223

**Section 28. OBM OFFICE OF BUDGET AND MANAGEMENT** 47225

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General Revenue Fund				47226
GRF 042-321 Budget Development and Implementation	\$	2,356,547	\$ 2,492,956	47227
GRF 042-401 Office of Quality Services	\$	583,551	\$ 606,924	47228
GRF 042-410 National Association Dues	\$	24,522	\$ 25,296	47229
GRF 042-412 Audit of Auditor of State	\$	44,160	\$ 46,080	47230
TOTAL GRF General Revenue Fund	\$	3,008,780	\$ 3,171,255	47231
General Services Fund Group				47232
105 042-603 State Accounting	\$	9,554,743	\$ 9,934,755	47233
4C1 042-601 Quality Services Academy	\$	125,000	\$ 125,000	47234
TOTAL GSF General Services Fund Group	\$	9,679,743	\$ 10,059,755	47235
State Special Revenue Fund Group				47236
5N4 042-602 ERP Project Implementation	\$	6,600,000	\$ 2,600,000	47237
TOTAL SSR State Special Revenue Fund Group	\$	6,600,000	\$ 2,600,000	47238
TOTAL ALL BUDGET FUND GROUPS	\$	19,288,523	\$ 15,831,011	47239

**Section 28.01. OFFICE OF QUALITY SERVICES** 47241

A portion of the foregoing appropriation item 042-401, Office  
of Quality Services, may be used to provide financial sponsorship  
support for conferences and showcases that promote quality  
improvement efforts. These expenditures are not subject to Chapter  
125. of the Revised Code.

## OHIO'S QUALITY SHOWCASE 47247

The Office of Quality Services may cosponsor Ohio's Quality 47248

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Showcase. The office may grant funds to other sponsoring entities 47249  
for the purpose of conducting this event, provided that the grants 47250  
are used exclusively for the direct expenses of the event. 47251

Any state agency, at the discretion and with the approval of 47252  
the director or other executive authority of the agency, may 47253  
provide financial or in-kind support for Ohio's Quality Showcase 47254  
cosponsored by the Office of Quality Services. Any financial 47255  
contribution made by an agency shall not exceed \$5,000 annually. 47256

## AUDIT COSTS 47257

Of the foregoing appropriation item 042-603, State 47258  
Accounting, not more than \$450,000 in fiscal year 2002 and 47259  
\$350,000 in fiscal year 2003 shall be used to pay for centralized 47260  
audit costs associated with either Single Audit Schedules or 47261  
financial statements prepared in conformance with generally 47262  
accepted accounting principles for the state. 47263

**Section 28.02.** Prior to January 2002, the Director of Budget 47264  
and Management shall select one administrative department listed 47265  
in section 121.02 of the Revised Code, and one state agency with 47266  
fewer full-time equivalent personnel than any of the departments 47267  
listed in that section, to prepare a full zero-base budget for the 47268  
biennium ending June 30, 2005, shall inform the agencies of their 47269  
selection, and shall offer the two agencies substantial technical 47270  
assistance throughout the process of preparing their zero-base 47271  
budgets. Each of the agencies shall prepare a full zero-base 47272  
budget in such manner and according to such schedule as the 47273  
Director of Budget and Management requires. The zero-base budgets 47274  
shall, as the Director of Budget and Management determines, be in 47275  
addition to or in place of the estimates of revenue and proposed 47276  
expenditures that other state agencies are required to prepare 47277  
under section 126.02 of the Revised Code. 47278

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<b>Section 29.</b>	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			47279
	General Revenue Fund			47280
GRF 874-321	Operating Expenses	\$ 3,293,519	\$ 3,312,263	47281
TOTAL GRF	General Revenue Fund	\$ 3,293,519	\$ 3,312,263	47282
	General Services Fund Group			47283
4G5 874-603	Capitol Square	\$ 15,000	\$ 15,000	47284
	Maintenance Expenses			
4S7 874-602	Statehouse Gift	\$ 623,293	\$ 670,484	47285
	Shop/Events			
TOTAL GSF	General Services			47286
Fund Group		\$ 638,293	\$ 685,484	47287
	Underground Parking Garage			47288
208 874-601	Underground Parking	\$ 2,863,603	\$ 2,996,801	47289
	Garage Operating			
TOTAL UPG	Underground Parking			47290
Garage		\$ 2,863,603	\$ 2,996,801	47291
TOTAL ALL BUDGET FUND GROUPS		\$ 6,795,415	\$ 6,994,548	47292
<b>Section 30.</b>	CHR STATE BOARD OF CHIROPRACTIC EXAMINERS			47294
	General Services Fund Group			47295
4K9 878-609	Operating Expenses	\$ 561,949	\$ 591,724	47296
TOTAL GSF	General Services Fund			47297
Group		\$ 561,949	\$ 591,724	47298
TOTAL ALL BUDGET FUND GROUPS		\$ 561,949	\$ 591,724	47299
<b>Section 30.01.</b>	CHIROPRACTIC LICENSE EXAMINATION REQUIREMENTS			47301
	If the State Chiropractic Board refused to issue a license to			47302
	practice chiropractic to an individual solely because the			47303
	individual did not meet the examination requirements of division			47304
	(B)(4)(b) or (c) of section 4734.20 of the Revised Code, as			47305
	specified on and after the effective date of Am. Sub. H.B. 506 of			47306



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the 123rd General Assembly but before the effective date of this 47307  
 section, the Board shall reconsider the application and issue or 47308  
 refuse to issue a license according to the examination 47309  
 requirements specified in division (B)(4)(b) or (c) of section 47310  
 4734.20 of the Revised Code, as amended by this act. 47311

**Section 31. CIV OHIO CIVIL RIGHTS COMMISSION** 47312

General Revenue Fund 47313

GRF 876-100 Personal Services \$ 9,159,420 \$ 9,159,421 47314

GRF 876-200 Maintenance \$ 987,372 \$ 987,372 47315

GRF 876-300 Equipment \$ 111,842 \$ 111,842 47316

TOTAL GRF General Revenue Fund \$ 10,258,634 \$ 10,258,635 47317

Federal Special Revenue Fund Group 47318

334 876-601 Federal Programs \$ 3,702,577 \$ 4,284,113 47319

TOTAL FED Federal Special Revenue 47320

Fund Group \$ 3,702,577 \$ 4,284,113 47321

State Special Revenue Fund Group 47322

217 876-604 General Reimbursement \$ 20,440 \$ 20,951 47323

TOTAL SSR State Special 47324

Revenue Fund Group \$ 20,440 \$ 20,951 47325

TOTAL ALL BUDGET FUND GROUPS \$ 13,981,651 \$ 14,563,699 47326

**Section 32. COM DEPARTMENT OF COMMERCE** 47327

General Revenue Fund 47328

GRF 800-402 Grants-Volunteer Fire \$ 912,500 \$ 793,750 47329

Departments

GRF 800-410 Labor and Worker \$ 3,898,792 \$ 4,042,587 47330

Safety

Total GRF General Revenue Fund \$ 4,811,292 \$ 4,836,337 47331

General Services Fund Group 47332

163 800-620 Division of \$ 5,873,604 \$ 6,189,578 47333

Administration

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5F1	800-635	Small Government Fire	\$	250,000	\$	250,000	47334
		Departments					
TOTAL	GSF	General Services Fund					47335
Group			\$	6,123,604	\$	6,439,578	47336
Federal	Special	Revenue Fund Group					47337
348	800-622	Underground Storage	\$	195,008	\$	195,008	47338
		Tanks					
348	800-624	Leaking Underground	\$	1,850,000	\$	1,850,000	47339
		Storage Tanks					
349	800-626	OSHA Enforcement	\$	1,346,000	\$	1,386,380	47340
TOTAL	FED	Federal Special Revenue					47341
Fund	Group		\$	3,391,008	\$	3,431,388	47342
State	Special	Revenue Fund Group					47343
4B2	800-631	Real Estate Appraisal	\$	69,870	\$	71,267	47344
		Recovery					
4H9	800-608	Cemeteries	\$	260,083	\$	273,465	47345
4L5	800-609	Fireworks Training and	\$	10,526	\$	10,976	47346
		Education					
4X2	800-619	Financial Institutions	\$	2,020,646	\$	2,134,754	47347
5B9	800-632	PI & Security Guard	\$	1,139,377	\$	1,188,716	47348
		Provider					
5K7	800-621	Penalty Enforcement	\$	2,000	\$	2,000	47349
543	800-602	Unclaimed	\$	5,921,792	\$	6,151,051	47350
		Funds-Operating					
543	800-625	Unclaimed Funds-Claims	\$	24,890,602	\$	25,512,867	47351
544	800-612	Banks	\$	6,346,230	\$	6,657,997	47352
545	800-613	Savings Institutions	\$	2,790,960	\$	2,894,399	47353
546	800-610	Fire Marshal	\$	10,245,737	\$	10,777,694	47354
547	800-603	Real Estate	\$	258,796	\$	264,141	47355
		Education/Research					
548	800-611	Real Estate Recovery	\$	150,000	\$	150,000	47356
549	800-614	Real Estate	\$	2,885,785	\$	3,039,837	47357

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550	800-617	Securities	\$	4,611,800	\$	4,864,800	47358
552	800-604	Credit Union	\$	2,368,450	\$	2,477,852	47359
553	800-607	Consumer Finance	\$	2,305,339	\$	2,258,822	47360
556	800-615	Industrial Compliance	\$	22,176,840	\$	23,415,776	47361
6A4	800-630	Real Estate	\$	522,125	\$	548,006	47362
		Appraiser-Operating					
653	800-629	UST	\$	1,072,795	\$	1,121,632	47363
		Registration/Permit					
		Fee					
TOTAL SSR State Special Revenue							47364
Fund Group			\$	90,049,753	\$	93,816,052	47365
Liquor Control Fund Group							47366
043	800-601	Merchandising	\$	322,741,245	\$	341,222,192	47367
043	800-627	Liquor Control	\$	16,250,400	\$	15,801,163	47368
		Operating					
043	800-633	Development Assistance	\$	16,134,800	\$	16,141,100	47369
		Debt Service					
043	800-636	Revitalization Debt	\$	1,600,000	\$	6,700,000	47370
		Service					
TOTAL LCF Liquor Control							47371
Fund Group			\$	356,726,445	\$	379,864,455	47372
TOTAL ALL BUDGET FUND GROUPS							47373

GRANTS-VOLUNTEER FIRE DEPARTMENTS 47374

The foregoing appropriation item 800-402, Grants-Volunteer 47375  
 Fire Departments, shall be used to make annual grants to volunteer 47376  
 fire departments of up to \$10,000, or up to \$25,000 if the 47377  
 volunteer fire department provides service for an area affected by 47378  
 a natural disaster. The grant program shall be administered by the 47379  
 Fire Marshal under the Department of Commerce. The Fire Marshal 47380  
 shall adopt rules necessary for the administration and operation 47381  
 of the grant program. 47382

Notwithstanding section 3737.17 of the Revised Code, upon the 47383

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request of the Director of Commerce, the Director of Budget and Management shall transfer \$200,000 cash in fiscal year 2002 and \$100,000 cash in fiscal year 2003 from the State Fire Marshal Fund (Fund 546) to the General Revenue Fund.

## LABOR AND WORKER SAFETY

The Department of Commerce may designate a portion of appropriation item 800-410, Labor and Worker Safety, to be used to match federal funding for the OSHA on-site consultation program.

## SMALL GOVERNMENT FIRE DEPARTMENTS

Upon the request of the Director of Commerce, the Director of Budget and Management shall transfer \$250,000 cash in each fiscal year from the State Fire Marshal Fund (Fund 546) within the State Special Revenue Fund Group to the Small Government Fire Departments Fund (Fund 5F1) within the General Services Fund Group.

Notwithstanding section 3737.17 of the Revised Code, the foregoing appropriation item 800-635, Small Government Fire Departments, may be used to provide loans to private fire departments.

## PENALTY ENFORCEMENT

The foregoing appropriation item 800-621, Penalty Enforcement, shall be used to enforce sections 4115.03 to 4115.16 of the Revised Code.

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Penalty Enforcement Fund that was in the custody of the state treasury to the Penalty Enforcement Fund (Fund 5K7) that is created in the state treasury by section 4115.10 of the Revised Code. The fund shall be used for deposit of moneys received from penalties paid under section 4115.10 of the Revised Code.

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UNCLAIMED FUNDS PAYMENTS	47414
The foregoing appropriation item 800-625, Unclaimed	47415
Funds-Claims, shall be used to pay claims pursuant to section	47416
169.08 of the Revised Code. If it is determined that additional	47417
amounts are necessary, the amounts are appropriated.	47418
INCREASED APPROPRIATION AUTHORITY - MERCHANDISING	47419
The Director of Commerce may, upon concurrence by the	47420
Director of Budget and Management, submit to the Controlling Board	47421
for approval a request for increased appropriation authority for	47422
appropriation item 800-601, Merchandising.	47423
CASH BALANCE TRANSFER	47424
On July 1, 2001, or as soon thereafter as possible, the	47425
Director of Budget and Management shall transfer the cash balance	47426
in the Salvage and Exchange Fund (Fund 861) to the Liquor Control	47427
Fund (Fund 043) created in section 4301.12 of the Revised Code.	47428
Upon the completion of the transfer, the Salvage and Exchange	47429
Fund, which was created by the Controlling Board during the	47430
1973-1975 biennium, is abolished. The director shall cancel any	47431
existing encumbrances against appropriation item 800-634, Salvage	47432
and Exchange, and reestablish them against appropriation item	47433
800-627, Liquor Control Operating.	47434
DEVELOPMENT ASSISTANCE DEBT SERVICE	47435
The foregoing appropriation item 800-633, Development	47436
Assistance Debt Service, shall be used to meet all payments at the	47437
times they are required to be made during the period from July 1,	47438
2001, to June 30, 2003, for bond service charges on obligations	47439
issued under section 166.08 of the Revised Code, but limited to	47440
the aggregate amount of \$32,275,900. If it is determined that	47441
additional appropriations are necessary for this purpose, such	47442
amounts are hereby appropriated, provided that the appropriation	47443
does not exceed \$25,000,000 in any fiscal year, except as may be	47444

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needed for payments on obligations issued to meet guarantees. The 47445  
 General Assembly acknowledges that an appropriation for this 47446  
 purpose is not required, but is made in this form and in this act 47447  
 for record purposes only. 47448

REVITALIZATION DEBT SERVICE 47449

The foregoing appropriation item 800-636, Revitalization Debt 47450  
 Service, shall be used to pay debt service and related financing 47451  
 costs during the period from July 1, 2001, to June 30, 2003, on 47452  
 obligations to be issued for revitalization purposes under Section 47453  
 2o of Article VIII, Ohio Constitution, and implementing 47454  
 legislation. If it is determined that additional appropriations 47455  
 are necessary for this purpose, such amounts are hereby 47456  
 appropriated. The General Assembly acknowledges: (A) the priority 47457  
 of the pledge of a portion of receipts from that source to 47458  
 obligations issued and to be issued and guarantees made and to be 47459  
 made under Chapter 166. of the Revised Code; and (B) that this 47460  
 appropriation is subject to further consideration pursuant to 47461  
 implementing legislation. 47462

ADMINISTRATIVE ASSESSMENTS 47463

Notwithstanding any other provision of law to the contrary, 47464  
 Fund 163, Administration, shall receive assessments from all 47465  
 operating funds of the department in accordance with procedures 47466  
 prescribed by the Director of Commerce and approved by the 47467  
 Director of Budget and Management. 47468

**Section 33.** OCC OFFICE OF CONSUMERS' COUNSEL 47469

General Services Fund Group				47470
5F5 053-601 Operating Expenses	\$	8,560,182	\$	9,277,518
TOTAL GSF General Services Fund	\$	8,560,182	\$	9,277,518
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	8,560,182	\$	9,277,518

47473

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CONSUMERS' COUNSEL TRANSFER 47474

On July 1, 2001, or as soon as possible thereafter, the 47475  
 Director of Budget and Management shall transfer \$349,758.12 in 47476  
 cash from Fund 5F5, Consumers' Counsel Operating Fund, to the 47477  
 General Revenue Fund. 47478

**Section 34. CEB CONTROLLING BOARD** 47479

General Revenue Fund 47480

GRF 911-404 Mandate Assistance	\$	2,000,000	\$	2,000,000	47481
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GRF 911-408 Ohio's Bicentennial	\$	3,000,000	\$	5,000,000	47482
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Celebration

GRF 911-441 Ballot Advertising	\$	600,000	\$	600,000	47483
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Costs

TOTAL GRF General Revenue Fund	\$	5,600,000	\$	7,600,000	47484
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State Special Revenue Fund Group 47485

5E2 911-601 Disaster Services	\$	8,000,000	\$	4,000,000	47486
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TOTAL SSR State Special 47487

Revenue Fund Group	\$	8,000,000	\$	4,000,000	47488
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TOTAL ALL BUDGET FUND GROUPS	\$	13,600,000	\$	11,600,000	47489
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FEDERAL SHARE 47490

In transferring appropriations to or from appropriation items 47491  
 that have federal shares identified in this act, the Controlling 47492  
 Board shall add or subtract corresponding amounts of federal 47493  
 matching funds at the percentages indicated by the state and 47494  
 federal division of the appropriations in this act. Such changes 47495  
 are appropriated. 47496

DISASTER ASSISTANCE 47497

Pursuant to requests submitted by the Department of Public 47498  
 Safety, the Controlling Board may approve transfers from the 47499  
 Emergency Purposes Fund to a Department of Public Safety General 47500  
 Revenue Fund appropriation item to provide funding for assistance 47501

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to political subdivisions made necessary by natural disasters or 47502  
emergencies. Such transfers may be requested and approved prior to 47503  
the occurrence of any specific natural disasters or emergencies in 47504  
order to facilitate the provision of timely assistance. 47505

SOUTHERN OHIO CORRECTIONAL FACILITY COST 47506

The Office of Criminal Justice Services and the Public 47507  
Defender Commission may each request, upon approval of the 47508  
Director of Budget and Management, additional funds from the 47509  
Emergency Purposes Fund for costs related to the disturbance that 47510  
occurred on April 11, 1993, at the Southern Ohio Correctional 47511  
Facility in Lucasville, Ohio. 47512

DISASTER SERVICES 47513

Pursuant to requests submitted by the Department of Public 47514  
Safety, the Controlling Board may approve transfers from the 47515  
foregoing appropriation item 911-601, Disaster Services, to a 47516  
Department of Public Safety General Revenue Fund appropriation 47517  
item to provide for assistance to political subdivisions made 47518  
necessary by natural disasters or emergencies. These transfers may 47519  
be requested and approved prior to the occurrence of any specific 47520  
natural disasters or emergencies in order to facilitate the 47521  
provision of timely assistance. The Emergency Management Agency of 47522  
the Department of Public Safety shall use the funding for disaster 47523  
aid requests that meet the Emergency Management Agency's criteria 47524  
for assistance. 47525

The foregoing appropriation item 911-601, Disaster Services, 47526  
shall be used by the Controlling Board, pursuant to requests 47527  
submitted by state agencies, to transfer cash and appropriation 47528  
authority to any fund and appropriation item for the payment of 47529  
state agency program expenses as follows: 47530

- (A) The southern Ohio flooding, referred to as 47531  
FEMA-DR-1164-OH; 47532



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(B) The flood/storm disaster referred to as FEMA-DR-1227-OH; 47533

(C) The Southern Ohio flooding, referred to as 47534  
FEMA-DR-1321-OH; 47535

(D) The flooding referred to as FEMA-DR-1339-OH; 47536

(E) The tornado/storms referred to as FEMA-DR-1343-OH; 47537

(F) Other disasters declared by the Governor, if the Director 47538  
of Budget and Management determines that sufficient funds exist 47539  
beyond the expected program costs of these disasters. 47540

MANDATE ASSISTANCE 47541

(A) The foregoing appropriation item 911-404, Mandate 47542  
Assistance, shall be used to provide financial assistance to local 47543  
units of government, school districts, and fire departments for 47544  
the cost of the following three unfunded state mandates: 47545

(1) The cost to county prosecutors for prosecuting certain 47546  
felonies that occur on the grounds of state institutions operated 47547  
by the Department of Rehabilitation and Correction and the 47548  
Department of Youth Services; 47549

(2) The cost, primarily to small villages and townships, of 47550  
providing firefighter training and equipment or gear; 47551

(3) The cost to school districts of in-service training for 47552  
child abuse detection. 47553

(B) The Department of Commerce, the Office of Criminal 47554  
Justice Services, and the Department of Education may prepare and 47555  
submit to the Controlling Board one or more requests to transfer 47556  
appropriations from appropriation item 911-404, Mandate 47557  
Assistance. The state agencies charged with this administrative 47558  
responsibility are listed below, as well as the estimated annual 47559  
amounts that the commission may propose be used for each program 47560  
of state financial assistance. 47561

ADMINISTERING ESTIMATED ANNUAL 47562

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PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Office of Criminal Justice Services	\$200,000	47563 47564 47565
Firefighter Training Costs	Department of Commerce	\$1,000,000	47566
Child Abuse Detection Training Costs	Department of Education	\$800,000	47567

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education may request from 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 Department of Commerce, the Office of Criminal Justice Services, and the Department of Education, the Controlling Board may 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 Department of Commerce, the Office of Criminal Justice Services, and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

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(F) Each of these programs of state financial assistance 47593  
shall be carried out as follows: 47594

(1) PROSECUTION COSTS 47595

(a) Appropriations may be transferred to the Office of 47596  
Criminal Justice Services to cover local prosecution costs for 47597  
aggravated murder, murder, felonies of the first degree, and 47598  
felonies of the second degree that occur on the grounds of 47599  
institutions operated by the Department of Rehabilitation and 47600  
Correction and the Department of Youth Services. 47601

(b) Upon a delinquency filing in juvenile court or the return 47602  
of an indictment for aggravated murder, murder, or any felony of 47603  
the first or second degree that was committed at a Department of 47604  
Youth Services or a Department of Rehabilitation and Correction 47605  
institution, the affected county may, in accordance with rules 47606  
that the Office of Criminal Justice Services shall adopt, apply to 47607  
the Office of Criminal Justice Services for a grant to cover all 47608  
documented costs that are incurred by the county prosecutor's 47609  
office. 47610

(c) Twice each year, the Office of Criminal Justice Services 47611  
shall designate counties to receive grants from those counties 47612  
that have submitted one or more applications in compliance with 47613  
the rules that have been adopted by the Office of Criminal Justice 47614  
Services for the receipt of such grants. In each year's first 47615  
round of grant awards, if sufficient appropriations have been 47616  
made, up to a total of \$100,000 may be awarded. In each year's 47617  
second round of grant awards, the remaining appropriations 47618  
available for this purpose may be awarded. 47619

(d) If for a given round of grants there are insufficient 47620  
appropriations to make grant awards to all the eligible counties, 47621  
the first priority shall be given to counties with cases involving 47622  
aggravated murder and murder, second priority shall be given to 47623

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cases involving a felony of the first degree, and third priority 47624  
shall be given to cases involving a felony of the second degree. 47625  
Within these priorities, the grant awards shall be based on the 47626  
order in which the applications were received, except that 47627  
applications for cases involving a felony of the first or second 47628  
degree shall not be considered in more than two consecutive rounds 47629  
of grant awards. 47630

(2) FIREFIGHTER TRAINING COSTS 47631

Appropriations may be transferred to the Department of 47632  
Commerce for use as full or partial reimbursement to local units 47633  
of government and fire departments for the cost of firefighter 47634  
training and equipment or gear. In accordance with rules that the 47635  
department shall adopt, a local unit of government or fire 47636  
department may apply to the department for a grant to cover all 47637  
documented costs that are incurred to provide firefighter training 47638  
and equipment or gear. The department shall make grants within the 47639  
limits of the funding provided, with priority given to fire 47640  
departments that serve small villages and townships. 47641

(3) CHILD ABUSE DETECTION TRAINING COSTS 47642

Appropriations may be transferred to the Department of 47643  
Education for disbursement to local school districts as full or 47644  
partial reimbursement for the cost of providing in-service 47645  
training for child abuse detection. In accordance with rules that 47646  
the department shall adopt, a local school district may apply to 47647  
the department for a grant to cover all documented costs that are 47648  
incurred to provide in-service training for child abuse detection. 47649  
The department shall make grants within the limits of the funding 47650  
provided. 47651

(G) Any moneys allocated within appropriation item 911-404, 47652  
Mandate Assistance, not fully utilized may, upon application of 47653  
the Department of Education, and with the approval of the 47654

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Controlling Board, be disbursed to boards of county commissioners 47655  
to provide reimbursement for office space, equipment, and related 47656  
mandated expenses for educational service centers. 47657

The amount to be disbursed to each county shall be allocated 47658  
proportionately to the ADM of the educational service center for 47659  
which a board of county commissioners is required to provide an 47660  
office under section 3319.19 of the Revised Code. 47661

## OHIO'S BICENTENNIAL CELEBRATION 47662

The foregoing appropriation item 911-408, Ohio's Bicentennial 47663  
Celebration, shall be distributed according to a plan approved by 47664  
the Ohio Bicentennial Commission. Pursuant to requests submitted 47665  
by the Ohio Bicentennial Commission, the Controlling Board may 47666  
approve transfers from the foregoing appropriation item 911-408, 47667  
Ohio's Bicentennial Celebration, to appropriation item 360-503, 47668  
Ohio Bicentennial Commission, or to other new or existing 47669  
appropriation items of a state agency or other entity as specified 47670  
by the commission. 47671

## BALLOT ADVERTISING COSTS 47672

Pursuant to requests submitted by the Ohio Ballot Board, the 47673  
Controlling Board shall approve transfers from the foregoing 47674  
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 47675  
Ballot Board appropriation item in order to reimburse county 47676  
boards of elections for the cost of public notices associated with 47677  
statewide ballot initiatives. 47678

Of the foregoing appropriation item 911-441, Ballot 47679  
Advertising Costs, the Director of Budget and Management shall 47680  
transfer any amounts that are not needed for the purpose of 47681  
reimbursing county boards of elections for the cost of public 47682  
notices associated with statewide ballot initiatives to 47683  
appropriation item 911-404, Mandate Assistance. 47684

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<b>Section 35. COS STATE BOARD OF COSMETOLOGY</b>				47685	
General Services Fund Group				47686	
4K9 879-609 Operating Expenses	\$	2,528,489	\$	2,728,359	47687
TOTAL GSF General Services Fund				47688	
Group	\$	2,528,489	\$	2,728,359	47689
TOTAL ALL BUDGET FUND GROUPS	\$	2,528,489	\$	2,728,359	47690
<b>Section 36. CSW COUNSELOR AND SOCIAL WORKERS BOARD</b>				47692	
General Services Fund Group				47693	
4K9 899-609 Operating Expenses	\$	907,772	\$	953,563	47694
TOTAL GSF General Services Fund				47695	
Group	\$	907,772	\$	953,563	47696
TOTAL ALL BUDGET FUND GROUPS	\$	907,772	\$	953,563	47697
<b>Section 37. CLA COURT OF CLAIMS</b>				47699	
General Revenue Fund				47700	
GRF 015-321 Operating Expenses	\$	2,953,045	\$	3,035,730	47701
TOTAL GRF General Revenue Fund	\$	2,953,045	\$	3,035,730	47702
State Special Revenue Fund Group				47703	
5K2 015-603 CLA Victims of Crime	\$	1,891,183	\$	1,602,716	47704
TOTAL SSR State Special Revenue				47705	
Fund Group	\$	1,891,183	\$	1,602,716	47706
TOTAL ALL BUDGET FUND GROUPS	\$	4,844,228	\$	4,638,446	47707
<b>Section 38. CJS OFFICE OF CRIMINAL JUSTICE SERVICES</b>				47709	
General Revenue Fund				47710	
GRF 196-401 Criminal Justice	\$	772,236	\$	798,575	47711
Information System					
GRF 196-403 Violence Prevention	\$	292,891	\$	277,924	47712
GRF 196-405 Family Violence	\$	775,000	\$	775,000	47713
Prevention Program					

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GRF 196-424 Operating Expenses	\$	1,655,987	\$	1,840,186	47714
TOTAL GRF General Revenue Fund	\$	3,496,114	\$	3,691,685	47715
General Services Fund Group					47716
4P6 196-601 General Services	\$	107,310	\$	109,992	47717
TOTAL GSF General Services Fund	\$	107,310	\$	109,992	47718
Group					
Federal Special Revenue Fund Group					47719
3L5 196-604 Justice Programs	\$	29,464,972	\$	29,494,089	47720
3U1 196-602 Juvenile Justice	\$	250,000	\$	0	47721
Program					
TOTAL FED Federal Special Revenue	\$	29,714,972	\$	29,494,089	47722
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	33,318,396	\$	33,295,766	47723
INDIGENT DEFENSE					47724
The Office of Criminal Justice Services shall make all					47725
efforts to maximize the amount of funding available for the					47726
defense of indigent persons.					47727
CRIMINAL JUSTICE INFORMATION SYSTEM					47728
The foregoing appropriation item 196-401, Criminal Justice					47729
Information System, shall be used by the Office of Criminal					47730
Justice Services to work on a plan to improve Ohio's criminal					47731
justice information systems. The Director of Criminal Justice					47732
Services shall evaluate the progress of this plan and issue a					47733
report to the Governor, the Speaker and the Minority Leader of the					47734
House of Representatives, the President and the Minority Leader of					47735
the Senate, the Criminal Justice Policy Board, and the Legislative					47736
Service Commission by the first day of January of each year of the					47737
two-year biennium beginning July 1, 2001, and ending June 30,					47738
2003.					47739
OPERATING EXPENSES					47740
Of the foregoing appropriation item 196-424, Operating					47741

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Expenses, up to \$577,642 in fiscal year 2002 and up to \$606,109 in  
 fiscal year 2003 shall be used for the purpose of matching federal  
 funds.

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 47745

The foregoing appropriation item 196-602, Juvenile Justice  
 Program, shall be used to fund and close out the Juvenile  
 Accountability Incentive Block Grant Program for federal fiscal  
 year 1999.

**Section 39.** DEN STATE DENTAL BOARD 47750

General Services Fund Group 47751

4K9 880-609 Operating Expenses \$ 1,250,703 \$ 1,281,056 47752

TOTAL GSF General Services Fund 47753

Group \$ 1,250,703 \$ 1,281,056 47754

TOTAL ALL BUDGET FUND GROUPS \$ 1,250,703 \$ 1,281,056 47755

**Section 40.** BDP BOARD OF DEPOSIT 47757

General Services Fund Group 47758

4M2 974-601 Board of Deposit \$ 838,000 \$ 838,000 47759

TOTAL GSF General Services Fund 47760

Group \$ 838,000 \$ 838,000 47761

TOTAL ALL BUDGET FUND GROUPS \$ 838,000 \$ 838,000 47762

BOARD OF DEPOSIT EXPENSE FUND 47763

Upon receiving certification of expenses from the Treasurer  
 of State, the Director of Budget and Management shall transfer  
 cash from the Investment Earnings Redistribution Fund (Fund 608)  
 to the Board of Deposit Expense Fund (Fund 4M2). The latter fund  
 shall be used to pay for banking charges and fees required for the  
 operation of the State of Ohio Regular Account.

**Section 41.** DEV DEPARTMENT OF DEVELOPMENT 47770



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General Revenue Fund				47771	
GRF 195-100 Personal Services	\$	2,651,334	\$	2,920,941	47772
GRF 195-200 Maintenance	\$	589,524	\$	601,314	47773
GRF 195-300 Equipment	\$	108,161	\$	110,324	47774
GRF 195-401 Thomas Edison Program	\$	20,000,000	\$	20,000,000	47775
GRF 195-404 Small Business Development	\$	2,452,342	\$	2,529,843	47776
GRF 195-405 Minority Business Development Division	\$	2,278,888	\$	2,297,314	47777
GRF 195-406 Transitional and Permanent Housing	\$	2,770,145	\$	2,770,155	47778
GRF 195-407 Travel and Tourism	\$	6,345,500	\$	6,448,399	47779
GRF 195-408 Coal Research Development	\$	210,498	\$	233,237	47780
GRF 195-409 Utility Payment Administration	\$	666,033	\$	701,173	47781
GRF 195-412 Business Development Grants	\$	8,033,935	\$	9,092,851	47782
GRF 195-414 First Frontier Match	\$	490,000	\$	490,000	47783
GRF 195-415 Regional Offices and Economic Development	\$	6,420,675	\$	6,735,253	47784
GRF 195-416 Governor's Office of Appalachia	\$	5,466,954	\$	4,975,126	47785
GRF 195-417 Urban/Rural Initiative	\$	980,000	\$	980,000	47786
GRF 195-422 Technology Action	\$	14,000,000	\$	14,000,000	47787
GRF 195-431 Community Development Corporation Grants	\$	2,530,860	\$	2,530,860	47788
GRF 195-432 International Trade	\$	5,390,000	\$	5,551,700	47789
GRF 195-434 Investment in Training Grants	\$	12,500,000	\$	12,500,000	47790
GRF 195-436 Labor/Management Cooperation	\$	1,146,805	\$	1,152,752	47791
GRF 195-440 Emergency Shelter	\$	2,768,313	\$	2,841,441	47792

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	Housing Grants				
GRF 195-441	Low and Moderate	\$	19,000,000	\$	19,000,000
	Income Housing				
GRF 195-497	CDBG Operating Match				47794
	State	\$	1,208,576	\$	1,215,295
	Federal	\$	5,200,000	\$	6,500,000
	CDBG Operating Match	\$	6,408,576	\$	7,715,295
	Total				
GRF 195-498	State Energy Match	\$	153,558	\$	158,548
GRF 195-501	Appalachian Local	\$	453,962	\$	453,962
	Development Districts				
GRF 195-502	Appalachian Regional	\$	219,912	\$	219,912
	Commission Dues				
GRF 195-505	Utility Bill Credits	\$	7,350,000	\$	7,350,000
GRF 195-507	Travel and Tourism	\$	1,324,000	\$	1,324,000
	Grants				
GRF 195-510	Issue 1 Implementation	\$	1,000,000	\$	1,500,000
GRF 195-906	Coal Research and	\$	8,971,700	\$	9,420,300
	Development General				
	Obligation Debt				
	Service				
TOTAL GRF	General Revenue Fund				47805
State		\$	137,481,675	\$	140,104,700
Federal		\$	5,200,000	\$	6,500,000
GRF TOTAL		\$	142,681,675	\$	146,604,700
	General Services Fund Group				47809
135 195-605	Supportive Services	\$	9,038,988	\$	9,531,707
136 195-621	International Trade	\$	100,000	\$	24,915
685 195-636	General Reimbursements	\$	1,275,234	\$	1,323,021
TOTAL GSF	General Services Fund				47813
Group		\$	10,414,222	\$	10,879,643
	Federal Special Revenue Fund Group				47815

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3K8	195-613	Community Development Block Grant	\$	65,149,441	\$	65,088,961	47816
3K9	195-611	Home Energy Assistance Block Grant	\$	62,000,000	\$	62,000,000	47817
3K9	195-614	HEAP Weatherization	\$	10,412,041	\$	10,412,041	47818
3L0	195-612	Community Services Block Grant	\$	22,135,000	\$	22,135,000	47819
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	47820
308	195-602	Appalachian Regional Commission	\$	350,000	\$	350,200	47821
308	195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000	47822
308	195-605	Federal Projects	\$	7,855,501	\$	7,855,501	47823
308	195-609	Small Business Administration	\$	3,799,626	\$	3,799,626	47824
308	195-618	Energy Federal Grants	\$	2,803,560	\$	2,803,560	47825
335	195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000	47826
380	195-622	Housing Development Operating	\$	4,507,212	\$	4,696,198	47827
TOTAL FED Federal Special Revenue							47828
Fund Group			\$	232,512,381	\$	232,641,087	47829
State Special Revenue Fund Group							47830
4F2	195-639	State Special Projects	\$	1,052,762	\$	1,079,082	47831
4H4	195-641	First Frontier	\$	600,000	\$	650,000	47832
4S0	195-630	Enterprise Zone Operating	\$	211,900	\$	211,900	47833
4S1	195-634	Job Creation Tax Credit Operating	\$	372,700	\$	375,800	47834
4W1	195-646	Minority Business Enterprise Loan	\$	2,572,960	\$	2,580,597	47835
444	195-607	Water and Sewer Commission Loans	\$	511,000	\$	523,775	47836
445	195-617	Housing Finance	\$	3,782,808	\$	3,968,184	47837

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		Operating					
450	195-624	Minority Business	\$	13,232	\$	13,563	47838
		Bonding Program					
		Administration					
451	195-625	Economic Development	\$	2,062,451	\$	2,143,918	47839
		Financing Operating					
5M4	195-659	Universal Service	\$	160,000,000	\$	160,000,000	47840
5M5	195-660	Energy Efficiency	\$	12,000,000	\$	12,000,000	47841
		Revolving Loan					
611	195-631	Water and Sewer	\$	15,330	\$	15,713	47842
		Administration					
617	195-654	Volume Cap	\$	200,000	\$	200,000	47843
		Administration					
646	195-638	Low and Moderate	\$	21,539,552	\$	22,103,807	47844
		Income Housing Trust					
		Fund					
		TOTAL SSR State Special Revenue					47845
		Fund Group	\$	204,934,695	\$	205,866,339	47846
		Facilities Establishment Fund					47847
037	195-615	Facilities	\$	56,701,684	\$	58,119,226	47848
		Establishment					
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000	47849
		Loan					
5D1	195-649	Port Authority Bond	\$	2,500,000	\$	2,500,000	47850
		Reserves					
5D2	195-650	Urban Redevelopment	\$	10,000,000	\$	10,475,000	47851
		Loans					
5H1	195-652	Family Farm Loan	\$	2,246,375	\$	2,246,375	47852
		Guarantee					
		TOTAL 037 Facilities					47853
		Establishment Fund	\$	76,448,059	\$	78,340,601	47854
		Coal Research/Development Fund					47855

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046 195-632 Coal Research and Development Fund	\$ 12,847,178	\$ 13,168,357	47856
TOTAL 046 Coal Research/ Development Fund	\$ 12,847,178	\$ 13,168,357	47857 47858
TOTAL ALL BUDGET FUND GROUPS	\$ 679,838,210	\$ 687,500,727	47859

**Section 41.01. WASHINGTON OFFICE** 47861

Of the foregoing appropriation items 195-100, Personal Services, 195-200, Maintenance, and 195-300, Equipment, no more than \$335,700 in fiscal year 2002 and \$335,700 in fiscal year 2003 may be transferred to the General Reimbursement Fund (Fund 685) to support the Washington Office. The transfer shall be made using an intrastate transfer voucher.

## THOMAS EDISON PROGRAM 47868

The foregoing appropriation item 195-401, Thomas Edison Program, shall be used for the purposes of sections 122.28 to 122.38 of the Revised Code in order to provide funds for cooperative public and private efforts in technological innovation to promote the development and transfer of technology by and to Ohio businesses that will lead to the creation of jobs, and to provide for the administration of this program by the Technology Division.

Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than \$2,153,282 in fiscal year 2002 and \$2,228,537 in fiscal year 2003 shall be used for the Technology Division's operating expenses in administering this program.

Of the foregoing appropriation item 195-401, Thomas Edison Program, \$187,500 in each fiscal year shall be used for the establishment of an e-logistics port at Rickenbacker Port Authority.

**Section 41.02. SMALL BUSINESS DEVELOPMENT** 47885

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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.

## MINORITY BUSINESS DEVELOPMENT DIVISION

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

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continue to plan and implement business conferences.	47918
<b>Section 41.03. TRANSITIONAL AND PERMANENT HOUSING PROGRAM</b>	47919
Of the foregoing appropriation item 195-406, Transitional and	47920
Permanent Housing, the Office of Housing and Community	47921
Partnerships shall make grants to local governments and nonprofit	47922
organizations for the acquisition, rehabilitation, renovation,	47923
construction, conversion, operating, and supportive services costs	47924
for both new and existing transitional and permanent housing for	47925
the homeless.	47926
<b>COAL RESEARCH DEVELOPMENT</b>	47927
The foregoing appropriation item 195-408, Coal Research	47928
Development, shall be used for the administrative costs of the	47929
Coal Development Office within the Technology Division and for	47930
grants that encourage, promote, and assist the use of Ohio coal	47931
pursuant to section 1551.32 of the Revised Code.	47932
<b>UTILITY PAYMENT ADMINISTRATION</b>	47933
The foregoing appropriation item 195-409, Utility Payment	47934
Administration, shall be used for the administrative costs	47935
necessary to provide utility and fuel assistance benefits to	47936
eligible low-income Ohio households with elderly and disabled	47937
members.	47938
<b>Section 41.04. BUSINESS DEVELOPMENT</b>	47939
The foregoing appropriation item 195-412, Business	47940
Development Grants, shall be used as an incentive for attracting	47941
and retaining business opportunities for the state. Any such	47942
business opportunity, whether new, expanding, or relocating in	47943
Ohio, is eligible for funding. The project must create or retain a	47944
significant number of jobs for Ohioans. Grant awards may be	47945
considered only when (1) the project's viability hinges on an	47946

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award of appropriation item 195-412, Business Development Grants, 47947  
 funds; (2) all other public or private sources of financing have 47948  
 been considered; or (3) the funds act as a catalyst for the 47949  
 infusion into the project of other financing sources. 47950

The department's primary goal shall be to award funds to 47951  
 political subdivisions of the state for off-site infrastructure 47952  
 improvements. In order to meet the particular needs of economic 47953  
 development in a region, the department may elect to award funds 47954  
 directly to a business for on-site infrastructure improvements. 47955  
 Infrastructure improvements mean improvements to water system 47956  
 facilities, sewer and sewage treatment facilities, electric or gas 47957  
 service facilities, fiber optic facilities, rail facilities, site 47958  
 preparation, and parking facilities. The Director of Development 47959  
 may recommend the funds be used in an alternative manner when 47960  
 deemed appropriate to meet an extraordinary economic development 47961  
 opportunity or need. 47962

The foregoing appropriation item 195-412, Business 47963  
 Development Grants, may be expended only after the submission of a 47964  
 request to the Controlling Board by the Department of Development 47965  
 outlining the planned use of the funds, and the subsequent 47966  
 approval of the request by the Controlling Board. 47967

The foregoing appropriation item 195-412, Business 47968  
 Development Grants, may be used for, but is not limited to, 47969  
 construction, rehabilitation, and acquisition projects for rail 47970  
 freight assistance as requested by the Department of 47971  
 Transportation. The Director of Transportation shall submit the 47972  
 proposed projects to the Director of Development for an evaluation 47973  
 of potential economic benefit. 47974

**Section 41.05. FIRST FRONTIER MATCH** 47975

The foregoing appropriation item 195-414, First Frontier 47976  
 Match, shall be used as matching funds to targeted counties for 47977



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the purpose of marketing state, regional, and local 47978  
 characteristics that may attract economic development. Targeted 47979  
 counties mean counties that have a population of less than 175,000 47980  
 residents. The appropriation may be used either for marketing 47981  
 programs by individual targeted counties or regional marketing 47982  
 campaigns, which are marketing programs in which at least one 47983  
 targeted county is participating with one or more other targeted 47984  
 counties or larger counties. 47985

## REGIONAL OFFICES AND ECONOMIC DEVELOPMENT 47986

The foregoing appropriation item 195-415, Regional Offices 47987  
 and Economic Development, shall be used for the operating expenses 47988  
 of the Economic Development Division and the regional economic 47989  
 development offices and for grants for cooperative economic 47990  
 development ventures. 47991

**Section 41.06.** GOVERNOR'S OFFICE OF APPALACHIAN OHIO 47992

The foregoing appropriation item 195-416, Governor's Office 47993  
 of Appalachia, shall be used for the administrative costs of 47994  
 planning and liaison activities for the Governor's Office of 47995  
 Appalachian Ohio. Funds not expended for liaison and training 47996  
 activities may be expended for special project grants within the 47997  
 Appalachian Region. 47998

Of the foregoing appropriation item 195-416, Governor's 47999  
 Office of Appalachia, up to \$250,000 each fiscal year shall be 48000  
 used to match federal funds from the Appalachian Development 48001  
 Commission to provide job training to impact the Appalachian 48002  
 Region. 48003

Of the foregoing appropriation item 195-416, Governor's 48004  
 Office of Appalachia, \$4,400,000 in each fiscal year shall be used 48005  
 in conjunction with other federal and state funds to provide 48006  
 financial assistance to projects in Ohio's Appalachian counties in 48007

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order to further the goals of the Appalachian Regional Commission. 48008  
Such projects and project sponsors shall meet Appalachian Regional 48009  
Commission eligibility requirements. Grants shall be administered 48010  
by the Department of Development. 48011

Of the foregoing appropriation item 195-416, Governor's 48012  
Office of Appalachia, \$500,000 in fiscal year 2002 shall be used 48013  
by the Appalachian Energy Grant Authority to make grants to 48014  
eligible applicants to enhance and maintain the economic welfare 48015  
of the Appalachian Region through the support of manufacturing in 48016  
the region. 48017

**URBAN/RURAL INITIATIVE 48018**

The foregoing appropriation item 195-417, Urban/Rural 48019  
Initiative, shall be used to make grants in accordance with 48020  
sections 122.19 to 122.22 of the Ohio Revised Code. 48021

**TECHNOLOGY ACTION 48022**

Prior to the release of funds from appropriation item 48023  
195-422, Technology Action, each grant award shall first obtain 48024  
approval from eight members of the Technology Action Board and 48025  
from the Controlling Board. 48026

The Technology Action Board shall consist of fourteen 48027  
members. The following ten members shall be appointed by the 48028  
Governor with the advice and consent of the Senate. Six members 48029  
shall be recognized technology and business leaders from the 48030  
following sectors covering the state: Northeast, Southeast, 48031  
Northwest, Central, Southwest, and the Miami Valley Area. One 48032  
member shall come from the Wright Patterson Air Force Laboratory, 48033  
one member shall come from the NASA Glenn Research Center, one 48034  
member shall come from the Inter-University Council, and one 48035  
member shall be the current Director of the Edison Centers 48036  
Technology Council. 48037

The chair of the Technology Action Board shall be the 48038

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Governor's Science and Technology Advisor, with staff and other support as needed from the Department of Development's Technology Division and from the Board of Regents' Academic and Access Division. In addition, the Directors of Development and Transportation (or their designees), and the Chancellor of the Board of Regents (or the Chancellor's designee), shall serve as ex-officio members of the Technology Action Board. 48039  
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The Technology Action Board, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the Board's grant award program, including rules specifying application procedures for and standards for grant awards under the program and rules prescribing the form of the application for a grant award under the program. The rules shall require grant awards under the program to be used by only the applicant to whom a grant is awarded and only for the specific purposes stated by the applicant in the approved application for the grant. 48046  
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Of the foregoing appropriation item 195-422, Technology Action, not more than six per cent in each fiscal year shall be used for operating expenditures in administering this program. 48055  
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In addition to the six per cent for operating expenditures, an additional administrative amount, not to exceed \$1,500,000 within the biennium, shall be used for research, analyses, and marketing efforts deemed necessary to receive and disseminate information about science and technology related opportunities. 48058  
48059  
48060  
48061  
48062

Of the foregoing appropriation item 195-422, Technology Action, \$500,000 in each fiscal year shall be used for the EMTEK/Delphi Project for Wire Break Technology. 48063  
48064  
48065

**Section 41.07. COMMUNITY DEVELOPMENT CORPORATIONS** 48066

Of the foregoing appropriation item 195-431, Community Development Corporation Grants, a portion of funds in each fiscal 48067  
48068

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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

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to assist Ohio manufacturers and agricultural producers in 48100  
 exporting to foreign countries in conjunction with the Department 48101  
 of Agriculture. 48102

Of the foregoing appropriation item 195-432, International 48103  
 Trade, up to \$35,000 may be used to purchase gifts for 48104  
 representatives of foreign governments or dignitaries of foreign 48105  
 countries. 48106

**Section 41.09. OHIO INVESTMENT IN TRAINING PROGRAM** 48107

The foregoing appropriation item 195-434, Investment in 48108  
 Training Grants, shall be used to promote industrial training 48109  
 through training grants for the reimbursement of eligible training 48110  
 expenses. 48111

**Section 41.10. EMERGENCY SHELTER HOUSING GRANTS** 48112

(A) As used in this section, "emergency shelter housing" 48113  
 means a structure suitable for the temporary housing of the 48114  
 homeless and the provision of, or referral to, supportive 48115  
 services. Shelters that restrict admission to victims of domestic 48116  
 violence, runaways, or alcohol or substance abusers shall not be 48117  
 considered emergency shelter housing. 48118

(B) The foregoing appropriation item 195-440, Emergency 48119  
 Shelter Housing Grants, shall be used by the Office of Housing and 48120  
 Community Partnerships in the Department of Development to make 48121  
 grants to private, nonprofit organizations to provide emergency 48122  
 shelter housing for the homeless. The department shall distribute 48123  
 the grants pursuant to rules adopted by the Director of 48124  
 Development. The director may amend or rescind the rules and may 48125  
 adopt other rules necessary to implement this section. In awarding 48126  
 grants, the department shall give preference to organizations 48127  
 applying to fund existing emergency shelter housing. 48128

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The department shall notify each organization that applied 48129  
 for a grant under this section of the amount of its grant award, 48130  
 if any. To receive a grant, the organization shall provide 48131  
 matching funds equal to 50 per cent of the total grant it was 48132  
 awarded. The organization shall expend its grant for shelter 48133  
 operations and supportive services, which include employment 48134  
 assistance, case management, information and referral services, 48135  
 transportation, and clothing. In providing employment assistance, 48136  
 the organization shall, at a minimum, refer persons to the 48137  
 Department of Job and Family Services. 48138

## LOW AND MODERATE INCOME HOUSING 48139

The Director of Budget and Management, after consulting with 48140  
 the Director of Development, shall transfer up to \$19,000,000 from 48141  
 appropriation item 195-441, Low and Moderate Income Housing, to 48142  
 appropriation item 195-638, Low and Moderate Income Housing Trust 48143  
 Fund. This transfer shall be made via an intrastate transfer 48144  
 voucher. 48145

## TANF TRANSFER TO CDBG OPERATING MATCH 48146

The Office of Housing and Community Partnerships of the 48147  
 Department of Development shall use \$5,200,000 of appropriation 48148  
 authority transferred from appropriation item 600-689, TANF Block 48149  
 Grant, in the Department of Job and Family Services in fiscal year 48150  
 2002 to appropriation item 195-497, CDBG Operating Match, in the 48151  
 Department of Development, and \$6,500,000 of appropriation 48152  
 authority transferred from appropriation item 600-689, TANF Block 48153  
 Grant, in fiscal year 2003 to appropriation item 195-497, CDBG 48154  
 Operating Match, to provide grants supportive services for 48155  
 low-income families related to housing or homelessness, including 48156  
 housing counseling; to provide grants to nonprofit organizations 48157  
 to assist families with incomes at or below 200 per cent of the 48158  
 federal poverty guidelines with down payment assistance for 48159  
 homeownership, including the purchase of mobile homes; to provide 48160

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emergency home repair funding for families with incomes at or  
below 200 per cent of the federal poverty guideline; to provide  
operating support for family emergency shelter programs; and to  
provide emergency rent and mortgage assistance for families with  
incomes at or below 200 per cent of the federal poverty guideline.  
TANF funds shall not be used to match federal funds.

The Department of Development 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.

No more than five per cent of transferred funds may be used  
by the department for administrative expenses of these programs.  
Transfer of funds between these programs shall first obtain  
approval of the Controlling Board.

As used in this section, "federal poverty guideline" means  
the poverty guideline as defined by the United States Office of  
Management and Budget and revised by the United States Secretary  
of Health and Human Services in accordance with section 673 of the  
"Community Services Block Grant Act," 95 Stat. 511 (1981), 42  
U.S.C.A. 9902, as amended.

**UTILITY BILL CREDIT**

The foregoing appropriation item 195-505, Utility Bill  
Credits, shall be used to provide utility and fuel assistance to  
eligible low-income Ohio households with elderly and disabled  
members.

**Section 41.11. TRAVEL AND TOURISM GRANTS**

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The foregoing appropriation item 195-507, Travel and Tourism Grants, shall be used to provide grants to local organizations to support various local travel and tourism events in Ohio.

Of the foregoing appropriation item 195-507, Travel and Tourism Grants, up to \$200,000 in each fiscal year of the biennium may be used to support the outdoor dramas Trumpet in the Land, Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; \$50,000 in each fiscal year shall be used for the Greater Cleveland Film Commission; \$50,000 in each fiscal year shall be used for the Cincinnati Film Commission; \$50,000 in each fiscal year shall be used for the American Classical Music Hall of Fame; \$100,000 in each fiscal year shall be used for the Ottawa County Visitors Bureau, the Sandusky/Erie County Visitors and Convention Bureau, and the Lorain County Visitors Bureau for collaborative efforts to promote tourism; \$50,000 in each fiscal year shall be used for the Ohio River Trails; and \$500,000 in each fiscal year shall be used for grants to the International Center for the Preservation of Wild Animals.

## ISSUE 1 IMPLEMENTATION

The foregoing appropriation item 195-510, Issue 1 Implementation, shall be used to begin the implementation of Article VIII, Section 20 of the Ohio Constitution.

## COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 195-906, Coal Research and Development General Obligation Debt Service shall be used to pay all debt service and financing costs at the times they are required to be made under sections 151.01 and 151.07 of the Revised Code during the period from July 1, 2001, to June 30, 2003. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.



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**Section 41.12. SUPPORTIVE SERVICES** 48222

The Director of Development may assess divisions of the 48223  
 department for the cost of central service operations. Such an 48224  
 assessment shall be based on a plan submitted to and approved by 48225  
 the Office of Budget and Management by the first day of August of 48226  
 each fiscal year, and contain the characteristics of 48227  
 administrative ease and uniform application. 48228

A division's payments shall be credited to the Supportive 48229  
 Services Fund (Fund 135) using an intrastate transfer voucher. 48230

**GENERAL REIMBURSEMENT** 48231

The foregoing appropriation item 195-636, General 48232  
 Reimbursements, shall be used for conference and subscription fees 48233  
 and other reimbursable costs. Revenues to the General 48234  
 Reimbursement Fund (Fund 685) shall consist of fees and other 48235  
 moneys charged for conferences, subscriptions, and other 48236  
 administrative costs that are not central service costs. 48237

**HEAP WEATHERIZATION** 48238

Fifteen per cent of the federal funds received by the state 48239  
 for the Home Energy Assistance Block Grant shall be deposited in 48240  
 the Department of Development's Federal Special Revenue Fund (Fund 48241  
 3K9) and shall be used to provide home weatherization services in 48242  
 the state. 48243

**HOME PROGRAM** 48244

On July 1, 2001, or as soon as possible thereafter, the 48245  
 Director of Development shall certify to the Director of Budget 48246  
 and Management the cash balance and open encumbrances relating to 48247  
 the HOME Program located within Fund 308, appropriation item 48248  
 195-603, Housing and Urban Development. The Director of Budget and 48249  
 Management shall transfer the certified amount to newly created 48250  
 Fund 3V1, HOME Program. Any existing encumbrances in appropriation 48251

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item 195-603 for the HOME Program shall be canceled and	48252
re-established against appropriation item 195-601, HOME Program.	48253
These re-established amounts are appropriated.	48254
STATE SPECIAL PROJECTS	48255
The foregoing appropriation item 195-639, State Special	48256
Projects, shall be used as a general account for the deposit of	48257
private-sector funds from utility companies and other	48258
miscellaneous state funds. Private-sector moneys shall be used to	48259
(1) pay the expenses of verifying the income-eligibility of HEAP	48260
applicants, (2) market economic development opportunities in the	48261
state, and (3) leverage additional federal funds. State funds	48262
shall be used to match federal housing grants for the homeless.	48263
<b>Section 41.13.</b> MINORITY BUSINESS ENTERPRISE LOAN	48264
All repayments from the Minority Development Financing	48265
Advisory Board loan program and the Ohio Mini-Loan Guarantee	48266
Program shall be deposited in the State Treasury, to the credit of	48267
the Minority Business Enterprise Loan Fund (Fund 4W1).	48268
All operating costs of administering the Minority Business	48269
Enterprise Loan Fund shall be paid from the Minority Business	48270
Enterprise Loan Fund (Fund 4WI).	48271
MINORITY BUSINESS BONDING FUND	48272
Notwithstanding Chapters 122., 169., and 175. of the Revised	48273
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	48274
General Assembly, the Director of Development may, upon the	48275
recommendation of the Minority Development Financing Advisory	48276
Board, pledge up to \$10,000,000 in the 2001-2003 biennium of	48277
unclaimed funds administered by the Director of Commerce and	48278
allocated to the Minority Business Bonding Program pursuant to	48279
section 169.05 of the Revised Code. The transfer of any cash by	48280
the Director of Budget and Management from the Department of	48281

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Commerce's Unclaimed Funds Fund (Fund 543) to the Department of  
 Development's Minority Business Bonding Fund (Fund 449) shall  
 occur, if requested by the Director of Development, only if such  
 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

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related to the Universal Service Fund Programs.	48313
ENERGY EFFICIENCY REVOLVING LOAN FUND	48314
The foregoing appropriation item 195-660, Energy Efficiency	48315
Revolving Loan, shall be used to provide financial assistance to	48316
customers for eligible energy efficiency projects for residential,	48317
commercial and industrial business, local government, educational	48318
institution, nonprofit, and agriculture customers, and to pay for	48319
the program's administrative costs as provided in the Revised Code	48320
and rules adopted by the Director of Development.	48321
VOLUME CAP ADMINISTRATION	48322
The foregoing appropriation item 195-654, Volume Cap	48323
Administration, shall be used for expenses related to the	48324
administration of the Volume Cap Program. Revenues received by the	48325
Volume Cap Administration Fund (Fund 617) shall consist of	48326
application fees, forfeited deposits, and interest earned from the	48327
custodial account held by the Treasurer of State.	48328
<b>Section 41.15. FACILITIES ESTABLISHMENT FUND</b>	48329
The foregoing appropriation item 195-615, Facilities	48330
Establishment (Fund 037), shall be used for the purposes of the	48331
Facilities Establishment Fund under Chapter 166. of the Revised	48332
Code.	48333
Of the foregoing appropriation item 195-615, Facilities	48334
Establishment (Fund 037), up to \$3,000,000 in each fiscal year	48335
shall be used for the implementation of S.B. 10 of the 124th	48336
General Assembly, if the bill becomes law.	48337
Notwithstanding Chapter 166. of the Revised Code, up to	48338
\$1,600,000 may be transferred each fiscal year from the Facilities	48339
Establishment Fund (Fund 037) to the Economic Development	48340
Financing Operating Fund (Fund 451). The transfer is subject to	48341
Controlling Board approval pursuant to division (B) of section	48342

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166.03 of the Revised Code. 48343

Notwithstanding Chapter 166. of the Revised Code, up to 48344  
\$3,800,000 may be transferred in each fiscal year of the biennium 48345  
from the Facilities Establishment Fund (Fund 037) to the Minority 48346  
Business Enterprise Loan Fund (Fund 4W1). The transfer is subject 48347  
to Controlling Board approval pursuant to division (B) of section 48348  
166.03 of the Revised Code. 48349

Notwithstanding Chapter 166. of the Revised Code, up to 48350  
\$5,000,000 cash may be transferred during the biennium from the 48351  
Facilities Establishment Fund (Fund 037) to the Port Authority 48352  
Bond Reserves Fund (Fund 5D1) for use by any port authority in 48353  
establishing or supplementing bond reserve funds for any bond 48354  
issuance permitted under Chapter 4582. of the Revised Code. The 48355  
Director of Development shall develop program guidelines for the 48356  
transfer and release of funds, including, but not limited to, a 48357  
provision that a port authority shall receive not more than 48358  
\$2,000,000 total from the fund. The transfer and release of funds 48359  
are subject to Controlling Board approval. Of the foregoing 48360  
appropriation item 195-649, Port Authority Bond Reserves, 48361  
\$2,000,000 over the biennium, subject to Controlling Board 48362  
approval, shall go to the Dayton Montgomery County Port Authority 48363  
to establish or supplement bond reserves for job retention 48364  
purposes per the guidelines set forth by the Director of 48365  
Development. 48366

Notwithstanding Chapter 166. of the Revised Code, up to 48367  
\$20,475,000 cash may be transferred during the biennium from the 48368  
Facilities Establishment Fund (Fund 037) to the Urban 48369  
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 48370  
barriers to urban core redevelopment. The Director of Development 48371  
shall develop program guidelines for the transfer and release of 48372  
funds, including, but not limited to, the completion of all 48373  
appropriate environmental assessments before state assistance is 48374

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committed to a project. 48375

Notwithstanding Chapter 166. of the Revised Code, up to 48376
\$5,000,000 per fiscal year in cash may be transferred from the 48377
Facilities Establishment Fund (Fund 037) to the Rural Industrial 48378
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 48379
Board approval pursuant to section 166.03 of the Revised Code. 48380

FAMILY FARM LOAN PROGRAM 48381

Notwithstanding Chapter 166. of the Revised Code, up to 48382
\$2,246,375 in each fiscal year shall be transferred from moneys in 48383
the Facilities Establishment Fund (Fund 037) to the Family Farm 48384
Loan Fund (Fund 5H1) in the Department of Development. These 48385
moneys shall be used for loan guarantees. The transfer is subject 48386
to Controlling Board approval. 48387

Financial assistance from the Family Farm Loan Fund (Fund 48388
5H1) shall be repaid to Fund 5H1. This fund is established in 48389
accordance with sections 166.031, 901.80, 901.81, 901.82, and 48390
901.83 of the Revised Code. 48391

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 48392
all outstanding balances, all loan repayments, and any other 48393
outstanding obligations shall revert to the Facilities 48394
Establishment Fund (Fund 037). 48395

Section 41.16. FUND 5F7 TRANSFER 48396

On July 1, 2001, or as soon as possible thereafter, the 48397
Director of Budget and Management shall transfer all cash in Fund 48398
5F7, Local Government Y2K Loan Program, to the General Revenue 48399
Fund. Upon completion of the transfer, Fund 5F7 is abolished. 48400

Section 42. OBD OHIO BOARD OF DIETETICS 48401

General Services Fund Group 48402

4K9 860-609 Operating Expenses \$ 300,591 \$ 317,617 48403

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TOTAL GSF General Services Fund				48404
Group	\$	300,591	\$ 317,617	48405
TOTAL ALL BUDGET FUND GROUPS	\$	300,591	\$ 317,617	48406

**Section 43.** CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT MANAGEMENT 48408  
48409

General Revenue Fund				48410
GRF 145-401 Commission on Dispute Resolution/Management	\$	581,192	\$ 609,974	48411
TOTAL GRF General Revenue Fund	\$	581,192	\$ 609,974	48412
General Services Fund Group				48413
4B6 145-601 Gifts and Grants	\$	160,590	\$ 164,605	48414
TOTAL GSF General Services Fund Group	\$	160,590	\$ 164,605	48415
Federal Special Revenue Fund Group				48417
3S6 145-602 Dispute Resolution: Federal	\$	32,917	\$ 0	48418
TOTAL FED Federal Special Revenue Fund Group	\$	32,917	\$ 0	48419
TOTAL ALL BUDGET FUND GROUPS	\$	774,699	\$ 774,579	48420

COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT 48421

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. 48422  
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The Commission shall assist the Department of Education in 48431

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the development and dissemination of the school conflict 48432  
management programs to school districts. 48433

**Section 44.** EDU DEPARTMENT OF EDUCATION 48434

General Revenue Fund 48435

GRF 200-100 Personal Services \$ 11,819,828 \$ 12,113,828 48436

GRF 200-320 Maintenance and \$ 5,052,866 \$ 5,185,051 48437  
Equipment

GRF 200-406 Head Start \$ 98,843,825 \$ 98,843,825 48438

GRF 200-408 Public Preschool \$ 19,506,206 \$ 19,506,206 48439

GRF 200-410 Professional \$ 23,463,829 \$ 34,810,579 48440  
Development

GRF 200-411 Family and Children \$ 10,642,188 \$ 10,642,188 48441  
First

GRF 200-416 Vocational Education \$ 2,381,738 \$ 2,381,738 48442  
Match

GRF 200-420 Technical Systems \$ 6,000,000 \$ 6,500,000 48443  
Development

GRF 200-421 Alternative Education \$ 20,000,000 \$ 20,000,000 48444  
Programs

GRF 200-422 School Management \$ 2,185,675 \$ 1,971,219 48445  
Assistance

GRF 200-424 Policy Analysis \$ 642,756 \$ 674,894 48446

GRF 200-425 Tech Prep \$ 2,431,012 \$ 2,431,012 48447  
Administration

GRF 200-426 Ohio Educational \$ 39,871,927 \$ 39,871,927 48448  
Computer Network

GRF 200-427 Academic Standards \$ 8,474,999 \$ 8,862,500 48449

GRF 200-431 School Improvement \$ 15,850,000 \$ 14,625,000 48450  
Initiatives

GRF 200-432 School Conflict \$ 626,496 \$ 657,821 48451  
Management

GRF 200-433 Reading/Writing \$ 18,962,948 \$ 19,276,694 48452



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		Improvement				
GRF	200-437	Student Assessment	\$	23,692,045	\$	25,942,045 48453
GRF	200-438	Safe Schools	\$	2,050,000	\$	2,050,000 48454
GRF	200-441	American Sign Language	\$	232,073	\$	236,715 48455
GRF	200-442	Child Care Licensing	\$	1,517,751	\$	1,548,107 48456
GRF	200-444	Professional	\$	1,917,000	\$	1,705,800 48457
		Recruitment				
GRF	200-445	OhioReads	\$	5,485,440	\$	5,485,440 48458
		Admin/Volunteer				
		Support				
GRF	200-446	Education Management	\$	16,479,636	\$	17,573,430 48459
		Information System				
GRF	200-447	GED Testing/Adult High	\$	2,038,678	\$	2,079,451 48460
		School				
GRF	200-455	Community Schools	\$	4,728,935	\$	4,824,517 48461
GRF	200-500	School Finance Equity	\$	23,560,125	\$	19,975,864 48462
GRF	200-501	Base Cost Funding	\$	4,273,654,781	\$	4,441,014,505 48463
GRF	200-502	Pupil Transportation	\$	334,183,786	\$	377,305,465 48464
GRF	200-503	Bus Purchase Allowance	\$	36,735,279	\$	36,799,984 48465
GRF	200-505	School Lunch Match	\$	9,639,000	\$	9,831,780 48466
GRF	200-509	Adult Literacy	\$	8,628,000	\$	8,628,000 48467
		Education				
GRF	200-511	Auxiliary Services	\$	122,782,475	\$	127,650,709 48468
GRF	200-513	Student Intervention	\$	31,900,000	\$	38,280,000 48469
		Services				
GRF	200-514	Post-Secondary/Adult	\$	23,240,243	\$	23,240,243 48470
		Career-Technical				
		Education				
GRF	200-520	Disadvantaged Pupil	\$	360,149,743	\$	360,149,743 48471
		Impact Aid				
GRF	200-521	Gifted Pupil Program	\$	45,930,131	\$	47,983,321 48472
GRF	200-525	Parity Aid	\$	99,813,832	\$	210,305,911 48473
GRF	200-532	Nonpublic	\$	53,533,703	\$	55,675,051 48474

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		Administrative Cost				
		Reimbursement				
GRF	200-534	Desegregation Costs	\$	500,000	\$	500,000 48475
GRF	200-540	Special Education	\$	139,006,701	\$	141,950,428 48476
		Enhancements				
GRF	200-545	Career-Technical	\$	21,673,574	\$	22,406,349 48477
		Education Enhancements				
GRF	200-546	Charge-Off Supplement	\$	39,191,433	\$	28,684,104 48478
GRF	200-552	County MR/DD Boards	\$	1,666,204	\$	1,666,204 48479
		Vehicle Purchases				
GRF	200-553	County MR/DD Boards	\$	9,575,910	\$	9,575,910 48480
		Transportation				
		Operating				
GRF	200-558	Emergency Loan	\$	4,500,000	\$	3,300,000 48481
		Interest Subsidy				
GRF	200-566	OhioReads Grants	\$	27,148,000	\$	27,148,000 48482
GRF	200-570	School Improvement	\$	1,587,500	\$	1,737,500 48483
		Incentive Grants				
GRF	200-573	Character Education	\$	1,050,000	\$	1,050,000 48484
GRF	200-574	Substance Abuse	\$	1,948,200	\$	1,948,200 48485
		Prevention				
GRF	200-901	Property Tax	\$	707,700,000	\$	743,000,000 48486
		Allocation - Education				
GRF	200-906	Tangible Tax Exemption	\$	73,500,000	\$	75,700,000 48487
		- Education				
TOTAL GRF		General Revenue Fund	\$	6,797,696,471	\$	7,175,307,258 48488
		General Services Fund Group				48489
138	200-606	Information Technology	\$	6,629,469	\$	6,761,034 48490
4D1	200-602	Ohio	\$	345,000	\$	345,000 48491
		Prevention/Education				
		Resource Center				
4L2	200-681	Teacher Certification	\$	4,684,143	\$	4,856,290 48492
		and Licensure				

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452	200-638	Miscellaneous Revenue	\$	1,045,000	\$	1,045,000	48493
5H3	200-687	School District	\$	24,000,000	\$	24,000,000	48494
		Solvency Assistance					
596	200-656	Ohio Career	\$	743,217	\$	769,230	48495
		Information System					
TOTAL GSF General Services							48496
Fund Group			\$	37,446,829	\$	37,776,554	48497
Federal Special Revenue Fund Group							48498
3C5	200-661	Federal Dependent Care	\$	18,189,907	\$	18,233,488	48499
		Programs					
3D1	200-664	Drug Free Schools	\$	20,621,375	\$	20,660,570	48500
3D2	200-667	Honors Scholarship	\$	2,454,688	\$	2,540,602	48501
		Program					
3H9	200-605	Head Start	\$	250,000	\$	250,000	48502
		Collaboration Project					
3M0	200-623	ESEA Chapter One	\$	320,505,063	\$	330,172,277	48503
3M1	200-678	ESEA Chapter Two	\$	13,595,978	\$	14,059,555	48504
3M2	200-680	Ind W/Disab Education	\$	186,000,000	\$	206,000,000	48505
		Act					
3L6	200-617	Federal School Lunch	\$	175,274,000	\$	180,181,672	48506
3L7	200-618	Federal School	\$	45,746,000	\$	47,026,888	48507
		Breakfast					
3L8	200-619	Child and Adult Care	\$	60,257,639	\$	61,966,125	48508
		Programs					
3L9	200-621	Vocational Education	\$	43,613,582	\$	45,142,330	48509
		Basic Grant					
3S2	200-641	Tech Literacy Transfer	\$	15,183,430	\$	15,183,430	48510
3T4	200-613	Public Charter Schools	\$	4,887,260	\$	5,055,185	48511
3T6	200-611	Class Size Reduction	\$	63,000,000	\$	65,000,000	48512
3U2	200-662	Teacher Quality	\$	1,300,501	\$	1,352,000	48513
		Enhancement Grants					
3U3	200-665	Reading Excellence	\$	10,018,756	\$	0	48514
		Grant Program					

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3U6	200-675	Provision 2 & 3 Grant	\$	191,050	\$	0	48515
309	200-601	Educationally Disadvantaged	\$	20,759,222	\$	21,425,345	48516
366	200-604	Adult Basic Education	\$	17,527,286	\$	18,140,740	48517
367	200-607	School Food Services	\$	10,089,884	\$	10,408,199	48518
368	200-614	Veterans' Training	\$	648,514	\$	671,212	48519
369	200-616	Vocational Education	\$	8,000,000	\$	8,000,000	48520
370	200-624	Education of All Handicapped Children	\$	1,364,246	\$	1,410,908	48521
371	200-631	EEO Title IV	\$	1,155,361	\$	1,213,894	48522
374	200-647	E.S.E.A. Consolidated	\$	110,094	\$	110,094	48523
378	200-660	Math/Science Technology Investments	\$	12,696,055	\$	13,036,530	48524
TOTAL FED Federal Special							48525
Revenue Fund Group			\$	1,053,439,891	\$	1,087,241,044	48526
State Special Revenue Fund Group							48527
4R7	200-695	Indirect Cost Recovery	\$	3,942,779	\$	4,168,947	48528
4V7	200-633	Interagency Vocational Support	\$	695,197	\$	731,674	48529
053	200-900	School District Property Tax Replacement	\$	102,000,000	\$	115,911,593	48530
454	200-610	Guidance and Testing	\$	940,636	\$	956,761	48531
455	200-608	Commodity Foods	\$	10,000,000	\$	11,000,000	48532
598	200-659	Auxiliary Services Mobile Units	\$	1,328,910	\$	1,328,910	48533
620	200-615	Educational Grants	\$	1,525,000	\$	1,525,000	48534
TOTAL SSR State Special Revenue Fund Group							48535
			\$	120,432,522	\$	135,622,885	48536
Lottery Profits Education Fund Group							48537
017	200-612	Base Cost Funding	\$	604,000,000	\$	596,000,000	48538
017	200-682	Lease Rental Payment	\$	29,722,100	\$	25,722,600	48539

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Reimbursement

TOTAL LPE Lottery Profits			48540
Education Fund Group	\$ 633,722,100	\$ 621,722,600	48541
TOTAL ALL BUDGET FUND GROUPS	\$ 8,642,737,813	\$ 9,057,670,341	48542

**Section 44.01. MAINTENANCE AND EQUIPMENT** 48544

Of the foregoing appropriation item 200-320, Maintenance and 48545  
 Equipment, up to \$25,000 may be expended in each year of the 48546  
 biennium for State Board of Education out-of-state travel. 48547

**Section 44.02. HEAD START** 48548

No later than July 15, 2001, the Director of Budget and 48549  
 Management shall transfer \$76,156,175 from Fund 3W6, TANF 48550  
 Education, to the General Revenue Fund. No later than July 15, 48551  
 2002, the Director of Budget and Management shall transfer 48552  
 \$98,843,825 from Fund 3W6, TANF Education, to the General Revenue 48553  
 Fund. The transferred funds are appropriated for the appropriation 48554  
 item 200-406, Head Start. The foregoing appropriation item 48555  
 200-406, Head Start, includes transferred funds of \$76,156,175 in 48556  
 fiscal year 2002 and \$98,843,825 in fiscal year 2003. 48557

Of the foregoing appropriation item 200-406, Head Start, 48558  
 \$100,000 per fiscal year shall be used for the Read Baby Read Book 48559  
 Club Program. 48560

The remainder of foregoing appropriation item 200-406, Head 48561  
 Start, shall be distributed by the Department of Education to Head 48562  
 Start agencies. A "Head Start agency" means an entity that has 48563  
 been approved to be an agency in accordance with Section 641 (42 48564  
 U.S.C. 9836) of the Head Start Act and amendments thereto, or an 48565  
 entity designated for state Head Start funding under this section. 48566  
 Participation in state-funded Head Start programs is voluntary. 48567

Moneys distributed under this heading shall not be used to 48568  
 reduce expenditures from funds received by a Head Start agency 48569

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from any other sources. Section 3301.31 of the Revised Code does  
not apply to funds distributed under this heading. In lieu of  
section 3301.31 of the Revised Code, distribution of moneys under  
this heading shall be as follows:

(A) In fiscal years 2002 and 2003, up to two per cent of the  
appropriation may be used by the department for administrative  
costs of complying with this section; developing program capacity;  
and assisting programs with facilities planning, construction,  
renovation, or lease agreements in combination with the Community  
Development Finance Fund (CDFF). Up to \$1,530,000 in fiscal year  
2002 and up to \$1,560,600 in fiscal year 2003 may be used for the  
services of literacy specialist and training in early literacy for  
Head Start classroom teachers and administrators to support the  
OhioReads Initiative.

(B) The department shall provide an annual report to the  
Governor, the Speaker of the House of Representatives, the  
President of the Senate, the State Board of Education, Head Start  
grantees, and other interested parties. The report shall include  
the following:

(1) The number and per cent of eligible children by county  
and by grantee;

(2) The amount of state funds received for continuation per  
grantee;

(3) A summary of program performance on the state critical  
performance indicators;

(4) A summary of developmental progress of children  
participating in the state-funded Head Start program;

(5) Any other data reflecting the performance of Head Start  
that the department considers pertinent.

(C) For purposes of this section, "eligible child" means a

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child who is at least three years of age and not of compulsory 48600  
school age whose family earns no more than 100 per cent of the 48601  
federal poverty level, except as otherwise provided in this 48602  
division. 48603

The Department of Education, in consultation with Head Start 48604  
grantees or their designated representatives, shall establish 48605  
criteria under which individual Head Start grantees may apply to 48606  
the department for a waiver to include as "eligible children" 48607  
those children from families earning up to 185 per cent of the 48608  
federal poverty level when the children otherwise qualify as 48609  
"eligible children" under this division. 48610

In order to serve children whose families receive child care 48611  
subsidy and whose incomes do not exceed 185 per cent of the 48612  
federal poverty guidelines, Head Start grantees may enroll 48613  
children whose families receive child care subsidy from the Ohio 48614  
Department of Job and Family Services. Head Start grantees 48615  
providing full-day, full-year comprehensive services, or otherwise 48616  
meeting the child care needs of working families, may partner with 48617  
child care centers or family day care homes or may access child 48618  
care subsidy directly. This provision is to meet the child care 48619  
needs of low-income families who are working, in training or 48620  
education programs, or participating in Ohio Works First approved 48621  
activities. 48622

(D) After setting aside amounts to make any payments due from 48623  
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 48624  
only be distributed to recipients of Head Start funds during the 48625  
preceding fiscal year. Awards under this division shall be based 48626  
on a per-pupil formula prescribed by the Department of Education 48627  
and may be adjusted for one-time start-up costs, actual months of 48628  
program operation, or the number of children enrolled and 48629  
receiving services, as defined by the Department of Education, 48630  
reported during the first full week of December, and may be 48631

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increased by a reasonable percentage for inflation to be 48632  
determined by the Department of Education and in accordance with 48633  
this section. The department may redistribute dollars to programs 48634  
demonstrating an unmet need based on updated assessments of family 48635  
needs and community resources. In fiscal years 2002 and 2003, the 48636  
department may authorize recipients to carry over funds to the 48637  
subsequent fiscal year. 48638

The department may reallocate unobligated or unspent money to 48639  
participating Head Start agencies for: (1) facilities planning 48640  
grants and to leverage construction, renovation, or lease 48641  
agreements and for repair of critical deferred maintenance and 48642  
safety items in combination with the CDFR; (2) teacher 48643  
professional development and enhanced compensation in order to 48644  
meet the requirements of section 3301.311 of the Revised Code; (3) 48645  
meeting the documentation and reporting requirements and for 48646  
technical support in accordance with division (F) of this section; 48647  
and (4) expansion, improvement, or special projects to promote 48648  
excellence and innovation. 48649

(E) Costs for developing and administering a Head Start 48650  
program may not exceed fifteen per cent of the total approved 48651  
costs of the program. 48652

All recipients of funds shall maintain such fiscal control 48653  
and accounting procedures as may be necessary to ensure the 48654  
disbursement of, and accounting for, these funds. The control of 48655  
funds provided in this program, and title to property obtained 48656  
therefrom, shall be under the authority of the approved recipient 48657  
for purposes provided in the program. The approved recipient shall 48658  
administer and use such property and funds for the purposes 48659  
specified. 48660

Each recipient shall furnish the department an annual audit 48661  
that includes the review of state funds received under this 48662  
section. 48663



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In conjunction with the required audit of federal Head Start funds, the independent auditor shall examine state Head Start funds in accordance with the federal regulations and agreed-upon state procedures formulated by the department.

(F) The department shall prescribe target levels for critical performance indicators for the purpose of assessing Head Start programs. On-site reviews and follow-up visits shall be based on grantee progress in meeting the prescribed target levels.

The Department of Education, in consultation with the interested parties, including the state Department of Job and Family Services, shall develop the criteria to be used by Head Start grantees and delegate agencies with developing partnership agreements.

The department may audit a Head Start agency's financial and program records. Head Start agencies that have financial practices not in accordance with standard accounting principles, 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 targets have been met. The Policy Council chairperson and the appropriate grantee board official shall sign the corrective plans of action.

Head Start programs not meeting performance targets in accordance with the plan of action and prescribed timelines may have their funding reduced until targets are met, or have all state funds withdrawn.

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The department shall require school districts to collect "preschool" information by program type. All data shall be reported via the Education Management Information System (EMIS).

(G) The department shall develop prekindergarten reading and mathematics content standards and model curricula. These standards and curricula shall be made available to grantees. Head Start grantees delegate agencies, and child care partners shall 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.

(H) In either event, the grantee and delegate shall transfer control of title to property, equipment, and remaining supplies obtained through this program to the newly designated grantee and return any unexpended funds to the department along with any reports prescribed by the department.

Section 3313.646 of the Revised Code does not apply to funds distributed under this section.

(I) It is the intent of the General Assembly that appropriations for appropriation items 200-406, Head Start, and 200-408, Public Preschool, be available for transfer between Head Start and public preschool programs so that unallocated funds may be used between the two programs.

(J) The Department of Education shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

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**Section 44.03. PUBLIC PRESCHOOL** 48725

The Department of Education shall distribute the foregoing 48726  
 appropriation item 200-408, Public Preschool, to pay the costs of 48727  
 comprehensive preschool programs. As used in this section, "school 48728  
 district" means a city, local, exempted village, or joint 48729  
 vocational school district, or an educational service center. 48730

(A) In fiscal years 2002 and 2003, up to two per cent of the 48731  
 total appropriation may be used by the department for 48732  
 administrative costs of complying with this section; developing 48733  
 program capacity; and assisting programs with facilities planning, 48734  
 construction, renovation, or lease agreements in conjunction with 48735  
 the Community Development Finance Fund (CDFS). 48736

(B) The department shall provide an annual report to the 48737  
 Governor, the Speaker of the House of Representatives, the 48738  
 President of the Senate, the State Board of Education, Head Start 48739  
 grantees, and other interested parties. The report shall include: 48740

(1) The number and per cent of eligible children by county 48741  
 and by school district; 48742

(2) The amount of state funds requested for continuation per 48743  
 school district; 48744

(3) The amount of state funds received for continuation per 48745  
 school district; 48746

(4) A summary of program performance on the state critical 48747  
 performance indicators in the public preschool program; 48748

(5) A summary of developmental progress of children 48749  
 participating in the state-funded public preschool program; 48750

(6) Any other data reflecting the performance of public 48751  
 preschool programs that the department considers pertinent. 48752

(C) For purposes of this section, "eligible child" means a 48753

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child who is at least three years of age whose family earns no  
more than 185 per cent of the federal poverty level. 48754  
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The Department of Education, in consultation with the 48756  
Department of Job and Family Services, interested parties, and 48757  
Head Start agencies shall formulate a method for determining an 48758  
estimate of the number of eligible children and the percentage 48759  
served by grantees in each county. 48760

(D) After setting aside amounts to make any payments due from 48761  
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 48762  
first be distributed to recipients of funds during the preceding 48763  
fiscal year. Awards under this division may be reduced by the 48764  
amount received in that fiscal year for one-time start-up costs 48765  
and may be adjusted for actual months of program operation or 48766  
enrollment as reported during the first full week of December, and 48767  
may be increased by a reasonable percentage to be determined by 48768  
the Department of Education. The department may redistribute 48769  
dollars to programs demonstrating an unmet need based on updated 48770  
assessments of family needs and community resources, with special 48771  
attention to the projected impact of welfare reform. In fiscal 48772  
years 2002 and 2003, the department may authorize recipients to 48773  
carry over funds to the subsequent fiscal year. 48774

The department may reallocate unobligated or unspent money to 48775  
participating school districts for purposes of program expansion, 48776  
improvement, or special projects to promote excellence and 48777  
innovation. 48778

(E) Costs for developing and administering a preschool 48779  
program may not exceed fifteen per cent of the total approved 48780  
costs of the program. 48781

All recipients of funds shall maintain such fiscal control 48782  
and accounting procedures as may be necessary to ensure the 48783  
disbursement of, and accounting for, these funds. The control of 48784

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funds provided in this program, and title to property obtained 48785  
therefrom, shall be under the authority of the approved recipient 48786  
for purposes provided in the program. The approved recipient shall 48787  
administer and use such property and funds for the purposes 48788  
specified. 48789

(F) The department shall prescribe target levels for critical 48790  
performance indicators for the purpose of assessing public 48791  
preschool programs. On-site reviews and follow-up visits shall be 48792  
based on progress in meeting the prescribed target levels. 48793  
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The department may audit a school district's preschool 48795  
financial and program records. School districts that have 48796  
financial practices not in accordance with standard accounting 48797  
principles, that operate preschool programs that fail to 48798  
substantially meet the Head Start performance standards, or that 48799  
exhibit below-average performance shall be subject to an on-site 48800  
review. 48801

The department shall require corrective plans of action for 48802  
programs not achieving target levels or financial and program 48803  
standards. Action plans shall include activities to be conducted 48804  
by the grantee and timelines for activities to be completed and 48805  
timelines for additional data submission to the department 48806  
demonstrating that targets have been met. The appropriate school 48807  
board official shall sign the corrective plans of action. 48808

Public preschool programs not meeting performance targets in 48809  
accordance with the plan of action and prescribed timelines may 48810  
have their continuation funding reduced, be disqualified for 48811  
expansion consideration until targets are met, or have all state 48812  
funds withdrawn and a new program established. 48813

(G) The department shall require public preschool programs to 48814  
document child progress, using a common instrument prescribed by 48815

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the department, and report results annually. The department shall  
determine the dates for documenting and reporting.

The State Board of Education shall adopt rules addressing the  
use of screening and assessment data, including, but not limited  
to, all of the following:

(1) Protection of the identity of individual children through  
assignment of a unique but not personally identifiable code;

(2) Parents' rights;

(3) Use of the data by school personnel as it relates to  
kindergarten entrance.

(H) Each school district shall develop a sliding fee scale  
based on family incomes in the district and shall charge families  
who earn more than the federal poverty level for preschool.

(I) It is the intent of the General Assembly that  
appropriations for appropriation items 200-406, Head Start, and  
200-408, Public Preschool, be available for transfer between Head  
Start and Public Preschool programs so that unallocated funds may  
be used between the two programs.

**Section 44.04. PROFESSIONAL DEVELOPMENT**

Of the foregoing appropriation item 200-410, Professional  
Development, \$5,997,829 in each fiscal year shall be used by the  
Department of Education to develop a statewide comprehensive  
system of twelve professional development centers that support  
local educators' ability to foster academic achievement in the  
students they serve. The centers shall include training teachers  
on site-based management concepts to encourage teachers to become  
involved in the management of their schools.

Of the foregoing appropriation item 200-410, Professional

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Development, \$5,845,000 in fiscal year 2002 and \$6,000,000 in 48845  
fiscal year 2003 shall be used by the Department of Education to 48846  
pay the application fee for teachers from public and chartered 48847  
nonpublic schools applying to the National Board for Professional 48848  
Teaching Standards for professional teaching certificates or 48849  
licenses that the board offers, and to provide grants in each 48850  
fiscal year to recognize and reward teachers who become certified 48851  
by the board pursuant to section 3319.55 of the Revised Code, and 48852  
up to \$300,000 in each fiscal year of this set-aside may be used 48853  
to pay for costs associated with activities to support candidates 48854  
through the application and certification process. 48855

These moneys shall be used to pay for the first 900 48856  
applications in fiscal year 2002 and up to the first 550 48857  
applications in fiscal year 2003 received by the department. Each 48858  
prospective applicant for certification or licensure shall submit 48859  
an application to the Department of Education. When the department 48860  
has collected a group of applications, but not later than 30 days 48861  
after receipt of the first application in a group, it shall send 48862  
the applications to the National Board for Professional Teaching 48863  
Standards along with a check to cover the cost of the application 48864  
fee for all applicants in that group. 48865

Of the foregoing appropriation item 200-410, Professional 48866  
Development, up to \$8,296,000 in fiscal year 2002 and up to 48867  
\$19,387,750 in fiscal year 2003 shall be allocated for entry year 48868  
programs. These funds shall be used to support mentoring services 48869  
of beginning teachers, including chartered nonpublic beginning 48870  
teachers. In fiscal year 2002, the Department of Education shall 48871  
select eligible beginning teachers to participate in a year-long 48872  
entry year program that provides mentoring by experienced school 48873  
district and university faculty and Praxis III teacher performance 48874  
assessment. In fiscal year 2003, the program shall also include 48875  
the assessment of all beginning teachers with the Education 48876

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Testing Service's Praxis III examination. 48877

Of the foregoing appropriation item 200-410, Professional Development, up to \$650,000 in each fiscal year shall be used to continue Ohio leadership academies to develop and train superintendents in new leadership and management practices to support high performance schools. This training shall be coordinated with other locally administered leadership programs. 48878  
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Of the foregoing appropriation item 200-410, Professional Development, up to \$850,000 in each fiscal year shall be used to support the Ohio Principal's Leadership Academy that will serve principals and their staff teams. An advisory panel comprised of national business and education experts shall advise the Department of Education on content and delivery of curriculum and instruction. 48884  
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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. 48891  
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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. 48901  
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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 institutions and programs, and recommending consideration of decisions to the State Board.

Of the foregoing appropriation item 200-410, Professional Development, up to \$75,000 in each fiscal year shall be used to support the Ohio University Leadership Program.

**Section 44.05. FAMILY AND CHILDREN FIRST**

(A) Of the foregoing appropriation item 200-411, Family and Children First, the Department of Education shall transfer up to \$3,677,188 in each fiscal year by intrastate transfer voucher to the Department of Mental Retardation and Developmental Disabilities. These funds shall be spent on direct grants to county family and children first councils created under section 121.37 of the Revised Code. The funds shall be used as partial support payment and reimbursement for locally coordinated treatment plans for multineeds children that come to the attention of the Family and Children First Cabinet Council pursuant to

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section 121.37 of the Revised Code. The treatment plans shall 48940  
include strategies to address each child's academic achievement. 48941  
The Department of Mental Retardation and Developmental 48942  
Disabilities shall administer the distribution of the direct 48943  
grants to the county councils. The Department of Mental 48944  
Retardation and Developmental Disabilities may use up to five per 48945  
cent of this amount for administrative expenses associated with 48946  
the distribution of funds to the county councils. 48947

(B) Of the foregoing appropriation item 200-411, Family and 48948  
Children First, up to \$1,775,000 in each fiscal year shall be used 48949  
as administrative grants to county family and children first 48950  
councils to provide a portion of the salary and fringe benefits 48951  
necessary to fund county council coordinators, administrative 48952  
support, training, or parental involvement. The total initial 48953  
grant under this provision to any county family and children first 48954  
council shall not exceed \$20,000. In the event that not all 48955  
counties in the state have established a county council, at the 48956  
beginning of the fourth quarter of a fiscal year, any remaining 48957  
funds to be used as administrative grants may be redirected by the 48958  
Family and Children First Cabinet Council to other priorities and 48959  
activities. Up to \$15,000 of the \$1,775,000 in each fiscal year 48960  
shall be used by the Family and Children First Cabinet Council for 48961  
administrative costs, including stipends to family representatives 48962  
participating in approved activities of the initiative, 48963  
educational and informational forums, and technical assistance to 48964  
local family and children first councils. 48965

(C) Of the foregoing appropriation item 200-411, Family and 48966  
Children First, up to \$5,190,000 in each fiscal year shall be used 48967  
to fund school-based or school-linked school readiness resource 48968  
centers in school districts where there is a concentration of risk 48969  
factors to school readiness and success, including indicators of 48970  
poverty, health, and family stability. The purpose of these 48971

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centers is to assist in providing services to families of 48972  
school-age children who want and need support. 48973

School readiness resource centers shall be located in each of 48974  
the state's 21 urban school districts as defined in division (O) 48975  
of section 3317.02 of the Revised Code, as that section existed 48976  
prior to July 1, 1998. The Ohio Family and Children First Cabinet 48977  
Council, in consultation with the Department of Education and 48978  
school districts, shall identify individual schools based on 48979  
quantitative and qualitative factors that reflect both the need 48980  
for school readiness resource centers and the local capacity for 48981  
redesigning, as necessary, a delivery system of family support 48982  
services. The council and the Department of Education shall 48983  
organize and provide technical assistance to the school districts 48984  
and communities in planning, developing, and implementing the 48985  
centers. The council shall also negotiate a performance agreement 48986  
that details required program characteristics, service options, 48987  
and expected results. 48988

Each urban school district and community may receive up to 48989  
\$240,000 to maintain three school readiness resource centers that 48990  
are located in or linked to elementary, middle, and high school 48991  
sites that are connected by student assignment patterns within the 48992  
school districts. Each school district shall work with a 48993  
representative of the local family and children first council and 48994  
a representative cross-section of families and community leaders 48995  
in the district to operate the school readiness resource centers 48996  
based upon conditions agreed to in the performance agreement 48997  
negotiated with the cabinet council. 48998

Up to \$50,000 in each fiscal year may be used by the Ohio 48999  
Family and Children First Cabinet Council for an evaluation of the 49000  
effectiveness of the school readiness resource centers. Up to 49001  
\$100,000 in each fiscal year may be used by the cabinet council to 49002  
approve technical assistance and oversee the implementation of the 49003

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centers. The administration and management of the school readiness 49004  
resource centers may be contracted out through a competitive 49005  
bidding process established by the cabinet council in consultation 49006  
with the Department of Education. 49007

**Section 44.06.** VOCATIONAL EDUCATION MATCH 49008

The foregoing appropriation item 200-416, Vocational 49009  
Education Match, shall be used by the Department of Education to 49010  
provide vocational administration matching funds pursuant to 20 49011  
U.S.C. 2311. 49012

TECHNICAL SYSTEMS DEVELOPMENT 49013

The foregoing appropriation item 200-420, Technical Systems 49014  
Development, shall be used to support the development and 49015  
implementation of information technology solutions designed to 49016  
improve the performance and customer service of the Department of 49017  
Education. Funds may be used for personnel, maintenance, and 49018  
equipment costs related to the development and implementation of 49019  
these technical system projects. Implementation of these systems 49020  
shall allow the department to provide greater levels of assistance 49021  
to school districts and to provide more timely information to the 49022  
public, including school districts, administrators, and 49023  
legislators. 49024

ALTERNATIVE EDUCATION PROGRAMS 49025

There is hereby created the Alternative Education Advisory 49026  
Council, which shall consist of one representative from each of 49027  
the following agencies: the Ohio Department of Education; the 49028  
Department of Youth Services; the Ohio Department of Alcohol and 49029  
Drug Addiction Services; the Department of Mental Health; the 49030  
Office of the Governor or, at the Governor's discretion, the 49031  
Office of the Lieutenant Governor; and the Office of the Attorney 49032  
General. 49033

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Of the foregoing appropriation item 200-421, Alternative 49034  
Education Programs, not less than \$9,253,031 in each fiscal year 49035  
shall be used for the renewal of successful implementation grants 49036  
and for competitive matching grants to the 21 urban school 49037  
districts as defined in division (O) of section 3317.02 of the 49038  
Revised Code as it existed prior to July 1, 1998, and not less 49039  
than \$9,253,031 in each fiscal year shall be used for the renewal 49040  
of successful implementation of grants and for competitive 49041  
matching grants to rural and suburban school districts for 49042  
alternative educational programs for existing and new at-risk and 49043  
delinquent youth. Programs shall be focused on youth in one or 49044  
more of the following categories: those who have been expelled or 49045  
suspended, those who have dropped out of school or who are at risk 49046  
of dropping out of school, those who are habitually truant or 49047  
disruptive, or those on probation or on parole from a Department 49048  
of Youth Services facility. Grants shall be awarded according to 49049  
the criteria established by the Alternative Education Advisory 49050  
Council in 1999. Grants shall be awarded only to programs where 49051  
the grant would not serve as the program's primary source of 49052  
funding. These grants shall be administered by the Department of 49053  
Education. 49054

The Department of Education may waive compliance with any 49055  
minimum education standard established under section 3301.07 of 49056  
the Revised Code for any alternative school that receives a grant 49057  
under this section on the grounds that the waiver will enable the 49058  
program to more effectively educate students enrolled in the 49059  
alternative school. 49060

Of the foregoing appropriation item 200-421, Alternative 49061  
Education Programs, up to \$480,552 in each fiscal year may be used 49062  
for program administration, monitoring, technical assistance, 49063  
support, research, and evaluation. Any unexpended balance may be 49064  
used to provide additional matching grants to urban, suburban, or 49065

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rural school districts as outlined above. 49066

Of the foregoing appropriation item 200-421, Alternative 49067  
Education Programs, \$313,386 in each fiscal year shall be used to 49068  
contract with the Center for Learning Excellence at The Ohio State 49069  
University to provide technical support for the project and the 49070  
completion of formative and summative evaluation of the grants. 49071

Of the foregoing appropriation item 200-421, Alternative 49072  
Education Programs, up to \$700,000 in each fiscal year shall be 49073  
used to support Amer-I-Can. Of this set aside, no funds shall be 49074  
disbursed without approval of the Controlling Board. Amer-I-Can 49075  
programs shall submit to the Controlling Board a biennial spending 49076  
plan that delineates how these funds will be spent. Amer-I-can 49077  
programs also shall demonstrate to the Controlling Board that they 49078  
have hired an independent evaluator and have selected valid and 49079  
reliable instruments to assess pre and post changes in student 49080  
behavior. 49081

SCHOOL MANAGEMENT ASSISTANCE 49082

Of the foregoing appropriation item 200-422, School 49083  
Management Assistance, \$700,000 in fiscal year 2002 and \$400,000 49084  
in fiscal year 2003 shall be used by the Auditor of State for 49085  
expenses incurred in the Auditor of State's role relating to 49086  
fiscal caution activities as defined in Chapter 3316. of the 49087  
Revised Code. Expenses include duties related to the completion of 49088  
performance audits for school districts that the Superintendent of 49089  
Public Instruction determines are employing fiscal practices or 49090  
experiencing budgetary conditions that could produce a state of 49091  
fiscal watch or fiscal emergency. 49092

The remainder of foregoing appropriation item 200-422, School 49093  
Management Assistance, shall be used by the Department of 49094  
Education to provide fiscal technical assistance and inservice 49095  
education for school district management personnel and to 49096

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administer, monitor, and implement the fiscal watch and fiscal  
emergency provisions under Chapter 3316. of the Revised Code. 49097  
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## POLICY ANALYSIS 49099

The foregoing appropriation item 200-424, Policy Analysis, 49100  
shall be used by the Department of Education to support a system 49101  
of administrative, statistical, and legislative education 49102  
information to be used for policy analysis. Staff supported by 49103  
this appropriation shall administer the development of reports, 49104  
analyses, and briefings to inform education policymakers of 49105  
current trends in education practice, efficient and effective use 49106  
of resources, and evaluation of programs to improve education 49107  
results. The database shall be kept current at all times. These 49108  
research efforts shall be used to supply information and analysis 49109  
of data to the General Assembly and other state policymakers, 49110  
including the Office of Budget and Management and the Legislative 49111  
Service Commission. 49112

The Department of Education may use funding from this 49113  
appropriation item to purchase or contract for the development of 49114  
software systems or contract for policy studies that will assist 49115  
in the provision and analysis of policy-related information. 49116  
Funding from this appropriation item also may be used to monitor 49117  
and enhance quality assurance for research-based policy analysis 49118  
and program evaluation to enhance the effective use of education 49119  
information to inform education policymakers. 49120

## TECH PREP ADMINISTRATION 49121

The foregoing appropriation item 200-425, Tech Prep 49122  
Administration, shall be used by the Department of Education to 49123  
support state-level activities designed to support, promote, and 49124  
expand tech prep programs. Use of these funds shall include, but 49125  
not be limited to, administration of grants, program evaluation, 49126  
professional development, curriculum development, assessment 49127

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development, program promotion, communications, and statewide 49128  
 coordination of tech prep consortia. 49129

## OHIO EDUCATIONAL COMPUTER NETWORK 49130

The foregoing appropriation item 200-426, Ohio Educational 49131  
 Computer Network, shall be used by the Department of Education to 49132  
 maintain a system of information technology throughout Ohio and to 49133  
 provide technical assistance for such a system in support of the 49134  
 State Education Technology Plan pursuant to section 3301.07 of the 49135  
 Revised Code. 49136

Of the foregoing appropriation item 200-426, Ohio Educational 49137  
 Computer Network, up to \$20,571,198 in fiscal year 2002 and up to 49138  
 \$21,188,334 in fiscal year 2003 shall be used by the Department of 49139  
 Education to support connection of all public school buildings to 49140  
 the state's education network, to each other, and to the Internet. 49141  
 In each fiscal year the Department of Education shall use these 49142  
 funds to help reimburse data acquisition sites or school districts 49143  
 for the operational costs associated with this connectivity. The 49144  
 Department of Education shall develop a formula and guidelines for 49145  
 the distribution of these funds to the data acquisition sites or 49146  
 individual school districts. As used in this section, "public 49147  
 school building" means a school building of any city, local, 49148  
 exempted village, or joint vocational school district, or any 49149  
 community school established under Chapter 3314. of the Revised 49150  
 Code, or any educational service center building used for 49151  
 instructional purposes. 49152

Of the foregoing appropriation item 200-426, Ohio Educational 49153  
 Computer Network, up to \$2,043,938 in fiscal year 2002 and up to 49154  
 \$2,095,037 in fiscal year 2003 shall be used for the Union Catalog 49155  
 and InfoOhio Network. 49156

The Department of Education shall use up to \$4,590,000 in 49157  
 fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to 49158



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assist designated data acquisition sites with operational costs 49159  
associated with the increased use of the state's education network 49160  
by chartered nonpublic schools. The Department of Education shall 49161  
develop a formula and guidelines for distribution of these funds 49162  
to designated data acquisition sites. 49163

The remainder in each fiscal year of appropriation item 49164  
200-426, Ohio Educational Computer Network, shall be used to 49165  
support development, maintenance, and operation of a network of 49166  
uniform and compatible computer-based information and 49167  
instructional systems. The technical assistance shall include, but 49168  
not be restricted to, development and maintenance of adequate 49169  
computer software systems to support network activities. Program 49170  
funds may be used, through a formula and guidelines devised by the 49171  
department, to subsidize the activities of not more than 24 49172  
designated data acquisition sites, as defined by State Board of 49173  
Education rules, to provide school districts and chartered 49174  
nonpublic schools with computer-based student and teacher 49175  
instructional and administrative information services, including 49176  
approved computerized financial accounting, and to ensure the 49177  
effective operation of local automated administrative and 49178  
instructional systems. To broaden the scope of the use of 49179  
technology for education, the department may use up to \$250,000 in 49180  
each fiscal year to coordinate the activities of the computer 49181  
network with other agencies funded by the department or the state. 49182  
In order to improve the efficiency of network activities, the 49183  
department and data acquisition sites may jointly purchase 49184  
equipment, materials, and services from funds provided under this 49185  
appropriation for use by the network and, when considered 49186  
practical by the department, may utilize the services of 49187  
appropriate state purchasing agencies. 49188

ACADEMIC STANDARDS 49189

The foregoing appropriation item 200-427, Academic Standards, 49190

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shall be used by the Department of Education to develop and  
 disseminate academic content standards. These funds shall be used  
 to develop academic content standards and curriculum models and to  
 fund communication of expectations to teachers, school districts,  
 parents, and communities.

**Section 44.07. SCHOOL IMPROVEMENT INITIATIVES**

Of the foregoing appropriation item 200-431, School  
 Improvement Initiatives, up to \$3,700,000 in fiscal year 2002  
 shall be used to continue previously awarded venture capital  
 grants of \$25,000 to 148 schools and up to \$975,000 in fiscal year  
 2003 shall be used to continue previously awarded venture capital  
 grants of \$25,000 to 39 schools.

Of the foregoing appropriation item 200-431, School  
 Improvement Initiatives, \$4,500,000 in fiscal year 2002 and  
 \$5,000,000 in fiscal year 2003 shall be used for the development  
 and distribution of school report cards pursuant to section  
 3302.03 of the Revised Code, for the development of core  
 competencies for the proficiency tests, and to support the  
 recommendations of the Governor's Commission for Student Success.

Of the foregoing appropriation item 200-431, School  
 Improvement Initiatives, \$7,500,000 in fiscal year 2002 and  
 \$8,500,000 in fiscal year 2003 shall be used to provide technical  
 assistance to school districts that are declared to be in a state  
 of academic watch or academic emergency under section 3302.03 of  
 the Revised Code to develop their continuous improvement plans as  
 required in section 3302.04 of the Revised Code.

Of the foregoing appropriation item 200-431, School  
 Improvement Initiatives, up to \$150,000 in each fiscal year shall  
 be used to support a teacher-in-residence at the Governor's office  
 and related support staff, travel expenses, and administrative  
 overhead.

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SCHOOL CONFLICT MANAGEMENT 49222

Of the foregoing appropriation item 200-432, School Conflict Management, amounts shall be used by the Department of Education for the purpose of providing dispute resolution and conflict management training, consultation, and materials for school districts, and for the purpose of providing competitive school conflict management grants to school districts. 49223  
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The Department of Education shall assist the Commission on Dispute Resolution and Conflict Management in the development and dissemination of the school conflict management program. The assistance provided by the Department of Education shall include the assignment of a full-time employee of the department to the Commission on Dispute Resolution and Conflict Management to provide technical and administrative support to maximize the quality of dispute resolution and conflict management programs and services provided to school districts. 49229  
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Of the foregoing appropriation item 200-432, School Conflict Management, up to \$5,000 in fiscal year 2002 shall be used to support the Character Council Initiative. The Initiative works to instill character and values at all levels in the community. 49238  
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READING/WRITING IMPROVEMENT 49242

Of the foregoing appropriation item 200-433, Reading/Writing Improvement, up to \$12,396,970 in each fiscal year shall be used for professional development in literacy for classroom teachers, administrators, and literacy specialists. 49243  
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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 49247  
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programs on a pilot basis. Funds for this appropriation item may 49253  
 also be used to conduct evaluations of the impact and 49254  
 effectiveness of Reading Recovery and other reading improvement 49255  
 programs. 49256

Of the foregoing appropriation item 200-433, Reading/Writing 49257  
 Improvement, \$250,000 in each fiscal year shall be used to 49258  
 continue the Waterford Early Reading program. 49259

The remainder of appropriation item 200-433, Reading/Writing 49260  
 Improvement, shall be used by the Department of Education to 49261  
 develop and support reading and writing improvement programs by 49262  
 providing a common assessment/profile instrument for elementary 49263  
 school buildings, literacy specialist support and training 49264  
 programs, and incentives for teachers to complete professional 49265  
 development programs. 49266

## STUDENT ASSESSMENT 49267

The foregoing appropriation item 200-437, Student Assessment, 49268  
 shall be used to develop, field test, print, distribute, score, 49269  
 and report results from the tests required under sections 49270  
 3301.0710 and 3301.0711 of the Revised Code and for similar 49271  
 purposes as required by section 3301.27 of the Revised Code. 49272

## SAFE SCHOOLS 49273

Of the foregoing appropriation item 200-438, Safe Schools, 49274  
 \$230,000 in each fiscal year shall be used for the development and 49275  
 operation of a Safe Schools Center. The Department of Education 49276  
 shall oversee the creation of a center to serve as a coordinating 49277  
 entity to assist school district personnel, parents, juvenile 49278  
 justice representatives, and law enforcement in identifying 49279  
 effective strategies and services for improving school safety and 49280  
 reducing threats to the security of students and school personnel. 49281

Of the foregoing appropriation item 200-438, Safe Schools, up 49282  
 to \$1,800,000 in each fiscal year shall be used for a safe-school 49283

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help line program for students, parents, and the community to 49284  
 report threats to the safety of students or school personnel. The 49285  
 Department of Education shall establish criteria to distribute 49286  
 these funds to school districts whose superintendents indicate the 49287  
 program would be a meaningful aid to school security. 49288

Of the foregoing appropriation item 200-438, Safe Schools, up 49289  
 to \$20,000 in each fiscal year may be used by schools for the 49290  
 Eddie Eagle Gun Safety Pilot Program. School districts wishing to 49291  
 participate in the pilot program shall apply to the Department of 49292  
 Education under guidelines established by the Superintendent of 49293  
 Public Instruction. 49294

## AMERICAN SIGN LANGUAGE 49295

Of the foregoing appropriation item 200-441, American Sign 49296  
 Language, up to \$153,000 in fiscal year 2002 and up to \$156,060 in 49297  
 fiscal year 2003 shall be used to implement pilot projects for the 49298  
 integration of American Sign Language deaf language into the 49299  
 kindergarten through twelfth-grade curriculum. 49300

The remainder of the appropriation shall be used by the 49301  
 Department of Education to provide supervision and consultation to 49302  
 school districts in dealing with parents of handicapped children 49303  
 who are deaf or hard of hearing, in integrating American Sign 49304  
 Language as a foreign language, and in obtaining interpreters and 49305  
 improving their skills. 49306

## CHILD CARE LICENSING 49307

The foregoing appropriation item 200-442, Child Care 49308  
 Licensing, shall be used by the Department of Education to license 49309  
 and to inspect preschool and school-age child care programs in 49310  
 accordance with sections 3301.52 to 3301.59 of the Revised Code. 49311

## PROFESSIONAL RECRUITMENT 49312

Of the foregoing appropriation item 200-444, Professional 49313

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Recruitment, \$1,300,000 in each fiscal year shall be used by the Department of Education to establish programs targeted at recruiting underrepresented populations into the teaching profession. In each year, the recruitment programs shall include, but not be limited to, alternative teacher licensure or certification programs emphasizing the recruitment of highly qualified minority candidates into teaching, including emphasizing the recruitment of highly qualified minority candidates into teaching positions in schools that have a high percentage of minority students. The recruitment programs also shall target recruiting qualified candidates available as a result of downsizing of the military and business sectors. Funding also shall be targeted to statewide, regional, and local programs that are competitively selected as promising programs demonstrating the potential of significantly increasing Ohio's minority teaching force.

The remainder of appropriation item 200-444 shall be used by the Department of Education for recruitment programs targeting special needs areas: recruiting prospective mathematics and science teachers, recruiting special educators, recruiting principals, developing a web-based placement bureau, establishing a pre-collegiate program to target future teachers, and piloting paraeducators-to-teacher programs.

OHIOREADS ADMIN/VOLUNTEER SUPPORT

The foregoing appropriation item 200-445, OhioReads Admin/Volunteer Support, may be allocated by the OhioReads Council for volunteer coordinators in public school buildings, to educational service centers for costs associated with volunteer coordination, for background checks for volunteers, to evaluate the OhioReads Program, and for operating expenses associated with administering the program.

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**Section 44.08.** EDUCATION MANAGEMENT INFORMATION SYSTEM 49345

The foregoing appropriation item 200-446, Education 49346  
 Management Information System, shall be used by the Department of 49347  
 Education to provide school districts with the means to implement 49348  
 local automated information systems and to implement, develop, and 49349  
 improve the Education Management Information System (EMIS) for the 49350  
 common student information management software developed by the 49351  
 Department of Education. 49352

Of the foregoing appropriation item 200-446, Education 49353  
 Management Information System, up to \$1,000,000 in each fiscal 49354  
 year may be used by the Department of Education to assist 49355  
 designated data acquisition sites or school districts with 49356  
 deployment and implementation of the common student management 49357  
 record system software, and for hardware, personnel, equipment, 49358  
 staff development, software, and forms modification, as well as to 49359  
 support EMIS special report activities in the department. 49360

Of the foregoing appropriation item 200-446, Education 49361  
 Management Information System, up to \$2,213,639 in fiscal year 49362  
 2002 and up to \$1,476,760 in fiscal year 2003 shall be distributed 49363  
 to designated data acquisition sites for costs relating to 49364  
 processing, storing, and transferring data for the effective 49365  
 operation of the EMIS. These costs may include, but are not 49366  
 limited to, personnel, hardware, software development, 49367  
 communications connectivity, professional development, and support 49368  
 services, and to provide services to participate in the State 49369  
 Education Technology Plan pursuant to section 3301.07 of the 49370  
 Revised Code. 49371

Of the foregoing appropriation item 200-446, Education 49372  
 Management Information System, up to \$7,763,297 in fiscal year 49373  
 2002 and up to \$8,999,708 in fiscal year 2003 shall be distributed 49374  
 to school districts, community schools established under Chapter 49375

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3314. of the Revised Code, education service centers, and joint vocational school districts on a per-pupil basis. From this funding, each school district or community school established under Chapter 3314. of the Revised Code with enrollment greater than 100 students and each vocational school district shall receive a minimum of \$5,000 for each year of the biennium. Each school district or community school established under Chapter 3314. of the Revised Code with enrollment between one and one hundred and each education service center and each county board of MR/DD that submits data through EMIS shall receive \$3,000 for each year of the biennium. This money shall be used for costs associated with the development and operation of local automated record-based information systems that provide data as required by the education management information system, and facilitate local district, school, and classroom management activities.

GED TESTING/ADULT HIGH SCHOOL

The foregoing appropriation item 200-447, GED Testing/Adult High School, shall be used to provide General Educational Development (GED) testing at no cost to applicants, pursuant to rules adopted by the State Board of Education. The Department of Education shall reimburse school districts and community schools, created in accordance with Chapter 3314. of the Revised Code, for a portion of the costs incurred in providing summer instructional or intervention services to students who have not graduated due to their inability to pass one or more parts of the state's ninth grade proficiency test. School districts shall also provide such services to students who are residents of the district pursuant to section 3313.64 of the Revised Code, but who are enrolled in chartered, nonpublic schools. The services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off the nonpublic school premises. No school district shall provide summer instructional or intervention



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services to nonpublic school students as authorized by this 49408  
 section unless such services are available to students attending 49409  
 the public schools within the district. No school district shall 49410  
 provide services for use in religious courses, devotional 49411  
 exercises, religious training, or any other religious activity. 49412  
 Chartered, nonpublic schools shall pay for any unreimbursed costs 49413  
 incurred by school districts for providing summer costs incurred 49414  
 by school districts for providing summer instruction or 49415  
 intervention services to students enrolled in chartered, nonpublic 49416  
 schools. School districts may provide these services to students 49417  
 directly or contract with postsecondary or nonprofit 49418  
 community-based institutions in providing instruction. The 49419  
 appropriation also shall be used for state reimbursement to school 49420  
 districts for adult high school continuing education programs 49421  
 pursuant to section 3313.531 of the Revised Code or for costs 49422  
 associated with awarding adult high school diplomas under section 49423  
 3313.611 of the Revised Code. 49424

COMMUNITY SCHOOLS 49425

Of the foregoing appropriation item 200-455, Community 49426  
 Schools, up to \$100,000 in each fiscal year may be used by the 49427  
 Lucas County Educational Service Center to pay for additional 49428  
 services provided to community schools, subject to the reporting 49429  
 by the service center of actual expenses incurred to the 49430  
 Department of Education. Up to \$1,628,935 in fiscal year 2002 and 49431  
 up to \$1,724,517 in fiscal year 2003 may be used by the Office of 49432  
 School Options in the Department of Education for additional 49433  
 services and responsibilities under section 3314.11 of the Revised 49434  
 Code. 49435

The remaining appropriation may be used by the Department of 49436  
 Education and the Lucas County Educational Service Center to make 49437  
 grants of up to \$50,000 to each proposing group with a preliminary 49438  
 agreement obtained under division (C)(2) of section 3314.02 of the 49439

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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 \$91,488,407 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 \$91,488,407, the Controlling Board may increase the

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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 \$91,488,407, 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; an amount shall be available  
in fiscal year 2002 to make payments to school districts pursuant  
to division (C) of section 3317.0212 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

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200-501, Base Cost Funding, up to \$14,000,000 in fiscal year 2002 49502  
and up to \$23,000,000 in fiscal year 2003 shall be used to provide 49503  
additional state aid to school districts for special education 49504  
students pursuant to division (C)(5) of section 3317.022 of the 49505  
Revised Code; up to \$2,000,000 in each year of the biennium shall 49506  
be reserved for Youth Services tuition payments pursuant to 49507  
section 3317.024 of the Revised Code; and up to \$52,000,000 in 49508  
each fiscal year shall be reserved to fund the state reimbursement 49509  
of educational service centers pursuant to section 3317.11 of the 49510  
Revised Code. 49511

Of the foregoing appropriation item 200-501, Base Cost 49512  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 49513  
Department of Education for a pilot program to pay for educational 49514  
services for youth who have been assigned by a juvenile court or 49515  
other authorized agency to any of the facilities described in 49516  
division (A) of the section titled "Private Treatment Facility 49517  
Pilot Project." 49518

The remaining portion of appropriation item 200-501, Base 49519  
Cost Funding, shall be expended for the public schools of city, 49520  
local, exempted village, and joint vocational school districts, 49521  
including base cost funding, special education weight funding, 49522  
special education speech service enhancement funding, 49523  
career-technical education weight funding, career-technical 49524  
education associated service funding, guarantee funding, and 49525  
teacher training and experience funding pursuant to sections 49526  
3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised Code. 49527

Appropriation items 200-500, School Finance Equity, 200-501, 49528  
Base Cost Funding, 200-502, Pupil Transportation, 200-520, 49529  
Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 49530  
200-525, Parity Aid, and 200-546, Charge-Off Supplement, other 49531  
than specific set-asides, are collectively used to pay state 49532  
formula aid obligations for school districts and joint vocational 49533

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school districts pursuant to Chapter 3317. of the Revised Code. 49534  
The first priority of these appropriation items, with the 49535  
exception of specific set-asides, is to fund state formula aid 49536  
obligations under Chapter 3317. of the Revised Code. It may be 49537  
necessary to reallocate funds among these appropriation items in 49538  
order to meet state formula aid obligations. If it is determined 49539  
that it is necessary to transfer funds among these appropriation 49540  
items to meet state formula aid obligations, the Department of 49541  
Education shall seek approval from the Controlling Board to 49542  
transfer funds among these appropriation items. 49543

**Section 44.11. SUPPLEMENTAL PAYMENT** 49544

Upon the recommendation of the Superintendent of Public 49545  
Instruction, and subject to the approval of the Controlling Board, 49546  
the Department of Education shall pay a school district in fiscal 49547  
year 2002 an amount not greater than the difference between the 49548  
following: 49549

(A) The cost of increasing teachers' salaries above the 49550  
district's salary schedule to comply with division (C) of section 49551  
3317.13 of the Revised Code as amended by this act, multiplied by 49552  
one hundred fourteen per cent; 49553

(B) The district's increases in state funds for fiscal year 49554  
2002. 49555

The increases in state funds for fiscal year 2002 shall be 49556  
calculated by determining additional state funds received for 49557  
fiscal year 2002 under sections 3317.022, 3317.023, 3317.029, 49558  
3317.0212, and 3317.053 and division (P) of section 3317.024 of 49559  
the Revised Code and uncodified sections of this act, above the 49560  
amount of state funds the district received for fiscal year 2001 49561  
under sections 3317.022, 3317.023, 3317.029, 3317.0212, and 49562  
3317.162 and division (P) of section 3317.024 of the Revised Code 49563  
and uncodified sections of Am. Sub. H.B. 282 of the 123rd General 49564

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The Department shall determine application procedures and a 49566  
 schedule for applications and payments under this section, which 49567  
 shall be subject to the approval of the Controlling Board. The 49568  
 Department may pay one-half of an estimated amount of a district's 49569  
 payment under this section during the first half of fiscal year 49570  
 2002, and the remainder of the actual calculated amount during the 49571  
 second half of the fiscal year. Subject to the approval of the 49572  
 Controlling Board, the amount of any overpayments under this 49573  
 section shall be deducted from payments made to the school 49574  
 district under Chapter 3317. of the Revised Code for the remainder 49575  
 of the fiscal year. 49576

**Section 44.12. PUPIL TRANSPORTATION** 49577

Of the foregoing appropriation item 200-502, Pupil 49578  
 Transportation, up to \$800,000 in fiscal year 2002 and up to 49579  
 \$822,400 in fiscal year 2003 may be used by the Department of 49580  
 Education for training prospective and experienced school bus 49581  
 drivers in accordance with training programs prescribed by the 49582  
 department; an amount shall be available in each year of the 49583  
 biennium to be used for special education transportation 49584  
 reimbursements. The reimbursement rate in each year shall be based 49585  
 on the rate defined in division (D) of section 3317.022 of the 49586  
 Revised Code. The remainder of appropriation item 200-502, Pupil 49587  
 Transportation, shall be used for the state reimbursement of 49588  
 public school districts' costs in transporting pupils to and from 49589  
 the school they attend in accordance with the district's policy, 49590  
 State Board of Education standards, and the Revised Code. 49591

**BUS PURCHASE ALLOWANCE** 49592

The foregoing appropriation item 200-503, Bus Purchase 49593  
 Allowance, shall be distributed to school districts and 49594  
 educational service centers pursuant to rules adopted under 49595

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section 3317.07 of the Revised Code. Up to 25 per cent of the  
amount appropriated may be used to reimburse school districts and  
educational service centers for the purchase of buses to transport  
handicapped and nonpublic school students.

**SCHOOL LUNCH**

The foregoing appropriation item 200-505, School Lunch Match,  
shall be used to provide matching funds to obtain federal funds  
for the school lunch program.

**Section 44.13. ADULT LITERACY EDUCATION**

The foregoing appropriation item 200-509, Adult Literacy  
Education, shall be used to support adult basic and literacy  
education instructional programs and the State Literacy Resource  
Center Program.

Of the foregoing appropriation item 200-509, Adult Literacy  
Education, up to \$543,150 in fiscal year 2002 and up to \$554,013  
in fiscal year 2003 shall be used for the support and operation of  
the State Literacy Resource Center.

The remainder shall be used to continue to satisfy the state  
match and maintenance of effort requirements for the support and  
operation of the Department of Education-administered  
instructional grant program for adult basic and literacy education  
in accordance with the department's state plan for adult basic and  
literacy education as approved by the State Board of Education and  
the Secretary of the United States Department of Education.

**AUXILIARY SERVICES**

The foregoing appropriation item 200-511, Auxiliary Services,  
shall be used by the State Board of Education for the purpose of  
implementing section 3317.06 of the Revised Code. Of the  
appropriation, up to \$1,250,000 in fiscal year 2002 and up to  
\$1,500,000 in fiscal year 2003 may be used for payment of the

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Post-Secondary Enrollment Options Program for nonpublic students	49626
pursuant to section 3365.10 of the Revised Code.	49627
STUDENT INTERVENTION SERVICES	49628
The foregoing appropriation item 200-513, Student	49629
Intervention Services, shall be used to assist districts providing	49630
the intervention services specified in section 3313.608 of the	49631
Revised Code. The Department of Education shall establish	49632
guidelines for the use and distribution of these moneys. School	49633
districts receiving funds from this appropriation shall report to	49634
the Department of Education on how funds were used.	49635
No later than July 15, 2002, the Director of Budget and	49636
Management shall transfer \$35,000,000 from Fund 3W6, TANF	49637
Education, to the General Revenue Fund. The transferred funds are	49638
appropriated for the appropriation item 200-513, Student	49639
Intervention Services. The foregoing appropriation item 200-513,	49640
Student Intervention Services, includes transferred funds of	49641
\$35,000,000 in fiscal year 2003.	49642
The Department of Education shall comply with all TANF	49643
requirements, including reporting requirements and timelines, as	49644
specified in state and federal laws, federal regulations, state	49645
rules, and the Title IV-A state plan, and is responsible for	49646
payment of any adverse audit finding, final disallowance of	49647
federal financial participation, or other sanction or penalty	49648
issued by the federal government or other entity concerning these	49649
funds.	49650
POST-SECONDARY/ADULT CAREER-TECHNICAL EDUCATION	49651
The foregoing appropriation item 200-514,	49652
Post-Secondary/Adult Career-Technical Education, shall be used by	49653
the State Board of Education to provide post-secondary/adult	49654
career-technical education under sections 3313.52 and 3313.53 of	49655
the Revised Code.	49656



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Of the foregoing appropriation item 200-514, 49657  
Post-Secondary/Adult Career-Technical Education, up to \$500,000 in 49658  
each fiscal year shall be allocated for the Ohio Career 49659  
Information System (OCIS) and used for the dissemination of career 49660  
information data to public schools, libraries, rehabilitation 49661  
centers, two- and four-year colleges and universities, and other 49662  
governmental units. 49663

Of the foregoing appropriation item 200-514, 49664  
Post-Secondary/Adult Career-Technical Education, up to \$40,000 in 49665  
each fiscal year shall be used for the statewide coordination of 49666  
the activities of the Ohio Young Farmers. 49667

## DISADVANTAGED PUPIL IMPACT AID 49668

The foregoing appropriation item 200-520, Disadvantaged Pupil 49669  
Impact Aid, shall be distributed to school districts according to 49670  
section 3317.029 of the Revised Code. However, no money shall be 49671  
distributed for all-day kindergarten to any school district whose 49672  
three-year average formula ADM exceeds 17,500 but whose DPIA index 49673  
is not at least equal to 1.00 in each fiscal year, unless the 49674  
Department of Education certifies that sufficient funds exist in 49675  
this appropriation to make all other payments required by section 49676  
3317.029 of the Revised Code. 49677

The Department of Education shall pay all-day, everyday 49678  
kindergarten funding to all school districts in fiscal year 2002 49679  
and fiscal year 2003 that qualified for and provided the service 49680  
in a preceding fiscal year pursuant to section 3317.029 of the 49681  
Revised Code, regardless of changes to such districts' DPIA 49682  
indexes in fiscal year 2002 and fiscal year 2003. 49683

The Department of Education shall pay to community schools an 49684  
amount for all-day kindergarten if the school district in which 49685  
the student is entitled to attend school is eligible but does not 49686  
receive a payment for all-day kindergarten, pursuant to division 49687

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(B) of section 3314.13 of the Revised Code, and the student is 49688  
reported by the community school as enrolled in all-day 49689  
kindergarten at the community school. 49690

Of the foregoing appropriation item 200-520, Disadvantaged 49691  
Pupil Impact Aid, up to \$3,200,000 in fiscal year 2002 and up to 49692  
\$3,300,000 in fiscal year 2003 shall be used for school breakfast 49693  
programs. Of these amounts, up to \$500,000 shall be used each year 49694  
by the Department of Education to provide start-up grants to rural 49695  
school districts and to school districts with less than 1,500 ADM 49696  
that start school breakfast programs. The remainder of the 49697  
appropriation shall be used to: (1) partially reimburse school 49698  
buildings within school districts that are required to have a 49699  
school breakfast program pursuant to section 3313.813 of the 49700  
Revised Code, at a rate decided by the department, for each 49701  
breakfast served to any pupil enrolled in the district; (2) 49702  
partially reimburse districts participating in the National School 49703  
Lunch Program that have at least 20 per cent of students who are 49704  
eligible for free and reduced meals according to federal 49705  
standards, at a rate decided by the department; and (3) to 49706  
partially reimburse districts participating in the National School 49707  
Lunch Program for breakfast served to children eligible for free 49708  
and reduced meals enrolled in the district, at a rate decided by 49709  
the department. 49710

Of the portion of the funds distributed to the Cleveland City 49711  
School District under section 3317.029 of the Revised Code 49712  
calculated under division (F)(2) of that section, up to 49713  
\$14,903,943 in fiscal year 2002 and up to \$18,066,820 in fiscal 49714  
year 2003 shall be used to operate the pilot school choice program 49715  
in the Cleveland City School District pursuant to sections 49716  
3313.974 to 3313.979 of the Revised Code. 49717

Of the foregoing appropriation item 200-520, Disadvantaged 49718  
Pupil Impact Aid, \$1,000,000 in each fiscal year shall be used to 49719

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support dropout recovery programs administered by the Department 49720  
of Education, Jobs for Ohio's Graduates Program. 49721

**Section 44.14. GIFTED PUPIL PROGRAM** 49722

The foregoing appropriation item 200-521, Gifted Pupil 49723  
Program, shall be used for gifted education units not to exceed 49724  
1,150 in fiscal year 2002 and 1,170 in fiscal year 2003 pursuant 49725  
to division (P) of section 3317.024 and division (F) of section 49726  
3317.05 of the Revised Code. 49727

Of the foregoing appropriation item 200-521, Gifted Pupil 49728  
Program, the Department of Education may expend up to \$1,000,000 49729  
each year for the Summer Honors Institute for gifted freshman and 49730  
sophomore high school students. Up to \$600,000 in each fiscal year 49731  
shall be used for research and demonstration projects. The 49732  
Department of Education shall research and evaluate the 49733  
effectiveness of gifted education programs in Ohio. Up to \$70,000 49734  
in each year shall be used for the Ohio Summer School for the 49735  
Gifted (Martin Essex Program). 49736

**Section 44.15. PARITY AID** 49737

The foregoing appropriation item 200-525, Parity Aid, shall 49738  
be distributed to school districts based on the formulas specified 49739  
in section 3317.0217 of the Revised Code. 49740

**NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 49741

The foregoing appropriation item 200-532, Nonpublic 49742  
Administrative Cost Reimbursement, shall be used by the State 49743  
Board of Education for the purpose of implementing section 49744  
3317.063 of the Revised Code. 49745

**DESEGREGATION COSTS** 49746

The foregoing appropriation item 200-534, Desegregation 49747  
Costs, shall be used to pay the legal fees associated with 49748

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desegregation cases brought against the state. 49749

As part of managing state desegregation costs, any board of 49750  
education of a school district subject to a federal court 49751  
desegregation order that requires the district board to bus 49752  
students for the purpose of racial balance shall, within one year 49753  
after the effective date of this section: 49754

(1) Update its plan required under Am. Sub. H.B. 298 of the 49755  
119th General Assembly designed to satisfy the court so as to 49756  
obtain release from the court's desegregation order; and 49757

(2) Submit an updated copy of the plan to the State Board of 49758  
Education. 49759

Upon request of the district board, the State Board shall provide 49760  
technical assistance to the school district board in developing a 49761  
plan. 49762

Within ninety days after the date on which the plan is 49763  
submitted to the State Board of Education, the district board, or 49764  
the district board and the State Board of Education jointly if 49765  
both are parties to the desegregation case, shall submit the plan 49766  
to the court and apply for release from the court's desegregation 49767  
order. 49768

**Section 44.16. SPECIAL EDUCATION ENHANCEMENTS** 49769

Of the foregoing appropriation item 200-540, Special 49770  
Education Enhancements, up to \$45,295,000 in fiscal year 2002 and 49771  
up to \$47,809,750 in fiscal year 2003 shall be used to fund 49772  
special education and related services at county boards of mental 49773  
retardation and developmental disabilities for eligible students 49774  
under section 3317.20 of the Revised Code. Up to \$2,500,000 shall 49775  
be used in each fiscal year to fund up to 57 special education 49776  
classroom and related services units at institutions. 49777

Of the foregoing appropriation item 200-540, Special 49778

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Education Enhancements, up to \$3,293,959 in fiscal year 2002 and  
up to \$3,425,717 in fiscal year 2003 shall be used for home  
instruction for handicapped children; up to \$1,500,000 in each  
fiscal year shall be used for parent mentoring programs; and up to  
\$2,744,966 in fiscal year 2002 and up to \$2,854,764 in fiscal year  
2003 may be used for school psychology interns.

Of the foregoing appropriation item 200-540, Special  
Education Enhancements, \$3,852,160 in fiscal year 2002 and up to  
\$4,006,246 in fiscal year 2003 shall be used by the Department of  
Education to assist school districts in funding aides pursuant to  
paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative  
Code.

Of the foregoing appropriation item 200-540, Special  
Education Enhancements, \$78,623,506 in each fiscal year shall be  
distributed by the Department of Education to county boards of  
mental retardation and developmental disabilities, educational  
service centers, and school districts for preschool special  
education units and preschool supervisory units in accordance with  
section 3317.161 of the Revised Code. The department may reimburse  
county boards of mental retardation and developmental  
disabilities, educational service centers, and school districts  
for related services as defined in rule 3301-31-05 of the  
Administrative Code, for preschool occupational and physical  
therapy services provided by a physical therapy assistant and  
certified occupational therapy assistant, and for an instructional  
assistant. To the greatest extent possible, the Department of  
Education shall allocate these units to school districts and  
educational service centers. The Controlling Board may approve the  
transfer of unallocated funds from appropriation item 200-501,  
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

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approve the transfer of unallocated funds from appropriation item 49811  
200-540, Special Education Enhancements, to appropriation item 49812  
200-501, Base Cost Funding, to fully fund the special education 49813  
weight cost funding. 49814

The Department of Education shall require school districts, 49815  
educational service centers, and county MR/DD boards serving 49816  
preschool children with disabilities to document child progress 49817  
using a common instrument prescribed by the department and report 49818  
results annually. The reporting dates and methodology shall be 49819  
determined by the department. 49820

The department shall adopt rules addressing the use of 49821  
screening and assessment data including, but not limited to: 49822

(1) Protection of the identity of individual children through 49823  
assignment of a unique, but not personally identifiable, code; 49824  
49825

(2) Parents' rights; and 49826

(3) Use of the child data by school personnel as it relates 49827  
to kindergarten entrance. 49828

Of the foregoing appropriation item 200-540, Special 49829  
Education Enhancements, up to \$808,081 in fiscal year 2002 and up 49830  
to \$832,323 in fiscal year 2003 shall be allocated to provide 49831  
grants to research-based reading mentoring programs for students 49832  
with disabilities in kindergarten through fourth grade. Priority 49833  
shall be given to mentoring programs that have been recognized by 49834  
the Education Commission of the States as promising educational 49835  
practices for accelerating student achievement, are easily 49836  
replicated, have strong evaluative components, and have goals 49837  
aligned to the Ohio Proficiency Test. Programs may be implemented 49838  
at times deemed most appropriate. Certified staff shall administer 49839  
these programs and testing of participants shall be required prior 49840  
to, during, and after participation in these programs. The results 49841

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of the tests shall be reported to the Governor, Superintendent of  
Public Instruction, and General Assembly. 49842  
49843  
49844

Of the foregoing appropriation item 200-540, Special 49845  
Education Enhancements, up to \$86,000 in each fiscal year shall be 49846  
used to conduct a collaborative pilot program to provide 49847  
educational services and develop best educational practices for 49848  
autistic children. The pilot program shall include, but not be 49849  
limited to, the involvement of the Wood County Board of Mental 49850  
Retardation and Developmental Disabilities, Wood County 49851  
Educational Services Center, Children's Resource Center of Wood 49852  
County, and the Family and Children First Council of Wood County. 49853

Of the foregoing appropriation item 200-540, Special 49854  
Education Enhancements, up to \$303,030 in fiscal year 2002 and up 49855  
to \$312,121 in fiscal year 2003 shall be expended to conduct a 49856  
demonstration project involving language and literacy intervention 49857  
teams supporting student acquisition of language and literacy 49858  
skills. The demonstration project shall demonstrate improvement of 49859  
language and literacy skills of at-risk learners under the 49860  
instruction of certified speech language pathologists and 49861  
educators. Priority in awarding grants funding in this program 49862  
shall be given to existing targeted programs originally funded 49863  
under Am. Sub. H.B. 282 of the 123rd General Assembly and that are 49864  
currently being applied in school districts. Grants awarded under 49865  
this program shall be made in conjunction with the Ohio Coalition 49866  
for Education of Children with Disabilities. Baseline data shall 49867  
be collected and comparison data for fiscal year 2002 and fiscal 49868  
year 2003 shall be collected and reported to the Governor, 49869  
OhioReads Council, Department of Education, and the General 49870  
Assembly. 49871

**Section 44.17. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 49872

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Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$2,616,001 in each fiscal year shall be used to fund career-technical education units at institutions. Up to \$4,200,000 in fiscal year 2002 and up to \$4,182,775 in fiscal year 2003 shall be used to fund the Jobs for Ohio Graduates (JOG) program.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$4,207,573 in fiscal year 2002 and up to \$4,457,573 in fiscal year 2003 shall be used by the Department of Education to fund competitive grants to tech prep consortia that expand the number of students enrolled in tech prep programs. These grant funds shall be used to directly support expanded tech prep programs provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions.

If federal funds for career-technical education cannot be used for local school district leadership without being matched by state funds, then an amount as determined by the Superintendent of Public Instruction shall be made available from state funds appropriated for career-technical education. If any state funds are used for this purpose, federal funds in an equal amount shall be distributed for career-technical education in accordance with authorization of the state plan for vocational education for Ohio as approved by the Secretary of the United States Department of Education.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, \$3,000,000 in fiscal year 2002 and \$3,250,000 in fiscal year 2003 shall be used to provide an amount to each eligible school district for the replacement or updating of equipment essential for the instruction of students in job skills taught as part of a career-technical program or programs approved for such instruction by the State Board of Education.



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School districts replacing or updating career-technical education equipment may purchase or lease such equipment. The Department of Education shall review and approve all equipment requests and may allot appropriated funds to eligible school districts on the basis of the number of full-time equivalent workforce development teachers in all eligible districts making application for funds.

The State Board of Education may adopt standards of need for equipment allocation. Pursuant to the adoption of any such standards of need by the State Board of Education, appropriated funds may be allotted to eligible districts according to such standards. Equipment funds allotted under either process shall be provided to a school district on a 30, 40, or 50 per cent of cost on the basis of a district career-technical priority index rating developed by the Department of Education for all districts each year. The career-technical priority index shall give preference to districts with a large percentage of disadvantaged students and shall include other socio-economic factors as determined by the State Board of Education.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, up to \$3,650,000 in each fiscal year shall be used to support existing High Schools That Work (HSTW) sites, develop new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern vocational and technical studies to raise the academic achievement of students. It provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200-545, Career-Technical Education Enhancements, \$3,750,000 in fiscal year 2002 and \$4,000,000 in fiscal year 2003 shall be used to enable students to develop individualized career plans and career passports.

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Of the foregoing appropriation item 200-545, Career-Technical Educational Enhancements, \$250,000 in each fiscal year shall be used by the Department of Education to establish the Voc-Ag 5th Quarter Pilot Project. The project shall enable students in agricultural programs to enroll in a fifth quarter of instruction. The fifth quarter concept is based on the long-standing and successful agricultural education model of delivering work-based learning through supervised agricultural experience. The Department of Education shall establish rules governing eligibility criteria and the reporting process for the project that must include the following: (1) a school is required to hire a certified teacher for the fifth quarter, (2) a school must have a curriculum for the fifth quarter that is approved by the Department of Education, (3) students must earn credit for the agricultural experience, (4) the program must be approved by the school district's superintendent, and (5) the program must be in existence on the effective date of this section. The Department of Education shall fund as many programs as possible given the \$250,000 set aside. The Department of Education shall report students' performance results under the project to the General Assembly not later than December 31, 2002.

**Section 44.18. CHARGE-OFF SUPPLEMENT**

The foregoing appropriation item 200-546, Charge-Off Supplement, shall be used by the Department of Education to make payments pursuant to section 3317.0216 of the Revised Code.

**COUNTY MR/DD BOARDS - VEHICLE PURCHASES**

The foregoing appropriation item 200-552, County MR/DD Boards Vehicle Purchases, shall be used to provide financial assistance to MR/DD boards for the purchase of vehicles as permitted in section 3317.07 of the Revised Code.

**COUNTY MR/DD BOARDS - TRANSPORTATION**

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The foregoing appropriation item 200-553, County MR/DD Boards 49968  
 Transportation Operating, shall be used to provide financial 49969  
 assistance for transportation operating costs as provided in 49970  
 division (M) of section 3317.024 of the Revised Code. 49971

**EMERGENCY LOAN INTEREST SUBSIDY 49972**

The foregoing appropriation item 200-558, Emergency Loan 49973  
 Interest Subsidy, shall be used to provide a subsidy to school 49974  
 districts receiving emergency school loans pursuant to section 49975  
 3313.484 of the Revised Code. The subsidy shall be used to pay 49976  
 these districts the difference between the amount of interest the 49977  
 district is paying on an emergency loan, and the interest that the 49978  
 district would have paid if the interest rate on the loan had been 49979  
 two per cent. 49980

**Section 44.19. OHIOREADS GRANTS 49981**

Of the foregoing appropriation item 200-566, OhioReads 49982  
 Grants, \$21,898,000 each year shall be disbursed by the OhioReads 49983  
 Office in the Department of Education at the direction of the 49984  
 OhioReads Council to provide classroom grants to public schools in 49985  
 city, local, and exempted village school districts; community 49986  
 schools; and educational service centers serving kindergarten 49987  
 through fourth grade students, except that the Department of 49988  
 Education may use these funds to support the STARS program 49989  
 previously operated by the Department of Aging. 49990

Of the foregoing appropriation item 200-566, OhioReads 49991  
 Grants, \$5,000,000 each year shall be disbursed by the OhioReads 49992  
 Office in the Department of Education at the direction of the 49993  
 OhioReads Council to provide community matching grants to 49994  
 community organizations and associations, libraries, and others 49995  
 for tutoring, tutor recruitment and training, and parental 49996  
 involvement. 49997

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Of the foregoing appropriation item 200-566, OhioReads 49998  
 Grants, \$250,000 in each fiscal year shall be allocated to provide 49999  
 grants to research-based reading mentoring programs for students 50000  
 with disabilities in kindergarten through fourth grade. Priority 50001  
 shall be given to mentoring programs that have been recognized by 50002  
 the Education Commission of the States as promising educational 50003  
 practices for accelerating student achievement, are easily 50004  
 replicated, have strong evaluative components, and have goals 50005  
 aligned to the Ohio proficiency tests. Programs may be implemented 50006  
 at times deemed most appropriate but at least one program shall be 50007  
 created for and applied in an urban school district. The awarding 50008  
 of these grants shall be made in conjunction with the Ohio 50009  
 Coalition for Education of Children with Disabilities. Certified 50010  
 staff shall administer these programs and testing of participants 50011  
 shall be required prior to, during, and after participation in 50012  
 these programs. The results of the tests shall be reported to the 50013  
 Governor, Superintendent of Public Instruction, the General 50014  
 Assembly, and the OhioReads Council. 50015

Grants awarded by the OhioReads Council are intended to 50016  
 improve reading outcomes, especially on the fourth grade reading 50017  
 proficiency test. 50018

SCHOOL IMPROVEMENT INCENTIVE GRANTS 50019

Of the foregoing appropriation item 200-570, School 50020  
 Improvement Incentive Grants, up to \$750,000 shall be used to 50021  
 provide grants of up to \$50,000 each to educational best practices 50022  
 award winners selected for superior performance by BEST, Building 50023  
 Excellent Schools for Today and the 21st Century. 50024

Any grants awarded from the foregoing appropriation item 50025  
 200-570, School Improvement Incentive Grants, shall be awarded to 50026  
 individual school buildings, educational service centers, or joint 50027  
 vocational school districts, as appropriate. Grant awards shall be 50028  
 expended for staff development, classroom equipment, materials, 50029

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and books. The principal or administrator of each grantee shall	50030
decide how best to use the grant award, with input from staff	50031
members, consistent with the budget and grant award for the grant.	50032
Of the foregoing appropriation item 200-570, School	50033
Improvement Incentive Grants, \$100,000 in each fiscal year shall	50034
be used to support the Bellefaire Jewish Children's Bureau.	50035
Of the foregoing appropriation item 200-570, School	50036
Improvement Incentive Grants, \$50,000 in each fiscal year shall be	50037
used to support the Cleveland School of Art.	50038
Of the foregoing appropriation item 200-570, School	50039
Improvement Incentive Grants, \$50,000 in each fiscal year shall be	50040
used to support the Tuscarawas County Educational Service Center.	50041
Of the foregoing appropriation item 200-570, School	50042
Improvement Incentive Grants, \$50,000 in each fiscal year shall be	50043
used to support LEAF.	50044
Of the foregoing appropriation item 200-570, School	50045
Improvement Incentive Grants, \$50,000 in each fiscal year shall be	50046
used to support the Toledo Tech Academy.	50047
Of the foregoing appropriation item 200-570, School	50048
Improvement Incentive Grants, \$150,000 in fiscal year 2002 and	50049
\$300,000 in fiscal year 2003 shall be used to support the COSI	50050
Education Project.	50051
Of the foregoing appropriation item 200-570, School	50052
Improvement Incentive Grants, \$25,000 in each fiscal year shall be	50053
used to support the Magellan Program.	50054
Of the foregoing appropriation item 200-570, School	50055
Improvement Incentive Grants, \$25,000 in each fiscal year shall be	50056
used to support I Know I Can Columbus.	50057
Of the foregoing appropriation item 200-570, School	50058
Improvement Incentive Grants, \$25,000 in each fiscal year shall be	50059

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used to support the Clerity Program.	50060
Of the foregoing appropriation item 200-570, School	50061
Improvement Incentive Grants, \$12,500 in each fiscal year shall be	50062
used to support the Strongsville Youth Council.	50063
Of the foregoing appropriation item 200-570, School	50064
Improvement Incentive Grants, \$50,000 in each fiscal year shall be	50065
used to support the Lorain County Access Program.	50066
Of the foregoing appropriation item 200-570, School	50067
Improvement Incentive Grants, \$100,000 in each fiscal year shall	50068
be used to support the Summit County Education Initiative.	50069
Of the foregoing appropriation item 200-570, School	50070
Improvement Incentive Grants, \$90,000 in each fiscal year shall be	50071
used to support the Cleveland Language Project.	50072
Of the foregoing appropriation item 200-570, School	50073
Improvement Incentive Grants, \$20,000 in each fiscal year shall be	50074
used to support the Columbus Language Project.	50075
Of the foregoing appropriation item 200-570, School	50076
Improvement Incentive Grants, \$20,000 in each fiscal year shall be	50077
used to support the Cincinnati Language Project.	50078
Of the foregoing appropriation item 200-570, School	50079
Improvement Incentive Grants, \$20,000 in each fiscal year shall be	50080
used to support the Dayton Language Project.	50081
CHARACTER EDUCATION	50082
The foregoing appropriation item 200-573, Character	50083
Education, shall be used by the Department of Education to provide	50084
matching grants of up to \$50,000 each to school districts to	50085
develop pilot character education programs.	50086
SUBSTANCE ABUSE PREVENTION	50087
Of the foregoing appropriation item 200-574, Substance Abuse	50088

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Prevention, up to \$1,660,200 in each fiscal year shall be used for 50089  
the Safe and Drug Free Schools Coordinators Program. Of the 50090  
foregoing appropriation item 200-574, Substance Abuse Prevention, 50091  
up to \$288,000 in each fiscal year of the biennium shall be used 50092  
for the Substance Abuse Prevention Student Assistance Program. The 50093  
Department of Education and the Department of Alcohol and Drug 50094  
Addiction Services shall jointly develop and approve a plan for 50095  
the expenditure of these funds including, but not limited to, the 50096  
development of position descriptions and training specifications 50097  
for safe and drug free schools coordinators. Safe and drug free 50098  
schools coordinators shall possess or be in the process of 50099  
obtaining credentials issued by the Ohio Credentialing Board for 50100  
Chemical Dependency Professionals or other credentials recognized 50101  
by that board. 50102

AUXILIARY SERVICES MOBILE REPAIR 50103

Notwithstanding section 3317.064 of the Revised Code, if the 50104  
unobligated cash balance is sufficient, the Treasurer of State 50105  
shall transfer \$1,500,000 in fiscal year 2002 within thirty days 50106  
after the effective date of this section and \$1,500,000 in fiscal 50107  
year 2003 by August 1, 2002, from the Auxiliary Services Personnel 50108  
Unemployment Compensation Fund to the Department of Education's 50109  
Auxiliary Services Mobile Repair Fund (Fund 598). 50110

**Section 44.20.** LOTTERY PROFITS EDUCATION FUND 50111

Appropriation item 200-612, Base Cost Funding (Fund 017), 50112  
shall be used in conjunction with appropriation item 200-501, Base 50113  
Cost Funding (GRF), to provide payments to school districts 50114  
pursuant to Chapter 3317. of the Revised Code. 50115

Of the foregoing appropriation item 200-612, Base Cost 50116  
Funding (Fund 017), \$25,000,000 in each fiscal year shall be used 50117  
from the funds transferred from the Unclaimed Prizes Trust Fund 50118  
pursuant to the section entitled "Transfers from the Unclaimed 50119

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Prizes Fund" of this act.	50120
The Department of Education, with the approval of the	50121
Director of Budget and Management, shall determine the monthly	50122
distribution schedules of appropriation item 200-501, Base Cost	50123
Funding (GRF), and appropriation item 200-612, Base Cost Funding	50124
(Fund 017). If adjustments to the monthly distribution schedule	50125
are necessary, the Department of Education shall make such	50126
adjustments with the approval of the Director of Budget and	50127
Management.	50128
The Director of Budget and Management shall transfer via	50129
intrastate transfer voucher the amount appropriated under the	50130
Lottery Profits Education Fund for appropriation item 200-682,	50131
Lease Rental Payment Reimbursement, to the General Revenue Fund on	50132
a schedule determined by the director. These funds shall support	50133
the appropriation item 230-428, Lease Rental Payments (GRF), of	50134
the School Facilities Commission.	50135
LOTTERY PROFITS TRANSFERS*	50136
On the fifteenth day of May of each fiscal year, the Director	50137
of Budget and Management shall determine if lottery profits	50138
transfers will meet the appropriation amounts from the Lottery	50139
Profits Education Fund.	50140
On or after the date specified in each fiscal year, if the	50141
director determines that lottery profits will not meet	50142
appropriations and if other funds are not available to meet the	50143
shortfall, the Superintendent of Public Instruction shall take the	50144
actions specified under the "Reallocation of Funds" section of	50145
this act.	50146
TRANSFERS FROM THE UNCLAIMED PRIZES FUND	50147
By the fifteenth day of January of fiscal year 2002 and	50148
fiscal year 2003, the Director of Budget and Management shall	50149
transfer \$25,000,000 from the State Lottery Commission's Unclaimed	50150



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Prizes Fund to the Lottery Profits Education Fund, to be used  
solely for purposes specified in the Department of Education's  
budget. Transfers of unclaimed prizes under this provision shall  
not count as lottery profits in the determination made concerning  
excess profits titled "Lottery Profits" under the Department of  
Education in this act.

**TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200-681, Teacher  
Certification and Licensure, shall be used by the Department of  
Education in each year of the biennium to administer teacher  
certification and licensure functions pursuant to sections  
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24  
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and  
3319.51 of the Revised Code.

**Section 44.21. LOTTERY PROFITS**

(A) There is hereby created the Lottery Profits Education  
Reserve Fund (Fund 018) in the State Treasury. At no time shall  
the amount to the credit of the fund exceed \$75,000,000.  
Investment earnings of the Lottery Profits Education Reserve Fund  
shall be credited to the fund. Notwithstanding any provisions of  
law to the contrary, for fiscal years 2002 and 2003, there is  
appropriated to the Department of Education, from the Lottery  
Profits Education Reserve Fund, an amount necessary to make loans  
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the  
Revised Code. All loan repayments from loans made in fiscal years  
1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be  
deposited into the credit of the Lottery Profits Education Reserve  
Fund.

(B)(1) On or before July 15, 2001, the Director of Budget and  
Management shall determine the amount by which lottery profit  
transfers received by the Lottery Profits Education Fund for

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fiscal year 2001 exceed \$665,200,000. The amount so certified 50182  
shall be distributed in fiscal year 2002 pursuant to divisions (C) 50183  
and (D) of this section. 50184

(2) On or before July 15, 2002, the Director of Budget and 50185  
Management shall determine the amount by which lottery profit 50186  
transfers received by the Lottery Profits Education Fund for 50187  
fiscal year 2002 exceed \$608,722,100. The amount so determined 50188  
shall be distributed in fiscal year 2003 pursuant to divisions (E) 50189  
and (F) of this section. 50190

The Director of Budget and Management shall annually certify 50191  
the amounts determined pursuant to this section to the Speaker of 50192  
the House of Representatives and the President of the Senate. 50193

(C) Not later than June 15, 2002, the Department of 50194  
Education, in consultation with the Director of Budget and 50195  
Management, shall determine, based upon estimates, if a 50196  
reallocation of funds as described in the section of this act 50197  
titled "Reallocation of Funds" is required. 50198

If a reallocation of funds is required, then the 50199  
Superintendent of Public Instruction shall request Controlling 50200  
Board approval for a release of any balances in the Lottery 50201  
Profits Education Fund available for the purpose of this division 50202  
and pursuant to divisions (C)(1) and (2) of the section of this 50203  
act titled "Reallocation of Funds." Any moneys so released are 50204  
appropriated. 50205

(D) In fiscal year 2002, if the Department of Education does 50206  
not determine that a reallocation of funds is necessary by the 50207  
fifteenth day of June, as provided in division (C) of this 50208  
section, or if there is a balance in the Lottery Profits Education 50209  
Fund after the release of any amount needed to preclude a 50210  
reallocation of funds as provided in division (C) of this section, 50211  
the moneys in the Lottery Profits Education Fund shall be 50212

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allocated as provided in this division. Any amounts so allocated 50213  
are appropriated. 50214

An amount equal to five per cent of the estimated lottery 50215  
profits of \$665,200,000 in fiscal year 2001 or the amount 50216  
remaining in the fund, whichever is the lesser amount, shall be 50217  
transferred to the Lottery Profits Education Reserve Fund within 50218  
the limitations specified in division (A) of this section and be 50219  
reserved and shall not be available for allocation or distribution 50220  
during fiscal year 2002. Any amounts exceeding \$75,000,000 shall 50221  
be distributed pursuant to division (G) of this section. 50222

(E) Not later than June 15, 2003, the Department of 50223  
Education, in consultation with the Director of Budget and 50224  
Management, shall determine, based upon estimates, if a 50225  
reallocation of funds as described in the section of this act 50226  
titled "Reallocation of Funds" is required. 50227

If a reallocation of funds is required, then the 50228  
Superintendent of Public Instruction shall request Controlling 50229  
Board approval for a release of any balances in the Lottery 50230  
Profits Education Fund available for the purpose of this division 50231  
and pursuant to divisions (C)(1) and (2) of the section of this 50232  
act titled "Reallocation of Funds." Any moneys so released are 50233  
appropriated. 50234

(F) In fiscal year 2003, if the Department of Education does 50235  
not determine that a reallocation of funds is necessary by the 50236  
fifteenth day of June, as provided in division (E) of this 50237  
section, or if there is a balance in the Lottery Profits Education 50238  
Fund after the release of any amount needed to preclude a 50239  
reallocation of funds as provided in division (E) of this section, 50240  
the moneys in the Lottery Profits Education Fund shall be 50241  
allocated as provided in this division. Any amounts so allocated 50242  
are appropriated. 50243

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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 Solvency Assistance, \$12,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$12,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent pursuant to section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Any required reimbursements from school districts for solvency assistance shall be made to the appropriate

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account in the School District Solvency Assistance Fund. 50275

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT 50276

The foregoing appropriation item 200-900, School District 50277  
Property Tax Replacement, shall be used by the Department of 50278  
Education, in consultation with the Department of Taxation, to 50279  
make payments to school districts and joint vocational school 50280  
districts pursuant to section 5727.85 of the Revised Code. 50281

**Section 44.23. PROPERTY TAX ALLOCATION - EDUCATION** 50282

The appropriation item 200-901, Property Tax Allocation - 50283  
Education, is appropriated to pay for the state's costs incurred 50284  
due to the homestead exemption and the property tax rollback. In 50285  
cooperation with the Department of Taxation, the Department of 50286  
Education shall distribute these funds directly to the appropriate 50287  
school districts of the state, notwithstanding sections 321.24 and 50288  
323.156 of the Revised Code, which provide for payment of the 50289  
homestead exemption and property tax rollback by the Tax 50290  
Commissioner to the appropriate county treasurer and the 50291  
subsequent redistribution of these funds to the appropriate local 50292  
taxing districts by the county auditor. 50293

Appropriation item 200-906, Tangible Tax Exemption - 50294  
Education is appropriated to pay for the state's costs incurred 50295  
due to the tangible personal property tax exemption required by 50296  
division (C)(3) of section 5709.01 of the Revised Code. In 50297  
cooperation with the Department of Taxation, the Department of 50298  
Education shall distribute to each county treasurer the total 50299  
amount certified by the county treasurer pursuant to section 50300  
319.311 of the Revised Code, for all school districts located in 50301  
the county, notwithstanding the provision in section 319.311 of 50302  
the Revised Code which provides for payment of the \$10,000 50303  
tangible personal property tax exemption by the Tax Commissioner 50304  
to the appropriate county treasurer for all local taxing districts 50305

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located in the county. Pursuant to division (G) of section 321.24 50306  
of the Revised Code, the county auditor shall distribute the 50307  
amount paid by the Department of Education among the appropriate 50308  
school districts. 50309

Upon receipt of these amounts, each school district shall 50310  
distribute the amount among the proper funds as if it had been 50311  
paid as real or tangible personal property taxes. Payments for the 50312  
costs of administration shall continue to be paid to the county 50313  
treasurer and county auditor as provided for in sections 319.54, 50314  
321.26, and 323.156 of the Revised Code. 50315

Any sums, in addition to the amounts specifically 50316  
appropriated in appropriation items 200-901, Property Tax 50317  
Allocation - Education, for the homestead exemption and the 50318  
property tax rollback payments, and 200-906, Tangible Tax 50319  
Exemption - Education, for the \$10,000 tangible personal property 50320  
tax exemption payments, which are determined to be necessary for 50321  
these purposes, are appropriated. 50322

**Section 44.24. DISTRIBUTION FORMULAS\*** 50323

The Department of Education shall report the following to the 50324  
Director of Budget and Management, the Legislative Office of 50325  
Education Oversight, and the Legislative Service Commission: 50326

(A) Changes in formulas for distributing state 50327  
appropriations, including administratively defined formula 50328  
factors; 50329

(B) Discretionary changes in formulas for distributing 50330  
federal appropriations; 50331

(C) Federally mandated changes in formulas for distributing 50332  
federal appropriations. 50333

Any such changes shall be reported two weeks prior to the 50334  
effective date of the change. 50335

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**Section 44.25.** DISTRIBUTION - SCHOOL DISTRICT SUBSIDY 50336  
 PAYMENTS 50337

This section shall not take effect unless the Director of 50338  
 Budget and Management adopts an order putting it into effect and 50339  
 certifies a copy of the order to the Superintendent of Public 50340  
 Instruction and the Controlling Board. 50341

Notwithstanding any other provision of the Revised Code, the 50342  
 monthly distribution of payments made to school districts and 50343  
 educational service centers pursuant to section 3317.01 of the 50344  
 Revised Code for the first six months of each fiscal year shall 50345  
 equal, as nearly as possible, six and two-thirds per cent of the 50346  
 estimate of the amounts payable for each fiscal year. The monthly 50347  
 distribution of payments for the last six months of each fiscal 50348  
 year shall equal, as nearly as possible, ten per cent of the final 50349  
 calculation of the amounts payable to each school district for 50350  
 that fiscal year. 50351

The treasurer of each school district or educational service 50352  
 center may accrue, in addition to the payments defined in this 50353  
 section, to the accounts of the calendar years that end during 50354  
 each fiscal year, the difference between the sum of the first six 50355  
 months' payments in each fiscal year and the amounts the district 50356  
 would have received had the payments been made in, as nearly as 50357  
 possible in each fiscal year, twelve equal monthly payments. 50358

Notwithstanding the limitations on the amount of borrowing 50359  
 and time of payment provided for in section 133.10 of the Revised 50360  
 Code but subject to sections 133.26 and 133.30 of the Revised 50361  
 Code, a board of education of a school district may at any time 50362  
 between July 1, 2001, and December 31, 2001, or at any time 50363  
 between July 1, 2002, and December 31, 2002, borrow money to pay 50364  
 any necessary and actual expenses of the school district during 50365  
 the last six months of calendar years 2001 and 2002 and in 50366

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anticipation of the receipt of any portion of the payments to be 50367  
received by that district in the first six months of calendar 50368  
years 2002 and 2003 representing the respective amounts accrued 50369  
pursuant to the preceding paragraph, and issue notes to evidence 50370  
that borrowing to mature no later than the thirtieth day of June 50371  
of the calendar year following the calendar year in which such 50372  
amount was borrowed. The principal amount borrowed in the last six 50373  
months of calendar years 2001 or 2002 under this paragraph may not 50374  
exceed the entire amount accrued or to be accrued by the district 50375  
treasurer in those calendar years pursuant to the preceding 50376  
paragraph. The proceeds of the notes shall be used only for the 50377  
purposes for which the anticipated receipts are lawfully 50378  
appropriated by the board of education. No board of education 50379  
shall be required to use the authority granted by this paragraph. 50380  
The receipts so anticipated, and additional amounts from 50381  
distributions to the districts in the first six months of calendar 50382  
years 2002 and 2003 pursuant to Chapter 3317. of the Revised Code 50383  
needed to pay the interest on the notes, shall be deemed 50384  
appropriated by the board of education to the extent necessary for 50385  
the payment of the principal of and interest on the notes at 50386  
maturity, and the amounts necessary to make those monthly 50387  
distributions are appropriated from the General Revenue Fund. For 50388  
the purpose of better ensuring the prompt payment of principal of 50389  
and interest on the notes when due, the resolution of the board of 50390  
education authorizing the notes may direct that the amount of the 50391  
receipts anticipated, together with those additional amounts 50392  
needed to pay the interest on the borrowed amounts, shall be 50393  
deposited and segregated, in trust or otherwise, to the extent, at 50394  
the time or times, and in the manner provided in that resolution. 50395  
The borrowing authorized by this section does not constitute debt 50396  
for purposes of section 133.04 of the Revised Code. School 50397  
districts shall be reimbursed by the state for all necessary and 50398  
actual costs to districts arising from this provision, including, 50399



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without limitation, the interest paid on the notes while the notes  
are outstanding. The Department of Education shall adopt rules  
that are not inconsistent with this section for school district  
eligibility and application for reimbursement of such costs.  
Payments of these costs shall be made out of any anticipated  
balances in appropriation items distributed under Chapter 3317. of  
the Revised Code. The department shall submit all requests for  
reimbursement under these provisions to the Controlling Board for  
approval.

During the last six months of each calendar year, instead of  
deducting the amount the Superintendent of Public Instruction  
would otherwise deduct from a school district's or educational  
service center's state aid payments in accordance with the  
certifications made for such year pursuant to sections 3307.56 and  
3309.51 of the Revised Code, the superintendent shall deduct an  
amount equal to forty per cent of the amount so certified. The  
secretaries of the retirement systems shall compute the  
certifications for the ensuing year under such sections as if the  
entire amounts certified as due in the calendar year ending the  
current fiscal year, but not deducted pursuant to this paragraph,  
had been deducted and paid in that calendar year. During the first  
six months of the ensuing calendar year, in addition to deducting  
the amounts the Superintendent of Public Instruction is required  
to deduct under such sections during such period, the  
superintendent shall deduct from a district's or educational  
service center's state aid payments an additional amount equal to  
the amount that was certified as due from the district for the  
calendar year that ends during the fiscal year, but that was not  
deducted because of this paragraph. The superintendent's  
certifications to the Director of Budget and Management during the  
first six months of the calendar year shall reflect such  
additional deduction.

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**Section 44.26.** REALLOCATION OF FUNDS 50432

(A) As used in this section: 50433

(1) "Basic aid" means the amount calculated for the school 50434  
district received for the fiscal year under divisions (A) and (C) 50435  
of section 3317.022 and sections 3317.023, 3317.025 to 3317.029, 50436  
3317.0212, and 3317.0213 of the Revised Code and the amount 50437  
computed for a joint vocational school district under section 50438  
3317.16 of the Revised Code. 50439

(2) "Nonbasic aid" means the amount computed for a school 50440  
district for fiscal year 2002 or fiscal year 2003 under Chapter 50441  
3317. of the Revised Code and this act, excluding the district's 50442  
basic aid and the amount computed under such chapter and acts for 50443  
educational service centers, MR/DD boards, and institutions. 50444

(B) If in either fiscal year of the biennium the Governor 50445  
issues an order under section 126.05 of the Revised Code to reduce 50446  
expenditures and incurred obligations and the order requires the 50447  
superintendent to reduce such state education payments, or if 50448  
lottery profits transfers are insufficient to meet the amounts 50449  
appropriated from the Lottery Profits Education Fund for base cost 50450  
funding, and if other funds are not sufficient to offset the 50451  
shortfall, the superintendent shall reduce nonbasic aid payments 50452  
so that the total amount expended in the fiscal year will not 50453  
exceed the amount available for expenditure pursuant to the 50454  
Governor's order. Subject to Controlling Board approval, the 50455  
superintendent shall reallocate appropriations not yet expended 50456  
from one program to another. 50457

(C)(1) If further reductions in nonbasic aid are necessary 50458  
following the reallocations implemented pursuant to division (B) 50459  
of this section, the superintendent shall request the Controlling 50460  
Board to approve the use of the money appropriated by this 50461  
division. The superintendent shall include with the 50462

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superintendent's request a report listing the amount of reductions 50463  
 that each school district will receive if the request is not 50464  
 approved, and also the amount of the reduction, if any, that will 50465  
 still be required if the use of the money appropriated by this 50466  
 section is approved. 50467

(2) In accordance with division (C)(1) of this section, there 50468  
 is appropriated to the Department of Education from the 50469  
 unobligated balance remaining in the Lottery Profits Education 50470  
 Fund at the end of fiscal year 2001 the lesser of: the unobligated 50471  
 balance in the fund, or the amount needed to preclude a 50472  
 reallocation pursuant to this section. The money appropriated by 50473  
 this division may be spent or distributed by the department only 50474  
 with the approval of the Controlling Board. 50475

(D) If reductions in nonbasic aid are still necessary 50476  
 following the actions taken pursuant to divisions (B) and (C) of 50477  
 this section, the superintendent shall determine by what 50478  
 percentage expenditures for nonbasic aid must be reduced for the 50479  
 remainder of the fiscal year to make the total amount distributed 50480  
 for the year equal the amount appropriated or available for 50481  
 distribution. The superintendent shall reduce by that percentage 50482  
 the amount to be paid in nonbasic aid to each city, exempted 50483  
 village, local, and joint vocational school district, to each 50484  
 educational service center, to each county board of mental 50485  
 retardation and developmental disabilities, and to each 50486  
 institution providing special education programs under section 50487  
 3323.091 of the Revised Code for the remainder of the fiscal year. 50488

**Section 44.27. EDUCATIONAL SERVICE CENTERS FUNDING** 50489

Notwithstanding division (B) of section 3317.11 of the 50490  
 Revised Code, no funds shall be provided to an educational service 50491  
 center in either fiscal year for any pupils of a city or exempted 50492  
 village school district unless an agreement to provide services 50493

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under section 3313.843 of the Revised Code was entered into by 50494  
January 1, 1997, except that funds shall be provided to an 50495  
educational service center for any pupils of a city school 50496  
district if the agreement to provide services was entered into 50497  
within one year of the date upon which such district changed from 50498  
a local school district to a city school district. If insufficient 50499  
funds are appropriated in fiscal year 2002 or fiscal year 2003 for 50500  
the purposes of division (B) of section 3317.11 of the Revised 50501  
Code, the department shall first distribute to each educational 50502  
service center \$37 per pupil in its service center ADM, as defined 50503  
in that section. The remaining funds in each fiscal year shall be 50504  
distributed proportionally, on a per-student basis, to each 50505  
educational service center for its client ADM, as defined in that 50506  
section, that is attributable to each city and exempted village 50507  
school district that had entered into an agreement with an 50508  
educational service center for that fiscal year under section 50509  
3313.843 of the Revised Code by January 1, 1997. 50510

**Section 44.28.** The State Board of Education shall adopt rules 50511  
in accordance with section 119.03 of the Revised Code establishing 50512  
a method for school districts to report their spending for special 50513  
education and related services. Not later than February 1, 2002, 50514  
the State Board shall file the rules in proposed form in 50515  
accordance with section 119.03 of the Revised Code. The State 50516  
Board shall make every effort to file the rules in final form so 50517  
that they apply first in fiscal year 2003. 50518

**Section 44.29.** The Legislative Office of Education Oversight 50519  
shall conduct a statistical sampling of individualized education 50520  
programs developed for handicapped children under Chapter 3323. of 50521  
the Revised Code to determine the following: 50522

(A) The extent to which school districts provide, and 50523  
handicapped children utilize, all of the following: 50524

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(1) Attendant services;	50525
(2) Vocational special education coordinator services;	50526
(3) Work-study services.	50527
(B) The handicaps that school districts identify as "other health handicaps" and the services that school districts provide to children identified as having "other health handicaps";	50528 50529 50530
(C) How school districts currently serve children identified as having learning disabilities.	50531 50532
The Office shall report its findings and any recommendations to the General Assembly no later than January 1, 2003.	50533 50534
<b>Section 44.30.</b> * For the school year commencing July 1, 2001, or the school year commencing July 1, 2002, or both, the Superintendent of Public Instruction may waive for the board of education of any school district the ratio of teachers to pupils in kindergarten through fourth grade required under paragraph (A)(3) of rule 3301-35-03 of the Administrative Code if the following conditions apply:	50535 50536 50537 50538 50539 50540 50541
(A) The board of education requests the waiver.	50542
(B) After the Department of Education conducts an on-site evaluation of the district related to meeting the required ratio, the board of education demonstrates to the satisfaction of the Superintendent of Public Instruction that providing the facilities necessary to meet the required ratio during the district's regular school hours with pupils in attendance would impose an extreme hardship on the district.	50543 50544 50545 50546 50547 50548 50549
(C) The board of education provides assurances that are satisfactory to the Superintendent of Public Instruction that the board will act in good faith to meet the required ratio as soon as possible.	50550 50551 50552 50553

## Substitute Version as Presented to the Senate Finance and Financial Institutions

<b>Section 44.31.</b> PRIVATE TREATMENT FACILITY PILOT PROJECT	50554
(A) As used in this section:	50555
(1) The following are "participating residential treatment centers":	50556
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;	50557
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;	50558
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;	50559
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;	50560
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;	50561
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;	50562
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the department and which, in fiscal year 2002 or 2003 or both, the department pays through appropriation item 470-401, Care and Custody;	50563
(b) Abraxas, in Shelby;	50564
(c) Paint Creek, in Bainbridge;	50565
(d) Act One, in Akron;	50566
(e) Friars Club, in Cincinnati.	50567
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	50568
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	50569
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	50570
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	50571
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	50572
(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.	50573
(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.	50574
(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.	50575
(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.	50576
(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.	50577
(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.	50578
(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.	50579
(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.	50580
(B) A youth who is a resident of the state and has been	50581

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assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal 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.

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A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

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The amount of tuition paid shall be:

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(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

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(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

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A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

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(D) In each of fiscal years 2002 and 2003, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement in either fiscal year shall be the formula amount specified in section 3317.022 of the Revised Code, except that the department shall proportionately reduce this reimbursement if sufficient funds are not available to pay this

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amount to all qualified providers. 50645

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible. 50646-50650

(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The department shall monitor the programs for educational accountability. 50651-50657

Section 44.32. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS 50658-50659

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in fiscal years 2002 and 2003 in accordance with section 3301.27 of the Revised Code. 50660-50664

Section 44.33. Notwithstanding Chapter 3318. of the Revised Code, for purposes of complying with the local share and repayment tax requirements of section 3318.05 of the Revised Code, any school district given conditional approval for classroom facilities assistance under section 3318.04 of the Revised Code as of January 1, 1993, that approved a replacement permanent improvement levy at the November 5, 1996, election shall be permitted to use the proceeds of such levy, and any notes issued or to be issued in anticipation thereof, as available funds, within the meaning specified under section 3318.03 of the Revised 50665-50674

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Code, to pay the local share of the cost of the approved classroom 50675  
facilities project. Notwithstanding the local share as previously 50676  
determined for purposes of the conditional approval of the 50677  
project, the local share shall be equal to the amount of proceeds 50678  
to be obtained by the district under such replacement permanent 50679  
improvement levy. Such school districts shall not be required to 50680  
obtain approval of either of the propositions described in 50681  
division (A) or (B) of section 3318.051 of the Revised Code. The 50682  
agreement required under section 3318.08 of the Revised Code for 50683  
the construction and sale of the project shall include provisions 50684  
for the transfer of the proceeds of the replacement permanent 50685  
improvement levy, and any notes issued in anticipation thereof, to 50686  
the school district's project construction account, and for the 50687  
levy of the replacement permanent improvement levy. 50688

**Section 44.34.** The Superintendent of Public Instruction shall 50689  
contract with an independent research entity to evaluate the pilot 50690  
project approved pursuant to section 3313.975 of the Revised Code. 50691  
The evaluation shall study the impact of scholarships on student 50692  
attendance, conduct, commitment to education, and standardized 50693  
test scores; parental involvement; the school district's ability 50694  
to provide services to district students; and the availability of 50695  
alternative educational opportunities. The evaluation shall also 50696  
study the economic impact of scholarships on the school district. 50697  
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**Section 44.35.** Notwithstanding division (C)(1) of section 50699  
3313.975 of the Revised Code, in addition to students in 50700  
kindergarten through third grade, initial scholarships may be 50701  
awarded to fourth, fifth, sixth, seventh, and eighth grade 50702  
students in fiscal year 2002 and in fiscal year 2003. 50703

**Section 44.36.** (A) As used in this section, "pilot project 50704

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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 44.37. As required by Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd General Assembly, as subsequently amended, the Legislative Office of Education Oversight shall complete, by June 1, 2003, its final report on community schools with recommendations as to the future of community schools in Ohio. Copies of the report shall be delivered to the President of the Senate and the Speaker of the House of Representatives.

Section 45. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS

NETWORK COMMISSION

General Revenue Fund

GRF 374-100	Personal Services	\$	1,585,648	\$	1,705,463	50728
GRF 374-200	Maintenance	\$	902,477	\$	891,968	50729
GRF 374-300	Equipment	\$	46,760	\$	45,313	50730
GRF 374-401	Statehouse News Bureau	\$	253,175	\$	245,344	50731
GRF 374-402	Ohio Government	\$	806,053	\$	910,296	50732

Telecommunications

Studio

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GRF 374-404 Telecommunications	\$	5,239,754	\$	5,051,174	50733
Operating Subsidy					
TOTAL GRF General Revenue Fund	\$	8,833,867	\$	8,849,558	50734
General Services Fund Group					
4F3 374-603 Affiliate Services	\$	2,941,810	\$	3,067,586	50736
4T2 374-605 Government	\$	150,000	\$	150,000	50737
Television/Telecommunications					
Operating					
TOTAL GSF General Services					50738
Fund Group	\$	3,091,810	\$	3,217,586	50739
TOTAL ALL BUDGET FUND GROUPS	\$	11,925,677	\$	12,067,144	50740
STATEHOUSE NEWS BUREAU					
The foregoing appropriation item 374-401, Statehouse News					
Bureau, shall be used solely to support the operations of the Ohio					
Statehouse News Bureau.					
OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO					
The foregoing appropriation item 374-402, Ohio Government					
Telecommunications Studio, shall be used solely to support the					
operations of the Ohio Government Telecommunications Studio.					
TELECOMMUNICATIONS OPERATING SUBSIDY					
The foregoing appropriation item 374-404, Telecommunications					
Operating Subsidy, shall be distributed by the Ohio Educational					
Telecommunications Network Commission to Ohio's qualified public					
educational television stations, radio reading services, and					
educational radio stations to support their operations. The funds					
shall be distributed pursuant to an allocation developed by the					
Ohio Educational Telecommunications Network Commission.					
GOVERNMENT TELEVISION/TELECOMMUNICATIONS OPERATING					
The Director of Budget and Management shall transfer, by July					
15, 2001, all remaining balances in General Services Fund 4T2,					

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Government Television/Telecommunications Operating, in the Capital 50760  
 Square Review and Advisory Board to General Services Fund 4T2, 50761  
 Government Television/Telecommunications Operating, in the Ohio 50762  
 Educational Telecommunications Network Commission. General 50763  
 Services Fund 4T2, Government Television/Telecommunications 50764  
 Operating, is hereby created in the Ohio Educational 50765  
 Telecommunications Network Commission. 50766

**Section 46.** ELC OHIO ELECTIONS COMMISSION 50767

General Revenue Fund 50768  
 GRF 051-321 Operating Expenses \$ 298,660 \$ 307,022 50769  
 TOTAL GRF General Revenue Fund \$ 298,660 \$ 307,022 50770  
 State Special Revenue Fund Group 50771  
 4P2 051-601 Ohio Elections 50772  
 Commission Fund \$ 298,660 \$ 312,923 50773  
 TOTAL SSR State Special 50774  
 Revenue Fund Group \$ 298,660 \$ 312,923 50775  
 TOTAL ALL BUDGET FUND GROUPS \$ 597,320 \$ 619,945 50776

**Section 47.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 50778

## DIRECTORS 50779

General Services Fund Group 50780  
 4K9 881-609 Operating Expenses \$ 507,667 \$ 533,541 50781  
 TOTAL GSF General Services 50782  
 Fund Group \$ 507,667 \$ 533,541 50783  
 TOTAL ALL BUDGET FUND GROUPS \$ 507,667 \$ 533,541 50784

**Section 48.** ERB STATE EMPLOYMENT RELATIONS BOARD 50786

General Revenue Fund 50787  
 GRF 125-321 Operating Expenses \$ 3,622,827 \$ 3,724,266 50788  
 TOTAL GRF General Revenue Fund \$ 3,622,827 \$ 3,724,266 50789

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General Services Fund Group				50790
572 125-603 Training and	\$	73,699	\$ 75,541	50791
Publications				
TOTAL GSF General Services				50792
Fund Group	\$	73,699	\$ 75,541	50793
TOTAL ALL BUDGET FUND GROUPS	\$	3,696,526	\$ 3,799,807	50794
<b>Section 49.</b> ENG STATE BOARD OF ENGINEERS AND SURVEYORS				50796
General Services Fund Group				50797
4K9 892-609 Operating Expenses	\$	919,315	\$ 956,188	50798
TOTAL GSF General Services				50799
Fund Group	\$	919,315	\$ 956,188	50800
TOTAL ALL BUDGET FUND GROUPS	\$	919,315	\$ 956,188	50801
<b>Section 50.</b> EPA ENVIRONMENTAL PROTECTION AGENCY				50802
General Revenue Fund				50803
GRF 715-501 Local Air Pollution	\$	1,364,111	\$ 1,444,068	50804
Control				
GRF 717-321 Surface Water	\$	10,005,388	\$ 11,104,082	50805
GRF 718-321 Groundwater	\$	1,430,912	\$ 1,540,938	50806
GRF 719-321 Air Pollution Control	\$	2,838,394	\$ 3,015,444	50807
GRF 721-321 Drinking Water	\$	3,043,210	\$ 3,216,737	50808
GRF 723-321 Hazardous Waste	\$	142,080	\$ 142,080	50809
GRF 724-321 Pollution Prevention	\$	927,221	\$ 986,633	50810
GRF 725-321 Laboratory	\$	1,411,197	\$ 1,551,342	50811
GRF 726-321 Corrective Actions	\$	1,890,915	\$ 1,912,937	50812
TOTAL GRF General Revenue Fund	\$	23,053,428	\$ 24,914,261	50813
General Services Fund Group				50814
199 715-602 Laboratory Services	\$	1,003,616	\$ 1,042,081	50815
219 715-604 Central Support	\$	14,935,955	\$ 16,462,642	50816
Indirect				
4A1 715-640 Operating Expenses	\$	3,214,075	\$ 3,304,835	50817
TOTAL GSF General Services				50818

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Fund Group		\$	19,153,646	\$	20,809,558	50819
Federal Special Revenue Fund Group						50820
3F2 715-630	Revolving Loan Fund - Operating	\$	33,700	\$	80,000	50821
3F3 715-632	Fed Supported Cleanup and Response	\$	4,551,830	\$	4,600,910	50822
3F4 715-633	Water Quality Management	\$	702,849	\$	702,849	50823
3F5 715-641	Nonpoint Source Pollution Management	\$	5,820,330	\$	5,820,330	50824
3J1 715-620	Urban Stormwater	\$	522,000	\$	348,000	50825
3J5 715-615	Maumee River	\$	61,196	\$	0	50826
3K2 715-628	Clean Water Act 106	\$	3,769,255	\$	3,769,254	50827
3K4 715-634	DOD Monitoring and Oversight	\$	1,388,552	\$	1,487,341	50828
3K6 715-639	Remedial Action Plan	\$	600,000	\$	270,000	50829
3N4 715-657	DOE Monitoring and Oversight	\$	4,080,203	\$	4,162,907	50830
3T1 715-668	Rural Hardship Grant	\$	50,000	\$	50,000	50831
3V7 715-606	Agencywide Grants	\$	360,000	\$	80,000	50832
352 715-611	Wastewater Pollution	\$	200,000	\$	278,000	50833
353 715-612	Public Water Supply	\$	2,489,460	\$	2,489,460	50834
354 715-614	Hazardous Waste Management - Federal	\$	3,900,000	\$	3,900,000	50835
357 715-619	Air Pollution Control - Federal	\$	4,919,683	\$	4,835,600	50836
362 715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856	50837
TOTAL FED	Federal Special Revenue					50838
Fund Group		\$	33,556,914	\$	32,982,507	50839
State Special Revenue Fund Group						50840
3T3 715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217	50841

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4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097	50842
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707	50843
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411	50844
4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183	50845
4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021	50846
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914	50847
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911	50848
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324	50849
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482	50850
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435	50851
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773	50852
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547	50853
503	715-621	Hazardous Waste Facility Management	\$	10,274,613	\$	11,045,132	50854
503	715-662	Hazardous Waste Facility Board	\$	688,634	\$	725,713	50855
505	715-623	Hazardous Waste Cleanup	\$	12,786,201	\$	13,427,443	50856
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990	50857
542	715-671	Risk Management Reporting	\$	174,924	\$	185,605	50858
592	715-627	Anti-Tampering Settlement	\$	10,000	\$	10,000	50859
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	50860



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602	715-626	Motor Vehicle Inspection and Maintenance	\$	2,653,217	\$	2,795,062	50861
644	715-631	ER Radiological Safety	\$	242,446	\$	255,947	50862
660	715-629	Infectious Waste Management	\$	138,899	\$	145,271	50863
676	715-642	Water Pollution Control Loan Administration	\$	4,874,302	\$	5,252,873	50864
678	715-635	Air Toxic Release	\$	394,489	\$	413,938	50865
679	715-636	Emergency Planning	\$	2,000,708	\$	2,054,868	50866
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	50867
699	715-644	Water Pollution Control Administration	\$	250,000	\$	250,000	50868
TOTAL SSR State Special Revenue							50869
Fund Group			\$	100,935,220	\$	105,472,864	50870
TOTAL ALL BUDGET FUND GROUPS			\$	176,699,208	\$	184,179,190	50871

**Section 50.01. AREAWIDE PLANNING AGENCIES** 50873

Of the foregoing appropriation item 717-321, Surface Water, 50874  
 \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 50875  
 shall be divided evenly between the following six areawide 50876  
 planning agencies for the purpose of regional water management 50877  
 planning: Eastgate Regional Council of Governments, Miami Valley 50878  
 Regional Planning Commission, Northeast Ohio Four County Regional 50879  
 Planning and Development Organization, Northeast Ohio Areawide 50880  
 Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of 50881  
 Governments, and Toledo Metropolitan Area Council of Governments. 50882

**BETHEL LOCAL SCHOOL DISTRICT** 50883

Of the foregoing appropriation item 721-321, Drinking Water, 50884  
 \$65,000 in fiscal year 2002 and \$65,000 in fiscal year 2003 shall 50885

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be used for the Bethel Local School District in Miami County. The 50886  
moneys shall be used to purchase water for the school and four 50887  
adjacent households, for expenses incurred by Bethel Local School 50888  
District for well-monitoring activities and water-system 50889  
conversions, and for expenses incurred by the Ohio Environmental 50890  
Protection Agency as the Agency continues to monitor activities 50891  
associated with the Bethel Local School District water supply. 50892

CENTRAL SUPPORT INDIRECT 50893

Notwithstanding any other provision of law to the contrary, 50894  
the Director of Environmental Protection, with the approval of the 50895  
Director of Budget and Management, shall utilize a methodology for 50896  
determining each division's payments into the Central Support 50897  
Indirect Fund (Fund 219). The methodology used shall contain the 50898  
characteristics of administrative ease and uniform application. 50899  
Payments to the Central Support Indirect Fund (Fund 219) shall be 50900  
made using an intrastate transfer voucher. 50901

Not later than November 30, 2001, the Director of 50902  
Environmental Protection shall certify to the Director of Budget 50903  
and Management the cash balances in Fund 356, Indirect Costs, and 50904  
Fund 4C3, Central Support Indirect, and may request the Director 50905  
of Budget and Management to transfer up to the certified amounts 50906  
into Fund 219, Central Support Indirect. The amount transferred is 50907  
hereby appropriated. 50908

SOLID WASTE FUND TRANSFER 50909

Not later than March 1, 2002, the Director of Environmental 50910  
Protection shall certify to the Director of Budget and Management 50911  
the amount expended from Fund 4K3, Solid Waste, during fiscal 50912  
years 2000 and 2001 for emergency expenses incurred as a result of 50913  
the fire at the Kirby Tire site. In fiscal years 2002 and 2003, 50914  
the Director of Environmental Protection shall request the 50915  
Director of Budget and Management to transfer up to one-half of 50916

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the certified amount during fiscal year 2002 and the balance of 50917  
the certified amount during fiscal year 2003 from Fund 4R5, Scrap 50918  
Tire Management, to Fund 4K3, Solid Waste. The amounts transferred 50919  
are hereby appropriated. 50920

Moneys transferred from Fund 4R5, Scrap Tire Management, to 50921  
Fund 4K3, Solid Waste, shall not consist of any moneys generated 50922  
under division (A)(2) of section 3734.901 of the Revised Code as 50923  
amended by this act. 50924

KIRBY TIRE SITE 50925

Of the moneys collected under division (A)(2) of section 50926  
3734.901 of the Revised Code as amended by this act and deposited 50927  
into the Scrap Tire Management Fund, at least fifty per cent shall 50928  
be expended for cleanup and removal activities at the Kirby Tire 50929  
site in Wyandot County during fiscal years 2002 and 2003. 50930

**Section 51. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION** 50931

General Revenue Fund 50932

GRF 172-321 Operating Expenses	\$	465,008	\$	481,221	50933
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TOTAL GRF General Revenue Fund	\$	465,008	\$	481,221	50934
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TOTAL ALL BUDGET FUND GROUPS	\$	465,008	\$	481,221	50935
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**Section 52. ETH OHIO ETHICS COMMISSION** 50937

General Revenue Fund 50938

GRF 146-321 Operating Expenses	\$	1,325,713	\$	1,415,005	50939
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TOTAL GRF General Revenue Fund	\$	1,325,713	\$	1,415,005	50940
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General Services Fund Group 50941

4M6 146-601 Operating Expenses	\$	386,485	\$	409,543	50942
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TOTAL GSF General Services					50943
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Fund Group	\$	386,485	\$	409,543	50944
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TOTAL ALL BUDGET FUND GROUPS	\$	1,712,198	\$	1,824,548	50945
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FEE REVENUE TRANSFER 50946

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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.

**Section 53. EXP OHIO EXPOSITIONS COMMISSION**

General Revenue Fund					50955
GRF 723-403 Junior Fair Subsidy	\$	525,000	\$	525,000	50956
TOTAL GRF General Revenue Fund	\$	525,000	\$	525,000	50957
State Special Revenue Fund Group					50958
506 723-601 Operating Expenses	\$	14,411,437	\$	14,875,658	50959
4N2 723-602 Ohio State Fair	\$	511,000	\$	520,000	50960
Harness Racing					
640 723-603 State Fair Reserve	\$	700,000	\$	0	50961
TOTAL SSR State Special Revenue					50962
Fund Group	\$	15,622,437	\$	15,395,658	50963
TOTAL ALL BUDGET FUND GROUPS	\$	16,147,437	\$	15,920,658	50964

STATE FAIR RESERVE

The foregoing appropriation item 723-603, State Fair Reserve, shall serve as a budget reserve fund for the Ohio Expositions Commission in the event of a significant decline in attendance due to inclement weather or extraordinary circumstances during the Ohio State Fair and resulting in a loss of revenue. The State Fair Reserve may be used by the Ohio Expositions Commission to pay bills resulting from the Ohio State Fair only if all the following criteria are met:

(A) Admission revenues for the 2001 Ohio State Fair are less than \$2,920,000 or admission revenues for the 2002 Ohio State Fair

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are less than \$3,010,000 due to inclement weather or extraordinary circumstances. These amounts are ninety per cent of the projected admission revenues for each year. 50976  
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(B) The Ohio Expositions Commission declares a state of fiscal exigency and requests release of funds by the Director of Budget and Management. 50979  
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(C) The Director of Budget and Management releases the funds. The Director of Budget and Management may approve or disapprove the request for release of funds, may increase or decrease the amount of release, and may place such conditions as the director deems necessary on the use of the released funds. The Director of Budget and Management may transfer appropriation authority from fiscal year 2002 to fiscal year 2003 as needed. 50982  
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In the event that the Ohio Expositions Commission faces a temporary cash shortage that will preclude them from meeting current obligations, the Commission may request the Director of Budget and Management to approve use of the State Fair Reserve to meet those obligations. The request shall include a plan describing how the Commission will eliminate the cash shortage. If the Director of Budget and Management approves the expenditures, the Commission shall reimburse Fund 640 by the thirtieth day of June of that same fiscal year through an intrastate transfer voucher. The amount reimbursed is appropriated. 50989  
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**Section 54.** GOV OFFICE OF THE GOVERNOR 50999

General Revenue Fund				51000	
GRF 040-321 Operating Expenses	\$	4,608,731	\$	4,748,556	51001
GRF 040-403 National Governors Conference	\$	174,001	\$	179,224	51002
GRF 040-408 Office of Veterans' Affairs	\$	271,599	\$	279,748	51003
TOTAL GRF General Revenue Fund	\$	5,054,331	\$	5,207,528	51004

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TOTAL ALL BUDGET FUND GROUPS	\$	5,054,331	\$	5,207,528	51005
APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR					51006
The Governor may expend a portion of the foregoing					51007
appropriation item 040-321, Operating Expenses, to hire or appoint					51008
legal counsel to be used in proceedings involving the Governor in					51009
the Governor's official capacity or the Governor's office only,					51010
without the approval of the Attorney General, notwithstanding					51011
sections 109.02 and 109.07 of the Revised Code.					51012
<b>Section 55. DOH DEPARTMENT OF HEALTH</b>					51013
General Revenue Fund					51014
GRF 440-406 Hemophilia Services	\$	1,230,492	\$	1,230,492	51015
GRF 440-407 Animal Borne Disease	\$	2,643,874	\$	2,598,297	51016
and Prevention					
GRF 440-412 Cancer Incidence	\$	898,978	\$	1,104,175	51017
Surveillance System					
GRF 440-413 Ohio Health Care	\$	3,056,959	\$	3,157,200	51018
Policy and Data					
GRF 440-416 Child and Family	\$	11,187,087	\$	10,839,187	51019
Health Services					
GRF 440-418 Immunizations	\$	9,403,469	\$	9,616,514	51020
GRF 440-419 Sexual Assault	\$	50,000	\$	50,000	51021
Prevention and					
Intervention					
GRF 440-444 AIDS Prevention and	\$	9,142,101	\$	9,476,508	51022
Treatment					
GRF 440-446 Infectious Disease	\$	642,821	\$	649,291	51023
Prevention					
GRF 440-451 Public Health	\$	7,708,440	\$	7,212,245	51024
Prevention Programs					
GRF 440-452 Child and Family	\$	1,316,947	\$	1,320,455	51025
Health Care Operations					

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GRF 440-453	Health Care Facility	\$	12,466,643	\$	12,662,779	51026
	Protection and Safety					
GRF 440-454	Local Environmental	\$	1,243,340	\$	1,244,824	51027
	Health					
GRF 440-459	Help Me Grow	\$	12,500,000	\$	12,500,000	51028
GRF 440-461	Vital Statistics	\$	3,891,580	\$	3,863,425	51029
GRF 440-501	Local Health Districts	\$	3,991,111	\$	3,991,111	51030
GRF 440-504	Poison Control Network	\$	388,000	\$	388,000	51031
GRF 440-505	Medically Handicapped	\$	7,634,095	\$	7,540,879	51032
	Children					
GRF 440-507	Cystic Fibrosis	\$	768,131	\$	768,131	51033
GRF 440-508	Migrant Health	\$	120,767	\$	118,049	51034
GRF 440-510	Arthritis Care	\$	75,000	\$	75,000	51035
TOTAL GRF	General Revenue Fund	\$	90,359,826	\$	90,406,562	51036
	General Services Fund Group					51037
142 440-618	General Operations	\$	2,764,557	\$	2,892,340	51038
211 440-613	Central Support	\$	25,527,855	\$	26,149,512	51039
	Indirect Costs					
473 440-622	Lab Operating Expenses	\$	4,006,440	\$	4,154,045	51040
5C1 440-642	TANF Family Planning	\$	255,500	\$	261,888	51041
683 440-633	Employee Assistance	\$	1,017,408	\$	1,062,965	51042
	Program					
698 440-634	Nurse Aide Training	\$	240,000	\$	265,808	51043
TOTAL GSF	General Services					51044
Fund Group		\$	33,811,760	\$	34,786,558	51045
	Federal Special Revenue Fund Group					51046
320 440-601	Maternal Child Health	\$	32,702,100	\$	34,335,562	51047
	Block Grant					
387 440-602	Preventive Health	\$	9,278,173	\$	9,278,173	51048
	Block Grant					
389 440-604	Women, Infants, and	\$	185,850,000	\$	195,142,500	51049
	Children					

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391	440-606	Medicaid/Medicare	\$	24,297,017	\$	25,778,700	51050
392	440-618	General Operations	\$	74,384,890	\$	77,720,166	51051
TOTAL FED Federal Special Revenue							51052
Fund Group			\$	326,512,180	\$	342,255,101	51053
State Special Revenue Fund Group							51054
3W5	440-611	Title XX Transfer	\$	500,000	\$	500,000	51055
4D6	440-608	Genetics Services	\$	2,725,894	\$	2,799,641	51056
4F9	440-610	Sickle Cell Disease Control	\$	1,010,091	\$	1,035,344	51057
4G0	440-636	Heirloom Birth Certificate	\$	1,000	\$	1,000	51058
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	51059
4L3	440-609	Miscellaneous Expenses	\$	257,548	\$	258,570	51060
4T4	440-603	Child Highway Safety	\$	224,855	\$	233,894	51061
4V6	440-641	Save Our Sight	\$	1,232,421	\$	1,266,900	51062
470	440-618	General Operations	\$	12,364,273	\$	12,941,359	51063
471	440-619	Certificate of Need	\$	352,598	\$	370,524	51064
477	440-627	Medically Handicapped Children Audit	\$	4,400,452	\$	4,640,498	51065
5B5	440-616	Quality, Monitoring, and Inspection	\$	802,502	\$	838,479	51066
5C0	440-615	Alcohol Testing and Permit	\$	1,395,439	\$	1,455,405	51067
5D6	440-620	Second Chance Trust	\$	831,924	\$	852,723	51068
5L1	440-623	Nursing Facility Technical Assistance Program	\$	1,080,000	\$	1,157,150	51069
610	440-626	Radiation Emergency Response	\$	870,505	\$	923,315	51070
666	440-607	Medically Handicapped Children - County Assessments	\$	14,039,889	\$	14,039,889	51071



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TOTAL SSR State Special Revenue				51072
Fund Group	\$	42,094,391	\$ 43,319,691	51073
Holding Account Redistribution Fund Group				51074
R14 440-631 Vital Statistics	\$	49,000	\$ 49,000	51075
R48 440-625 Refunds, Grants	\$	20,000	\$ 20,000	51076
Reconciliation, and				
Audit Settlements				
TOTAL 090 Holding Account				51077
Redistribution Fund Group	\$	69,000	\$ 69,000	51078
TOTAL ALL BUDGET FUND GROUPS	\$	492,847,157	\$ 510,836,912	51079

**Section 55.01. HEMOPHILIA SERVICES** 51081

Of the foregoing appropriation item 440-406, Hemophilia Services, \$205,000 in each fiscal year shall be used to implement the Hemophilia Insurance Pilot Project.

Of the foregoing appropriation item 440-406, Hemophilia Services, up to \$245,000 in each fiscal year shall be used by the Department of Health to provide grants to the nine hemophilia treatment centers to provide prevention services for persons with hemophilia and their family members affected by AIDS and other bloodborne pathogens.

**CANCER REGISTRY SYSTEM** 51091

Of the foregoing appropriation item 440-412, Cancer Incidence Surveillance System, \$50,000 in each fiscal year shall be provided to the Northern Ohio Cancer Resource Center.

The remaining moneys in appropriation item 440-412, Cancer Incidence Surveillance System, shall be used to maintain and operate the Ohio Cancer Incidence Surveillance System pursuant to sections 3701.261 to 3701.263 of the Revised Code.

No later than March 1, 2002, the Ohio Cancer Incidence Surveillance Advisory Board shall report to the General Assembly

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on the effectiveness of the cancer incidence surveillance system 51101  
 and the partnership between the Department of Health and the 51102  
 Arthur G. James Cancer Hospital and Richard J. Solove Research 51103  
 Institute of The Ohio State University. 51104

## CHILD AND FAMILY HEALTH SERVICES 51105

Of the foregoing appropriation item 440-416, Child and Family 51106  
 Health Services, \$1,700,000 in each fiscal year shall be used for 51107  
 family planning services. None of the funds received through these 51108  
 family planning grants shall be used to provide abortion services. 51109  
 None of the funds received through these family planning grants 51110  
 shall be used for counseling for or referrals for abortion, except 51111  
 in the case of a medical emergency. These funds shall be 51112  
 distributed on the basis of the relative need in the community 51113  
 served by the Director of Health to family planning programs, 51114  
 which shall include family planning programs funded under Title V 51115  
 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 51116  
 301, as amended, and Title X of the "Public Health Services Act," 51117  
 58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to 51118  
 other family planning programs that the Department of Health also 51119  
 determines will provide services that are physically and 51120  
 financially separate from abortion-providing and 51121  
 abortion-promoting activities, and that do not include counseling 51122  
 for or referrals for abortion, other than in the case of medical 51123  
 emergency, with state moneys, but that otherwise substantially 51124  
 comply with the quality standards for such programs under Title V 51125  
 and Title X. 51126

The Director of Health, by rule, shall provide reasonable 51127  
 methods by which a grantee wishing to be eligible for federal 51128  
 funding may comply with these requirements for state funding 51129  
 without losing its eligibility for federal funding, while ensuring 51130  
 that a family planning program receiving a family planning grant 51131  
 must be organized so that it is physically and financially 51132

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separate from the provision of abortion services and from  
activities promoting abortion as a method of family planning. 51133  
51134

Of the foregoing appropriation item 440-416, Child and Family  
Health Services, \$150,000 in each fiscal year shall be used to  
provide malpractice insurance for physicians and other health  
professionals providing prenatal services in programs funded by  
the Department of Health. 51135  
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Of the foregoing appropriation item 440-416, Child and Family  
Health Services, \$279,000 shall be used in each fiscal year for  
the OPTIONS dental care access program. 51140  
51141  
51142

Of the foregoing appropriation item 440-416, Child and Family  
Health Services, \$600,000 in each fiscal year shall be used by  
local child and family health services clinics to provide services  
to uninsured low-income persons. 51143  
51144  
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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. 51147  
51148  
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Of the foregoing appropriation item 440-416, Child and Family  
Health Services, \$50,000 in each fiscal year shall be used for the  
Tree of Knowledge Learning Center in Cleveland Heights. 51151  
51152  
51153

Of the foregoing appropriation item 440-416, Child and Family  
Health Services, \$25,000 in fiscal year 2002 shall be provided to  
the Suicide Prevention Program of Clermont County. 51154  
51155  
51156

Of the foregoing appropriation item 440-416, Child and Family  
Health Services, \$50,000 in fiscal year 2002 shall be provided to  
the Discover Health Project. 51157  
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Of the foregoing appropriation item 440-416, Child and Family  
Health Services, \$75,000 in fiscal year 2002 shall be provided to  
the Mayerson Center. 51160  
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Central Clinic at the University of Cincinnati.

## 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.

## SEXUAL ASSAULT PREVENTION AND INTERVENTION

The foregoing appropriation item 440-419, Sexual Assault Prevention and Intervention, shall be used for the following purposes:

(A) Funding of new services in counties with no services for sexual assault;

(B) Expansion of services provided in currently funded projects so that comprehensive crisis intervention and prevention services are offered;

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) projects;

(D) Statewide expansion of local outreach and public awareness efforts.

## HIV/AIDS PREVENTION/TREATMENT

Of the foregoing appropriation item 440-444, AIDS Prevention and Treatment, \$6.7 million in fiscal year 2002 and \$7.1 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.

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The Department of Health may adopt rules pursuant to Chapter 119.	51192
of the Revised Code as necessary for the administration of the	51193
program.	51194
 INFECTIOUS DISEASE PREVENTION	 51195
Notwithstanding section 339.77 of the Revised Code, \$60,000	51196
of the foregoing appropriation item 440-446, Infectious Disease	51197
Prevention, shall be used by the Director of Health to reimburse	51198
Boards of County Commissioners for the cost of detaining indigent	51199
persons with tuberculosis. Any portion of the \$60,000 allocated	51200
for detainment not used for that purpose shall be used to make	51201
payments to counties pursuant to section 339.77 of the Revised	51202
Code.	51203
Of the foregoing appropriation item 440-446, Infectious	51204
Disease Prevention, \$200,000 in each fiscal year shall be used for	51205
the purchase of drugs for sexually transmitted diseases.	51206
 HELP ME GROW	 51207
The foregoing appropriation item 440-459, Help Me Grow, shall	51208
be used by the Department of Health to distribute subsidies to	51209
counties to implement the Ohio Early Start, Early Intervention,	51210
and Welcome Home Programs. Counties that receive subsidies from	51211
appropriation item 440-459, Help Me Grow, shall use the funds to	51212
provide home-visiting services to newborn infants and their	51213
families, and services to infants and toddlers under three years	51214
of age who are at risk for, or with a, developmental delay or	51215
disability, and their families. Appropriation item 440-459 may be	51216
used in conjunction with Temporary Assistance for Needy Families	51217
from the Department of Job and Family Services, Even Start from	51218
the Department of Education, and in conjunction with other early	51219
childhood funds and services to promote the optimal development of	51220
young children. Local contacts shall be developed between local	51221
departments of job and family services and family and children	51222

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first councils for the administration of TANF funding for the Help Me Grow Program. The Department of Health shall enter into an interagency agreement with the Department of Education to coordinate the planning, design, and grant selection process for any new Even Start grants and to ensure that all new and existing programs within Help Me grow are school linked.

## POISON CONTROL NETWORK

The foregoing appropriation item 440-504, Poison Control Network, shall be used in each fiscal year by the Department of Health for grants to the consolidated Ohio Poison Control Center to provide poison control services to Ohio citizens.

## TANF FAMILY PLANNING

The Director of Budget and Management shall transfer by intrastate transfer voucher, no later than the fifteenth day of July of each fiscal year, cash from the General Revenue Fund, appropriation item 600-410, TANF State, to General Services Fund 5C1 in the Department of Health, in an amount of \$250,000 in each fiscal year for the purpose of family planning services for children or their families whose income is at or below 200 per cent of the official poverty guideline.

As used in this section, "poverty guideline" means the official poverty guideline as revised annually by the United States Secretary of Health and Human Services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

## MATERNAL CHILD HEALTH BLOCK GRANT

Of the foregoing appropriation item 440-601, Maternal Child Health Block Grant (Fund 320), \$2,091,299 shall be used in each fiscal year for the purposes of abstinence-only education. The

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Director of Health shall develop guidelines for the establishment  
of abstinence programs for teenagers with the purpose of  
decreasing unplanned pregnancies and abortion. Such guidelines  
shall be pursuant to Title V of the "Social Security Act," 42  
U.S.C.A. 510, and shall include, but are not limited to,  
advertising campaigns and direct training in schools and other  
locations.

A portion of the foregoing appropriation item 440-601,  
Maternal Child Health Block Grant (Fund 320), may be used to  
ensure that current information on sudden infant death syndrome is  
available for distribution by local health districts.

## TITLE XX TRANSFER 51265

Of the foregoing appropriation item 440-611, Title XX  
Transfer (Fund 3W5), \$500,000 in each fiscal year shall be used  
for the purposes of abstinence-only education. The Director of  
Health shall develop guidelines for the establishment of  
abstinence programs for teenagers with the purpose of decreasing  
unplanned pregnancies and abortion. The guidelines shall be  
developed pursuant to Title V of the "Social Security Act," 42  
U.S.C. 510, and shall include, but are not to be limited to,  
advertising campaigns and direct training in schools and other  
locations.

## GENETICS SERVICES 51276

The foregoing appropriation item 440-608, Genetics Services  
(Fund 4D6), shall be used by the Department of Health to  
administer programs authorized by sections 3701.501 and 3701.502  
of the Revised Code.

## SICKLE CELL FUND 51281

The foregoing appropriation item 440-610, Sickle Cell Disease  
Control (Fund 4F9), shall be used by the Department of Health to  
administer programs authorized by section 3701.131 of the Revised

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Code. The source of the funds is as specified in section 3701.23	51285
of the Revised Code.	51286
SAFETY AND QUALITY OF CARE STANDARDS	51287
The Department of Health may use Fund 471, Certificate of	51288
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of	51289
the Revised Code in each fiscal year.	51290
MEDICALLY HANDICAPPED CHILDREN AUDIT	51291
The Medically Handicapped Children Audit Fund (Fund 477)	51292
shall receive revenue from audits of hospitals and recoveries from	51293
third-party payors. Moneys may be expended for payment of audit	51294
settlements and for costs directly related to obtaining recoveries	51295
from third-party payors and for encouraging Medically Handicapped	51296
Children's Program recipients to apply for third-party benefits.	51297
Moneys also may be expended for payments for diagnostic and	51298
treatment services on behalf of medically handicapped children, as	51299
defined in division (A) of section 3701.022 of the Revised Code,	51300
and Ohio residents who are twenty-one or more years of age and who	51301
are suffering from cystic fibrosis. Moneys may also be expended	51302
for administrative expenses incurred in operating the Medically	51303
Handicapped Children's Program.	51304
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND	51305
PERMIT FUND	51306
The Director of Budget and Management, pursuant to a plan	51307
submitted by the Department of Health, or as otherwise determined	51308
by the Director of Budget and Management, shall set a schedule to	51309
transfer cash from the Liquor Control Fund (Fund 043) to the	51310
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating	51311
needs of the Alcohol Testing and Permit program.	51312
The Director of Budget and Management shall transfer to the	51313
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control	51314
Fund (Fund 043) established in section 4301.12 of the Revised Code	51315



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such amounts at such times as determined by the transfer schedule.	51316
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	51317
The foregoing appropriation item 440-607, Medically	51318
Handicapped Children - County Assessments (Fund 666), shall be	51319
used to make payments pursuant to division (E) of section 3701.023	51320
of the Revised Code.	51321
<b>Section 55.02.</b> (A) There is hereby created the Health Care	51322
Workforce Shortage Task Force to study the shortage of health care	51323
professionals and health care workers in the health care workforce	51324
and to propose a state plan to address the problem. For the	51325
purposes of the Task Force, "health care professional" and "health	51326
care worker" have the same meanings as in section 2305.234 of the	51327
Revised Code.	51328
(B) The Director of Health shall serve as chair of the Health	51329
Care Workforce Shortage Task Force. The Task Force shall consist	51330
of not more than seventeen members, who shall serve without	51331
compensation. One member of the Senate, appointed by the President	51332
of the Senate, and one member of the House of Representatives,	51333
appointed by the Speaker of the House of Representatives, shall	51334
serve on the Task Force. The member from the House of	51335
Representatives and the member from the Senate shall be from	51336
different political parties. The Director of Health shall appoint	51337
health care professionals and health care workers representing	51338
each of the following organizations:	51339
(1) Ohio Hospital Association;	51340
(2) Ohio Association of Children's Hospitals;	51341
(3) Ohio Council for Home Care;	51342
(4) Ohio Health Care Association;	51343
(5) Ohio Hospice and Palliative Care Organization;	51344

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(6) Ohio Association of Philanthropic Homes;	51345
(7) Ohio Commission on Minority Health;	51346
(8) Ohio Nurses Association;	51347
(9) Ohio Pharmacists Association;	51348
(10) Ohio State Medical Association;	51349
(11) Families for Improved Care;	51350
(12) Ohio Association of Health Care Quality.	51351
(C) The Department of Health shall provide the Task Force	51352
with office space, staff, supplies, services, and other support as	51353
needed.	51354
(D) The Task Force shall do all of the following:	51355
(1) Review the licensing standards for all health care	51356
professionals;	51357
(2) Identify strategies to increase recruitment, retention,	51358
and development of qualified health care professionals and health	51359
care workers in health care settings;	51360
(3) Develop recommendations for improving scopes of practice	51361
to remove unnecessary barriers to high quality provision of health	51362
care;	51363
(4) Develop possible demonstration projects to present	51364
technology's potential to increase the efficiency of health care	51365
personnel;	51366
(5) Recommend education strategies to meet health care	51367
workforce needs.	51368
(E) The Task Force shall submit a report of its findings and	51369
recommendations to the Speaker and Minority Leader of the House of	51370
Representatives and to the President and Minority Leader of the	51371
Senate not later than July 1, 2002. On submission of the report,	51372

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the Task Force shall cease to exist.				51373
<b>Section 56. HEF HIGHER EDUCATIONAL FACILITY COMMISSION</b>				51374
Agency Fund Group				51375
461 372-601 Operating Expenses	\$	13,080	\$ 13,900	51376
TOTAL AGY Agency Fund Group	\$	13,080	\$ 13,900	51377
TOTAL ALL BUDGET FUND GROUPS	\$	13,080	\$ 13,900	51378
<b>Section 57. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS</b>				51380
General Revenue Fund				51381
GRF 148-100 Personal Services	\$	171,161	\$ 176,004	51382
GRF 148-200 Maintenance	\$	35,821	\$ 35,751	51383
GRF 148-300 Equipment	\$	3,648	\$ 3,552	51384
TOTAL GRF General Revenue Fund	\$	210,630	\$ 215,307	51385
General Services Fund Group				51386
601 148-602 Gifts and	\$	8,485	\$ 8,697	51387
Miscellaneous				
TOTAL GSF General Services				51388
Fund Group	\$	8,485	\$ 8,697	51389
TOTAL ALL BUDGET FUND GROUPS	\$	219,115	\$ 224,004	51390
COMMISSION ON HISPANIC/LATINO AFFAIRS PROGRESS REVIEW				51391
No later than December 31, 2001, the Commission on				51392
Hispanic/Latino Affairs shall submit to the chairperson and				51393
ranking minority member of the Human Services Subcommittee of the				51394
Finance and Appropriations Committee of the House of				51395
Representatives a report that demonstrates the progress that has				51396
been made toward meeting the Commission's mission statement.				51397
<b>Section 58. OHS OHIO HISTORICAL SOCIETY</b>				51398
General Revenue Fund				51399
GRF 360-501 Operating Subsidy	\$	3,784,283	\$ 3,816,047	51400

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GRF 360-502	Site Operations	\$	7,471,775	\$	7,458,843	51401
GRF 360-503	Ohio Bicentennial Commission	\$	1,750,000	\$	1,750,000	51402
GRF 360-504	Ohio Preservation Office	\$	400,575	\$	383,704	51403
GRF 360-505	Afro-American Museum	\$	1,049,836	\$	1,030,641	51404
GRF 360-506	Hayes Presidential Center	\$	708,203	\$	695,253	51405
GRF 360-508	Historical Grants	\$	1,005,000	\$	775,000	51406
TOTAL GRF	General Revenue Fund	\$	16,169,672	\$	15,909,488	51407
TOTAL ALL BUDGET FUND GROUPS		\$	16,169,672	\$	15,909,488	51408

SUBSIDY APPROPRIATION 51409

Upon approval by the Director of Budget and Management, the 51410  
 foregoing appropriation items shall be released to the Ohio 51411  
 Historical Society in quarterly amounts that in total do not 51412  
 exceed the annual appropriations. The funds and fiscal records of 51413  
 the society for fiscal years 2002 and 2003 shall be examined by 51414  
 independent certified public accountants approved by the Auditor 51415  
 of State, and a copy of the audited financial statements shall be 51416  
 filed with the Office of Budget and Management. The society shall 51417  
 prepare and submit to the Office of Budget and Management the 51418  
 following: 51419

(A) An estimated operating budget for each fiscal year of the 51420  
 biennium. The operating budget shall be submitted at or near the 51421  
 beginning of each year. 51422

(B) Financial reports, indicating actual receipts and 51423  
 expenditures for the fiscal year to date. These reports shall be 51424  
 filed at least semiannually during the fiscal biennium. 51425

The foregoing appropriations shall be considered to be the 51426  
 contractual consideration provided by the state to support the 51427  
 state's offer to contract with the Ohio Historical Society under 51428  
 section 149.30 of the Revised Code. 51429

## Substitute Version as Presented to the Senate Finance and Financial Institutions

OPERATING SUBSIDY 51430

The Director of Budget and Management shall not release the 51431  
 second quarterly payment for FY 2002 of the foregoing 51432  
 appropriation item GRF 360-501, Operating Subsidy, to the Ohio 51433  
 Historical Society until the release of these moneys is approved 51434  
 by the Controlling Board. The Controlling Board shall not approve 51435  
 such release until the Ohio Historical Society submits a plan to 51436  
 the Controlling Board containing a detailed budget with current 51437  
 and projected costs of operating each state memorial by category, 51438  
 the sources and amounts of non-state income used at each site, and 51439  
 the Ohio Historical Society's management plan for each site during 51440  
 the biennium. The Controlling Board shall consult with the Ohio 51441  
 Historic Preservation Advisory Board and determine the Ohio 51442  
 Historical Society's submitted plan to adequately meet the state's 51443  
 goal of historic preservation prior to the approval of the release 51444  
 of moneys from GRF 360-501, Operating Subsidy, to the Ohio 51445  
 Historical Society. 51446

HAYES PRESIDENTIAL CENTER 51447

If a United States government agency, including, but not 51448  
 limited to, the National Park Service, chooses to take over the 51449  
 operations or maintenance of the Hayes Presidential Center, in 51450  
 whole or in part, the Ohio Historical Society shall make 51451  
 arrangements with the National Park Service or other United States 51452  
 government agency for the efficient transfer of operations or 51453  
 maintenance. 51454

HISTORICAL GRANTS 51455

Of the foregoing appropriation item 360-508, Historical 51456  
 Grants, \$50,000 in each fiscal year shall be distributed to the 51457  
 Hebrew Union College in Cincinnati for the Holocaust Education 51458  
 Project, \$20,000 in fiscal year 2002 shall be distributed to the 51459  
 Clinton County Historical Society, \$60,000 in fiscal year 2002 51460

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shall be distributed to the Holbrook College Project, \$100,000 in 51461  
each fiscal year shall be distributed to the Western Reserve 51462  
Historical Society Hale Farm Project, \$125,000 in each fiscal year 51463  
shall be distributed to the Great lakes Historical Society, 51464  
\$500,000 in each fiscal year shall be distributed to the Western 51465  
Reserve Historical Society, \$75,000 in fiscal year 2002 shall be 51466  
distributed to the Cincinnati Museum Center, \$50,000 in fiscal 51467  
year 2002 shall be distributed to the Underground Railroad Freedom 51468  
Center, and \$25,000 in fiscal year 2002 shall be distributed to 51469  
the Emery Theatre. 51470

**Section 59.** REP OHIO HOUSE OF REPRESENTATIVES 51471

General Revenue Fund 51472

GRF 025-321 Operating Expenses \$ 18,654,083 \$ 19,562,481 51473

TOTAL GRF General Revenue Fund \$ 18,654,083 \$ 19,562,481 51474

General Services Fund Group 51475

103 025-601 House Reimbursement \$ 1,287,500 \$ 1,287,500 51476

4A4 025-602 Miscellaneous Sales \$ 33,990 \$ 33,990 51477

TOTAL GSF General Services 51478

Fund Group \$ 1,321,490 \$ 1,321,490 51479

TOTAL ALL BUDGET FUND GROUPS \$ 19,975,573 \$ 20,883,971 51480

**Section 60.** IGO OFFICE OF THE INSPECTOR GENERAL 51482

General Revenue Fund 51483

GRF 965-321 Operating Expenses \$ 630,334 \$ 663,877 51484

TOTAL GRF General Revenue Fund \$ 630,334 \$ 663,877 51485

State Special Revenue Fund Group 51486

4Z3 965-602 Special Investigations \$ 100,000 \$ 100,000 51487

TOTAL SSR State Special Revenue \$ 100,000 \$ 100,000 51488

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 730,334 \$ 763,877 51489

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Of the foregoing appropriation item 965-602, Special 51490  
 Investigations, up to \$100,000 in each fiscal year may be used for 51491  
 investigative costs, pursuant to section 121.481 of the Revised 51492  
 Code. 51493

**Section 61.** INS DEPARTMENT OF INSURANCE 51494

Federal Special Revenue Fund Group 51495

3U5 820-602 OSHIIP Operating Grant \$ 400,000 \$ 400,000 51496

TOTAL FED Federal Special 51497

Revenue Fund Group \$ 400,000 \$ 400,000 51498

State Special Revenue Fund Group 51499

554 820-601 Operating Expenses - \$ 543,101 \$ 601,773 51500

## OSHIIP

554 820-606 Operating Expenses \$ 20,090,984 \$ 22,350,783 51501

555 820-605 Examination \$ 6,581,705 \$ 6,963,535 51502

TOTAL SSR State Special Revenue 51503

Fund Group \$ 27,215,790 \$ 29,916,091 51504

TOTAL ALL BUDGET FUND GROUPS \$ 27,615,790 \$ 30,316,091 51505

## MARKET CONDUCT EXAMINATION 51506

When conducting a market conduct examination of any insurer 51507

doing business in this state, the Superintendent of Insurance may 51508

assess the costs of the examination against the insurer. The 51509

superintendent may enter into consent agreements to impose 51510

administrative assessments or fines for conduct discovered that 51511

may be violations of statutes or regulations administered by the 51512

superintendent. All costs, assessments, or fines collected shall 51513

be deposited to the credit of the Department of Insurance 51514

Operating Fund (Fund 554). 51515

## EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 51516

The Superintendent of Insurance may transfer funds from the 51517

Department of Insurance Operating Fund (Fund 554), established by 51518

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section 3901.021 of the Revised Code, to the Superintendent's 51519  
 Examination Fund (Fund 555), established by section 3901.071 of 51520  
 the Revised Code, only for the expenses incurred in examining 51521  
 domestic fraternal benefit societies as required by section 51522  
 3921.28 of the Revised Code. 51523

**Section 62. JFS DEPARTMENT OF JOB AND FAMILY SERVICES** 51524

General Revenue Fund 51525

GRF 600-100 Personal Services 51526

State \$ 56,614,143 \$ 58,715,838 51527

Federal \$ 18,645,558 \$ 19,317,882 51528

Personal Services \$ 75,259,701 \$ 78,033,720 51529

Total

GRF 600-200 Maintenance 51530

State \$ 30,439,164 \$ 24,320,541 51531

Federal \$ 7,295,237 \$ 5,828,810 51532

Maintenance Total \$ 37,734,401 \$ 30,149,351 51533

GRF 600-300 Equipment 51534

State \$ 5,469,830 \$ 979,504 51535

Federal \$ 179,026 \$ 32,059 51536

Equipment Total \$ 5,648,856 \$ 1,011,563 51537

GRF 600-402 Electronic Benefits 51538

Transfer (EBT)

State \$ 7,551,305 \$ 7,715,079 51539

Federal \$ 7,551,305 \$ 7,715,079 51540

EBT Total \$ 15,102,610 \$ 15,430,158 51541

GRF 600-410 TANF State \$ 268,636,561 \$ 268,619,061 51542

GRF 600-413 Day Care \$ 84,120,606 \$ 84,120,606 51543

Match/Maintenance of

Effort

GRF 600-416 Computer Projects 51544

State \$ 137,583,171 \$ 142,908,736 51545

Federal \$ 32,665,206 \$ 34,770,353 51546



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	Computer Projects	\$ 170,248,377	\$ 177,679,089	51547
	Total			
GRF 600-420	Child Support Administration	\$ 7,919,511	\$ 7,885,309	51548
GRF 600-426	Children's Health Insurance Plan (CHIP)			51549
	State	\$ 7,071,338	\$ 8,570,373	51550
	Federal	\$ 17,473,395	\$ 21,177,537	51551
	CHIP Total	\$ 24,544,733	\$ 29,747,910	51552
GRF 600-427	Child and Family Services Activities	\$ 7,189,086	\$ 7,000,427	51553
GRF 600-435	Unemployment Compensation Review Commission	\$ 3,759,151	\$ 3,785,380	51554
GRF 600-436	Medicaid Systems Enhancements	\$ 4,445,384	\$ 1,853,611	51555
GRF 600-502	Child Support Match	\$ 17,383,992	\$ 16,814,103	51556
GRF 600-504	Non-TANF County Administration	\$ 70,554,373	\$ 68,697,679	51557
GRF 600-511	Disability Assistance/Other Assistance	\$ 79,562,017	\$ 89,752,408	51558
GRF 600-512	Non-TANF Emergency Assistance	\$ 1,079,000	\$ 1,079,000	51559
GRF 600-525	Health Care/Medicaid			51560
	State	\$ 2,847,181,745	\$ 3,059,934,875	51561
	Federal	\$ 4,087,925,198	\$ 4,384,423,698	51562
	Health Care Total	\$ 6,935,106,943	\$ 7,444,358,573	51563
GRF 600-527	Child Protective Services	\$ 59,592,059	\$ 64,047,479	51564
GRF 600-528	Adoption Services			51565
	State	\$ 31,385,023	\$ 34,597,562	51566
	Federal	\$ 30,506,168	\$ 33,628,748	51567

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	Adoption Services	\$	61,891,191	\$	68,226,310	51568
	Total					
GRF 600-534	Adult Protective Services	\$	2,850,975	\$	2,775,950	51569
GRF 600-552	County Social Services	\$	11,354,550	\$	11,055,746	51570
TOTAL GRF	General Revenue Fund					51571
	State	\$	3,741,742,984	\$	3,965,229,267	51572
	Federal	\$	4,202,241,093	\$	4,506,894,166	51573
	GRF Total	\$	7,943,984,077	\$	8,742,123,433	51574
	General Services Fund Group					51575
4A8 600-658	Child Support Collections	\$	42,389,027	\$	42,389,027	51576
4R4 600-665	BCII Service Fees	\$	124,522	\$	136,974	51577
5C9 600-671	Medicaid Program Support	\$	50,846,239	\$	59,226,893	51578
5R1 600-677	County Computers	\$	5,000,000	\$	5,000,000	51579
613 600-645	Training Activities	\$	1,462,626	\$	1,157,525	51580
TOTAL GSF	General Services Fund Group	\$	99,822,414	\$	107,910,419	51582
	Federal Special Revenue Fund Group					51583
3A2 600-641	Emergency Food Distribution	\$	2,018,844	\$	2,018,844	51584
3D3 600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	51585
3F0 600-623	Health Care Federal	\$	175,148,990	\$	168,503,630	51586
3F0 600-650	Hospital Care Assurance Match	\$	292,915,017	\$	276,736,571	51587
3G5 600-655	Interagency Reimbursement	\$	852,461,818	\$	860,986,436	51588
3G9 600-657	Special Activities Self Sufficiency	\$	522,500	\$	190,000	51589
3H7 600-617	Day Care Federal	\$	299,156,430	\$	337,848,130	51590

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3N0	600-628	IV-E Foster Care Maintenance	\$	152,981,760	\$	173,963,142	51591
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	51592
3V0	600-688	Workforce Investment Act	\$	128,476,093	\$	128,476,093	51593
3V4	600-678	Federal Unemployment Programs	\$	74,025,525	\$	74,025,525	51594
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	2,286,421	\$	2,286,421	51595
3V6	600-689	TANF Block Grant	\$	654,410,661	\$	677,098,311	51596
3V6	600-690	Wellness	\$	14,337,515	\$	14,337,515	51597
316	600-602	State and Local Training	\$	10,166,587	\$	10,325,460	51598
327	600-606	Child Welfare	\$	34,594,191	\$	34,592,977	51599
331	600-686	Federal Operating	\$	41,600,896	\$	41,640,897	51600
365	600-681	JOB Training Program	\$	25,000,000	\$	5,469,259	51601
384	600-610	Food Stamps and State Administration	\$	160,371,358	\$	161,716,857	51602
385	600-614	Refugee Services	\$	4,388,503	\$	4,559,632	51603
395	600-616	Special Activities/Child and Family Services	\$	9,491,000	\$	9,491,000	51604
396	600-620	Social Services Block Grant	\$	51,195,100	\$	51,297,478	51605
397	600-626	Child Support	\$	248,001,590	\$	247,353,041	51606
398	600-627	Adoption Maintenance/ Administration	\$	277,806,175	\$	341,298,661	51607
TOTAL FED Federal Special Revenue							51608
Fund Group			\$	3,513,931,548	\$	3,626,790,454	51609
State Special Revenue Fund Group							51610
198	600-647	Children's Trust Fund	\$	4,368,785	\$	4,379,333	51611
3W3	600-695	Adult Protective	\$	120,227	\$	120,227	51612

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		Services				
3W3	600-696	Non-TANF Adult Assistance	\$	1,000,000	\$	1,000,000 51613
3W8	600-638	Hippy Program	\$	62,500	\$	62,500 51614
3W9	600-640	Adoption Connection	\$	50,000	\$	50,000 51615
4A9	600-607	Unemployment Compensation Admin Fund	\$	9,420,000	\$	9,420,000 51616
4E3	600-605	Nursing Home Assessments	\$	95,511	\$	95,511 51617
4E7	600-604	Child and Family Services Collections	\$	145,805	\$	149,450 51618
4F1	600-609	Foundation Grants/Child and Family Services	\$	116,400	\$	119,310 51619
4J5	600-613	Nursing Facility Bed Assessments	\$	31,179,798	\$	31,279,798 51620
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000 51621
4K1	600-621	ICF/MR Bed Assessments	\$	21,604,331	\$	22,036,418 51622
4R3	600-687	Banking Fees	\$	592,937	\$	592,937 51623
4V2	600-612	Child Support Activities	\$	124,993	\$	124,993 51624
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000 51625
5A5	600-685	Unemployment Benefit Automation	\$	19,607,027	\$	13,555,667 51626
5E6	600-634	State Option Food Stamps	\$	6,000,000	\$	6,000,000 51627
5P4	600-691	TANF Child Welfare	\$	7,500,000	\$	7,500,000 51628
5P5	600-692	Health Care Services	\$	223,847,498	\$	255,386,713 51629
651	600-649	Hospital Care Assurance Program Fund	\$	203,298,801	\$	192,070,088 51630
TOTAL SSR State Special Revenue						51631

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Fund Group	\$	554,834,613	\$	569,642,945	51632
Agency Fund Group					51633
192 600-646 Support Intercept - Federal	\$	80,000,000	\$	82,000,000	51634
5B6 600-601 Food Stamp Intercept	\$	5,283,920	\$	5,283,920	51635
583 600-642 Support Intercept - State	\$	20,162,335	\$	20,565,582	51636
TOTAL AGY Agency Fund Group	\$	105,446,255	\$	107,849,502	51637
Holding Account Redistribution Fund Group					51638
R12 600-643 Refunds and Audit Settlements	\$	200,000	\$	200,000	51639
R13 600-644 Forgery Collections	\$	700,000	\$	700,000	51640
TOTAL 090 Holding Account Redistribution					51641
Fund Group	\$	900,000	\$	900,000	51642
TOTAL ALL BUDGET FUND GROUPS	\$12,218,918,907		\$12,885,216,753		51643

**Section 62.01.** JOB AND FAMILY SERVICES REPORT TO THE GENERAL ASSEMBLY 51645  
ASSEMBLY 51646

In addition to other reporting requirements established in 51647  
the Revised Code, the Department of Job and Family Services shall, 51648  
not later than June 30, 2002, at the request of the Finance and 51649  
Appropriations Committee of the House of Representatives, report 51650  
to the General Assembly on the department's performance in 51651  
carrying out its mission and include in the report at least the 51652  
following: the long-term planning and vision for the various 51653  
elements of the Department of Job and Family Services, and an 51654  
analysis of the fund balances and cash flow in the department's 51655  
budget. 51656

**Section 62.02.** ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER 51657  
Each fiscal year, the Director of Budget and Management shall 51658

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transfer \$3,500,000 in appropriation authority from appropriation 51659  
 item 600-410, TANF State, to State Special Revenue Fund 5B7 51660  
 appropriation item 038-629, TANF Transfer-Treatment, and 51661  
 \$1,500,000 in appropriation authority from appropriation item 51662  
 600-410, TANF State, to State Special Revenue Fund 5E8 51663  
 appropriation item 038-630, TANF Transfer-Mentoring, in the 51664  
 Department of Alcohol and Drug Addiction Services. The Department 51665  
 of Alcohol and Drug Addiction Services shall comply with all TANF 51666  
 reporting requirements and timelines specified by the Department 51667  
 of Job and Family Services. 51668

**Section 62.03. DISABILITY ASSISTANCE** 51669

The following schedule shall be used to determine monthly 51670  
 grant levels in the Disability Assistance Program effective July 51671  
 1, 2001. 51672

Persons in			
Assistance Group		Monthly Grant	
1		\$115	51675
2		159	51676
3		193	51677
4		225	51678
5		251	51679
6		281	51680
7		312	51681
8		361	51682
9		394	51683
10		426	51684
11		458	51685
12		490	51686
13		522	51687
14		554	51688
	For each additional person add	40	51689

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<b>Section 62.04.</b> ADULT EMERGENCY ASSISTANCE PROGRAM	51690
Appropriations in appropriation item 600-512, Non-TANF	51691
Emergency Assistance, in each fiscal year shall be used for the	51692
Adult Emergency Assistance Program established under section	51693
5101.86 of the Revised Code.	51694
<b>Section 62.05.</b> HEALTH CARE/MEDICAID	51695
The foregoing appropriation item 600-525, Health	51696
Care/Medicaid, shall not be limited by the provisions of section	51697
131.33 of the Revised Code.	51698
<b>Section 62.06.</b> CHILD SUPPORT COLLECTIONS/TANF MOE	51699
The foregoing appropriation item 600-658, Child Support	51700
Collections, shall be used by the Department of Job and Family	51701
Services to meet the TANF maintenance of effort requirements of	51702
Pub. L. No. 104-193. After the state has met the maintenance of	51703
effort requirement, the Department of Job and Family Services may	51704
use funds from appropriation item 600-658 to support public	51705
assistance activities.	51706
<b>Section 62.07.</b> MEDICAID PROGRAM SUPPORT FUND - STATE	51707
The foregoing appropriation item 600-671, Medicaid Program	51708
Support, shall be used by the Department of Job and Family	51709
Services to pay for Medicaid services and contracts.	51710
<b>Section 62.08.</b> HOSPITAL CARE ASSURANCE MATCH FUND	51711
Appropriation item 600-650, Hospital Care Assurance Match,	51712
shall be used by the Department of Job and Family Services in	51713
accordance with division (B) of section 5112.18 of the Revised	51714
Code.	51715

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<b>Section 62.09. TANF</b>	51716
TANF COUNTY INCENTIVES	51717
Of the foregoing appropriation item 600-689, TANF Block	51718
Grant, the Department of Job and Family Services may provide	51719
financial incentives to those county departments of job and family	51720
services that have exceeded performance standards adopted by the	51721
state department, and where the board of county commissioners has	51722
entered into a written agreement with the state department under	51723
section 5101.21 of the Revised Code governing the administration	51724
of the county department. Any financial incentive funds provided	51725
pursuant to this division shall be used by the county department	51726
for additional or enhanced services for families eligible for	51727
assistance under Chapter 5107. or benefits and services under	51728
Chapter 5108. of the Revised Code or, on request by the county and	51729
approval by the Department of Job and Family Services, be	51730
transferred to the Child Care and Development Fund or the Social	51731
Services Block Grant. The county departments of job and family	51732
services may retain and expend such funds without regard to the	51733
state or county fiscal year in which the financial incentives were	51734
earned or paid. Each county department of job and family services	51735
shall file an annual report with the Department of Job and Family	51736
Services providing detailed information on the expenditure of	51737
these financial incentives and an evaluation of the effectiveness	51738
of the county department's use of these funds in achieving	51739
self-sufficiency for families eligible for assistance under	51740
Chapter 5107. or benefits and services under Chapter 5108. of the	51741
Revised Code.	51742
TANF YOUTH DIVERSION PROGRAMS	51743
Of the foregoing appropriation item 600-689, TANF Block	51744
Grant, \$19,500,000 in each fiscal year shall be allocated by the	51745
Department of Job and Family Services to the counties according to	51746



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the allocation formula established in division (D) of section 5101.14 of the Revised Code. Of the funds allocated to each county, up to half may be used for contract or county-provided services for unruly and misdemeanor diversionary programs. The juvenile court in each county shall have a right of first refusal for the use of these funds for the purpose of juvenile diversion activities in accordance with the county's comprehensive joint service plan, as provided by divisions (C), (D), and (E) of section 121.37 of the Revised Code.

The remaining funds not allocated for use in juvenile diversion activities may be used by the county for other contract or county-provided child welfare services. In counties with separate departments of job and family services and public children services agencies, the county department of job and family services shall serve as a pass through to the public children services agencies for these funds. Separate public children services agencies receiving such funds 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 are 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.

Of the foregoing \$19,500,000 set aside, any funds remaining unspent on June 30, 2002, shall be carried forward and added to the earmark for fiscal year 2003, and allocated to the counties according to the allocation formula established in division (D) of section 5101.14 of the Revised Code.

KINSHIP NAVIGATORS

Of the foregoing appropriation item 600-689, TANF Block Grant, up to \$3 million in each fiscal year shall be allocated by

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the Department of Job and Family Services to county departments of  
job and family services for the purpose of making allocations to  
local public children services agencies to provide services in the  
Kinship Navigation program. The allocation to county departments  
of job and family services shall be based on the number of Ohio  
works first cases in the county, and the number of children  
seventeen years of age or younger in the county. The Department of  
Job and Family Services shall develop an appropriate method of  
reallocating these funds in each fiscal year among the county  
departments of job and family services, if they would otherwise be  
unspent.

TANF EDUCATION

Not later than July 15, 2002, the Director of Budget and  
Management shall transfer \$35,000,000 in appropriation authority  
from appropriation item 600-689, TANF Block Grant (Fund 3V6), to  
Fund 3W6, TANF Education, in the Department of Education, which is  
created in the State Treasury. The transferred funds shall be used  
for the purpose of providing allowable services to TANF-eligible  
individuals.

Not later than July 15, 2001, the Director of Budget and  
Management shall transfer \$76,156,175 from Fund 3V6, TANF Block  
Grant, to Fund 3W6, TANF Education, in the Department of  
Education. Not later than July 15, 2002, the Director of Budget  
and Management shall transfer \$98,843,825 from Fund 3V6, TANF  
Block Grant, to Fund 3W6, TANF Education, in the Department of  
Education. The transferred funds shall be used for the purpose of  
providing allowable services to TANF-eligible individuals. The  
Department of Education shall comply with all TANF requirements,  
including reporting requirements and timelines, as specified in  
state and federal laws, federal regulations, state rules, and the  
Title IV-A state plan, and is responsible for payment of any  
adverse audit finding, final disallowance of federal financial

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participation, or other sanction or penalty issued by the federal	51811
government or other entity concerning these funds.	51812
TANF ADULT LITERACY AND CHILD READING PROGRAMS	51813
From the foregoing appropriation item 600-689, TANF Block	51814
Grant, up to \$5,000,000 in each fiscal year shall be used to	51815
support local adult literacy and child reading programs.	51816
TALBERT HOUSE	51817
In each fiscal year, the Director of Job and Family Services	51818
shall provide \$100,500 from appropriation item 600-689, TANF Block	51819
Grant, to the Hamilton County Department of Job and Family	51820
Services to contract with the Talbert House for the purpose of	51821
providing allowable servcies to TANF-eligible individuals. The	51822
Hamilton County Department of Job and Family Services and the	51823
Talbert House shall agree on reporting requirements that meet all	51824
TANF reporting requirements and timelines specified by the	51825
Department of Job and Family Services to be incorporated into the	51826
contract.	51827
DYS COMPREHENSIVE STRATEGIES	51828
No later than July 15, 2001, the Director of Budget and	51829
Management shall transfer \$5,000,000 in appropriation authority	51830
from appropriation item 600-689, TANF Block Grant, to Federal	51831
Special Revenue Fund 321 appropriation item 470-614, TANF Transfer	51832
- Comprehensive Strategies, in the Department of Youth Services.	51833
These funds shall be used by the Department of Youth Services to	51834
make grants to local communities to establish models of	51835
inter-system collaboration to prevent children from entering the	51836
juvenile justice system. In making the grants, the Department of	51837
Youth Services shall require that grantees use the funds only to	51838
plan, develop, or enhance collaborative models. Funds provided to	51839
grantees may not be used for any type of direct or purchased	51840
services. The Department of Youth Services shall comply with all	51841

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TANF requirements, including reporting requirements and timelines, 51842  
as specified in state and federal laws, federal regulations, state 51843  
rules, and the Title IV-A state plan, and is responsible for 51844  
payment of any adverse audit finding, final disallowance of 51845  
federal financial participation, or other sanction or penalty 51846  
issued by the federal government or other entity concerning these 51847  
funds. 51848

TANF TRANSFER DOWN PAYMENT ASSISTANCE AND FAMILY SHELTER 51849  
PROGRAM 51850

No later than July 15, 2001, the Director of Budget and 51851  
Management shall transfer \$5,200,000 in appropriation authority 51852  
from appropriation item 600-689, TANF Block Grant, to 51853  
appropriation item 195-497, CDBG Operating Match, in the 51854  
Department of Development. No later than July 15, 2002, the 51855  
Director of Budget and Management shall transfer \$6,500,000 in 51856  
appropriation authority from appropriation item 600-689, TANF 51857  
Block Grant, to appropriation item 195-497, CDBG Operating Match, 51858  
in the Department of Development. These funds shall be used to 51859  
provide supportive services for low-income families related to 51860  
housing or homelessness, including housing counseling; to provide 51861  
grants to nonprofit organizations to assist families with incomes 51862  
at or below 200 per cent of the federal poverty guidelines with 51863  
down-payment assistance for homeownership, including the purchase 51864  
of mobile homes; to provide emergency home repair funding for 51865  
families with incomes at or below 200 per cent of the federal 51866  
poverty guidelines; to provide operating support for family 51867  
emergency shelter programs; and to provide emergency rent and 51868  
mortgage assistance for families with incomes at or below 200 per 51869  
cent of the federal poverty guidelines. The funds shall not be 51870  
used to match federal funds. The Department of Development shall 51871  
comply with all TANF requirements, including reporting 51872  
requirements and timelines, as specified in state and federal 51873

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laws, federal regulations, state rules, and the Title IV-A state  
 plan, and is responsible for payment of any adverse audit finding,  
 final disallowance of federal financial participation, or other  
 sanction or penalty issued by the federal government or other  
 entity concerning these funds.

TANF FAMILY PLANNING

The Director of Budget and Management shall transfer by  
 intrastate voucher, no later than the fifteenth day of July of  
 each fiscal year, cash from the General Revenue Fund,  
 appropriation item 600-410, TANF State, to General Services Fund  
 5C1 in the Department of Health, in an amount of \$250,000 in each  
 fiscal year for the purpose of family planning services for  
 children or their families whose income is at or below 200 per  
 cent of the official poverty guideline.

TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS

From the foregoing appropriation items 600-410, TANF State;  
 600-658, Child Support Collections; or 600-689, TANF Block Grant,  
 or a combination of these appropriation items, no less than  
 \$369,040,735 in each fiscal year shall be allocated to county  
 departments of job and family services as follows:

County Allocations	\$276,586,957	51894
WIA Supplement	\$35,109,178	51895
Early Start - Statewide	\$38,034,600	51896
Transportation	\$5,000,000	51897
County Training	\$3,050,000	51898
Adult Literacy and Child		51899
Reading Programs	\$5,000,000	51900
Disaster Relief	\$5,000,000	51901
School Readiness Centers	\$1,260,000	51902

Upon the request of the Department of Job and Family  
 Services, the Director of Budget and Management may seek

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Controlling Board approval to increase appropriations in 51905  
appropriation item 600-689, TANF Block Grant, provided sufficient 51906  
Federal TANF Block Grant funds exist to do so, without any 51907  
corresponding decrease in other appropriation items. The 51908  
Department of Job and Family Services shall provide the Office of 51909  
Budget and Management and the Controlling Board with documentation 51910  
to support the need for the increased appropriation. 51911

All transfers of moneys from or charges against TANF Federal 51912  
Block Grant awards for use in the Social Services Block Grant or 51913  
the Child Care and Development Block Grant from either unobligated 51914  
prior year appropriation authority in appropriation item 400-411, 51915  
TANF Federal Block Grant, or 600-411, TANF Federal Block Grant, or 51916  
from fiscal year 2002 and fiscal year 2003 appropriation authority 51917  
in item 600-689, TANF Block Grant, shall be done ten days after 51918  
the Department of Job and Family Services gives written notice to 51919  
the Office of Budget and Management. The Department of Job and 51920  
Family Services shall first provide the Office of Budget and 51921  
Management with documentation to support the need for such 51922  
transfers or charges for use in the Social Services Block Grant or 51923  
in the Child Care Development Block Grant. 51924

The Department of Job and Family Services shall in each 51925  
fiscal year of the biennium transfer the maximum amount of funds 51926  
from the federal TANF Block Grant to the federal Social Services 51927  
Block Grant as permitted under federal law. Not later than July 51928  
15, 2001, the Director of Budget and Management shall transfer 51929  
\$60,000,000 in receipts from TANF Block Grant funds that have been 51930  
credited to the Social Services Block Grant to State Special 51931  
Revenue Fund 5Q8, in the Office of Budget and Management. Not 51932  
later than June 1, 2002, the Director of Budget and Management 51933  
shall determine the amount of funds in State Special Revenue Fund 51934  
XXX that is needed for the purpose of balancing the General 51935  
Revenue Fund, and may transfer that amount to the General Revenue 51936

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Fund. That amount is hereby appropriated. Any moneys remaining in State Special Revenue Fund 5Q8 on June 15, 2002, shall be transferred not later than June 20, 2002 to Fund 3V6, TANF Block Grant, in the Department of Job and Family Services. Not later than July 15, 2002, the Director of Budget and Management shall transfer to State Special Revenue Fund 5Q8, from Fund 3V6 in the Department of Job and Family Services, the amount of funds that remained in Special Revenue Fund 5Q8 on June 15, 2002, and that were transferred to Fund 3V6. Not later than June 1, 2003, the Director of Budget and Management shall determine the amount of funds in State Special Revenue Fund 5Q8 that is needed for the purpose of balancing the General Revenue Fund, and may transfer that amount to the General Revenue Fund. That amount is hereby appropriated. Any moneys remaining in State Special Revenue Fund 5Q8 on June 15, 2003, shall be transferred not later than June 20, 2003, to Fund 3V6, TANF Block Grant, in the Department of Job and Family Services.

Before the thirtieth day of September of each fiscal year, the Department of Job and Family Services shall file claims with the United States Department of Health and Human Services for reimbursement for all allowable expenditures for services provided by the Department of Job and Family Services, or other agencies that may qualify for Social Services Block Grant funding pursuant to Title XX of the Social Security Act. The Department of Job and Family Services shall deposit, during each fiscal year, into Fund 5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services, \$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund 3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002, into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, and into Fund 3W3, Adult Special Needs, \$2,920,227 and deposit in fiscal year 2003, into Fund 3W2, Title XX Vocational

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Rehabilitation, \$897,052, and into Fund 3W3, Adult Special Needs,		51969
\$6,520,227 in receipts from TANF Block Grant funds credited to the		51970
Social Services Block Grant. On verification of the receipt of the		51971
above revenue, the funds provided by these transfers shall be used		51972
as follows:		51973
Fund 5E6		51974
Second Harvest Food Bank	\$4,500,000	51975
Child Nutrition Services	\$900,000	51976
Ohio Alliance of Boys and Girls Clubs	\$600,000	51977
Fund 5P4		51978
Support and Expansion for PCSA Activities	\$5,500,000	51979
Pilot Projects for Violent and Aggressive Youth	\$2,000,000	51980
Fund 3W2		51981
Title XX Vocational Rehabilitation in fiscal	\$600,000	51982
year 2002		
Title XX Vocational Rehabilitation in fiscal	\$897,052	51983
year 2003		
Fund 3W3		51984
Adult Protective Services in fiscal year 2002	\$120,227	51985
Adult Protective Services in fiscal year 2003	\$120,227	51986
Non-TANF Adult Assistance in fiscal year 2002	\$1,000,000	51987
Non-TANF Adult Assistance in fiscal year 2003	\$1,000,000	51988
Community-Based Correctional Facilities in	\$1,800,000	51989
fiscal year 2002		
Community-Based Correctional Facilities in	\$5,400,000	51990
fiscal year 2003		
Fund 3W5		51991
Abstinence-only Education	\$500,000	51992
Fund 3W8		51993
Hippy Program	\$62,500	51994
Fund 3W9		51995
Adoption Connection	\$50,000	51996



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WELLNESS	51997
The foregoing appropriation item 600-690, Wellness, shall be	51998
used by county departments of job and family services for teen	51999
pregnancy prevention programming. Local contracts shall be	52000
developed between county departments of job and family services	52001
and local family and children first councils for the	52002
administration of TANF funding for this program.	52003
<b>Section 62.10.</b> OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS	52004
The Department of Job and Family Services may use up to	52005
\$4,500,000 of appropriation item 600-634, State Options Food	52006
Stamps (Fund 5E6), in each fiscal year of the biennium to support	52007
expenditures to the Ohio Association of Second Harvest Food Banks	52008
pursuant to the following criteria.	52009
As used in this section, "federal poverty guidelines" has the	52010
same meaning as in section 5101.46 of the Revised Code.	52011
The Department of Job and Family Services shall provide an	52012
annual grant of \$4,500,000 in each of the fiscal years 2002 and	52013
2003 to the Ohio Association of Second Harvest Food Banks. In each	52014
fiscal year, the Ohio Association of Second Harvest Food Banks	52015
shall use \$2,500,000 for the purchase of food products for the	52016
Ohio Food Program, of which up to \$105,000 may be used for food	52017
storage and transport, and shall use \$2,000,000 for the	52018
Agricultural Surplus Production Alliance Project. Funds provided	52019
for the Ohio Food Program shall be used to purchase food products	52020
and distribute those food products to agencies participating in	52021
the emergency food distribution program. No funds provided through	52022
this grant may be used for administrative expenses other than	52023
funds provided for food storage and transport. As soon as possible	52024
after entering into a grant agreement at the beginning of the	52025
fiscal year, the Department of Job and Family Services shall	52026
distribute the grant funds in one single payment. The Ohio	52027

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Association of Second Harvest Food Banks shall develop a plan for 52028  
the distribution of the food products to local food distribution 52029  
agencies. Agencies receiving these food products shall ensure that 52030  
individuals and families who receive any of the food products 52031  
purchased with these funds have an income at or below 150 per cent 52032  
of the federal poverty guidelines. The Department of Job and 52033  
Family Services and the Ohio Association of Second Harvest Food 52034  
Banks shall agree on reporting requirements to be incorporated 52035  
into the grant agreement. 52036

The Ohio Association of Second Harvest Food Banks shall 52037  
return any fiscal year 2002 funds from this grant remaining 52038  
unspent on June 30, 2002, to the Department of Job and Family 52039  
Services no later than November 1, 2002. The Ohio Association of 52040  
Second Harvest Food Banks shall return any fiscal year 2003 funds 52041  
from this grant remaining unspent on June 30, 2003, to the 52042  
Department no later than November 1, 2003. 52043

**Section 62.11. CHILD NUTRITION SERVICES** 52044

The Department of Job and Family Services may use up to 52045  
\$900,000 in each fiscal year of appropriation item 600-634, State 52046  
Option Food Stamps(Fund 5E6), to support Child Nutrition Services 52047  
in the Department of Education. As soon as possible after the 52048  
effective date of this section, the Department of Job and Family 52049  
Services shall enter into an interagency agreement with the 52050  
Department of Education to reimburse the 19 pilot programs that 52051  
provide nutritional evening meals to adolescents 13 through 18 52052  
years of age participating in educational or enrichment activities 52053  
at youth development centers. Such funds shall not be used as 52054  
matching funds. Eligibility and reporting guidelines shall be 52055  
detailed in the interagency agreement. 52056

**OHIO ALLIANCE OF BOYS AND GIRLS CLUBS** 52057

Of the foregoing appropriation item 600-634, State Option 52058

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Food Stamps (Fund 5E6), the Department of Job and Family Services 52059  
 shall use up to \$600,000 in each fiscal year to support 52060  
 expenditures of the Ohio Alliance of Boys and Girls Clubs to 52061  
 provide nutritional meals, snacks, and educational and enrichment 52062  
 services, including tutoring, homework assistance, and 52063  
 standardized achievement test preparation, to children 52064  
 participating in programs and activities operated by eligible Boys 52065  
 and Girls Clubs. The Ohio Alliance of Boys and Girls Clubs shall 52066  
 provide allowable services to Title XX eligible children. 52067

As soon as possible after entering into a grant agreement at 52068  
 the beginning of the fiscal year, the Department of Job and Family 52069  
 Services shall distribute the grant funds in one single payment. 52070  
 The Ohio Alliance of Boys and Girls Clubs shall return any fiscal 52071  
 year 2002 funds from this grant remaining unspent on June 30, 52072  
 2002, to the Department of Job and Family Services not later than 52073  
 November 1, 2002. The Ohio Alliance of Boys and Girls Clubs shall 52074  
 return any fiscal year 2003 funds from this grant remaining 52075  
 unspent on June 30, 2003, to the Department of Job and Family 52076  
 Services not later than November 1, 2003. 52077

**Section 62.12. PRESCRIPTION DRUG REBATE FUND** 52078

The foregoing appropriation item 600-692, Health Care 52079  
 Services, shall be used by the Department of Job and Family 52080  
 Services in accordance with section 5111.081 of the Revised Code. 52081

**Section 62.13. ODJFS FUNDS** 52082

## AGENCY FUND GROUP 52083

The Agency Fund Group shall be used to hold revenues until 52084  
 the appropriate fund is determined or until they are directed to 52085  
 the appropriate governmental agency other than the Department of 52086  
 Job and Family Services. If it is determined that additional 52087  
 appropriation authority is necessary, such amounts are 52088

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appropriated. 52089

HOLDING ACCOUNT REDISTRIBUTION GROUP 52090

The foregoing appropriation items 600-643, Refunds and Audit Settlements, and 600-644, Forgery Collections, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriation authority is necessary, such amounts are appropriated. 52091-52096

**Section 62.14. SINGLE ALLOCATION FOR COUNTY DEPARTMENTS OF JOB AND FAMILY SERVICES** 52097-52098

Using the foregoing appropriation items 600-504, Non-TANF County Administration; 600-610, Food Stamps and State Administration; 600-410, TANF State; 600-689, TANF Block Grant; 600-620, Social Services Block Grant; 600-552, County Social Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, Day Care Federal; 600-534, Adult Protective Services; and 600-614, Refugees Services, the Department of Job and Family Services may establish a single allocation for county departments of job and family services that are subject to a partnership agreement between a board of county commissioners and the department under section 5101.21 of the Revised Code. The county department is not required to use all the money from one or more of the appropriation items listed in this paragraph for the purpose for which the specific appropriation item is made so long as the county department uses the money for a purpose for which at least one of the other of those appropriation items is made. The county department may not use the money in the allocation for a purpose other than a purpose any of those appropriation items are made. If the spending estimates used in establishing the single allocation are not realized and the county department uses money in one or more of those appropriation items in a manner for which federal 52099-52119

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financial participation is not available, the department shall use 52120  
state funds available in one or more of those appropriation items 52121  
to ensure that the county department receives the full amount of 52122  
its allocation. The single allocation is the maximum amount the 52123  
county department shall receive from those appropriation items. 52124

ADULT PROTECTIVE SERVICES 52125

The foregoing appropriation item 600-695, Adult Protective 52126  
Services, shall be used to provide adult protective services in 52127  
accordance with section 5101.62 of the Revised Code. 52128

NON-TANF ADULT ASSISTANCE 52129

The foregoing appropriation item 600-696, Non-TANF Adult 52130  
Assistance, shall be used to provide funding for the Adult 52131  
Emergency Assistance Program in accordance with section 5101.86 of 52132  
the Revised Code. 52133

HIPPY PROGRAM 52134

The Department of Job and Family Services may use up to 52135  
\$62,500 of appropriation item 600-638, Hippy Program (Fund 3W8), 52136  
in each fiscal year to support expenditures to the Hippy Program 52137  
in Hamilton County. The Department of Job and Family Services and 52138  
the Hippy Program shall agree on reporting requirements to be 52139  
incorporated into the grant agreement. 52140

ADOPTION CONNECTION 52141

The Department of Job and Family Services may use up to 52142  
\$62,500 of appropriation item 600-640, Adoption Connection (Fund 52143  
3W9), in each fiscal year to support expenditures to the Adoption 52144  
Connection Program in Hamilton County. The Department of Job and 52145  
Family Services and the Adoption Connection Program shall agree on 52146  
reporting requirements to be incorporated into the grant 52147  
agreement. 52148

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**Section 62.15. TRANSFER OF FUNDS** 52149

The Department of Job and Family Services shall transfer 52150  
 through intrastate transfer vouchers, cash from State Special 52151  
 Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and 52152  
 Community-Based Services, in the Ohio Department of Mental 52153  
 Retardation and Developmental Disabilities. The sum of the 52154  
 transfers shall equal \$12,783,463 in fiscal year 2002 and 52155  
 \$13,039,133 in fiscal year 2003. The transfer may occur on a 52156  
 quarterly basis or on a schedule developed and agreed to by both 52157  
 departments. 52158

The Department of Job and Family Services shall transfer, 52159  
 through intrastate transfer vouchers, cash from the State Special 52160  
 Revenue Fund 4J5, Home and Community-Based Services for the Aged, 52161  
 to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 52162  
 transfers shall be equal to the amounts appropriated in fiscal 52163  
 year 2002 and fiscal year 2003 in appropriation item 490-610, 52164  
 PASSPORT/Residential State Supplement. The transfer may occur on a 52165  
 quarterly basis or on a schedule developed and agreed to by both 52166  
 departments. 52167

**TRANSFERS OF IMD/DSH CASH** 52168

The Department of Job and Family Services shall transfer, 52169  
 through intrastate transfer voucher, cash from fund 5C9, Medicaid 52170  
 Program Support, to the Department of Mental Health's Fund 4X5, 52171  
 OhioCare, in accordance with an interagency agreement which 52172  
 delegates authority from the Department of Job and Family Services 52173  
 to the Department of Mental Health to administer specified 52174  
 Medicaid services. 52175

**Section 62.16. CONSOLIDATION OF STATE GRANTS** 52176

With the consent of a county, the Department of Job and 52177  
 Family Services may combine into a single and consolidated grant 52178

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of state aid, funds that would otherwise be provided to that 52179  
 county pursuant to the operation of section 5101.14 of the Revised 52180  
 Code and other funds that would otherwise be provided to that 52181  
 county for the purpose of providing kinship care. In fiscal year 52182  
 2003, the grant shall also include unspent funds remaining from 52183  
 any grant provided to the county under this section in fiscal year 52184  
 2002. 52185

Funds contained in any such consolidation grant shall not be 52186  
 subject to either statutory or administrative rules that would 52187  
 otherwise govern allowable uses from such funds, except that such 52188  
 funds shall continue to be used by the county to meet the expenses 52189  
 of its children services program under Chapter 5153. of the 52190  
 Revised Code. Funds contained in a consolidation grant shall be 52191  
 paid to each county within thirty days after the beginning of each 52192  
 calendar quarter. Funds provided to a county under this section 52193  
 shall be deposited in the children services fund, established in 52194  
 section 5101.144 of the Revised Code, and shall be used for no 52195  
 other purpose than to meet the expenses of the children services 52196  
 program. Within ninety days after the end of fiscal year 2003, 52197  
 each county shall return to the Department of Job and Family 52198  
 Services any unspent balance in the consolidated grant, unless 52199  
 this section is renewed for a subsequent period of time. 52200

**Section 62.17. EMPLOYER SURCHARGE** 52201

The surcharge and the interest on the surcharge amounts due 52202  
 for calendar years 1988, 1989, and 1990 as required by Am. Sub. 52203  
 H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 52204  
 118th General Assembly, and section 4141.251 of the Revised Code 52205  
 as it existed prior to Sub. H.B. 478 of the 122nd General 52206  
 Assembly, again shall be assessed and collected by, accounted for, 52207  
 and made available to the Department of Job and Family Services in 52208  
 the same manner as set forth in section 4141.251 of the Revised 52209

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Code as it existed prior to Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the repeal of the surcharge for calendar years after 1990, pursuant to Sub. H.B. 478 of the 122nd General Assembly, except that amounts received by the Director on or after July 1, 2001, shall be deposited into the special administrative fund established pursuant to section 4141.11 of the Revised Code.

Effective July 1, 2001, the balance of the unemployment compensation surcharge trust funds created in custody of the Treasurer of State pursuant to section 4141.251 of the Revised Code shall be transferred into the special administrative fund established pursuant to section 4141.11 of the Revised Code.

**Section 62.18.** OHIO ACCESS SUCCESS PROJECT

(A) As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

(B) To the extent funds are available as provided in this act, the Director of Job and Family Services may establish the Ohio Access Success Project to help Medicaid recipients make the transition from residing in a nursing facility to residing in a community setting. If the Director establishes the Project, the Director shall provide one-time benefits to not more than seventy-five Medicaid recipients in fiscal year 2002 and not more than one hundred twenty-five Medicaid recipients in fiscal year 2003. To be eligible for benefits under the Project, a Medicaid recipient must satisfy all of the following requirements:

(1) At the time of applying for the benefits, be a recipient of Medicaid-funded nursing facility care;

(2) Have resided continuously in a nursing facility since at least January 1, 2000;

(3) Need the level of care provided by nursing facilities;

(4) Need benefits whose projected cost does not exceed eighty



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per cent of the average monthly Medicaid cost of individual	52240
Medicaid recipients' nursing facility care.	52241
(C) If the Director of Job and Family Services establishes	52242
the Ohio Access Success Project, the benefits provided under the	52243
Project may include payment of all of the following:	52244
(1) The first month's rent in a community setting;	52245
(2) Rental deposits;	52246
(3) Utility deposits;	52247
(4) Moving expenses;	52248
(5) Other expenses not covered by the Medicaid program that	52249
facilitate a Medicaid recipient's move from a nursing facility to	52250
a community setting.	52251
(D) No person may receive more than two thousand dollars	52252
worth of benefits under the Ohio Access Success Project.	52253
<b>Section 62.19. FUNDING FOR HABILITATIVE SERVICES</b>	52254
Notwithstanding any limitations contained in sections 5112.31	52255
and 5112.37 of the Revised Code, in each fiscal year, cash from	52256
State Special Revenue Fund 4K1, ICF/MR Bed Assessments, in excess	52257
of the amounts needed for transfers to Fund 4K8 may be used by the	52258
Department of Job and Family Services to cover costs of care	52259
provided to participants in the Ohio Home Care Waiver or in a	52260
waiver administered by the Department under the section titled	52261
"Waiver Redesign". Expenses to be paid from this fund by the	52262
Department of Job and Family Services shall be limited to costs	52263
for habilitative services for individuals who are not determined	52264
to be eligible for county board of MR/DD services, and who require	52265
a level of care that is routinely provided through intermediate	52266
care facilities for the mentally retarded or through ICF/MR	52267
waivers administered by the Department of Mental Retardation and	52268

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Developmental Disabilities.	52269
<b>Section 62.20.</b> FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND THE OHIO ACCESS SUCCESS PROJECT	52270 52271
Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the State Special Revenue Fund 4J5, Home and Community-Based Services for the Aged, in excess of the amounts needed for the transfers may be used by the Department of Job and Family Services for the following purposes: (A) up to \$1.0 million in each fiscal year to fund the state share of audits of Medicaid cost reports filed with the Department of Job and Family Services by nursing facilities and intermediate care facilities for the mentally retarded; and (B) up to \$150,000 in fiscal year 2002 and up to \$250,000 in fiscal year 2003 to provide one-time transitional benefits under the Ohio Access Success Project that the Director of Job and Family Services may establish under the section of this act titled "Ohio Access Success Project."	52272 52273 52274 52275 52276 52277 52278 52279 52280 52281 52282 52283 52284 52285
<b>Section 62.21.</b> MR/DD WAIVER REDESIGN	52286
(A) The Director of Job and Family Services may submit a request to the United States Secretary of Health and Human Services pursuant to section 1915 of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a Medicaid home and community-based services waiver program, or modify a current Medicaid home and community-based services waiver program, to serve individuals with mental retardation or a developmental disability who meet all of the following requirements:	52287 52288 52289 52290 52291 52292 52293 52294 52295
(1) Need the level of care provided by intermediate care facilities for the mentally retarded;	52296 52297
(2) Need habilitation services;	52298

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(3) Are enrolled in the Ohio Home Care Waiver Program on June 30, 2001; 52299  
52300

(4) Are transferred from the Ohio Home Care Waiver Program to the new or modified home and community-based services waiver program. 52301  
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52303

(B) If the United States Secretary of Health and Human Services grants a waiver request submitted under division (A) of this section, the Director of Job and Family Services may create a new, or modify an existing, home and community-based services waiver program in accordance with the waiver. The new or modified waiver program shall specify the maximum amount that the program may spend per individual enrolled in the program. 52304  
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(C) The Director of Job and Family Services may reduce the maximum number of individuals the Ohio Home Care Waiver Program may serve by the number of individuals transferred from that program to the new or modified home and community-based services waiver program provided for by this section. 52311  
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(D) The Department of Job and Family Services may administer the new or modified home and community-based services waiver program provided for by this section or enter into an interagency agreement with the Department of Mental Retardation and Developmental Disabilities to administer the waiver program under the Department of Job and Family Services' supervision. Such interagency agreement shall specify the maximum number of individuals who may be transferred from the Ohio Home Care Waiver Program to the new, or modified, waiver program and the estimated cost of services under the new, or modified, waiver program to the transferred individuals. The departments may not enter into the interagency agreement without approval of the Director of Budget and Management. If the departments enter into the interagency agreement, the Director of Budget and Management may reduce the amount of the appropriation in line item 600-525, Health 52316  
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Care/Medicaid, by the estimated cost specified in the interagency 52331  
 agreement. If the Director makes the reduction, the state share of 52332  
 the estimated costs are appropriated to the Department of Mental 52333  
 Retardation and Developmental Disabilities in a new appropriation 52334  
 item that shall be established for this purpose. The Director of 52335  
 Budget and Management may increase the appropriation in 52336  
 appropriation item 322-639, Medicaid Waiver, by the corresponding 52337  
 non-GRF federal share of the estimated costs. 52338

**Section 62.22. MEDICALLY FRAGILE WAIVER REDESIGN** 52339

(A) The Director of Job and Family Services may submit a 52340  
 request to the United States Secretary of Health and Human 52341  
 Services pursuant to section 1915 of the "Social Security Act," 79 52342  
 Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 52343  
 Medicaid home and community-based services waiver program, or 52344  
 modify a current Medicaid home and community-based services waiver 52345  
 program, to serve medically fragile individuals who meet all of 52346  
 the following requirements: 52347

(1) Need a skilled level of care as defined in rule 52348  
 5101:3-3-05 of the Administrative Code; 52349

(2) Are enrolled in the Ohio Home Care Waiver Program on June 52350  
 30, 2001, or, as limited by division (D) of this section, after 52351  
 that date; 52352

(3) Are transferred from the Ohio Home Care Waiver Program to 52353  
 the new or modified home and community-based services waiver 52354  
 program. 52355

(B) If the United States Secretary of Health and Human 52356  
 Services grants a waiver request submitted under division (A) of 52357  
 this section, the Director of Job and Family Services may create a 52358  
 new, or modify an existing, home and community-based services 52359  
 waiver program in accordance with the waiver. The new or modified 52360

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waiver program shall specify the maximum amount that the program  
 may spend per individual enrolled in the program. The Department  
 of Job and Family Services shall administer the waiver program.

(C) The Director of Job and Family Services may reduce the  
 maximum number of individuals the Ohio Home Care Waiver Program  
 may serve by the number of individuals transferred from that  
 program to the new or modified home and community-based services  
 waiver program provided for by this section.

(D) No more than a number, approved by the Director of Budget  
 and Management, of individuals who enroll in the Ohio Home Care  
 Waiver Program after June 30, 2001, may transfer to the new or  
 modified waiver program provided for by this section.

**Section 62.23. MEDICAID WAIVER**

(A) With the assistance of the Department of Mental Health  
 and after consulting with community mental health facilities that  
 provide mental health services included in the state Medicaid plan  
 pursuant to section 5111.022 of the Revised Code, the Department  
 of Job and Family Services shall develop and submit to the Health  
 Care Financing Administration of the United States Department of  
 Health and Human Services an application for a waiver under which  
 any of the federal Medicaid statutes and regulations that are  
 subject to being waived may be waived as necessary for purposes of  
 better ensuring both of the following:

(1) That Medicaid coverage and payment methods for mental  
 health services provided under section 5111.022 of the Revised  
 Code are consistent with the service priorities established  
 pursuant to Chapters 340. and 5119. of the Revised Code;

(2) That the services provided under section 5111.022 of the  
 Revised Code can be provided in a manner that maximizes the  
 effectiveness of resources available to the Department of Mental

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Health and boards of alcohol, drug addiction, and mental health services.	52391 52392
(B) The actions taken by the Department of Mental Health and Department of Job and Family Services to develop and submit the application for the waiver specified in division (A) of this section shall be taken in a manner that allows the provisions of the waiver to be implemented not later than July 1, 2002.	52393 52394 52395 52396 52397
<b>Section 62.24.</b> REFUND OF SETS PENALTY	52398
The Department of Job and Family Services shall notify the Controlling Board immediately on receipt of any refunds for penalties that were paid directly or indirectly by the state for the Support Enforcement Tracking System (SETS). Any and all refunds received for such penalties shall be deposited in their entirety to the General Revenue Fund.	52399 52400 52401 52402 52403 52404
<b>Section 62.25.</b> As used in this section, "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.	52405 52406 52407
A rule adopted by the Director of Job and Family Services governing a Medicaid waiver component that is in effect on the effective date of this section shall remain in effect until amended or rescinded as part of the adoption of rules under section 5111.85 of the Revised Code.	52408 52409 52410 52411 52412
<b>Section 62.26.</b> The Health Care Compliance Fund created by section 5111.171 of the Revised Code is the same fund as the Health Care Compliance Fund created by the Controlling Board in October 1998.	52413 52414 52415 52416
<b>Section 62.27.</b> Not later than October 31, 2001, the Director of Job and Family Services shall submit to the United States Secretary of Health and Human Services an amendment to the state	52417 52418 52419

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Medicaid Plan to provide for the Department of Job and Family Services to continue the Program of All-Inclusive Care for the Elderly, known as PACE, in accordance with 42 U.S.C. 1396u-4. The Director may submit to the United States Secretary a request to transfer the day-to-day administration of PACE to the Department of Aging. If the United States Secretary approves the amendment, the Directors of Job and Family Services and Aging may enter into an interagency agreement under section 5111.86 of the Revised Code to transfer responsibility for the day-to-day administration of PACE from the Department of Job and Family Services to the Department of Aging. The interagency agreement is subject to the approval of the Director of Budget and Management and shall include an estimated cost of services to be provided under PACE.

If the Directors of Job and Family Services and Aging enter into the interagency agreement, the Director of Budget and Management shall reduce the amount in appropriation item 600-525, Health Care/Medicaid, by the estimated costs of PACE services included in the interagency agreement. If the Director of Budget and Management makes the reduction, the state and federal share of the estimated costs of PACE services is hereby appropriated to the Department of Aging. The Director of Budget and Management shall establish a new appropriation item for the appropriation.

**Section 62.28.** (A) The authority of the Director of Job and Family Services under section 5111.02 of the Revised Code to adopt a rule excluding drugs for the treatment of obesity from coverage under the Medicaid program is revoked. Therefore, the Director shall rescind paragraph (D)(1) of rule 5101:3-9-03 of the Administrative Code. Paragraph (D)(1) of rule 5101:3-9-03 of the Administrative Code is suspended pending the rescission. This division does not require the Medicaid program to cover drugs for the treatment of obesity.

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The rule of this act that items in uncodified sections do not have effect after June 30, 2003, does not apply to this division.

(B) Not later than six months after the effective date of this section, the Director of Job and Family Services shall complete an evaluation and issue a report on whether the Medicaid program should cover anti-obesity agents that have been approved by the United States Food and Drug Administration for the treatment of obesity and obesity's related co-morbidities. At a minimum, the evaluation shall consider the safety, efficacy, and cost-effectiveness of having the Medicaid program cover such anti-obesity agents. The Director shall submit the report to the chairperson and ranking minority member of the House of Representatives Finance and Appropriations Committee and the chairperson and ranking minority member of the Senate Finance and Financial Institutions Committee.

**Section 62.29.** CHILD PROTECTIVE SERVICES

Of the foregoing appropriation item 600-527, Child Protective Services, \$15,000 in each fiscal year shall be provided to the Children's Advocacy Center in Portage County.

**Section 62.30.** The Director of Job and Family Services may apply to the United States Secretary of Health and Human Services to increase the number of individuals that the Individual Options Medicaid home or community-based services waiver program may serve as follows:

(A) For fiscal year 2002, that the waiver program serve at least five hundred more individuals than the waiver program served in fiscal year 2001;

(B) For fiscal year 2003, that the waiver program serve at least five hundred more individuals than the waiver program served in fiscal year 2002.



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**Section 62.31.** PREFERRED OPTION EVALUATION 52481

The Director of Job and Family Services shall evaluate the 52482  
 Medicaid managed care enrollment alternative known as Preferred 52483  
 Option. As part of the evaluation, the Director shall examine 52484  
 whether Preferred Option should be expanded to additional 52485  
 counties. Not later than June 30, 2003, the Director shall submit 52486  
 a report on the evaluation to the Governor, Speaker of the House 52487  
 of Representatives, and President of the Senate. The Director 52488  
 shall include in the report any findings made pursuant to the 52489  
 evaluation, including the Director's conclusions as to whether 52490  
 Preferred Option should be expanded to additional counties. The 52491  
 Director may not expand Preferred Option to any additional county 52492  
 before the Director submits the report. 52493

**Section 62.32.** (A) The Director of Job and Family Services 52494  
 shall continue operations through each of the local public 52495  
 employment offices described in section 4141.04 of the Revised 52496  
 Code that exist on the effective date of this section until thirty 52497  
 days after submitting the report required by division (B) of this 52498  
 section. 52499

(B) The Director shall present a detailed report to the 52500  
 members of the Finance and Appropriations Committee of the House 52501  
 of Representatives and of the Finance and Financial Institutions 52502  
 Committee of the Senate on or before October 1, 2001, that 52503  
 describes the Director's plan to cease the Department of Job and 52504  
 Family Services operations at the offices described in division 52505  
 (A) of this section and instead commence operations at telephone 52506  
 registration centers, mail claims centers, and one-stop employment 52507  
 centers. The report shall include all of the following 52508  
 information: 52509

(1) A description of plans to employ personnel for telephone 52510

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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,  
including all of the following information that is presented in a  
manner so that the costs described in division (B)(2)(a) of this  
section can be readily compared to the costs described in division  
(B)(2)(b) of this section:

(a) The cost of operating the existing offices described in  
division (A) of this section, including the costs for  
administration, facilities, and employing personnel;

(b) The number of proposed telephone registration centers and  
mail claims centers and the projected operational costs of those  
centers, including, but not limited to, the cost of employing  
personnel for those centers, the administrative overhead costs of  
those centers, the initial costs to establish those centers, the  
long-term costs of maintaining those centers, and the cost of  
renting facilities for those centers, if rental is necessary.

(3) The estimated cost projections of the initial start-up  
costs of transitioning from the existing offices described in  
division (A) of this section to the telephone registration  
centers, mail claims centers, and one-stop employment centers and  
the long-term operational costs of both operating those centers  
and assisting in providing personnel to staff the one-stop  
employment centers;

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(4) Funding projections that clearly indicate the amount of funding expected from federal, state, and local sources for the transition, and for maintaining the telephone registration centers and mail claims centers, and for assisting in providing personnel to staff the one-stop employment centers, with the amounts from each source stated separately;

(5) Steps that the Director plans to take to assist local communities in improving services at one-stop employment centers so that service to unemployed individuals, other job seekers, and employers is not interrupted.

(C) It is the intention of the General Assembly that the Director be strongly encouraged to negotiate with boards of county commissioners, local workforce policy boards, and other interested local officials in developing a plan to transfer operations from the offices described in division (A) of this section to telephone registration centers, mail claims centers, and one-stop employment centers. It is also the intention of the General Assembly that those negotiations include a process for agreeing to the division of resources and the allocation of costs between the Department of Job and Family Services, boards of county commissioners, and local workforce policy boards.

CHILD AND FAMILY SERVICES ACTIVITIES

Of the foregoing appropriation item 600-427, Child and Family Services Activities, \$10,000 in each fiscal year shall be provided to the Parmadale Children's Home.

Of the foregoing appropriation item 600-427, Child and Family Services Activities, \$10,000 in each fiscal year shall be provided to the Berea Children's Home.

**Section 62.33.** (A) As used in this section:

(1) "Medicaid days" means all days during which a resident

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who is a Medicaid recipient occupies a bed in a nursing facility 52572  
that is included in the facility's certified capacity under Title 52573  
XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 52574  
1396, as amended. Therapeutic or hospital leave days for which 52575  
payment is made under section 5111.33 of the Revised Code are 52576  
considered Medicaid days proportionate to the percentage of the 52577  
nursing facility's per resident per day rate paid for those days. 52578

(2) "Nursing facility" has the same meaning as in section 52579  
5111.20 of the Revised Code. 52580

(B) Notwithstanding sections 5111.20 to 5111.32 of the 52581  
Revised Code, rates paid to nursing facilities under the Medicaid 52582  
program shall be subject to the following limitations: 52583

(1) For fiscal year 2002, the mean total per diem rate for 52584  
all nursing facilities in the state, weighted by Medicaid days and 52585  
calculated as of July 1, 2001, under sections 5111.20 to 5111.32 52586  
of the Revised Code, shall not exceed \$144.99. 52587

(2) For fiscal year 2003, the mean total per diem rate for 52588  
all nursing facilities in the state, weighted by Medicaid days and 52589  
calculated as of July 1, 2002, under sections 5111.20 to 5111.32 52590  
of the Revised Code, shall not exceed \$154.41, plus any difference 52591  
between \$144.99 and the mean total per diem rate for all nursing 52592  
facilities in the state for fiscal year 2002, weighted by Medicaid 52593  
days and calculated as of July 1, 2001, under sections 5111.20 to 52594  
5111.32 of the Revised Code. 52595

(3) If the mean total per diem rate for all nursing 52596  
facilities in the state for fiscal year 2002 or 2003, weighted by 52597  
Medicaid days and calculated under sections 5111.20 to 5111.32 of 52598  
the Revised Code as of the first day of July of the calendar year 52599  
in which the fiscal year begins, exceeds the amount specified for 52600  
that fiscal year in division (B)(1) or (2) of this section, the 52601  
Department of Job and Family Services shall reduce the total per 52602

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diem rate for each nursing facility in the state by a percentage 52603  
that is equal to the percentage by which the mean total per diem 52604  
rate exceeds the amount specified in division (B)(1) or (2) of 52605  
this section for that fiscal year. 52606

(4) Subsequent to any reduction required by division (B)(1), 52607  
(2), or (3) of this section, a nursing facility's rate shall be 52608  
subject to any adjustments required or authorized by sections 52609  
5111.20 to 5111.32 of the Revised Code during the remainder of the 52610  
fiscal year. 52611

**Section 62.34.** (A) Notwithstanding division (Q)(1) of section 52612  
5111.20 of the Revised Code, when calculating indirect care costs 52613  
for the purpose of establishing rates under section 5111.24 or 52614  
5111.241 of the Revised Code for fiscal year 2002, "per diem," as 52615  
used in sections 5111.20 to 5111.32 of the Revised Code, means a 52616  
nursing facility's or intermediate care facility for the mentally 52617  
retarded's actual, allowable indirect care costs in the cost 52618  
reporting period divided by the greater of the facility's 52619  
inpatient days for that period or the number of inpatient days the 52620  
facility would have had during that period if its occupancy rate 52621  
had been eighty-two per cent. 52622

(B) Notwithstanding division (Q)(1) of section 5111.20 of the 52623  
Revised Code, when calculating indirect care costs for the purpose 52624  
of establishing rates under section 5111.24 or 5111.241 of the 52625  
Revised Code for fiscal year 2003, "per diem," as used in sections 52626  
5111.20 to 5111.32 of the Revised Code, means a nursing facility's 52627  
or intermediate care facility for the mentally retarded's actual, 52628  
allowable indirect care costs in the cost reporting period divided 52629  
by the greater of the facility's inpatient days for that period or 52630  
the number of inpatient days the facility would have had during 52631  
that period if its occupancy rate had been eighty-seven per cent. 52632  
52633

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(C) Notwithstanding division (Q)(2) of section 5111.20 of the Revised Code, when calculating capital costs for the purpose of establishing rates under section 5111.25 or 5111.251 of the Revised Code for fiscal year 2002, "per diem," as used in sections 5111.20 to 5111.32 of the Revised Code, means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable capital costs in the 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-eight per cent.

(D) Notwithstanding division (Q)(2) of section 5111.20 of the Revised Code, when calculating capital costs for the purpose of establishing rates under section 5111.25 or 5111.251 of the Revised Code for fiscal year 2003, "per diem," as used in sections 5111.20 to 5111.32 of the Revised Code, means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable capital costs in the 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-one per cent.

(E) As soon as practicable, the Department of Job and Family Services shall follow this section for the purpose of calculating nursing facilities' and intermediate care facilities for the mentally retarded's Medicaid reimbursement rates for indirect care and capital costs for fiscal years 2002 and 2003. If the Department is unable to calculate the rates before it makes payments for services provided during fiscal year 2002 or 2003, the Department shall pay a nursing facility or intermediate care facility for the mentally retarded the difference between the amount it pays the facility and the amount that would have been paid had the Department made the calculation in time.

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<b>Section 62.35.</b> NURSING FACILITY STABILIZATION FUND	52665
(A) As used in this section:	52666
(1) "Inpatient days" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.	52667 52668
(2) "Medicaid day" means all days during which a resident who is a Medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the nursing facility's per resident per day rate paid for those days.	52669 52670 52671 52672 52673 52674 52675 52676
(B) The Department of Job and Family Services shall use money in the Nursing Facility Stabilization Fund created under section 3721.56 of the Revised Code to do all of the following:	52677 52678 52679
(1) Make payments to nursing facilities under sections 5111.20 to 5111.32 of the Revised Code to the extent that funds available in appropriation item 600-525, Health Care/Medicaid, are insufficient to make those payments;	52680 52681 52682 52683
(2) Make payments to each nursing facility for fiscal years 2002 and 2003 in an amount equal to three fourths of the franchise permit fee the nursing facility pays under section 3721.53 of the Revised Code for the fiscal year the department makes the payment divided by the nursing facility's inpatient days for the calendar year preceding the calendar year in which that fiscal year begins;	52684 52685 52686 52687 52688 52689
(3) Make payments to each nursing facility for fiscal years 2002 and 2003 in an amount equal to one dollar and fifty cents per Medicaid day;	52690 52691 52692
(4) Make payments under the Nursing Facility Bed Operating Rights Buy-Back Program. The Department may not use more than	52693 52694

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\$15,000,000 to implement that program. 52695

(C) Any money remaining in the Nursing Facility Stabilization Fund after payments specified in division (B) of this section are made for fiscal years 2002 and 2003 shall be retained in the fund. Any interest or other investment proceeds earned on money in the fund shall be credited to the fund and used to make payments in accordance with division (B) of this section. 52696-52701

Section 62.36. NURSING FACILITY BED OPERATING RIGHTS BUY-BACK PROGRAM 52702-52703

As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 52704-52705

The Director of Job and Family Services shall create and implement a Nursing Facility Bed Operating Rights Buy-Back Program. Under the program, the Director shall notify nursing facilities in the areas of the state that the Director determines have an excess capacity of nursing facility beds that the Director proposes to purchase the operating rights to a number of nursing facility beds the Director specifies. 52706-52712

No later than a date the Director specifies, a nursing facility located in an area of the state that the Director determines has an excess capacity of nursing facility beds may submit a sealed bid to the Director. The date that the Director specifies shall be no more than sixty days after the date the Director notifies nursing facilities of the proposal to buy the operating rights of nursing facility beds. To the extent money in the Nursing Facility Stabilization Fund created under section 3721.56 of the Revised Code is available for the Nursing Facility Bed Operating Rights Buy-Back Program, the Director shall review the bids and purchase the operating rights of nursing facility beds from the lowest bidder or bidders. The Director may decline to purchase the operating rights of any nursing facility bed if 52713-52725



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the lowest bidder asks for more than the maximum per-bed amount, 52726  
 if any, the Director may establish. The Director shall not 52727  
 purchase the operating rights to more nursing facility beds than 52728  
 the Director specified in its notice to the nursing facilities. 52729

A nursing facility that has sold the operating rights to a 52730  
 nursing facility bed under this section may not include that bed 52731  
 or costs associated with the bed in a cost report filed under 52732  
 section 5111.26 or 5111.27 of the Revised Code. The facility shall 52733  
 file with the Director an amended cost report for the calendar 52734  
 year preceding the year the Director purchases the operating 52735  
 rights. In the amended cost report, the nursing facility shall 52736  
 subtract the bed and costs associated with the bed from the 52737  
 previous cost report for that calendar year. The Director shall 52738  
 use the amended cost report to revise the nursing facility's rates 52739  
 under sections 5111.20 to 5111.32 of the Revised Code for the 52740  
 fiscal year in which the operating rights are purchased. 52741

No action taken pursuant to the Nursing Facility Bed 52743  
 Operating Rights Buy-Back Program is a reviewable activity under 52744  
 sections 3702.51 to 3702.62 of the Revised Code. 52745

**Section 63.** JCO JUDICIAL CONFERENCE OF OHIO 52746

General Revenue Fund 52747

GRF 018-321 Operating Expenses	\$	1,110,240	\$	1,141,327	52748
TOTAL GRF General Revenue Fund	\$	1,110,240	\$	1,141,327	52749

General Services Fund Group 52750

403 018-601 Ohio Jury Instructions	\$	200,000	\$	200,000	52751
TOTAL GSF General Services Fund	\$	200,000	\$	200,000	52752

Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,310,240	\$	1,341,327	52753
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STATE COUNCIL OF UNIFORM STATE LAWS 52754

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Notwithstanding section 105.26 of the Revised Code, of the 52755  
 foregoing appropriation item 018-321, Operating Expenses, up to 52756  
 \$60,000 in fiscal year 2002 and up to \$63,000 in fiscal year 2003 52757  
 may be used to pay the expenses of the State Council of Uniform 52758  
 State Laws, including membership dues to the National Conference 52759  
 of Commissioners on Uniform State Laws. 52760

## OHIO JURY INSTRUCTIONS FUND 52761

The Ohio Jury Instructions Fund (Fund 403) shall consist of 52762  
 grants, royalties, dues, conference fees, bequests, devises, and 52763  
 other gifts received for the purpose of supporting costs incurred 52764  
 by the Judicial Conference of Ohio in dispensing education and 52765  
 informational data to the state's judicial system. Fund 403 shall 52766  
 be used by the Judicial Conference of Ohio to pay expenses 52767  
 incurred in dispensing educational and informational data to the 52768  
 state's judicial system. All moneys accruing to Fund 403 in excess 52769  
 of \$200,000 in fiscal year 2002 and in excess of \$200,000 in 52770  
 fiscal year 2003 are hereby appropriated for the purposes 52771  
 authorized. 52772

No money in the Ohio Jury Instructions Fund shall be 52773  
 transferred to any other fund by the Director of Budget and 52774  
 Management or the Controlling Board. 52775

**Section 64.** JSC THE JUDICIARY/SUPREME COURT 52776

General Revenue Fund 52777

GRF 005-321 Operating Expenses - \$ 98,524,655 \$ 103,540,214 52778

Judiciary/Supreme  
 Court

GRF 005-401 State Criminal \$ 294,096 \$ 304,881 52779

Sentencing Council

GRF 005-406 Law-Related Education \$ 200,802 \$ 206,826 52780

GRF 005-502 Commission for Legal \$ 0 \$ 657,600 52781

Education Opportunity

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TOTAL GRF General Revenue Fund	\$	99,019,553	\$	104,709,521	52782
General Services Fund Group					52783
672 005-601 Continuing Judicial	\$	235,000	\$	265,000	52784
Education					
TOTAL GSF General Services Fund	\$	235,000	\$	265,000	52785
Group					
State Special Revenue Fund Group					52786
4C8 005-605 Attorney Registration	\$	1,971,100	\$	2,030,233	52787
6A8 005-606 Supreme Court	\$	1,042,536	\$	1,089,111	52788
Admissions					
643 005-607 Commission on	\$	573,268	\$	590,016	52789
Continuing Legal					
Education					
TOTAL SSR State Special Revenue	\$	3,586,904	\$	3,709,360	52790
Fund Group					
Federal Special Revenue Fund Group					52791
3J0 005-603 Federal Grants	\$	1,093,306	\$	964,484	52792
TOTAL FED Federal Special Revenue	\$	1,093,306	\$	964,484	52793
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	103,934,763	\$	109,648,365	52794
LAW-RELATED EDUCATION					52795
The foregoing appropriation item 005-406, Law-Related					52796
Education, shall be distributed directly to the Ohio Center for					52797
Law-Related Education for the purposes of providing continuing					52798
citizenship education activities to primary and secondary					52799
students, expanding delinquency prevention programs, increasing					52800
activities for at-risk youth, and accessing additional public and					52801
private money for new programs.					52802
OHIO COMMISSION FOR LEGAL EDUCATION OPPORTUNITY					52803
The foregoing appropriation item 005-502, Commission for					52804
Legal Education Opportunity, shall be used to fund the activities					52805

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of the Commission for Legal Education Opportunity created by the 52806  
Chief Justice of the Supreme Court of Ohio for the purpose of 52807  
assisting minority, low-income, and educationally disadvantaged 52808  
college graduates in the transition to legal education. Moneys 52809  
appropriated to the Commission for Legal Education Opportunity may 52810  
be used to establish and provide an intensive course of study 52811  
designed to prepare eligible college graduates for law school 52812  
education, provide annual stipends for students who successfully 52813  
complete the course of study and are admitted to and maintain 52814  
satisfactory academic standing in an Ohio law school, and pay the 52815  
administrative costs associated with the program. 52816

**CONTINUING JUDICIAL EDUCATION** 52817

The Continuing Judicial Education Fund (Fund 672) shall 52818  
consist of fees paid by judges and court personnel for attending 52819  
continuing education courses and other gifts and grants received 52820  
for the purpose of continuing judicial education. The foregoing 52821  
appropriation item 005-601, Continuing Judicial Education, shall 52822  
be used to pay expenses for continuing education courses for 52823  
judges and court personnel. 52824

No money in the Continuing Judicial Education Fund shall be 52825  
transferred to any other fund by the Director of Budget and 52826  
Management or the Controlling Board. Interest earned on moneys in 52827  
the Continuing Judicial Education Fund shall be credited to the 52828  
fund. 52829

**ATTORNEY REGISTRATION** 52830

In addition to funding other activities considered 52831  
appropriate by the Supreme Court, the foregoing appropriation item 52832  
005-605, Attorney Registration, may be used to compensate 52833  
employees and fund the appropriate activities of the following 52834  
offices established by the Supreme Court pursuant to the Rules for 52835  
the Government of the Bar of Ohio: the Office of Disciplinary 52836

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Counsel, the Board of Commissioners on Grievances and Discipline, 52837  
the Clients' Security Fund, the Board of Commissioners on the 52838  
Unauthorized Practice of Law, and the Office of Attorney 52839  
Registration. 52840

No moneys in the Attorney Registration Fund shall be 52841  
transferred to any other fund by the Director of Budget and 52842  
Management or the Controlling Board. Interest earned on moneys in 52843  
the Attorney Registration Fund shall be credited to the fund. 52844

**SUPREME COURT ADMISSIONS 52845**

The foregoing appropriation item 005-606, Supreme Court 52846  
Admissions, shall be used to compensate Supreme Court employees 52847  
who are primarily responsible for administering the attorney 52848  
admissions program, pursuant to the Rules for the Government of 52849  
the Bar of Ohio, and to fund any other activities considered 52850  
appropriate by the court. Moneys shall be deposited into the 52851  
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 52852  
Court Rules for the Government of the Bar of Ohio. 52853

No moneys in the Supreme Court Admissions Fund shall be 52854  
transferred to any other fund by the Director of Budget and 52855  
Management or the Controlling Board. Interest earned on moneys in 52856  
the Supreme Court Admissions Fund shall be credited to the fund. 52857

**CONTINUING LEGAL EDUCATION 52858**

The foregoing appropriation item 005-607, Commission on 52859  
Continuing Legal Education, shall be used to compensate employees 52860  
of the Commission on Continuing Legal Education, established 52861  
pursuant to the Supreme Court Rules for the Government of the Bar 52862  
of Ohio, and to fund other activities of the commission considered 52863  
appropriate by the court. 52864

No moneys in the Continuing Legal Education Fund shall be 52865  
transferred to any other fund by the Director of Budget and 52866  
Management or the Controlling Board. Interest earned on moneys in 52867

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the Continuing Legal Education Fund shall be credited to the fund. 52868

FEDERAL MISCELLANEOUS 52869

The Federal Miscellaneous Fund (3J0) shall consist of grants 52870
and other moneys awarded to the Supreme Court of Ohio (The 52871
Judiciary) by the United States Government, the State Justice 52872
Institute, or other entities that receive the moneys directly from 52873
the United States Government or the State Justice Institute and 52874
distribute those moneys to the Supreme Court of Ohio (The 52875
Judiciary). The foregoing appropriation item 005-603, Federal 52876
Grants, shall be used in a manner consistent with the purpose of 52877
the grant or award. 52878

No money in the Federal Miscellaneous Fund shall be 52879
transferred to any other fund by the Director of Budget and 52880
Management or the Controlling Board. However, interest earned on 52881
moneys in the Federal Miscellaneous Fund shall be credited or 52882
transferred to the General Revenue Fund. 52883

Section 65. LEC LAKE ERIE COMMISSION 52884

State Special Revenue Fund Group 52885

4C0 780-601 Lake Erie Protection \$ 1,044,854 \$ 1,070,975 52886
Fund

5D8 780-602 Lake Erie Resources \$ 661,009 \$ 689,004 52887
Fund

TOTAL SSR State Special Revenue 52888

Fund Group \$ 1,705,863 \$ 1,759,979 52889

TOTAL ALL BUDGET FUND GROUPS \$ 1,705,863 \$ 1,759,979 52890

CASH TRANSFER 52891

Not later than the thirtieth day of November of each fiscal 52892
year, the Executive Director of the Ohio Lake Erie Office, with 52893
the approval of the Lake Erie Commission, shall certify to the 52894
Director of Budget and Management the cash balance in the Lake 52895

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Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet  
operating expenses of the Lake Erie Office. The Ohio Lake Erie  
Office may request the Director of Budget and Management to  
transfer up to the certified amount from the Lake Erie Resources  
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The  
Director of Budget and Management may transfer the requested  
amount, or the Director may transfer a different amount up to the  
certified amount. Cash transferred shall be used for the purposes  
described in division (A) of section 1506.23 of the Revised Code.  
The amount transferred by the director is appropriated to the  
foregoing appropriation item 780-601, Lake Erie Protection Fund,  
which shall be increased by the amount transferred.

**Section 66.** LRS LEGAL RIGHTS SERVICE

General Revenue Fund					52909
GRF 054-100 Personal Services	\$	274,718	\$	269,974	52910
GRF 054-200 Maintenance	\$	45,278	\$	46,184	52911
GRF 054-300 Equipment	\$	2,476	\$	2,526	52912
GRF 054-401 Ombudsman	\$	321,769	\$	318,491	52913
TOTAL GRF General Revenue Fund	\$	644,241	\$	637,175	52914
General Services Fund Group					52915
416 054-601 Gifts and Donations	\$	1,319	\$	1,352	52916
5M0 054-610 Settlements	\$	75,000	\$	75,000	52917
524 054-608 Traumatic Brain Injury	\$	21,550	\$	0	52918
TOTAL GSF General Services					52919
Fund Group	\$	97,869	\$	76,352	52920
Federal Special Revenue Fund Group					52921
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	810,314	\$	810,314	52922
3N3 054-606 Protection and Advocacy - Individual	\$	468,445	\$	468,445	52923

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		Rights				
3N9	054-607	Assistive Technology	\$	50,000	\$	50,000 52924
3R9	054-604	Family Support	\$	242,500	\$	242,500 52925
		Collaborative				
3T2	054-609	Client Assistance	\$	406,772	\$	406,772 52926
		Program				
305	054-602	Protection and	\$	1,068,109	\$	1,068,109 52927
		Advocacy -				
		Developmentally				
		Disabled				
TOTAL FED		Federal Special Revenue				52928
Fund Group			\$	3,046,140	\$	3,046,140 52929
TOTAL ALL BUDGET FUND GROUPS			\$	3,788,250	\$	3,759,667 52930
		<b>Section 67. JLE JOINT LEGISLATIVE ETHICS COMMITTEE</b>				52932
		General Revenue Fund				52933
GRF	028-321	Legislative Ethics	\$	589,000	\$	612,000 52934
		Committee				
TOTAL GRF		General Revenue Fund	\$	589,000	\$	612,000 52935
		State Special Revenue Fund Group				52936
4G7	028-601	Joint Legislative	\$	50,000	\$	50,000 52937
		Ethics Committee				
TOTAL SSR		State Special Revenue	\$	50,000	\$	50,000 52938
		Fund				
TOTAL ALL BUDGET FUND GROUPS			\$	639,000	\$	662,000 52939
		<b>Section 68. LSC LEGISLATIVE SERVICE COMMISSION</b>				52941
		General Revenue Fund				52942
GRF	035-321	Operating Expenses	\$	13,325,000	\$	14,470,000 52943
GRF	035-402	Legislative Interns	\$	953,500	\$	993,500 52944
GRF	035-404	Legislative Office of	\$	1,192,146	\$	1,239,832 52945
		Education Oversight				



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GRF 035-406	ATMS Replacement Project	\$	90,000	\$	90,000	52946
GRF 035-407	Legislative Task Force on Redistricting	\$	2,000,000	\$	0	52947
GRF 035-409	National Associations	\$	417,906	\$	427,381	52948
GRF 035-410	Legislative Information Systems	\$	4,343,000	\$	4,690,000	52949
TOTAL GRF	General Revenue Fund	\$	22,321,552	\$	21,910,713	52950
	General Services Fund Group					52951
4F6 035-603	Legislative Budget Services	\$	140,000	\$	145,000	52952
410 035-601	Sale of Publications	\$	25,000	\$	25,000	52953
TOTAL GSF	General Services Fund Group	\$	165,000	\$	170,000	52955
TOTAL ALL BUDGET FUND GROUPS		\$	22,486,552	\$	22,080,713	52956
	OPERATING EXPENSES					52957
	On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation items 035-321 and 035-403. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission, not to exceed \$500,000, is hereby appropriated to appropriation item 035-321 Operating Expenses, for fiscal year 2002.					52958 52959 52960 52961 52962 52963 52964 52965 52966 52967
	ATMS REPLACEMENT PROJECT					52968
	Of the foregoing appropriation item 035-406, ATMS Replacement Project, any amounts not used for the ATMS project may be used to pay the operating expenses of the Legislative Service Commission.					52969 52970 52971
	LEGISLATIVE TASK FORCE ON REDISTRICTING					52972

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On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation item 035-407, Legislative Task Force on Redistricting. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission is hereby appropriated to appropriation item 035-407, Legislative Task Force on Redistricting, for fiscal year 2002.

## NATIONAL ASSOCIATIONS

Of the foregoing appropriation item 035-409, National Associations, \$10,000 in each fiscal year shall be used for the State and Local Legal Center.

## LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT

The foregoing appropriation item 035-404, Legislative Office of Education Oversight, shall be used to support the legislative oversight activities of the Legislative Committee on Education Oversight established in section 3301.68 of the Revised Code.

**Section 69.** LIB STATE LIBRARY BOARD

General Revenue Fund				52993	
GRF 350-321 Operating Expenses	\$	7,645,422	\$	7,969,585	52994
GRF 350-401 Ohioana Rental Payments	\$	120,972	\$	120,972	52995
GRF 350-501 Cincinnati Public Library	\$	758,699	\$	753,594	52996
GRF 350-502 Regional Library Systems	\$	1,792,357	\$	1,780,093	52997
GRF 350-503 Cleveland Public Library	\$	1,141,234	\$	1,133,512	52998
TOTAL GRF General Revenue Fund	\$	11,458,684	\$	11,757,756	52999

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General Services Fund Group				53000
139 350-602 Intra-Agency Service	\$	14,148	\$ 14,502	53001
Charges				
4S4 350-604 OPLIN Technology	\$	7,661,095	\$ 7,777,962	53002
459 350-602 Interlibrary Service	\$	845,896	\$ 1,239,661	53003
Charges				
TOTAL GSF General Services				53004
Fund Group	\$	8,521,139	\$ 9,032,125	53005
Federal Special Revenue Fund Group				53006
313 350-601 LSTA Federal	\$	5,241,306	\$ 5,241,306	53007
TOTAL FED Federal Special Revenue				53008
Fund Group	\$	5,241,306	\$ 5,241,306	53009
TOTAL ALL BUDGET FUND GROUPS	\$	25,221,129	\$ 26,031,187	53010
OHIOANA RENTAL PAYMENTS				53011
The foregoing appropriation item 350-401, Ohioana Rental				53012
Payments, shall be used to pay the rental expenses of the Martha				53013
Kinney Cooper Ohioana Library Association pursuant to section				53014
3375.61 of the Revised Code.				53015
REGIONAL LIBRARY SYSTEMS				53016
The foregoing appropriation item 350-502, Regional Library				53017
Systems, shall be used to support regional library systems				53018
eligible for funding under section 3375.90 of the Revised Code.				53019
OHIO PUBLIC LIBRARY INFORMATION NETWORK				53020
The foregoing appropriation item 350-604, OPLIN Technology,				53021
shall be used for an information telecommunications network				53022
linking public libraries in the state and such others as may be				53023
certified as participants by the Ohio Public Library Information				53024
Network Board.				53025
The Ohio Public Library Information Network Board shall				53026
consist of eleven members appointed by the State Library Board				53027

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from among the staff of public libraries and past and present 53028  
members of boards of trustees of public libraries, based on the 53029  
recommendations of the Ohio library community. The Ohio Public 53030  
Library Information Network Board in consultation with the State 53031  
Library shall develop a plan of operations for the network. The 53032  
Board shall have the authority to make decisions regarding the use 53033  
of the foregoing appropriation item 350-604, OPLIN Technology, and 53034  
to receive and expend grants to carry out the operations of the 53035  
network in accordance with state law and the authority to appoint 53036  
and fix the compensation of a director and necessary staff. The 53037  
State Library will be the fiscal agent for the network and shall 53038  
have fiscal accountability for the expenditure of funds. The Ohio 53039  
Public Library Information Network Board members shall be 53040  
reimbursed for actual travel and necessary expenses incurred in 53041  
the carrying out of their responsibilities. 53042

In order to limit access to obscene and illegal materials 53043  
through internet use at Ohio Public Library Information Network 53044  
(OPLIN) terminals, local libraries with OPLIN computer terminals 53045  
shall adopt policies that control access to obscene and illegal 53046  
materials. These policies may include use of technological systems 53047  
to select or block certain internet access. The OPLIN shall 53048  
condition provision of its funds, goods, and services on 53049  
compliance with these policies. The OPLIN board shall also adopt 53050  
and communicate specific recommendations to local libraries on 53051  
methods to control such improper usage. These methods may include 53052  
each library implementing a written policy controlling such 53053  
improper use of library terminals and requirements for parental 53054  
involvement or written authorization for juvenile internet usage. 53055

The OPLIN board shall research and assist or advise local 53056  
libraries with emerging technologies and methods that may be 53057  
effective means to control access to obscene and illegal 53058  
materials. The OPLIN Executive Director shall biannually provide 53059

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written reports to the Governor, the Speaker and Minority Leader 53060  
of the House of Representatives, and the President and Minority 53061  
Leader of the Senate on any steps being taken by OPLIN and public 53062  
libraries in this state to limit and control such improper usage 53063  
as well as information on technological, legal, and law 53064  
enforcement trends nationally and internationally affecting this 53065  
area of public access and service. 53066

The Ohio Public Library Information Network, InfoOhio, and 53067  
OhioLink shall, to the extent feasible, coordinate and cooperate 53068  
in their purchase or other acquisition of the use of electronic 53069  
databases for their respective users and shall contribute funds in 53070  
an equitable manner to such effort. 53071

TRANSFER TO OPLIN TECHNOLOGY FUND 53072

Notwithstanding sections 5747.03 and 5747.47 of the Revised 53073  
Code and any other provision of law to the contrary, in accordance 53074  
with a schedule established by the Director of Budget and 53075  
Management, (A) in fiscal year 2002, the Director of Budget and 53076  
Management shall transfer \$6,361,095 from the Library and Local 53077  
Government Support Fund (Fund 065) to the OPLIN Technology Fund 53078  
(Fund 4S4); and (B) in fiscal year 2003, the Director of Budget 53079  
and Management shall transfer \$6,477,962 from the Library and 53080  
Local Government Support Fund (Fund 065) to the OPLIN Technology 53081  
Fund (Fund 4S4). 53082

Section 70. LCO LIQUOR CONTROL COMMISSION 53083

Liquor Control Fund Group				53084
043 970-321 Operating Expenses	\$	738,135	\$ 756,472	53085
TOTAL LCF Liquor Control Fund Group	\$	738,135	\$ 756,472	53086
TOTAL ALL BUDGET FUND GROUPS	\$	738,135	\$ 756,472	53087

Section 71. LOT STATE LOTTERY COMMISSION 53089

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State Lottery Fund Group				53090	
044 950-100 Personal Services	\$	23,990,502	\$	25,164,204	53091
044 950-200 Maintenance	\$	24,167,162	\$	24,698,840	53092
044 950-300 Equipment	\$	4,131,719	\$	3,664,576	53093
044 950-402 Game and Advertising	\$	64,913,869	\$	64,624,331	53094
Contracts					
044 950-601 Prizes, Bonuses, and	\$	136,371,980	\$	132,532,125	53095
Commissions					
871 950-602 Annuity Prizes	\$	185,454,636	\$	188,275,991	53096
872 950-603 Unclaimed Prize Awards	\$	13,093,114	\$	13,354,976	53097
TOTAL SLF State Lottery Fund					53098
Group	\$	452,122,982	\$	452,315,043	53099
TOTAL ALL BUDGET FUND GROUPS	\$	452,122,982	\$	452,315,043	53100

OPERATING EXPENSES 53101

The foregoing appropriation items include all amounts 53102  
 necessary for the purchase and printing of tickets, consultant 53103  
 services, and advertising. The Controlling Board may, at the 53104  
 request of the State Lottery Commission, authorize additional 53105  
 appropriations for operating expenses of the State Lottery 53106  
 Commission from the State Lottery Fund up to a maximum of 15 per 53107  
 cent of anticipated total revenue accruing from the sale of 53108  
 lottery tickets. 53109

PRIZES, BONUSSES, AND COMMISSIONS 53110

Any amounts, in addition to the amounts appropriated in 53111  
 appropriation item 950-601, Prizes, Bonuses, and Commissions, that 53112  
 are determined by the Director of the State Lottery Commission to 53113  
 be necessary to fund prizes, bonuses, and commissions are 53114  
 appropriated. 53115

ANNUITY PRIZES 53116

With the approval of the Office of Budget and Management, the 53117  
 State Lottery Commission shall transfer cash from the State 53118

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Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 53119  
(Fund 871) in an amount sufficient to fund deferred prizes. The 53120  
Treasurer of State, from time to time, shall credit the Deferred 53121  
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 53122  
by the Treasurer of State on invested balances. 53123

Any amounts, in addition to the amounts appropriated in 53124  
appropriation item 950-602, Annuity Prizes, that are determined by 53125  
the Director of the State Lottery Commission to be necessary to 53126  
fund deferred prizes and interest earnings are appropriated. 53127

## TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 53128

The Ohio Lottery Commission shall transfer an amount greater 53129  
than or equal to \$633,722,100 in fiscal year 2002 and \$621,722,600 53130  
in fiscal year 2003 to the Lottery Profits Education Fund. 53131  
Transfers from the Commission to the Lottery Profits Education 53132  
Fund shall represent the estimated net income from operations for 53133  
the Commission and may be supplemented by transfers from the 53134  
Unclaimed Prizes Fund at any time in fiscal year 2002 or fiscal 53135  
year 2003. Transfers by the Commission to the Lottery Profits 53136  
Education Fund shall be administered in accordance with and 53137  
pursuant to the Revised Code. 53138

**Section 72. MED STATE MEDICAL BOARD** 53139

General Services Fund Group 53140

5C6 883-609 State Medical Board \$ 6,344,740 \$ 6,728,301 53141  
Operating

TOTAL GSF General Services 53142

Fund Group \$ 6,344,740 \$ 6,728,301 53143

TOTAL ALL BUDGET FUND GROUPS \$ 6,344,740 \$ 6,728,301 53144

**Section 73. DMH DEPARTMENT OF MENTAL HEALTH** 53145

Division of General Administration Intragovernmental Service Fund 53146  
Group 53147

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151 235-601 General Administration	\$	76,095,310	\$	78,181,973	53148
TOTAL ISF Intragovernmental					53149
Service Fund Group	\$	76,095,310	\$	78,181,973	53150
Division of Mental Health--					53151
Psychiatric Services to Correctional Facilities					53152
General Revenue Fund					53153
GRF 332-401 Forensic Services	\$	4,259,513	\$	4,338,858	53154
TOTAL GRF General Revenue Fund	\$	4,259,513	\$	4,338,858	53155
TOTAL ALL BUDGET FUND GROUPS	\$	80,354,823	\$	82,520,831	53156

FORENSIC SERVICES 53157

The foregoing appropriation item 322-401, Forensic Services, 53158  
shall be used to provide psychiatric services to courts of common 53159  
pleas. The appropriation shall be allocated through community 53160  
mental health boards to certified community agencies and shall be 53161  
distributed according to the criteria delineated in rule 53162  
5122:4-1-01 of the Administrative Code. These community forensic 53163  
funds may also be used to provide forensic training to community 53164  
mental health boards and to forensic psychiatry residency programs 53165  
in hospitals operated by the Department of Mental Health and to 53166  
provide evaluations of patients of forensic status in facilities 53167  
operated by the Department of Mental Health prior to conditional 53168  
release to the community. 53169

In addition, appropriation item 332-401, Forensic Services, 53170  
may be used to support projects involving mental health, substance 53171  
abuse, courts, and law enforcement to identify and develop 53172  
appropriate alternative services to institutionalization for 53173  
nonviolent mentally ill offenders, and to provide linkage to 53174  
community services for severely mentally disabled offenders 53175  
released from institutions operated by the Department of 53176  
Rehabilitation and Correction. Funds may also be utilized to 53177  
provide forensic monitoring and tracking in addition to community 53178  
programs serving persons of forensic status on conditional release 53179



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or probation.				53180
	Division of Mental Health--			53181
	Administration and Statewide Programs			53182
General Revenue Fund				53183
GRF 333-100	Personal Services -	\$ 17,024,323	\$ 16,807,353	53184
	Central Administration			
GRF 333-200	Maintenance - Central	\$ 2,276,155	\$ 2,318,555	53185
	Administration			
GRF 333-300	Equipment - Central	\$ 490,894	\$ 500,038	53186
	Administration			
GRF 333-402	Resident Trainees	\$ 1,472,858	\$ 1,500,294	53187
GRF 333-403	Pre-Admission	\$ 638,246	\$ 650,135	53188
	Screening Expenses			
GRF 333-415	Lease-Rental Payments	\$ 24,754,900	\$ 26,275,300	53189
GRF 333-416	Research Program	\$ 956,224	\$ 972,178	53190
	Evaluation			
TOTAL GRF	General Revenue Fund	\$ 47,613,600	\$ 49,023,853	53191
General Services Fund Group				53192
149 333-609	Central Office Rotary	\$ 2,013,823	\$ 2,037,918	53193
	- Operating			
TOTAL	General Services Fund Group	\$ 2,013,823	\$ 2,037,918	53194
Federal Special Revenue Fund Group				53195
3A7 333-612	Social Services Block	\$ 25,000	\$ 25,000	53196
	Grant			
3A8 333-613	Federal Grant -	\$ 87,000	\$ 58,000	53197
	Administration			
3A9 333-614	Mental Health Block	\$ 642,264	\$ 642,264	53198
	Grant			
3B1 333-635	Community Medicaid	\$ 6,550,000	\$ 5,550,000	53199
	Expansion			
324 333-605	Medicaid/Medicare	\$ 379,009	\$ 375,219	53200
TOTAL	Federal Special Revenue			53201

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Fund Group		\$	7,683,273	\$	6,650,483	53202
State Special Revenue Fund Group						53203
4X5 333-607 Behavioral Health		\$	2,759,400	\$	2,828,385	53204
Medicaid Services						
485 333-632 Mental Health		\$	130,959	\$	134,233	53205
Operating						
5M2 333-602 PWLC Campus		\$	1,000,000	\$	0	53206
Improvement						
TOTAL State Special Revenue						53207
Fund Group		\$	3,890,359	\$	2,962,618	53208
TOTAL ALL BUDGET FUND GROUPS		\$	61,201,055	\$	60,674,872	53209
RESIDENCY TRAINEESHIP PROGRAMS						53210
The foregoing appropriation item 333-402, Resident Trainees,						53211
shall be used to fund training agreements entered into by the						53212
Department of Mental Health for the development of curricula and						53213
the provision of training programs to support public mental health						53214
services.						53215
PRE-ADMISSION SCREENING EXPENSES						53216
The foregoing appropriation item 333-403, Pre-Admission						53217
Screening Expenses, shall be used to pay for costs to ensure that						53218
uniform statewide methods for pre-admission screening are in place						53219
to perform assessments for persons in need of mental health						53220
services or for whom institutional placement in a hospital or in						53221
another inpatient facility is sought. Pre-admission screening						53222
includes the following activities: pre-admission assessment,						53223
consideration of continued stay requests, discharge planning and						53224
referral, and adjudication of appeals and grievance procedures.						53225
RENTAL PAYMENTS TO THE OHIO PUBLIC FACILITIES COMMISSION						53226
The foregoing appropriation item 333-415, Lease-Rental						53227
Payments, shall be used to meet all payments at the times they are						53228
required to be made during the period from July 1, 2001, to June						53229

## Substitute Version as Presented to the Senate Finance and Financial Institutions

30, 2003, by the Department of Mental Health pursuant to leases 53230  
 and agreements made under section 154.20 of the Revised Code, but 53231  
 limited to the aggregate amount of \$51,030,200. Nothing in this 53232  
 act shall be deemed to contravene the obligation of the state to 53233  
 pay, without necessity for further appropriation, from the sources 53234  
 pledged thereto, the bond service charges on obligations issued 53235  
 pursuant to section 154.20 of the Revised Code. 53236

**Section 73.01.** DIVISION OF MENTAL HEALTH - HOSPITALS 53237

General Revenue Fund 53238

GRF 334-408 Community and Hospital \$ 356,469,071 \$ 352,719,838 53239

## Mental Health Services

GRF 334-506 Court Costs \$ 958,791 \$ 976,652 53240

TOTAL GRF General Revenue Fund \$ 357,427,862 \$ 353,696,490 53241

General Services Fund Group 53242

149 334-609 Hospital Rotary - \$ 10,451,492 \$ 10,451,492 53243

## Operating Expenses

150 334-620 Special Education \$ 152,500 \$ 152,500 53244

TOTAL GSF General Services 53245

Fund Group \$ 10,603,992 \$ 10,603,992 53246

Federal Special Revenue Fund Group 53247

3A8 334-613 Federal Letter of \$ 9,000 \$ 0 53248

## Credit

3B0 334-617 Elementary and \$ 202,774 \$ 214,340 53249

## Secondary Education

## Act

3B1 334-635 Hospital Medicaid \$ 2,000,000 \$ 2,000,000 53250

## Expansion

324 334-605 Medicaid/Medicare \$ 8,791,748 \$ 9,043,700 53251

5L2 334-619 Health \$ 131,600 \$ 94,869 53252

## Foundation/Greater

## Cincinnati

## Substitute Version as Presented to the Senate Finance and Financial Institutions

TOTAL FED Federal Special Revenue				53253
Fund Group	\$	11,135,122	\$ 11,352,909	53254
State Special Revenue Fund Group				53255
485 334-632 Mental Health	\$	1,991,448	\$ 1,989,912	53256
Operating				
692 334-636 Community Mental	\$	361,323	\$ 370,356	53257
Health Board Risk Fund				
TOTAL SSR State Special Revenue				53258
Fund Group	\$	2,352,771	\$ 2,360,268	53259
TOTAL ALL BUDGET FUND GROUPS	\$	381,519,747	\$ 378,013,659	53260
COMMUNITY MENTAL HEALTH BOARD RISK FUND				53261
The foregoing appropriation item 334-636, Community Mental				53262
Health Board Risk Fund, shall be used to make payments pursuant to				53263
section 5119.62 of the Revised Code.				53264
<b>Section 73.02.</b> DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT				53265
SERVICES				53266
General Revenue Fund				53267
GRF 335-419 Community Medication	\$	7,682,295	\$ 7,701,549	53268
Subsidy				
GRF 335-502 Community Mental	\$	38,166,674	\$ 38,166,674	53269
Health Programs				
GRF 335-508 Services for Severely	\$	60,405,135	\$ 60,905,135	53270
Mentally Disabled				
TOTAL GRF General Revenue Fund	\$	106,254,104	\$ 106,773,358	53271
General Services Fund Group				53272
4N8 335-606 Family Stability	\$	7,460,600	\$ 7,647,115	53273
Incentive				
TOTAL GSF General Services				53274
Fund Group	\$	7,460,600	\$ 7,647,115	53275
Federal Special Revenue Fund Group				53276

## Substitute Version as Presented to the Senate Finance and Financial Institutions

3A7	335-612	Social Services Block Grant	\$	9,314,108	\$	9,314,108	53277
3A8	335-613	Federal Grant - Community Mental Health Board Subsidy	\$	960,000	\$	960,000	53278
3A9	335-614	Mental Health Block Grant	\$	12,754,654	\$	12,737,654	53279
3B1	335-635	Community Medicaid Expansion	\$	157,480,000	\$	165,355,000	53280
		State Special Revenue Fund Group					53281
632	335-616	Community Capital Replacement	\$	250,000	\$	250,000	53282
		TOTAL SSR State Special Revenue Fund Group	\$	250,000	\$	250,000	53283
		TOTAL FED Federal Special Revenue Fund Group	\$	180,508,762	\$	188,366,762	53285
		TOTAL ALL BUDGET FUND GROUPS	\$	294,473,466	\$	303,037,235	53286
		DEPARTMENT TOTAL					53287
		GENERAL REVENUE FUND	\$	515,555,079	\$	513,832,559	53288
		DEPARTMENT TOTAL					53289
		GENERAL SERVICES FUND GROUP	\$	20,078,415	\$	20,289,025	53290
		DEPARTMENT TOTAL					53291
		FEDERAL SPECIAL REVENUE FUND GROUP	\$	199,327,157	\$	206,370,154	53293
		DEPARTMENT TOTAL					53294
		STATE SPECIAL REVENUE FUND GROUP	\$	6,493,130	\$	5,572,886	53295
		DEPARTMENT TOTAL					53296
		INTRAGOVERNMENTAL FUND GROUP	\$	76,095,310	\$	78,181,973	53297
		TOTAL DEPARTMENT OF MENTAL HEALTH	\$	817,549,091	\$	824,246,597	53298

**Section 73.03.** COMMUNITY MEDICATION SUBSIDY 53300

The foregoing appropriation item 335-419, Community 53301

Medication Subsidy, shall be used to provide subsidized support 53302

## Substitute Version as Presented to the Senate Finance and Financial Institutions

for psychotropic medication needs of indigent citizens in the 53303  
community to reduce unnecessary hospitalization because of lack of 53304  
medication and to provide subsidized support for methadone costs. 53305

GENERAL COMMUNITY MENTAL HEALTH PROGRAMS 53306

The foregoing appropriation item 335-502, Community Mental 53307  
Health Programs, shall be distributed by the Department of Mental 53308  
Health on a per capita basis to community mental health boards. 53309

The purpose of the appropriation is to provide subsidized 53310  
support for general mental health services to Ohioans. The range 53311  
of mental health services eligible for funding shall be defined in 53312  
a Department of Mental Health rule. Community mental health boards 53313  
shall allocate funds in support of these services in accordance 53314  
with the mental health needs of the community. 53315

MENTAL HEALTH SERVICES FOR SEVERELY MENTALLY DISABLED PERSONS 53316

The foregoing appropriation item 335-508, Services for 53317  
Severely Mentally Disabled, shall be used to fund mental health 53318  
services for adults and children who meet or have formerly met 53319  
criteria established by the Department of Mental Health under its 53320  
definition of severely mentally disabled. Those adults and 53321  
children who constitute severely mentally disabled include those 53322  
with a history of recent or chronic psychiatric hospitalizations, 53323  
a history of psychosis, a prognosis of continued severe social and 53324  
adaptive functioning impairment, or those certified impaired by 53325  
the Social Security Administration for reasons of mental illness. 53326  
In addition to the above, children and adolescents who are 53327  
currently determined to be severely mentally disabled, or who are 53328  
at risk of becoming severely mental disabled, and who are already 53329  
in or about to enter the juvenile justice system, or child welfare 53330  
system, or receiving special education services within the 53331  
education system may also receive services funded by appropriation 53332  
item 335-508, Services for Severely Mentally Disabled. 53333

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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 be used to transfer cash from the General Revenue Fund to Fund 4N8, Family Stability Incentive. This transfer shall be made using an intrastate transfer voucher.

MENTAL HEALTH SERVICES TO JUVENILE OFFENDERS PROJECTS

Any cash transferred for juvenile offenders projects from the Department of Youth Services, the Department of Job and Family Services, the Office of Criminal Justice Services, or other state agencies to the Department of Mental Health (Fund 149) shall be used by the Department of Mental Health to fund local mental health services to juvenile offenders projects that are designed to address the mental health needs of juvenile offenders with serious mental illness.

BEHAVIORAL HEALTH MEDICAID SERVICES

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 333-607, Behavioral Health Medicaid Services, may be used to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with the Department of Job and Family Services.

**Section 74.** DMR DEPARTMENT OF MENTAL RETARDATION

AND DEVELOPMENTAL DISABILITIES

**Section 74.01.** GENERAL ADMINISTRATION AND STATEWIDE

SERVICES

General Revenue Fund

## Substitute Version as Presented to the Senate Finance and Financial Institutions

GRF 320-321	Central Administration	\$	11,001,218	\$	11,361,253	53364
GRF 320-411	Special Olympics	\$	200,000	\$	200,000	53365
GRF 320-412	Protective Services	\$	1,402,498	\$	1,502,150	53366
GRF 320-415	Lease-Rental Payments	\$	24,754,900	\$	26,275,300	53367
TOTAL GRF	General Revenue Fund	\$	37,358,616	\$	39,338,703	53368
General Services Fund Group						53369
4B5 320-640	Conference/Training	\$	826,463	\$	864,496	53370
TOTAL GSF	General Services					53371
Fund Group		\$	826,463	\$	864,496	53372
Federal Special Revenue Fund Group						53373
3A4 320-605	Administrative Support	\$	11,964,698	\$	12,492,892	53374
3A5 320-613	DD Council Operating	\$	992,486	\$	992,486	53375
Expenses						53376
TOTAL FED	Federal Special Revenue					53377
Fund Group		\$	12,957,184	\$	13,485,378	53378
TOTAL ALL GENERAL ADMINISTRATION						53379
AND STATEWIDE SERVICES						53380
BUDGET FUND GROUPS		\$	51,142,263	\$	53,688,577	53381
LEASE-RENTAL PAYMENTS						53382
The foregoing appropriation item 320-415, Lease-Rental						53383
Payments, shall be used to meet all payments at the times they are						53384
required to be made during the period from July 1, 2001, to June						53385
30, 2003, by the Department of Mental Retardation and						53386
Developmental Disabilities pursuant to leases and agreements made						53387
under section 154.20 of the Revised Code, but limited to the						53388
aggregate amount of \$51,030,200. Nothing in this act shall be						53389
deemed to contravene the obligation of the state to pay, without						53390
necessity for further appropriation, from the sources pledged						53391
thereto, the bond service charges on obligations issued pursuant						53392
to section 154.20 of the Revised Code.						53393
Section 74.02. COMMUNITY SERVICES						53394



## Substitute Version as Presented to the Senate Finance and Financial Institutions

General Revenue Fund				53395
GRF 322-405 State Use Program	\$	264,685	\$ 264,685	53396
GRF 322-413 Residential and Support Services	\$	155,168,317	\$ 165,289,811	53397  53398
GRF 322-451 Family Support Services	\$	7,975,870	\$ 7,975,870	53399
GRF 322-452 Case Management	\$	8,984,491	\$ 9,874,628	53400
GRF 322-501 County Boards Subsidies	\$	45,366,297	\$ 46,817,644	53401
TOTAL GRF General Revenue Fund	\$	217,759,660	\$ 230,222,638	53402
General Services Fund Group				53403
4J6 322-645 Intersystem Services for Children	\$	5,000,000	\$ 5,000,000	53404  53405
4U4 322-606 Community MR and DD Trust	\$	125,000	\$ 131,250	53406
4V1 322-611 Program Support	\$	2,000,000	\$ 2,000,000	53407
488 322-603 Residential Services Refund	\$	2,499,188	\$ 2,499,188	53408  53409
TOTAL GSF General Services Fund Group	\$	9,624,188	\$ 9,630,438	53410  53411
Federal Special Revenue Fund Group				53412
3A4 322-605 Community Program Support	\$	3,024,047	\$ 3,326,452	53413
3A4 322-610 Community Residential Support	\$	5,924,858	\$ 5,924,858	53414  53415
3A5 322-613 DD Council Grants	\$	3,358,290	\$ 3,358,290	53416
3G6 322-639 Medicaid Waiver	\$	148,304,949	\$ 151,754,169	53417
3M7 322-650 CAFS Medicaid	\$	163,747,903	\$ 172,568,939	53418
325 322-608 Federal Grants - Operating Expenses	\$	1,360,000	\$ 1,360,000	53419  53420

## Substitute Version as Presented to the Senate Finance and Financial Institutions

325	322-612	Social Service Block	\$	11,500,000	\$	11,500,000	53421
		Grant					53422
325	322-617	Education Grants -	\$	115,000	\$	115,000	53423
		Operating					53424
TOTAL FED Federal Special Revenue							53425
Fund Group			\$	337,335,047	\$	349,907,708	53426
State Special Revenue Fund Group							53427
4K8	322-604	Waiver - Match	\$	13,783,463	\$	14,039,133	53428
5H0	322-619	Medicaid Repayment	\$	562,080	\$	576,132	53429
TOTAL SSR State Special Revenue							53430
Fund Group			\$	14,345,543	\$	14,615,265	53431
TOTAL ALL COMMUNITY SERVICES							53432
BUDGET FUND GROUPS			\$	579,064,438	\$	604,376,049	53433
RESIDENTIAL AND SUPPORT SERVICES							53434
The foregoing appropriation item 322-413, Residential and							53435
Support Services, shall be used for any of the following:							53436
(A) Home and community-based waiver services pursuant to							53437
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42							53438
U.S.C. 301, as amended;							53439
(B) Services contracted by county boards of mental							53440
retardation and developmental disabilities;							53441
(C) Supported living services contracted by county boards of							53442
mental retardation and developmental disabilities in accordance							53443
with sections 5126.40 to 5126.47 of the Revised Code;							53444
(D) Sermak Class Services used to implement the requirements							53445
of the consent decree in <i>Sermak v. Manuel</i> , Case No. c-2-80-220,							53446
United States District Court for the Southern District of Ohio,							53447
Eastern Division;							53448
(E) Other Medicaid-reimbursed programs, in an amount not to							53449
exceed \$1,000,000 in each fiscal year, that enable persons with							53450
mental retardation and developmental disabilities to live in the							53451

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community. 53452

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 53453  
the Department of Mental Retardation and Developmental 53454  
Disabilities may develop residential and support service programs 53455  
that enable persons with mental retardation and developmental 53456  
disabilities to live in the community. Notwithstanding Chapter 53457  
5121. and section 5123.122 of the Revised Code, the department may 53458  
waive the support collection requirements of those statutes for 53459  
persons in community programs developed by the department under 53460  
this section. The department shall adopt rules under Chapter 119. 53461  
of the Revised Code or may use existing rules for the 53462  
implementation of these programs. 53463

The Department of Mental Retardation and Developmental 53464  
Disabilities may designate a portion of appropriation item 53465  
332-413, Residential and Support Services, to county boards of 53466  
mental retardation and developmental disabilities that have 53467  
greater need for various residential and support services due to a 53468  
low percentage of residential and support services development in 53469  
comparison to the number of individuals with mental retardation or 53470  
developmental disabilities in the county. 53471

Of the foregoing appropriation item 322-413, Residential and 53472  
Support Services, \$9,700,000 in fiscal year 2002 and \$9,850,000 in 53473  
fiscal year 2003 shall be distributed by the Department to county 53474  
boards of mental retardation and developmental disabilities to 53475  
support Medicaid activities provided for in the component of a 53476  
county board's plan developed under division (A)(2) of section 53477  
5126.054 of the Revised Code and approved under section 5123.046 53478  
of the Revised Code. Up to \$3,000,000 of these funds in each 53479  
fiscal year may be used to implement day-to-day program management 53480  
services under division (A)(2) of section 5126.054 of the Revised 53481  
Code. Up to \$4,200,000 in each fiscal year may be used to 53482  
implement the program and health and welfare requirements of 53483

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division (A)(2) of section 5126.054 of the Revised Code. 53484

In fiscal years 2002 and 2003, not less than \$2,500,000 and 53485  
 \$2,650,000, respectively, of these funds shall be used to recruit 53486  
 and retain, under division (A)(2) of section 5126.054 of the 53487  
 Revised Code, the direct care staff necessary to implement the 53488  
 services included in an individualized service plan in a manner 53489  
 that ensures the health and welfare of the individuals being 53490  
 served. 53491

FAMILY SUPPORT SERVICES 53492

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 53493  
 5126.11 of the Revised Code, the Department of Mental Retardation 53494  
 and Developmental Disabilities may implement programs funded by 53495  
 appropriation item 322-451, Family Support Services, to provide 53496  
 assistance to persons with mental retardation or developmental 53497  
 disabilities and their families who are living in the community. 53498  
 The department shall adopt rules to implement these programs. 53499

CASE MANAGEMENT 53500

The foregoing appropriation item 322-452, Case Management, 53501  
 shall be allocated to county boards of mental retardation and 53502  
 developmental disabilities for the purpose of providing case 53503  
 management services and to assist in bringing state funding for 53504  
 all department-approved case managers within county boards of 53505  
 mental retardation and developmental disabilities to the level 53506  
 authorized in division (D) of section 5126.15 of the Revised Code. 53507  
 The department may request approval from the Controlling Board to 53508  
 transfer any unobligated appropriation authority from other state 53509  
 General Revenue Fund appropriation items within the department's 53510  
 budget to appropriation item 322-452, Case Management, to be used 53511  
 to meet the statutory funding level in division (D) of section 53512  
 5126.15 of the Revised Code. 53513

Notwithstanding division (D) of section 5126.15 of the 53514

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Revised Code and subject to funding in appropriation item 322-452, 53515  
Case Management, no county may receive less than its allocation in 53516  
fiscal year 1995. 53517

STATE SUBSIDIES TO MR/DD BOARDS 53518

Of the foregoing appropriation item 322-501, County Boards 53519  
Subsidies, \$6,500,000 in fiscal year 2002 and \$13,000,000 in 53520  
fiscal year 2003 shall be used to fund the tax equalization 53521  
program created under sections 5126.16 to 5126.18 of the Revised 53522  
Code for county boards of mental retardation and developmental 53523  
disabilities. The tax equalization program shall utilize the 53524  
average daily membership of adults 22 years of age and older in 53525  
habilitation and community employment services only for the yield 53526  
on 1/2 mills. 53527

After funding the tax equalization program, the Department of 53528  
Mental Retardation and Developmental Disabilities shall distribute 53529  
the remaining appropriation authority in appropriation item 53530  
322-501, County Boards Subsidies, to county boards of mental 53531  
retardation and developmental disabilities for subsidies 53532  
distributed pursuant to section 5126.12 of the Revised Code to the 53533  
limit of the lesser of the amount required by that section or the 53534  
remaining balance of the appropriation authority in appropriation 53535  
item 322-501 prorated to all county boards of mental retardation 53536  
and developmental disabilities. 53537

INTERSYSTEM SERVICES FOR CHILDREN 53538

The foregoing appropriation item 322-645, Intersystem 53539  
Services for Children, shall be used to support direct grants to 53540  
county family and children first councils created under section 53541  
121.37 of the Revised Code. The funds shall be used as partial 53542  
support payment and reimbursement for locally coordinated 53543  
treatment plans for multi-needs children that come to the 53544  
attention of the Family and Children First Cabinet Council 53545

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pursuant to section 121.37 of the Revised Code. Any child referred for funding under this program must have an individualized educational plan (IEP) in place. The Department of Mental Retardation and Developmental Disabilities may use up to five per cent of this amount for administrative expenses associated with the distribution of funds to the county councils.

WAIVER - MATCH

The foregoing appropriation item 322-604, Waiver-Match (Fund 4K8), shall be used as state matching funds for the home and community-based waivers.

The Department of Job and Family Services may enter into an interagency agreement with the Department of Mental Retardation and Developmental Disabilities providing for the Department of Mental Retardation and Developmental Disabilities to operate the program.

DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A MODEL BILLING FOR SERVICES RENDERED

Developmental centers of the Department of Mental Retardation and Developmental Disabilities may provide services to persons with mental retardation or developmental disabilities living in the community or to providers of services to these persons. The department may develop a methodology for recovery of all costs associated with the provisions of these services.

**Section 74.03. RESIDENTIAL FACILITIES**

General Revenue Fund				53570	
GRF 323-321 Residential Facilities	\$	99,765,232	\$	99,917,289	53571
Operations				53572	
TOTAL GRF General Revenue Fund	\$	99,765,232	\$	99,917,289	53573
General Services Fund Group				53574	
152 323-609 Residential Facilities	\$	889,929	\$	912,177	53575

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Support				53576
TOTAL GSF General Services				53577
Fund Group	\$	889,929	\$ 912,177	53578
Federal Special Revenue Fund Group				53579
3A4 323-605 Residential Facilities	\$	120,985,419	\$ 120,985,419	53580
Reimbursement				53581
325 323-608 Federal Grants -	\$	532,000	\$ 536,000	53582
Subsidies				53583
325 323-617 Education Grants -	\$	411,000	\$ 411,000	53584
Residential Facilities				53585
TOTAL FED Federal Special Revenue				53586
Fund Group	\$	121,928,419	\$ 121,932,419	53587
State Special Revenue Fund Group				53588
489 323-632 Operating Expense	\$	11,506,603	\$ 12,125,628	53589
TOTAL SSR State Special Revenue				53590
Fund Group	\$	11,506,603	\$ 12,125,628	53591
TOTAL ALL RESIDENTIAL FACILITIES				53592
BUDGET FUND GROUPS	\$	234,090,183	\$ 234,887,513	53593
DEPARTMENT TOTAL				53594
GENERAL REVENUE FUND	\$	354,883,508	\$ 369,478,630	53595
DEPARTMENT TOTAL				53596
GENERAL SERVICES FUND GROUP	\$	11,340,580	\$ 11,407,111	53597
DEPARTMENT TOTAL				53598
FEDERAL SPECIAL REVENUE FUND GROUP	\$	472,220,650	\$ 485,325,505	53599
DEPARTMENT TOTAL				53600
STATE SPECIAL REVENUE FUND GROUP	\$	25,852,146	\$ 26,740,893	53601
TOTAL DEPARTMENT OF MENTAL				53602
RETARDATION AND DEVELOPMENTAL				53603
DISABILITIES	\$	864,296,884	\$ 892,952,139	53604
<b>Section 75. MIH COMMISSION ON MINORITY HEALTH</b>				53606
General Revenue Fund				53607

## Substitute Version as Presented to the Senate Finance and Financial Institutions

GRF 149-321 Operating Expenses	\$	635,218	\$	638,229	53608
GRF 149-501 Minority Health Grants	\$	954,360	\$	951,348	53609
GRF 149-502 Lupus Program	\$	179,206	\$	179,206	53610
TOTAL GRF General Revenue Fund	\$	1,768,784	\$	1,768,783	53611
Federal Special Revenue Fund Group					53612
3J9 149-602 Federal Grants	\$	155,000	\$	150,000	53613
TOTAL FED Federal Special Revenue					53614
Fund Group	\$	155,000	\$	150,000	53615
State Special Revenue Fund Group					53616
4C2 149-601 Minority Health	\$	369,194	\$	320,776	53617
Conference					
TOTAL SSR State Special Revenue					53618
Fund Group	\$	369,194	\$	320,776	53619
TOTAL ALL BUDGET FUND GROUPS	\$	2,292,978	\$	2,239,559	53620
LUPUS PROGRAM					53621
The foregoing appropriation item 149-502, Lupus Program,					53622
shall be used to provide grants for programs in patient, public,					53623
and professional education on the subject of systemic lupus					53624
erythematosus; to encourage and develop local centers on lupus					53625
information gathering and screening; and to provide outreach to					53626
minority women.					53627
<b>Section 76. CRB MOTOR VEHICLE COLLISION REPAIR</b>					53628
REGISTRATION BOARD					53629
General Service Fund Group					53630
5H9 865-609 Operating Expenses	\$	250,025	\$	262,952	53631
TOTAL GSF General Services					53632
Fund Group	\$	250,025	\$	262,952	53633
TOTAL ALL BUDGET FUND GROUPS	\$	250,025	\$	262,952	53634
<b>Section 77. DNR DEPARTMENT OF NATURAL RESOURCES</b>					53636



## Substitute Version as Presented to the Senate Finance and Financial Institutions

General Revenue Fund				53637	
GRF 725-401 Wildlife - GRF Central	\$	1,050,000	\$	1,050,000	53638
Support					
GRF 725-404 Fountain Square Rental	\$	1,092,400	\$	1,089,100	53639
Payments - OBA					
GRF 725-407 Conservation Reserve	\$	1,920,400	\$	1,920,400	53640
Enhancement Program					
GRF 725-412 Reclamation Commission	\$	67,123	\$	70,971	53641
GRF 725-413 OPFC Lease Rental	\$	16,211,500	\$	14,279,000	53642
Payments					
GRF 725-423 Stream and Ground	\$	448,745	\$	478,214	53643
Water Gauging					
GRF 725-425 Wildlife License	\$	1,000,000	\$	1,000,000	53644
Reimbursement					
GRF 725-456 Canal Lands	\$	397,811	\$	407,756	53645
GRF 725-502 Soil and Water	\$	12,526,462	\$	12,771,123	53646
Districts					
GRF 725-903 Natural Resources	\$	19,001,100	\$	22,101,900	53647
General Obligation					
Debt Service					
GRF 725-904 Conservation General	\$	1,595,000	\$	6,695,000	53648
Obligation Debt					
Service					
GRF 727-321 Division of Forestry	\$	10,209,173	\$	10,888,345	53649
GRF 728-321 Division of Geological	\$	2,269,911	\$	2,432,974	53650
Survey					
GRF 729-321 Office of Information	\$	1,072,960	\$	1,985,667	53651
Technology					
GRF 730-321 Division of Parks and	\$	35,651,542	\$	37,972,382	53652
Recreation					
GRF 733-321 Division of Water	\$	4,035,213	\$	4,234,581	53653
GRF 736-321 Division of	\$	3,709,501	\$	3,918,766	53654
Engineering					

## Substitute Version as Presented to the Senate Finance and Financial Institutions

GRF 737-321	Division of Soil and Water	\$ 4,675,812	\$ 4,879,744	53655
GRF 738-321	Division of Real Estate and Land Management	\$ 2,540,554	\$ 2,669,042	53656
GRF 741-321	Division of Natural Areas and Preserves	\$ 3,439,427	\$ 3,616,940	53657
GRF 743-321	Division of Civilian Conservation	\$ 2,842,407	\$ 0	53658
GRF 744-321	Division of Mineral Resources Management	\$ 3,946,725	\$ 4,162,882	53659
TOTAL GRF	General Revenue Fund	\$ 129,703,766	\$ 138,624,787	53660
	General Services Fund Group			53661
155 725-601	Departmental Projects	\$ 2,216,594	\$ 1,913,242	53662
157 725-651	Central Support Indirect	\$ 8,009,551	\$ 8,423,094	53663
158 725-604	Natural Resources Publication Center Intrastate	\$ 94,198	\$ 94,595	53664
161 725-635	Parks Facilities Maintenance	\$ 2,993,169	\$ 3,063,124	53665
204 725-687	Information Services	\$ 3,010,774	\$ 3,971,856	53666
206 725-689	REALM Support Services	\$ 475,000	\$ 475,000	53667
207 725-690	Real Estate Services	\$ 50,000	\$ 54,000	53668
4D5 725-618	Recycled Materials	\$ 50,000	\$ 50,000	53669
4S9 725-622	NatureWorks Personnel	\$ 759,143	\$ 832,528	53670
4X8 725-662	Water Resources Council	\$ 275,633	\$ 282,524	53671
430 725-671	Canal Lands	\$ 1,215,441	\$ 1,259,511	53672
508 725-684	Natural Resources Publication Center Interstate	\$ 239,538	\$ 245,808	53673
510 725-631	Maintenance -	\$ 224,926	\$ 229,710	53674

## Substitute Version as Presented to the Senate Finance and Financial Institutions

		state-owned residences				
516	725-620	Water Management	\$	2,459,256	\$	2,522,146 53675
635	725-664	Fountain Square	\$	2,755,109	\$	2,821,999 53676
		Facilities Management				
697	725-670	Submerged Lands	\$	589,315	\$	615,000 53677
		TOTAL GSF General Services				53678
		Fund Group	\$	25,417,647	\$	26,854,137 53679
		Federal Special Revenue Fund Group				53680
3B3	725-640	Federal Forest	\$	55,000	\$	55,000 53681
		Pass-Thru				
3B4	725-641	Federal Flood	\$	190,000	\$	190,000 53682
		Pass-Thru				
3B5	725-645	Federal Abandoned Mine	\$	9,908,408	\$	10,125,056 53683
		Lands				
3B6	725-653	Federal Land and Water	\$	3,559,697	\$	3,689,697 53684
		Conservation Grants				
3B7	725-654	Reclamation -	\$	1,788,579	\$	1,799,459 53685
		Regulatory				
3P0	725-630	Natural Areas and	\$	230,000	\$	230,000 53686
		Preserves - Federal				
3P1	725-632	Geological Survey -	\$	381,910	\$	366,303 53687
		Federal				
3P2	725-642	Oil and Gas-Federal	\$	189,701	\$	190,289 53688
3P3	725-650	Real Estate and Land	\$	2,980,975	\$	3,184,300 53689
		Management - Federal				
3P4	725-660	Water - Federal	\$	180,000	\$	180,000 53690
3R5	725-673	Acid Mine Drainage	\$	600,000	\$	613,200 53691
		Abatement/Treatment				
328	725-603	Forestry Federal	\$	1,200,000	\$	1,200,000 53692
332	725-669	Federal Mine Safety	\$	136,423	\$	141,880 53693
		Grant				
		TOTAL FED Federal Special Revenue				53694
		Fund Group	\$	21,400,693	\$	21,965,184 53695

## Substitute Version as Presented to the Senate Finance and Financial Institutions

State Special Revenue Fund Group				53696
4J2 725-628 Injection Well Review	\$	51,742	\$ 61,638	53697
4M7 725-631 Wildfire Suppression	\$	150,310	\$ 150,000	53698
4U6 725-668 Scenic Rivers	\$	500,000	\$ 510,000	53699
Protection				
5B3 725-674 Mining Regulation	\$	35,000	\$ 35,000	53700
5K1 725-626 Urban Forestry Grant	\$	400,000	\$ 400,000	53701
5P2 725-634 Wildlife Boater Angler	\$	1,500,000	\$ 1,500,000	53702
Administration				
509 725-602 State Forest	\$	1,489,013	\$ 1,536,595	53703
511 725-646 Ohio Geologic Mapping	\$	1,010,933	\$ 1,070,899	53704
512 725-605 State Parks Operations	\$	28,844,322	\$ 29,915,146	53705
514 725-606 Lake Erie Shoreline	\$	1,171,052	\$ 1,446,305	53706
518 725-643 Oil and Gas Permit	\$	1,821,252	\$ 1,821,325	53707
Fees				
518 725-677 Oil and Gas Well	\$	800,000	\$ 800,000	53708
Plugging				
521 725-627 Off-Road Vehicle	\$	66,213	\$ 68,490	53709
Trails				
522 725-656 Natural Areas Checkoff	\$	1,508,080	\$ 1,860,670	53710
Funds				
526 725-610 Strip Mining	\$	1,480,566	\$ 1,449,459	53711
Administration Fees				
527 725-637 Surface Mining	\$	2,963,272	\$ 3,093,938	53712
Administration				
529 725-639 Unreclaimed Land Fund	\$	1,964,744	\$ 2,040,327	53713
531 725-648 Reclamation Forfeiture	\$	1,455,835	\$ 1,491,087	53714
532 725-644 Litter Control and	\$	13,137,680	\$ 13,311,365	53715
Recycling				
586 725-633 Scrap Tire Program	\$	1,000,000	\$ 1,000,000	53716
615 725-661 Dam Safety	\$	244,442	\$ 259,758	53717
TOTAL SSR State Special Revenue				53718
Fund Group	\$	61,594,456	\$ 63,822,002	53719

## Substitute Version as Presented to the Senate Finance and Financial Institutions

Wildlife Fund Group				53720	
015 740-401 Division of Wildlife Conservation	\$	46,177,752	\$	48,713,747	53721
815 725-636 Cooperative Management Projects	\$	156,536	\$	160,449	53722
816 725-649 Wetlands Habitat	\$	943,303	\$	966,885	53723
817 725-655 Wildlife Conservation Checkoff Fund	\$	1,435,567	\$	1,472,755	53724
818 725-629 Cooperative Fisheries Research	\$	964,470	\$	988,582	53725
819 725-685 Ohio River Management	\$	125,448	\$	128,584	53726
TOTAL WLF Wildlife Fund Group	\$	49,803,076	\$	52,431,002	53727
Waterways Safety Fund Group				53728	
086 725-414 Waterways Improvement	\$	3,301,688	\$	3,472,497	53729
086 725-416 Natural Areas Marine Patrol	\$	25,000	\$	0	53730
086 725-417 Parks Marine Patrol	\$	25,000	\$	0	53731
086 725-418 Buoy Placement	\$	41,153	\$	42,182	53732
086 725-501 Waterway Safety Grants	\$	134,504	\$	137,867	53733
086 725-506 Watercraft Marine Patrol	\$	562,100	\$	576,153	53734
086 725-513 Watercraft Educational Grants	\$	357,700	\$	366,643	53735
086 739-401 Division of Watercraft	\$	16,579,526	\$	17,374,158	53736
TOTAL WSF Waterways Safety Fund Group	\$	21,026,671	\$	21,969,500	53737
Holding Account Redistribution Fund Group				53739	
R17 725-659 Performance Cash Bond Refunds	\$	251,500	\$	252,000	53740
R43 725-624 Forestry	\$	1,750,000	\$	1,750,000	53741
TOTAL 090 Holding Account Redistribution Fund Group	\$	2,001,500	\$	2,002,000	53742

## Substitute Version as Presented to the Senate Finance and Financial Institutions

Accrued Leave Liability Fund Group				53744
4M8 725-675 FOP Contract	\$	19,609	\$ 20,844	53745
TOTAL ALF Accrued Leave				53746
Liability Fund Group	\$	19,609	\$ 20,844	53747
TOTAL ALL BUDGET FUND GROUPS	\$	310,967,418	\$ 327,689,456	53748

**Section 77.01. NATURAL RESOURCES GENERAL OBLIGATION DEBT** 53750  
**SERVICE** 53751

The foregoing appropriation item 725-903, Natural Resources 53752  
 General Obligation Debt Service, shall be used to pay all debt 53753  
 service and financing costs at the times they are required to be 53754  
 made pursuant to sections 151.01 and 151.05 of the Revised Code 53755  
 during the period from July 1, 2001, to June 30, 2003. The Office 53756  
 of the Sinking Fund or the Director of Budget and Management shall 53757  
 effectuate the required payments by an intrastate transfer 53758  
 voucher. 53759

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 53760

The foregoing appropriation item 725-904, Conservation 53761  
 General Obligation Debt Service, shall be used to pay all debt 53762  
 service and financing costs during the period from July 1, 2001, 53763  
 to June 30, 2003, on obligations to be issued for conservation 53764  
 purposes under Section 20 of Article VIII, Ohio Constitution, and 53765  
 implementing legislation. The Office of the Sinking Fund or the 53766  
 Director of Budget and Management shall effectuate the required 53767  
 payments by an intrastate transfer voucher. 53768

LEASE RENTAL PAYMENTS 53769

The foregoing appropriation item 725-413, OPFC Lease Rental 53770  
 Payments, shall be used to meet all payments at the times they are 53771  
 required to be made during the period from July 1, 2001, to June 53772  
 30, 2003, by the Department of Natural Resources pursuant to 53773  
 leases and agreements made under section 154.22 of the Revised 53774

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Code, but limited to the aggregate amount of \$30,490,500. Nothing 53775  
 in this act shall be deemed to contravene the obligation of the 53776  
 state to pay, without necessity for further appropriation, from 53777  
 the sources pledged thereto, the bond service charges on 53778  
 obligations issued pursuant to section 154.22 of the Revised Code. 53779

FOUNTAIN SQUARE 53780

The foregoing appropriation item 725-404, Fountain Square 53781  
 Rental Payments - OBA, shall be used by the Department of Natural 53782  
 Resources to meet all payments required to be made to the Ohio 53783  
 Building Authority during the period from July 1, 2001, to June 53784  
 30, 2003, pursuant to leases and agreements with the Ohio Building 53785  
 Authority under section 152.241 of the Revised Code, but limited 53786  
 to the aggregate amount of \$2,181,500. 53787

The Director of Natural Resources, using intrastate transfer 53788  
 vouchers, shall make payments to the General Revenue Fund from 53789  
 funds other than the General Revenue Fund to reimburse the General 53790  
 Revenue Fund for the other funds' shares of the lease rental 53791  
 payments to the Ohio Building Authority. The transfers from the 53792  
 non-General Revenue funds shall be made within 10 days of the 53793  
 payment to the Ohio Building Authority for the actual amounts 53794  
 necessary to fulfill the leases and agreements pursuant to section 53795  
 152.241 of the Revised Code. 53796

The foregoing appropriation item 725-664, Fountain Square 53797  
 Facilities Management (Fund 635), shall be used for payment of 53798  
 repairs, renovation, utilities, property management, and building 53799  
 maintenance expenses for the Fountain Square Complex. Cash 53800  
 transferred by intrastate transfer vouchers from various 53801  
 department funds and rental income received by the Department of 53802  
 Natural Resources shall be deposited to the Fountain Square 53803  
 Facilities Management Fund (Fund 635). 53804

Section 77.02. CENTRAL SUPPORT INDIRECT 53805

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With the exception of the Division of Wildlife, whose 53806  
indirect central support charges shall be paid out of the General 53807  
Revenue Fund from the foregoing appropriation item 725-401, 53808  
Wildlife - GRF Central Support, the Department of Natural 53809  
Resources, with the approval of the Director of Budget and 53810  
Management, shall utilize a methodology for determining each 53811  
division's payments into the Central Support Indirect Fund (Fund 53812  
157). The methodology used shall contain the characteristics of 53813  
administrative ease and uniform application. Payments to the 53814  
Central Support Indirect Fund shall be made using an intrastate 53815  
transfer voucher. 53816

WILDLIFE LICENSE REIMBURSEMENT 53817

Notwithstanding the limits of the transfer from the General 53818  
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 53819  
of the Revised Code, up to the amount available in appropriation 53820  
item 725-425, Wildlife License Reimbursement, may be transferred 53821  
from the General Revenue Fund to the Wildlife Fund (Fund 015). 53822  
Pursuant to the certification of the Director of Budget and 53823  
Management of the amount of foregone revenue in accordance with 53824  
section 1533.15 of the Revised Code, the foregoing appropriation 53825  
item in the General Revenue Fund, appropriation item 725-425, 53826  
Wildlife License Reimbursement, shall be used to reimburse the 53827  
Wildlife Fund (Fund 015) for the cost of hunting and fishing 53828  
licenses and permits issued after June 30, 1990, to individuals 53829  
who are exempted under the Revised Code from license, permit, and 53830  
stamp fees. 53831

SOIL AND WATER DISTRICTS 53832

In addition to state payments to soil and water conservation 53833  
districts authorized by section 1515.10 of the Revised Code, the 53834  
Department of Natural Resources may pay to any soil and water 53835  
conservation district, from authority in appropriation item 53836  
725-502, Soil and Water Districts, an annual amount not to exceed 53837



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\$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, \$250,000 in fiscal year 2002 for the Upper Hocking and Rush Creek Flood Control project, and \$100,000 per fiscal year for Rush Creek Conservancy District. Of the foregoing appropriation item 725-502, Soil and Water Districts, \$150,000 shall be earmarked in each fiscal year for the Loramie Lake Project.

## 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

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transfer shall be made using an intrastate transfer voucher and 53869  
shall be subject to the approval of the Director of Budget and 53870  
Management. 53871

## WATERCRAFT MARINE PATROL 53872

Of the foregoing appropriation item 739-401, Division of 53873  
Watercraft, not more than \$200,000 in each fiscal year shall be 53874  
expended for the purchase of equipment for marine patrols 53875  
qualifying for funding from the Department of Natural Resources 53876  
pursuant to section 1547.67 of the Revised Code. Proposals for 53877  
equipment shall accompany the submission of documentation for 53878  
receipt of a marine patrol subsidy pursuant to section 1547.67 of 53879  
the Revised Code and shall be loaned to eligible marine patrols 53880  
pursuant to a cooperative agreement between the Department of 53881  
Natural Resources and the eligible marine patrol. 53882

## FUND CONSOLIDATION 53883

On July 15, 2001, or as soon thereafter as possible, the 53884  
Director of Budget and Management shall transfer the cash balances 53885  
of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and 53886  
any amounts that accrue to that fund after that date, to the 53887  
Wildlife Education Fund (Fund 015). The Director shall cancel any 53888  
remaining outstanding encumbrances against appropriation item 53889  
725-612, Wildlife Education, and reestablish them against 53890  
appropriation item 740-401, Division of Wildlife Conservation. The 53891  
amounts of any encumbrances canceled and reestablished are 53892  
appropriated. 53893

On July 15, 2001, or as soon thereafter as possible, the 53894  
Director of Budget and Management shall transfer the cash balances 53895  
of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 53896  
30, 2001, and any amounts that accrue to that fund after that 53897  
date, to the Waterways Safety Fund (Fund 086). The director shall 53898  
cancel any remaining outstanding encumbrances against 53899

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appropriation item 725-614, Cooperative Boat Harbor Projects, and 53900  
reestablish them against appropriation item 739-401, Division of 53901  
Watercraft. The amounts of any encumbrances canceled and 53902  
reestablished are hereby appropriated. 53903

On July 15, 2001, or as soon thereafter as possible, the 53904  
Director of Budget and Management shall transfer the cash balances 53905  
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, 53906  
and any amounts that accrue to that fund after that date, to the 53907  
State Forest Fund (Fund 509). The director shall cancel any 53908  
remaining outstanding encumbrances against appropriation item 53909  
725-617, Forestry Development Fund, and reestablish them against 53910  
appropriation item 725-602, State Forest. The amounts of any 53911  
encumbrances canceled and reestablished are appropriated. No 53912  
interest shall be credited to Fund 4B8 after June 30, 2001. 53913

On July 15, 2001, or as soon thereafter as possible, the 53914  
Director of Budget and Management shall transfer the cash balance 53915  
in the Burr Oak Water Plant Fund (Fund 519), which is abolished by 53916  
the repeal of section 1507.12 of the Revised Code in this act, to 53917  
the Burr Oak Regional Water District. 53918

CIVILIAN CONSERVATION CORPS 53919

The Director of Budget and Management, before June 30, 2003, 53920  
shall transfer the cash balance of the Civilian Conservation Corps 53921  
Operations Fund (Fund 162), and shall transfer any amounts that 53922  
accrue to that fund after that date, to the State Parks Operations 53923  
Fund (Fund 512). The Director shall cancel any existing 53924  
encumbrances against appropriation item 725-625, Civilian 53925  
Conservation Corps Operations, and re-establish them against 53926  
appropriation item 725-605, State Parks Operations. The amount of 53927  
the re-established encumbrances is appropriated. After the cash 53928  
balance is transferred, the Civilian Conservation Corps Operations 53929  
Fund (Fund 162), which was created by the Controlling Board in 53930  
1982, is abolished. 53931

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OIL AND GAS WELL PLUGGING 53932

The foregoing appropriation item 725-677, Oil and Gas Well 53933  
 Plugging, shall be used exclusively for the purposes of plugging 53934  
 wells and to properly restore the land surface of idle and orphan 53935  
 oil and gas wells pursuant to section 1509.071 of the Revised 53936  
 Code. No funds from the appropriation item shall be used for 53937  
 salaries, maintenance, equipment, or other administrative 53938  
 purposes, except for those costs directly attributed to the 53939  
 plugging of an idle or orphan well. Appropriation authority from 53940  
 this line item shall not be transferred to any other fund or line 53941  
 item. 53942

**Section 78.** NUR STATE BOARD OF NURSING 53943

General Services Fund Group 53944

4K9 884-609 Operating Expenses	\$	4,816,241	\$	5,205,776	53945
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5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	53946
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TOTAL GSF General Services 53947

Fund Group	\$	4,821,241	\$	5,210,776	53948
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TOTAL ALL BUDGET FUND GROUPS	\$	4,821,241	\$	5,210,776	53949
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NURSING SPECIAL ISSUES 53950

Not later than thirty days after the effective date of this 53951  
 section, the Director of Budget and Management shall transfer 53952  
 \$5,000 cash from the Occupational Licensing and Regulatory Fund 53953  
 (Fund 4K9) to the Nursing Special Issues Fund (Fund 5P8). 53954

Not later than July 30, 2002, the Director of Budget and 53955  
 Management shall transfer \$5,000 cash from the Occupational 53956  
 Licensing and Regulatory Fund (Fund 4K9) to the Nursing Special 53957  
 Issues Fund (Fund 5P8). 53958

The foregoing appropriation item 884-601, Nursing Special 53959  
 Issues (Fund 5P8), shall be used to pay the costs the Board of 53960  
 Nursing incurs in implementing section 4723.062 of the Revised 53961

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Code.				53962
<b>Section 79. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,</b>				
				53963
				53964
AND ATHLETIC TRAINERS BOARD				
General Services Fund Group				53965
4K9 890-609 Operating Expenses	\$	681,020	\$ 703,201	53966
TOTAL GSF General Services				53967
Fund Group	\$	681,020	\$ 703,201	53968
TOTAL ALL BUDGET FUND GROUPS	\$	681,020	\$ 703,201	53969
OPERATING EXPENSES				
53970				
Notwithstanding Section 74 of Am. H.B. 283 of the 123rd				
53971				
General Assembly, the findings of the two clinical outcomes				
53972				
studies required by the Operating Expenses earmark shall be				
53973				
reported not later than December 31, 2001.				
53974				
<b>Section 80. OLA OHIOANA LIBRARY ASSOCIATION</b>				
53975				
General Revenue Fund				53976
GRF 355-501 Library Subsidy	\$	243,367	\$ 248,786	53977
TOTAL GRF General Revenue Fund	\$	243,367	\$ 248,786	53978
TOTAL ALL BUDGET FUND GROUPS	\$	243,367	\$ 248,786	53979
<b>Section 81. ODB OHIO OPTICAL DISPENSERS BOARD</b>				
53981				
General Services Fund Group				53982
4K9 894-609 Operating Expenses	\$	280,391	\$ 295,277	53983
TOTAL GSF General Services				53984
Fund Group	\$	280,391	\$ 295,277	53985
TOTAL ALL BUDGET FUND GROUPS	\$	280,391	\$ 295,277	53986
<b>Section 82. OPT STATE BOARD OF OPTOMETRY</b>				
53988				
General Services Fund Group				53989
4K9 885-609 Operating Expenses	\$	289,600	\$ 306,051	53990

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TOTAL GSF General Services				53991
Fund Group	\$	289,600	\$ 306,051	53992
TOTAL ALL BUDGET FUND GROUPS	\$	289,600	\$ 306,051	53993
<b>Section 83.</b> OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND				53994
PEDORTHICS				53995
General Services Fund Group				53996
4K9 973-609 Operating Expenses	\$	98,622	\$ 100,518	53997
TOTAL GSF General Services				53998
Fund Group	\$	98,622	\$ 100,518	53999
TOTAL ALL BUDGET FUND GROUPS	\$	98,622	\$ 100,518	54000
<b>Section 84.</b> PBR STATE PERSONNEL BOARD OF REVIEW				54001
General Revenue Fund				54002
GRF 124-321 Operating	\$	1,015,059	\$ 1,059,243	54003
TOTAL GRF General Revenue Fund	\$	1,015,059	\$ 1,059,243	54004
General Services Fund Group				54005
636 124-601 Transcript and Other	\$	39,598	\$ 40,587	54006
TOTAL GSF General Services				54007
Fund Group	\$	39,598	\$ 40,587	54008
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,657	\$ 1,099,830	54009
TRANSCRIPT AND OTHER				54010
The foregoing appropriation item 124-601, Transcript and				54011
Other, may be used to produce and distribute transcripts and other				54012
documents. Revenues generated by charges for transcripts and other				54013
documents shall be deposited in the Transcripts and Other Fund				54014
(Fund 636).				54015
<b>Section 85.</b> PRX STATE BOARD OF PHARMACY				54016
General Services Fund Group				54017
4A5 887-605 Drug Law Enforcement	\$	72,900	\$ 75,550	54018
5N2 887-603 Operating Expenses	\$	4,353,629	\$ 4,744,594	54019

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TOTAL GSF General Services				54020	
Fund Group	\$	4,426,529	\$	4,820,144	54021
TOTAL ALL BUDGET FUND GROUPS	\$	4,426,529	\$	4,820,144	54022

PHARMACY BOARD OPERATING FUND 54023

On July 1, 2001, or as soon as possible thereafter, the 54024  
 Executive Director of the State Board of Pharmacy shall certify 54025  
 the board's portion of the cash balance in the Occupational 54026  
 Licensing and Regulatory Fund (Fund 4K9) to the Director of Budget 54027  
 and Management. The Director of Budget and Management shall 54028  
 transfer the certified amount from Fund 4K9 to the Pharmacy Board 54029  
 Operating Fund (Fund 5N2). 54030

The Director of Budget and Management shall cancel any 54031  
 existing encumbrances against appropriation item 887-609, 54032  
 Operating Expenses (Fund 4K9), and reestablish them against 54033  
 appropriation item 887-603, Operating Expenses (Fund 5N2). The 54034  
 amounts of the reestablished encumbrances are appropriated. 54035

**Section 86.** SCR STATE BOARD OF PROPRIETARY SCHOOL 54036

REGISTRATION 54037

General Revenue Fund				54038	
GRF 233-100 Personal Services	\$	326,400	\$	333,429	54039
GRF 233-200 Maintenance	\$	77,760	\$	78,776	54040
GRF 233-300 Equipment	\$	4,286	\$	4,279	54041
TOTAL GRF General Revenue Fund	\$	408,446	\$	416,484	54042
TOTAL ALL BUDGET FUND GROUPS	\$	408,446	\$	416,484	54043

**Section 87.** PSY STATE BOARD OF PSYCHOLOGY 54045

General Services Fund Group				54046	
4K9 882-609 Operating Expenses	\$	459,382	\$	486,184	54047
TOTAL GSF General Services				54048	
Fund Group	\$	459,382	\$	486,184	54049
TOTAL ALL BUDGET FUND GROUPS	\$	459,382	\$	486,184	54050

## Substitute Version as Presented to the Senate Finance and Financial Institutions

<b>Section 88. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				54052
General Revenue Fund				54053
GRF 019-321	Public Defender Administration	\$ 1,772,373	\$ 1,772,373	54054
GRF 019-401	State Legal Defense Services	\$ 6,983,914	\$ 7,259,931	54055
GRF 019-403	Multi-County: State Share	\$ 1,110,254	\$ 1,104,920	54056
GRF 019-404	Trumbull County-State Share	\$ 364,686	\$ 363,917	54057
GRF 019-405	Training Account	\$ 48,000	\$ 48,000	54058
GRF 019-501	County Reimbursement - Non-Capital Cases	\$ 33,893,062	\$ 34,512,523	54059
GRF 019-503	County Reimbursements - Capital Cases	\$ 935,868	\$ 1,000,000	54060
TOTAL GRF	General Revenue Fund	\$ 45,108,157	\$ 46,061,664	54061
General Services Fund Group				54062
101 019-602	Inmate Legal Assistance	\$ 67,172	\$ 71,020	54063
101 019-607	Juvenile Legal Assistance	\$ 458,767	\$ 481,462	54064
406 019-603	Training and Publications	\$ 16,000	\$ 16,000	54065
407 019-604	County Representation	\$ 213,778	\$ 240,556	54066
408 019-605	Client Payments	\$ 260,584	\$ 285,533	54067
TOTAL GSF	General Services Fund Group	\$ 1,016,301	\$ 1,094,571	54068
Federal Special Revenue Fund Group				54070
3S8 019-608	Federal Representation	\$ 564,929	\$ 594,247	54071
3U7 019-614	Juvenile JAIBG Grant	51,516	54,601	54072
3U8 019-615	Juvenile Challenge	118,658	124,984	54073



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Grant				
TOTAL FED Federal Special Revenue				54074
Fund Group	\$	735,103	\$ 773,832	54075
State Special Revenue Fund Group				54076
4C7 019-601 Multi-County: County	\$	1,603,064	\$ 1,714,575	54077
Share				
4X7 019-610 Trumbull County-County	\$	526,560	\$ 564,714	54078
Share				
574 019-606 Legal Services	\$	15,725,233	\$ 16,275,558	54079
Corporation				
TOTAL SSR State Special Revenue				54080
Fund Group	\$	17,854,857	\$ 18,554,847	54081
TOTAL ALL BUDGET FUND GROUPS	\$	64,714,418	\$ 66,484,914	54082
INDIGENT DEFENSE OFFICE				54083
The foregoing appropriation items 019-404, Trumbull County -				54084
State Share, and 019-610, Trumbull County - County Share, shall be				54085
used to support an indigent defense office for Trumbull County.				54086
MULTI-COUNTY OFFICE				54087
The foregoing appropriation items 019-403, Multi-County:				54088
State Share, and 019-601, Multi-County: County Share, shall be				54089
used to support the Office of the Ohio Public Defender's				54090
Multi-County Branch Office program.				54091
TRAINING ACCOUNT				54092
The foregoing appropriation item 019-405, Training Account,				54093
shall be used by the Ohio Public Defender to provide legal				54094
training programs at no cost for private appointed counsel who				54095
represent at least one indigent defendant at no cost, and for				54096
state and county public defenders and attorneys who contract with				54097
the Ohio Public Defender to provide indigent defense services.				54098
FEDERAL REPRESENTATION				54099

## Substitute Version as Presented to the Senate Finance and Financial Institutions

The foregoing appropriation item 019-608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation on federal court cases.

**Section 89.** DHS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF 763-403 Operating Expenses - \$ 3,851,927 \$ 4,225,628

EMA

GRF 763-507 Individual and Family \$ 90,014 \$ 89,398

Grants

GRF 764-404 Transportation \$ 2,438,979 \$ 2,491,606

Enforcement Operations

GRF 769-321 Food Stamp Trafficking \$ 935,817 \$ 981,422

Enforcement Operations

TOTAL GRF General Revenue Fund \$ 7,316,737 \$ 7,788,054

TOTAL ALL BUDGET FUND GROUPS \$ 7,316,737 \$ 7,788,054

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT

Of the foregoing appropriation item 763-403, Operating Expenses - EMA, \$200,000 in each fiscal year shall be used to fund the Ohio Task Force One - Urban Search and Rescue Unit and other urban search and rescue programs around the state to create a stronger search and rescue capability statewide.

IFG STATE MATCH

The foregoing appropriation item 763-507, Individual and Family Grants, shall be used to fund the state share of costs to provide grants to individuals and families in cases of disaster.

**Section 90.** PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group

5F6 870-622 Utility and Railroad \$ 29,104,298 \$ 30,622,222

## Substitute Version as Presented to the Senate Finance and Financial Institutions

		Regulation				
5F6	870-624	NARUC/NRRI Subsidy	\$	167,233	\$	167,233 54125
5F6	870-625	Motor Transportation	\$	4,578,771	\$	4,811,239 54126
		Regulation				
558	870-602	Salvage and Exchange	\$	32,474	\$	33,285 54127
		TOTAL GSF General Services				54128
		Fund Group	\$	33,882,776	\$	35,633,979 54129
		Federal Special Revenue Fund Group				54130
3V3	870-604	Commercial Vehicle	\$	2,500,000	\$	0 54131
		Information				
		Systems/Networks				
333	870-601	Gas Pipeline Safety	\$	461,920	\$	485,332 54132
350	870-608	Motor Carrier Safety	\$	6,749,153	\$	7,027,712 54133
		TOTAL FED Federal Special Revenue				54134
		Fund Group	\$	9,711,073	\$	7,513,044 54135
		State Special Revenue Fund Group				54136
4A3	870-614	Grade Crossing	\$	1,311,986	\$	1,349,757 54137
		Protection				
		Devices-State				
4L8	870-617	Pipeline Safety-State	\$	177,323	\$	187,621 54138
4S6	870-618	Hazardous Material	\$	449,927	\$	464,325 54139
		Registration				
4S6	870-621	Hazardous Materials	\$	364,240	\$	373,346 54140
		Base State				
		Registration				
4U8	870-620	Civil Forfeitures	\$	269,426	\$	284,986 54141
559	870-605	Public Utilities	\$	4,000	\$	4,000 54142
		Territorial				
		Administration				
560	870-607	Special Assessment	\$	100,000	\$	100,000 54143
561	870-606	Power Siting Board	\$	319,839	\$	337,210 54144
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000 54145

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661 870-612 Hazardous Materials	\$	800,000	\$	800,000	54146
Transportation					
TOTAL SSR State Special Revenue					54147
Fund Group	\$	3,836,741	\$	3,941,245	54148
Agency Fund Group					54149
4G4 870-616 Base State	\$	6,500,000	\$	6,500,000	54150
Registration Program					
TOTAL AGY Agency Fund Group	\$	6,500,000	\$	6,500,000	54151
TOTAL ALL BUDGET FUND GROUPS	\$	53,930,590	\$	53,588,268	54152

TEMPORARY CASH TRANSFERS 54153

On July 1, 2001, or as soon as possible thereafter, the 54154  
 Director of Budget and Management shall transfer \$150,000 in cash 54155  
 from Fund 4U8, Civil Forfeitures, and \$350,000 in cash from Fund 54156  
 4S6, Hazardous Materials Registration, to Fund 3V3, Commercial 54157  
 Vehicle Information Systems/Networks Fund, which is hereby created 54158  
 in the State Treasury. The Commercial Vehicle Information 54159  
 Systems/Networks Fund shall receive funding from the United States 54160  
 Department of Transportation's Commercial Vehicle Intelligent 54161  
 Transportation System Infrastructure Deployment Program and shall 54162  
 be used to deploy the Ohio Commercial Vehicle Information Systems 54163  
 and Networks Project and to expedite and improve safety of motor 54164  
 carrier operations through electronic exchange of data by means of 54165  
 on-highway electronic systems. 54166

The Chairman of the Public Utilities Commission shall notify 54167  
 the Director of Budget and Management when the cash balance in 54168  
 Fund 3V3 is sufficient for the transfers required under this 54169  
 heading to be repaid. On or before June 30, 2003, the Director of 54170  
 Budget and Management shall transfer \$150,000 in cash from Fund 54171  
 3V3, Commercial Vehicle Information Systems/Networks, to Fund 4U8, 54172  
 Civil Forfeitures, and \$350,000 in cash from Fund 3V3, Commercial 54173  
 Vehicle Information Systems/Networks, to Fund 4S6, Hazardous 54174  
 Materials Registration. 54175

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BIOMASS ENERGY PROGRAM FUND				54176	
The Biomass Energy Program Fund created by section 4905.87 of				54177	
the Revised Code is the same fund, with a new name, as the				54178	
Biofuels/Municipal Waste Technology Fund created by the				54179	
Controlling Board in January 1988.				54180	
<b>Section 91.</b> PWC PUBLIC WORKS COMMISSION				54181	
General Revenue Fund				54182	
GRF 150-907 State Capital	\$	135,693,200	\$	146,210,200	54183
Improvements					
General Obligation				54184	
Debt					
Service				54185	
TOTAL GRF General Revenue Fund	\$	135,693,200	\$	146,210,200	54186
TOTAL ALL BUDGET FUND GROUPS	\$	135,693,200	\$	146,210,200	54187
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE				54188	
The foregoing appropriation item 150-907, State Capital				54189	
Improvements General Obligation Debt Service, shall be used to pay				54190	
all debt service and financing costs at the times they are				54191	
required to be made pursuant to sections 151.01, 151.08, and				54192	
164.10 of the Revised Code during the period from July 1, 2001, to				54193	
June 30, 2003. The Office of the Sinking Fund or the Director of				54194	
Budget and Management shall effectuate the required payments by an				54195	
intrastate transfer voucher.				54196	
<b>Section 92.</b> RAC STATE RACING COMMISSION				54197	
State Special Revenue Fund Group				54198	
5C4 875-607 Simulcast Horse Racing	\$	16,301,749	\$	18,025,043	54199
Purse					
562 875-601 Thoroughbred Race Fund	\$	4,529,149	\$	4,642,378	54200
563 875-602 Standardbred	\$	2,022,797	\$	2,200,810	54201

## Substitute Version as Presented to the Senate Finance and Financial Institutions

	Development Fund			
564	875-603	Quarterhorse	\$ 1,000	\$ 1,000 54202
	Development Fund			
565	875-604	Racing Commission	\$ 4,109,513	\$ 4,314,143 54203
	Operating			
	TOTAL SSR State Special Revenue			54204
	Fund Group		\$ 26,964,208	\$ 29,183,374 54205
	Holding Account Redistribution Fund Group			54206
R21	875-605	Bond Reimbursements	\$ 212,900	\$ 212,900 54207
	TOTAL 090 Holding Account			54208
	Redistribution			
	Fund Group		\$ 212,900	\$ 212,900 54209
	TOTAL ALL BUDGET FUND GROUPS			\$ 27,177,108 \$ 29,396,274 54210
	<b>Section 93. BOR BOARD OF REGENTS</b>			54212
	General Revenue Fund			54213
GRF	235-321	Operating Expenses	\$ 3,200,141	\$ 3,264,144 54214
GRF	235-401	Lease-Rental Payments	\$ 295,058,500	\$ 268,910,500 54215
GRF	235-402	Sea Grants	\$ 299,940	\$ 299,940 54216
GRF	235-403	Math/Science Teaching	\$ 1,984,000	\$ 2,018,680 54217
	Improvement			
GRF	235-404	College Readiness	\$ 2,500,000	\$ 2,500,000 54218
	Initiatives			
GRF	235-406	Articulation and	\$ 800,000	\$ 800,000 54219
	Transfer			
GRF	235-408	Midwest Higher	\$ 82,500	\$ 82,500 54220
	Education Compact			
GRF	235-409	Information System	\$ 1,389,263	\$ 1,417,049 54221
GRF	235-414	State Grants and	\$ 1,400,888	\$ 1,428,907 54222
	Scholarship			
	Administration			
GRF	235-415	Jobs Challenge	\$ 10,100,000	\$ 10,200,000 54223
GRF	235-417	Ohio Learning Network	\$ 3,920,000	\$ 3,920,000 54224

## Substitute Version as Presented to the Senate Finance and Financial Institutions

GRF 235-418	Access Challenge	\$ 50,000,000	\$ 50,000,000	54225
GRF 235-420	Success Challenge	\$ 48,741,000	\$ 48,741,000	54226
GRF 235-428	Appalachian New Economy Partnership	\$ 1,000,000	\$ 1,500,000	54227
GRF 235-454	Research Challenge	\$ 21,568,440	\$ 21,568,440	54228
GRF 235-455	Productivity Improvement Challenge	\$ 1,694,947	\$ 1,728,845	54229
GRF 235-474	Area Health Education Centers Program Support	\$ 2,093,727	\$ 2,135,601	54230
GRF 235-477	Access Improvement Projects	\$ 1,088,661	\$ 1,088,661	54231
GRF 235-501	State Share of Instruction	\$ 1,699,981,471	\$ 1,706,692,168	54232
GRF 235-502	Student Support Services	\$ 1,000,000	\$ 1,000,000	54233
GRF 235-503	Ohio Instructional Grants	\$ 98,000,000	\$ 111,500,000	54234
GRF 235-504	War Orphans Scholarships	\$ 4,652,548	\$ 4,792,124	54235
GRF 235-507	OhioLINK	\$ 7,668,731	\$ 7,668,731	54236
GRF 235-508	Air Force Institute of Technology	\$ 2,000,000	\$ 1,500,000	54237
GRF 235-509	Displaced Homemakers	\$ 240,096	\$ 240,096	54238
GRF 235-510	Ohio Supercomputer Center	\$ 4,833,574	\$ 4,833,574	54239
GRF 235-511	Cooperative Extension Service	\$ 28,262,696	\$ 28,827,949	54240
GRF 235-513	OU Voinovich Center	\$ 367,500	\$ 367,500	54241
GRF 235-514	Central State Supplement	\$ 12,044,956	\$ 12,044,956	54242
GRF 235-515	Case Western Reserve University School of	\$ 4,280,224	\$ 4,365,827	54243

## Substitute Version as Presented to the Senate Finance and Financial Institutions

	Medicine				
GRF 235-519	Family Practice	\$	6,538,471	\$	6,669,240 54244
GRF 235-520	Shawnee State	\$	1,845,106	\$	904,237 54245
	Supplement				
GRF 235-521	OSU Glenn Institute	\$	367,500	\$	367,500 54246
GRF 235-524	Police and Fire	\$	240,096	\$	240,096 54247
	Protection				
GRF 235-525	Geriatric Medicine	\$	1,087,195	\$	1,108,939 54248
GRF 235-526	Primary Care	\$	3,166,168	\$	3,229,491 54249
	Residencies				
GRF 235-527	Ohio Aerospace	\$	2,383,334	\$	2,383,334 54250
	Institute				
GRF 235-530	Academic Scholarships	\$	8,400,000	\$	8,820,000 54251
GRF 235-531	Student Choice Grants	\$	52,428,000	\$	53,476,560 54252
GRF 235-534	Student Workforce	\$	1,200,000	\$	1,200,000 54253
	Development Grants				
GRF 235-535	Ohio Agricultural	\$	39,505,502	\$	40,295,612 54254
	Research and				
	Development Center				
GRF 235-536	Ohio State University	\$	15,989,883	\$	16,309,680 54255
	Clinical Teaching				
GRF 235-537	University of	\$	13,151,461	\$	13,414,491 54256
	Cincinnati Clinical				
	Teaching				
GRF 235-538	Medical College of	\$	10,250,851	\$	10,455,868 54257
	Ohio at Toledo				
	Clinical Teaching				
GRF 235-539	Wright State	\$	4,980,064	\$	5,079,665 54258
	University Clinical				
	Teaching				
GRF 235-540	Ohio University	\$	4,814,378	\$	4,910,666 54259
	Clinical Teaching				
GRF 235-541	Northeastern Ohio	\$	4,951,583	\$	5,050,615 54260



## Substitute Version as Presented to the Senate Finance and Financial Institutions

	Universities College of Medicine Clinical Teaching				
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	499,800	\$	509,796 54261
GRF 235-547	School of International Business	\$	1,708,764	\$	1,708,764 54262
GRF 235-549	Part-time Student Instructional Grants	\$	13,311,638	\$	13,977,219 54263
GRF 235-552	Capital Component	\$	14,537,639	\$	14,537,639 54264
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,779,088	\$	3,779,088 54265
GRF 235-554	Computer Science Graduate Education	\$	3,482,368	\$	3,482,368 54266
GRF 235-555	Library Depositories	\$	1,999,200	\$	2,039,184 54267
GRF 235-556	Ohio Academic Resources Network	\$	3,510,777	\$	3,580,993 54268
GRF 235-558	Long-term Care Research	\$	312,004	\$	312,004 54269
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	164,289	\$	164,289 54270
GRF 235-572	Ohio State University Clinic Support	\$	2,060,314	\$	2,101,520 54271
GRF 235-583	Urban University Programs	\$	6,503,559	\$	6,503,559 54272
GRF 235-585	Ohio University Innovation Center	\$	48,750	\$	48,750 54273
GRF 235-587	Rural University Projects	\$	1,375,552	\$	1,375,552 54274
GRF 235-588	Ohio Resource Center for Mathematics,	\$	980,000	\$	980,000 54275

## Substitute Version as Presented to the Senate Finance and Financial Institutions

	Science, and Reading				
GRF 235-595	International Center for Water Resources Development	\$	185,593	\$	185,593 54276
GRF 235-596	Hazardous Materials Program	\$	340,096	\$	340,096 54277
GRF 235-599	National Guard Scholarship Program	\$	12,048,106	\$	12,048,106 54278
GRF 235-909	Higher Education General Obligation Debt Service	\$	50,055,100	\$	74,344,100 54279
TOTAL GRF	General Revenue Fund	\$	2,598,456,032	\$	2,621,371,806 54280
	General Services Fund Group				54281
456 235-603	Publications	\$	43,050	\$	44,342 54282
456 235-613	Job Preparation Initiative	\$	144,383	\$	144,383 54283
TOTAL GSF	General Services Fund Group	\$	187,433	\$	188,725 54284
	Federal Special Revenue Fund Group				54286
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000 54287
3N6 235-605	State Student Incentive Grants	\$	2,000,000	\$	2,000,000 54288
3T0 235-610	NHSC Ohio Loan Repayment	\$	100,000	\$	100,000 54289
312 235-609	Tech Prep	\$	183,852	\$	183,852 54290
312 235-611	Gear-up Grant	\$	1,590,986	\$	1,690,434 54291
312 235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960 54292
312 235-631	Federal Grants	\$	2,055,511	\$	0 54293
TOTAL FED	Federal Special Revenue Fund Group	\$	7,543,309	\$	5,587,246 54294
					54295

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State Special Revenue Fund Group				54296
4E8 235-602 HEFC Administration	\$	13,080	\$ 13,900	54297
4P4 235-604 Physician Loan	\$	416,067	\$ 436,870	54298
Repayment				
649 235-607 Ohio State University	\$	511,000	\$ 523,775	54299
Highway/Transportation				
Research				
682 235-606 Nursing Loan Program	\$	870,000	\$ 893,000	54300
TOTAL SSR State Special Revenue				54301
Fund Group	\$	1,810,147	\$ 1,867,545	54302
TOTAL ALL BUDGET FUND GROUPS	\$	2,607,996,921	\$ 2,629,015,322	54303

**Section 93.01. STATE SHARE OF INSTRUCTION** 54305

As soon as practicable during each fiscal year of the 54306  
 2001-2003 biennium in accordance with instructions of the Board of 54307  
 Regents, each state-assisted institution of higher education shall 54308  
 report its actual enrollment to the Board of Regents. 54309

The Board of Regents shall establish procedures required by 54310  
 the system of formulas set out below and for the assignment of 54311  
 individual institutions to categories described in the formulas. 54312  
 The system of formulas establishes the manner in which aggregate 54313  
 expenditure requirements shall be determined for each of the three 54314  
 components of institutional operations. In addition to other 54315  
 adjustments and calculations described below, the subsidy 54316  
 entitlement of an institution shall be determined by subtracting 54317  
 from the institution's aggregate expenditure requirements income 54318  
 to be derived from the local contributions assumed in calculating 54319  
 the subsidy entitlements. The local contributions for purposes of 54320  
 determining subsidy support shall not limit the authority of the 54321  
 individual boards of trustees to establish fee levels. 54322

The General Studies and Technical models shall be adjusted by 54323  
 the Board of Regents so that the share of state subsidy earned by 54324

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those models is not altered by changes in the overall local share. 54325  
 A lower-division fee differential shall be used to maintain the 54326  
 relationship that would have occurred between these models and the 54327  
 baccalaureate models had an assumed share of thirty-seven per cent 54328  
 been funded. 54329

In defining the number of full-time equivalent (FTE) students 54330  
 for state subsidy purposes, the Board of Regents shall exclude all 54331  
 undergraduate students who are not residents of Ohio, except those 54332  
 charged in-state fees in accordance with reciprocity agreements 54333  
 made pursuant to section 3333.17 or employer contracts entered 54334  
 into pursuant to section 3333.32 of the Revised Code. 54335

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 54336

(1) INSTRUCTION AND SUPPORT SERVICES 54337

MODEL	FY 2002	FY 2003	
General Studies I	\$ 4,481	\$ 4,904	54338
General Studies II	\$ 5,046	\$ 5,299	54339
General Studies III	\$ 6,101	\$ 6,652	54340
Technical I	\$ 5,353	\$ 5,696	54341
Technical III	\$ 8,854	\$ 9,044	54342
Baccalaureate I	\$ 7,031	\$ 7,517	54343
Baccalaureate II	\$ 7,875	\$ 8,310	54344
Baccalaureate III	\$ 11,480	\$ 12,193	54345
Masters and Professional I	\$ 13,338	\$ 13,875	54346
Masters and Professional II	\$ 19,084	\$ 19,652	54347
Masters and Professional III	\$ 25,869	\$ 26,577	54348
Medical I	\$ 28,800	\$ 29,934	54349
Medical II	\$ 40,152	\$ 40,981	54350
Blended MPD I	\$ 14,163	\$ 14,877	54351

(2) STUDENT SERVICES 54352

For this purpose, FTE counts shall be weighted to reflect 54353  
 differences among institutions in the numbers of students enrolled 54354  
 54355

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on a part-time basis.			54356
MODEL	FY 2002	FY 2003	54357
General Studies I	\$ 694	\$ 747	54358
General Studies II	\$ 704	\$ 747	54359
General Studies III	\$ 687	\$ 747	54360
Technical I	\$ 669	\$ 747	54361
Technical III	\$ 675	\$ 747	54362
Baccalaureate I	\$ 666	\$ 747	54363
Baccalaureate II	\$ 663	\$ 747	54364
Baccalaureate III	\$ 675	\$ 747	54365
Masters and Professional I	\$ 680	\$ 747	54366
Masters and Professional II	\$ 685	\$ 747	54367
Masters and Professional III	\$ 694	\$ 747	54368
Medical I	\$ 668	\$ 747	54369
Medical II	\$ 668	\$ 747	54370
Blended MPD I	\$ 668	\$ 747	54371
(B) PLANT OPERATION AND MAINTENANCE (POM)			54372
(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY			54373
Space undergoing renovation shall be funded at the rate			54374
allowed for storage space.			54375
In the calculation of square footage for each campus, square			54376
footage shall be weighted to reflect differences in space			54377
utilization.			54378
The space inventories for each campus shall be those			54379
determined in the fiscal year 1999 instructional subsidy, adjusted			54380
for changes attributable to the construction or renovation of			54381
facilities for which state appropriations were made or local			54382
commitments were made prior to January 1, 1995.			54383
Only 50 per cent of the space permanently taken out of			54384
operation in fiscal year 2002 or fiscal year 2003 that is not			54385
otherwise replaced by a campus shall be deleted from the fiscal			54386

Substitute Version as Presented to the Senate Finance and Financial Institutions

year 1997 inventory. 54387

The square-foot-based plant operation and maintenance subsidy 54388  
 for each campus shall be determined as follows: 54389

(a) For each standard room type category shown below, the 54390  
 subsidy-eligible net assignable square feet (NASF) for each campus 54391  
 shall be multiplied by the following rates, and the amounts summed 54392  
 for each campus to determine the total gross square-foot-based POM 54393  
 expenditure requirement: 54394

	FY 2002	FY 2003	
Classrooms	\$5.33	\$5.56	54395
Laboratories	\$6.65	\$6.93	54396
Offices	\$5.33	\$5.56	54397
Audio Visual Data Processing	\$6.65	\$6.93	54398
Storage	\$2.36	\$2.46	54399
Circulation	\$6.73	\$7.01	54400
Other	\$5.33	\$5.56	54401

(b) The total gross square-foot POM expenditure requirement 54403  
 shall be allocated to models in proportion to FTE enrollments as 54404  
 reported in enrollment data for all models except Doctoral I and 54405  
 Doctoral II. 54406

(c) The amounts allocated to models in division (B)(1)(b) of 54407  
 this section shall be multiplied by the ratio of subsidy-eligible 54408  
 FTE students to total FTE students reported in each model, and the 54409  
 amounts summed for all models. To this total amount shall be added 54410  
 an amount to support roads and grounds expenditures to produce the 54411  
 total square-foot-based POM subsidy. 54412

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 54413

(a) The number of subsidy-eligible FTE students in each model 54414  
 shall be multiplied by the following rates for each campus for 54415  
 each fiscal year. 54416

	FY 2002	FY 2003	
			54417

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General Studies I	\$ 537	\$ 543	54418
General Studies II	\$ 669	\$ 686	54419
General Studies III	\$1,424	\$1,565	54420
Technical I	\$ 649	\$ 750	54421
Technical II	\$1,315	\$1,436	54422
Baccalaureate I	\$ 671	\$ 692	54423
Baccalaureate II	\$1,175	\$1,263	54424
Baccalaureate III	\$1,606	\$1,674	54425
Masters and Professional I	\$1,138	\$1,217	54426
Masters and Professional II	\$2,447	\$2,928	54427
Masters and Professional III	\$3,363	\$3,932	54428
Medical I	\$2,568	\$2,653	54429
Medical II	\$3,470	\$3,581	54430
Blended MPD I	\$1,135	\$1,192	54431

(b) The sum of the products for each campus determined in division (B)(2)(a) of this section for all models except Doctoral I and Doctoral II for each fiscal year shall be weighted by a factor to reflect sponsored research activity and job training-related public services expenditures to determine the total activity-based POM subsidy.

## (C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 54438

## (1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 54439

The calculation of the core subsidy entitlement shall consist of the following components:

(a) For each campus and for each fiscal year, the core subsidy entitlement shall be determined by multiplying the amounts listed above in divisions (A)(1) and (2) and (B)(2) of this section less assumed local contributions, by (i) average subsidy-eligible FTEs for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible FTEs for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

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(b) In calculating the core subsidy entitlements for Medical II models only, the Board of Regents shall use the following count of FTE students in place of the two-year average and five-year average of subsidy-eligible students:

(i) For those medical schools whose current year enrollment is below the base enrollment, the Medical II FTE enrollment shall equal: 65 per cent of the base enrollment plus 35 per cent of the current year enrollment, where the base enrollment is:

The Ohio State University	1010	54458
University of Cincinnati	833	54459
Medical College of Ohio at Toledo	650	54460
Wright State University	433	54461
Ohio University	433	54462
Northeastern Ohio Universities College of Medicine	433	54463

(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.

(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.

(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.

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.

(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



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of the total state share of instruction shall be reserved to 54480  
 implement the recommendations of the Graduate Funding Commission. 54481  
 In fiscal year 2003, not more than 10.25 per cent of the total 54482  
 state share of instruction shall be reserved for the same purpose. 54483  
 It is the intent of the General Assembly that the doctoral reserve 54484  
 be reduced 0.25 percentage points each year thereafter until no 54485  
 more than 10.0 per cent of the total state share of instruction is 54486  
 reserved to implement the recommendations of the Graduate Funding 54487  
 Commission. The Board of Regents shall reallocate 0 per cent in 54488  
 fiscal year 2002 and 2 per cent in fiscal year 2003 of the reserve 54489  
 among the state-assisted universities on the basis of a quality 54490  
 review as specified in the recommendations of the Graduate Funding 54491  
 Commission. 54492

The amount so reserved shall be allocated to universities in 54493  
 proportion to their share of the total number of Doctoral I 54494  
 equivalent FTEs as calculated on an institutional basis using the 54495  
 greater of the two-year or five-year FTEs for the period fiscal 54496  
 year 1994 through fiscal year 1998 with annualized FTEs for fiscal 54497  
 years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 54498  
 adjusted to reflect the effects of doctoral review. For the 54499  
 purposes of this calculation, Doctoral I equivalent FTEs shall 54500  
 equal the sum of Doctoral I FTEs plus 1.5 times the sum of 54501  
 Doctoral II FTEs. 54502

## (2) ANNUAL HOLD HARMLESS PROVISION 54503

In addition to and after the other adjustment noted above, in 54504  
 fiscal year 2002 each campus shall have its state share of 54505  
 instruction adjusted to the extent necessary to provide an amount 54506  
 that is not less than 100 per cent of the state share of 54507  
 instruction received by the campus in fiscal year 2001. In fiscal 54508  
 year 2003, each campus shall have its state share of instruction 54509  
 adjusted to the extent necessary to provide an amount that is not 54510  
 less than 100 per cent of the state share of instruction received 54511

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by the campus in fiscal year 2002.	54512
(3) CAPITAL COMPONENT DEDUCTION	54513
After all other adjustments have been made, instructional	54514
subsidy earnings shall be reduced for each campus by the amount,	54515
if any, by which debt service charged in Am. H.B. No. 748 of the	54516
121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General	54517
Assembly, and Am. H.B. No. 640 of the 123rd General Assembly for	54518
that campus exceeds that campus's capital component earnings.	54519
(D) REDUCTIONS IN EARNINGS	54520
If the total state share of instruction earnings in any	54521
fiscal year exceed the total appropriations available for such	54522
purposes, the Board of Regents shall proportionately reduce the	54523
state share of instruction earnings for all campuses by a uniform	54524
percentage so that the systemwide sum equals available	54525
appropriations.	54526
(E) EXCEPTIONAL CIRCUMSTANCES	54527
Adjustments may be made to the state share of instruction	54528
payments and other subsidies distributed by the Board of Regents	54529
to state-assisted colleges and universities for exceptional	54530
circumstances. No adjustments for exceptional circumstances may be	54531
made without the recommendation of the Chancellor and the approval	54532
of the Controlling Board.	54533
DISTRIBUTION OF STATE SHARE OF INSTRUCTION	54534
The state share of instruction payments to the institutions	54535
shall be in substantially equal monthly amounts during the fiscal	54536
year, unless otherwise determined by the Director of Budget and	54537
Management pursuant to section 126.09 of the Revised Code.	54538
Payments during the first six months of the fiscal year shall be	54539
based upon the state share of instruction appropriation estimates	54540
made for the various institutions of higher education according to	54541

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Board of Regents enrollment estimates. Payments during the last 54542  
six months of the fiscal year shall be distributed after approval 54543  
of the Controlling Board upon the request of the Board of Regents. 54544  
54545

LAW SCHOOL SUBSIDY 54546

The state share of instruction to state-supported 54547  
universities for students enrolled in law schools in fiscal year 54548  
2002 and fiscal year 2003 shall be calculated by using the number 54549  
of subsidy-eligible FTE law school students funded by state 54550  
subsidy in fiscal year 1995 or the actual number of 54551  
subsidy-eligible FTE law school students at the institution in the 54552  
fiscal year, whichever is less. 54553

**Section 93.02. MISSION-BASED CORE FUNDING FOR HIGHER** 54554  
EDUCATION 54555

JOBS CHALLENGE 54556

Funds appropriated to appropriation item 235-415, Jobs 54557  
Challenge, shall be distributed to state-assisted community and 54558  
technical colleges, regional campuses of state-assisted 54559  
universities, and other organizationally distinct and identifiable 54560  
member campuses of the EnterpriseOhio Network in support of 54561  
noncredit job-related training. In fiscal years 2002 and 2003, 54562  
\$2,114,673 and \$1,981,841, respectively, shall be distributed as 54563  
performance grants to EnterpriseOhio Network campuses based upon 54564  
each campus's documented performance according to criteria 54565  
established by the Board of Regents for increasing training and 54566  
related services to businesses, industries, and public sector 54567  
organizations. 54568

Of the foregoing appropriation item 235-415, Jobs Challenge, 54569  
\$3,130,087 in fiscal year 2002 and \$2,875,953 in fiscal year 2003 54570  
shall be allocated to the Targeted Industries Training Grant 54571  
Program to attract, develop, and retain business and industry 54572

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strategically important to the state's economy. 54573

Also, in fiscal years 2002 and 2003, \$2,991,513 and 54574  
\$3,629,797, respectively, shall be allocated to the Non-credit 54575  
Incentives Grant Program to reward two-year campuses for 54576  
increasing the amount of non-credit skill upgrading services 54577  
provided to Ohio employers and employees. The funds shall be 54578  
distributed to campuses in proportion to each campus's share of 54579  
noncredit job-related training revenues received by all campuses 54580  
for the previous fiscal year. It is the intent of the General 54581  
Assembly that this workforce development incentive component of 54582  
the Jobs Challenge Program reward campus noncredit job-related 54583  
training efforts in the same manner that the Research Challenge 54584  
Program rewards campuses for their ability to obtain sponsored 54585  
research revenues. 54586

Of the foregoing appropriation item 235-415, Jobs Challenge, 54587  
\$1,863,726 in fiscal year 2002 and \$1,712,409 in fiscal year 2003 54588  
shall be allocated as an incentive to support local EnterpriseOhio 54589  
Network Campus/Adult Workforce Education Center Partnerships. The 54590  
purpose of the partnerships is to promote and deliver coordinated, 54591  
comprehensive training to local employers. Each partnership shall 54592  
include a formal agreement between one or more EnterpriseOhio 54593  
Network campus and one or more adult workforce education center 54594  
for the delivery of training services. The Department of Education 54595  
and Board of Regents shall jointly award funds to certified 54596  
EnterpriseOhio campus/adult workforce education center 54597  
partnerships to offer training grants to eligible companies. A 54598  
certified EnterpriseOhio Network/adult workforce education center 54599  
partnership is one that has been documented and approved by the 54600  
Board of Regents and the Department of Education according to 54601  
partnership criteria established jointly by those agencies. An 54602  
eligible company is one that meets the funding criteria of the 54603  
Targeted Industries Training Grant Program. The amount set aside 54604

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for the partnerships is designed to match an equal appropriation 54605  
in the Department of Education's appropriation item 200-514, 54606  
Post-Secondary/Adult Career-Technical Education. The Department of 54607  
Education's appropriation also serves as a partnership-building 54608  
incentive by allocating funds to local EnterpriseOhio Network 54609  
campus/adult workforce education center partnerships. 54610

ACCESS CHALLENGE 54611

In each fiscal year, the foregoing appropriation item 54612  
235-418, Access Challenge, shall be distributed to Ohio's 54613  
state-assisted access colleges and universities. For the purposes 54614  
of this allocation, "access campuses" includes state-assisted 54615  
community colleges, state community colleges, technical colleges, 54616  
Shawnee State University, Central State University, Cleveland 54617  
State University, the regional campuses of state-assisted 54618  
universities, and, where they are organizationally distinct and 54619  
identifiable, the community-technical colleges located at the 54620  
University of Cincinnati, Youngstown State University, and the 54621  
University of Akron. 54622

In each year of the biennium, Access Challenge appropriations 54623  
shall be allocated to eligible campuses according to the following 54624  
methodology: 54625

(A) Each campus shall receive an amount equal to four per 54626  
cent of the product of its subsidy-eligible lower-division FTE 54627  
student enrollments for the prior fiscal year multiplied by the 54628  
unweighted average of in-state undergraduate instructional and 54629  
general fees for community colleges, state community colleges, 54630  
technical colleges, and regional campuses in fiscal year 2001. 54631

(B) All remaining appropriations shall be allocated to each 54632  
campus proportionate to its share of the sum of FTEs used in the 54633  
distribution of access funds in the prior fiscal year updated with 54634  
the most recent FTE data available. 54635

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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.

## SUCCESS CHALLENGE

The foregoing appropriation item 235-420, Success Challenge, shall be used by the Board of Regents to promote degree completion by students enrolled at a main campus of a state-assisted university.

In each fiscal year, two-thirds of the appropriations shall be distributed to state-assisted university main campuses in proportion to each campus's share of the total statewide bachelor's degrees granted by university main campuses to "at-risk" students. In fiscal years 2002 and 2003, an "at-risk" student means any undergraduate student who has received an Ohio Instructional Grant during the past ten years. An eligible institution shall not receive its share of this distribution until it has submitted a plan that addresses how the subsidy will be used to better serve at-risk students and increase their likelihood of successful completion of a bachelor's degree program. The Board of Regents shall disseminate to all state-supported institutions of higher education all such plans submitted by institutions that received Success Challenge funds.

In each fiscal year, one-third of the appropriations shall be distributed to university main campuses in proportion to each

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campus's share of the total bachelor's degrees granted by 54668  
university main campuses to undergraduate students who completed 54669  
their bachelor's degrees in a "timely manner" in the previous 54670  
fiscal year. For the purposes of this section, "timely manner" 54671  
means the normal time it would take for a full-time degree-seeking 54672  
undergraduate student to complete the student's degree. Generally, 54673  
for such students pursuing a bachelor's degree, "timely manner" 54674  
means four years. Exceptions to this general rule shall be 54675  
permitted for students enrolled in programs specifically designed 54676  
to be completed in a longer time period. The Board of Regents 54677  
shall collect base-line data beginning with the 1998-99 academic 54678  
year to assess the timely completion statistics by university main 54679  
campuses. 54680

## RESEARCH CHALLENGE 54681

The foregoing appropriation item 235-454, Research Challenge, 54682  
shall be used to enhance the basic research capabilities of public 54683  
colleges and universities and accredited Ohio institutions of 54684  
higher education holding certificates of authorization issued 54685  
pursuant to section 1713.02 of the Revised Code, in order to 54686  
strengthen academic research for pursuing Ohio's economic 54687  
redevelopment goals. The Board of Regents, in consultation with 54688  
the colleges and universities, shall administer the Research 54689  
Challenge Program and utilize a means of matching, on a fractional 54690  
basis, external funds attracted in the previous year by 54691  
institutions for basic research. The program may include 54692  
incentives for increasing the amount of external research funds 54693  
coming to eligible institutions and for focusing research efforts 54694  
upon critical state needs. Colleges and universities shall submit 54695  
for review and approval to the Board of Regents plans for the 54696  
institutional allocation of state dollars received through the 54697  
program. The institutional plans shall provide the rationale for 54698  
the allocation in terms of the strategic targeting of funds for 54699

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academic and state purposes, for strengthening research programs, 54700  
 and for increasing the amount of external research funds, and 54701  
 shall include an evaluation process to provide results of the 54702  
 increased support. 54703

The Board of Regents shall submit a biennial report of 54704  
 progress to the General Assembly. 54705

**COMPUTER SCIENCE GRADUATE EDUCATION 54706**

The foregoing appropriation item 235-554, Computer Science 54707  
 Graduate Education, shall be used by the Board of Regents to 54708  
 support improvements in graduate programs in computer science at 54709  
 state-assisted universities. In each fiscal year, up to \$200,000 54710  
 may be used to support collaborative efforts in graduate education 54711  
 in this program area. 54712

**Section 93.03. HIGHER EDUCATION - BOARD OF TRUSTEES 54713**

Funds appropriated for instructional subsidies at colleges 54714  
 and universities may be used to provide such branch or other 54715  
 off-campus undergraduate courses of study and such master's degree 54716  
 courses of study as may be approved by the Board of Regents. 54717

In providing instructional and other services to students, 54718  
 boards of trustees of state-assisted institutions of higher 54719  
 education shall supplement state subsidies by income from charges 54720  
 to students. Each board shall establish the fees to be charged to 54721  
 all students, including an instructional fee for educational and 54722  
 associated operational support of the institution and a general 54723  
 fee for noninstructional services, including locally financed 54724  
 student services facilities used for the benefit of enrolled 54725  
 students. The instructional fee and the general fee shall 54726  
 encompass all charges for services assessed uniformly to all 54727  
 enrolled students. Each board may also establish special purpose 54728  
 fees, service charges, and fines as required; such special purpose 54729



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fees and service charges shall be for services or benefits  
furnished individual students or specific categories of students  
and shall not be applied uniformly to all enrolled students. A  
tuition surcharge shall be paid by all students who are not  
residents of Ohio.

The board of trustees of a state-assisted institution of  
higher education shall not authorize a waiver or nonpayment of  
instructional fees or general fees for any particular student or  
any class of students other than waivers specifically authorized  
by law or approved by the Chancellor. This prohibition is not  
intended to limit the authority of boards of trustees to provide  
for payments to students for services rendered the institution,  
nor to prohibit the budgeting of income for staff benefits or for  
student assistance in the form of payment of such instructional  
and general fees.

Each state-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.

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.

The authority of government vested by law in the boards of  
trustees of state-assisted institutions of higher education shall

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in fact be exercised by those boards. Boards of trustees may  
 consult extensively with appropriate student and faculty groups.  
 Administrative decisions about the utilization of available  
 resources, about organizational structure, about disciplinary  
 procedure, about the operation and staffing of all auxiliary  
 facilities, and about administrative personnel shall be the  
 exclusive prerogative of boards of trustees. Any delegation of  
 authority by a board of trustees in other areas of responsibility  
 shall be accompanied by appropriate standards of guidance  
 concerning expected objectives in the exercise of such delegated  
 authority and shall be accompanied by periodic review of the  
 exercise of this delegated authority to the end that the public  
 interest, in contrast to any institutional or special interest,  
 shall be served.

**Section 93.04. MEDICAL SCHOOL SUBSIDIES**

The foregoing appropriation item 235-515, Case Western  
 Reserve University School of Medicine, shall be disbursed to Case  
 Western Reserve University through the Board of Regents in  
 accordance with agreements entered into as provided for by section  
 3333.10 of the Revised Code, provided that the state support per  
 full-time medical student shall not exceed that provided to  
 full-time medical students at state universities.

The foregoing appropriation items 235-536, Ohio State  
 University Clinical Teaching; 235-537, University of Cincinnati  
 Clinical Teaching; 235-538, Medical College of Ohio at Toledo  
 Clinical Teaching; 235-539, Wright State University Clinical  
 Teaching; 235-540, Ohio University Clinical Teaching; and 235-541,  
 Northeastern Ohio Universities College of Medicine Clinical  
 Teaching, shall be distributed through the Board of Regents.

The foregoing appropriation item 235-572, Ohio State  
 University Clinic Support, shall be distributed through the Board

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of Regents to The Ohio State University for support of dental and 54793  
veterinary medicine clinics. 54794

The Board of Regents shall develop plans consistent with 54795  
existing criteria and guidelines as may be required for the 54796  
distribution of appropriation items 235-519, Family Practice, 54797  
235-525, Geriatric Medicine, and 235-526, Primary Care 54798  
Residencies. 54799

Of the foregoing appropriation item 235-539, Wright State 54800  
University Clinical Teaching, \$160,000 in each fiscal year shall 54801  
be for the use of Wright State University's Ellis Institute for 54802  
Clinical Teaching Studies to operate the clinical facility to 54803  
serve the Greater Dayton area. 54804

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION 54805

The Board of Regents, in consultation with the state-assisted 54806  
medical colleges, shall develop performance standards for medical 54807  
education. Special emphasis in the standards shall be placed on 54808  
attempting to ensure that at least 50 per cent of the aggregate 54809  
number of students enrolled in state-assisted medical colleges 54810  
continue to enter residency as primary care physicians. Primary 54811  
care physicians are general family practice physicians, general 54812  
internal medicine practitioners, and general pediatric care 54813  
physicians. The Board of Regents shall monitor medical school 54814  
performance in relation to their plans for reaching the 50 per 54815  
cent systemwide standard for primary care physicians. 54816

The foregoing appropriation item 235-526, Primary Care 54817  
Residencies, shall be distributed in each fiscal year of the 54818  
biennium, based on whether the institution has submitted and 54819  
gained approval for a plan. If the institution does not have an 54820  
approved plan, it shall receive five per cent less funding per 54821  
student than it would have received from its annual allocation. 54822  
54823

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The remaining funding shall be distributed among those	54824
institutions that meet or exceed their targets.	54825
 AREA HEALTH EDUCATION CENTERS	 54826
The foregoing appropriation item 235-474, Area Health	54827
Education Centers Program Support, shall be used by the Board of	54828
Regents to support the medical school regional area health	54829
education centers' educational programs for the continued support	54830
of medical and other health professions education and for support	54831
of the Area Health Education Center Program.	54832
 Of the foregoing appropriation item 235-474, Area Health	 54833
Education Centers Program Support, \$200,000 in each fiscal year	54834
shall be disbursed to the Ohio University College of Osteopathic	54835
Medicine for the establishment of a mobile health care unit to	54836
serve the southeastern area of the state. Of the foregoing	54837
appropriation item 235-474, Area Health Education Centers Program	54838
Support, \$150,000 in each fiscal year shall be used to support the	54839
Ohio Valley Community Health Information Network (OVCHIN) project.	54840
 <b>Section 93.05. MIDWEST HIGHER EDUCATION COMPACT</b>	 54841
The foregoing appropriation item 235-408, Midwest Higher	54842
Education Compact, shall be distributed by the Board of Regents	54843
pursuant to section 3333.40 of the Revised Code.	54844
 COLLEGE READINESS INITIATIVES	 54845
Appropriation item 235-404, College Readiness Initiatives,	54846
shall be used by the Board of Regents to support programs designed	54847
to improve the ability of high school students to enroll and	54848
succeed in higher education.	54849
 MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT	 54850
Appropriation item 235-403, Math/Science Teaching	54851
Improvement, shall be used by the Board of Regents to support	54852

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programs designed to raise the quality of mathematics and science	54853
teaching in primary and secondary education.	54854
Of the foregoing appropriation item 235-403, Mathematics and	54855
Science Teaching Improvement, \$250,000 in each fiscal year shall	54856
be distributed to the Mathematics and Science Center in Lake	54857
County.	54858
OHIO LEARNING NETWORK	54859
Appropriation item 235-417, Ohio Learning Network, shall be	54860
used by the Board of Regents to support the continued	54861
implementation of the Ohio Learning Network, a statewide	54862
electronic collaborative effort designed to promote degree	54863
completion of students, workforce training of employees, and	54864
professional development through the use of advanced	54865
telecommunications and distance education initiatives.	54866
DISPLACED HOMEMAKERS	54867
Out of the foregoing appropriation item 235-509, Displaced	54868
Homemakers, the Board of Regents shall continue funding pilot	54869
projects authorized in Am. Sub. H.B. No. 291 of the 115th General	54870
Assembly for the following centers: Cuyahoga Community College,	54871
University of Toledo, Southern State Community College, and Stark	54872
Technical College. The amount of \$30,000 in each fiscal year shall	54873
be used for the Baldwin-Wallace Single Parents Reaching Out for	54874
Unassisted Tomorrows program.	54875
OHIO AEROSPACE INSTITUTE	54876
The foregoing appropriation item 235-527, Ohio Aerospace	54877
Institute, shall be distributed by the Board of Regents under	54878
section 3333.042 of the Revised Code.	54879
PRODUCTIVITY IMPROVEMENT CHALLENGE	54880
The foregoing appropriation item 235-455, Productivity	54881
Improvement Challenge, shall be allocated by the Board of Regents	54882

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to continue increasing the capabilities of the EnterpriseOhio  
 Network to meet the ongoing training needs of Ohio employers.  
 Funds shall support multicampus collaboration, best practice  
 dissemination, and capacity building projects. The Regents  
 Advisory Committee for Workforce Development, in its advisory  
 role, shall advise in the development of plans and activities.

Of the foregoing appropriation item 235-455, Productivity  
 Improvement Challenge, \$208,000 in each fiscal year shall be used  
 by the Dayton Business/Sinclair College Jobs Profiling Program.

## ACCESS IMPROVEMENT PROJECTS

The foregoing appropriation item 235-477, Access Improvement  
 Projects, shall be used by the Board of Regents to develop  
 innovative statewide strategies to increase student access and  
 retention for specialized populations, and to provide for pilot  
 projects that will contribute to improving access to higher  
 education by specialized populations. The funds may be used for  
 projects that improve access for nonpublic secondary students.

Of the foregoing appropriation item 235-477, Access  
 Improvement Projects, \$740,000 in each fiscal year shall be  
 distributed to the Appalachian Center for Higher Education at  
 Shawnee State University. The board of directors of the center  
 shall consist of the presidents of Shawnee State University, Ohio  
 University, Belmont Technical College, Hocking Technical College,  
 Jefferson Community College, Muskingum Area Technical College, Rio  
 Grande Community College, Southern State Community College, and  
 Washington State Community College; the dean of each of the Salem,  
 Tuscarawas, and East Liverpool regional campuses 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

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Improvement Projects, \$50,000 in fiscal year 2002 shall be 54914  
distributed to the University of Rio Grande Site Improvement 54915  
Planning project. 54916

Of the foregoing appropriation item 235-477, Access 54917  
Improvement Projects, \$135,000 in fiscal year 2002 shall be used 54918  
to support the Access Appalachia Project. 54919

**OHIO SUPERCOMPUTER CENTER 54920**

The foregoing appropriation item 235-510, Ohio Supercomputer 54921  
Center, shall be used by the Board of Regents to support the 54922  
operation of the center, located at The Ohio State University, as 54923  
a statewide resource available to Ohio research universities both 54924  
public and private. It is also intended that the center be made 54925  
accessible to private industry as appropriate. Policies of the 54926  
center shall be established by a governance committee, 54927  
representative of Ohio's research universities and private 54928  
industry, to be appointed by the Chancellor of the Board of 54929  
Regents and established for this purpose. 54930

**OHIO ACADEMIC RESOURCES NETWORK (OARNET) 54931**

The foregoing appropriation item 235-556, Ohio Academic 54932  
Resources Network, shall be used to support the operations of the 54933  
Ohio Academic Resources Network, which shall include support for 54934  
Ohio's state-assisted colleges and universities in maintaining and 54935  
enhancing network connections. 54936

**Section 93.06. PLEDGE OF FEES\* 54937**

Any new pledge of fees, or new agreement for adjustment of 54938  
fees, made in the 2001-2003 biennium to secure bonds or notes of a 54939  
state-assisted institution of higher education for a project for 54940  
which bonds or notes were not outstanding on the effective date of 54941  
this section shall be effective only after approval by the Board 54942  
of Regents, unless approved in a previous biennium. 54943

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HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 54944

The foregoing appropriation item 235-909, Higher Education 54945  
 General Obligation Debt Service, shall be used to pay all debt 54946  
 service and financing costs at the times they are required to be 54947  
 made pursuant to sections 151.01 and 151.04 of the Revised Code 54948  
 during the period from July 1, 2001, to June 30, 2003. The Office 54949  
 of the Sinking Fund or the Director of Budget and Management shall 54950  
 effectuate the required payments by an interstate transfer 54951  
 voucher. 54952

LEASE RENTAL PAYMENTS 54953

The foregoing appropriation item 235-401, Lease Rental 54954  
 Payments, shall be used to meet all payments at the times they are 54955  
 required to be made during the period from July 1, 2001, to June 54956  
 30, 2003, by the Board of Regents pursuant to leases and 54957  
 agreements made under section 154.21 of the Revised Code, but 54958  
 limited to the aggregate amount of \$563,969,000. Nothing in this 54959  
 act shall be deemed to contravene the obligation of the state to 54960  
 pay, without necessity for further appropriation, from the sources 54961  
 pledged thereto, the bond service charges on obligations issued 54962  
 pursuant to section 154.21 of the Revised Code. 54963

**Section 93.07.** OHIO INSTRUCTIONAL GRANTS 54964

Notwithstanding section 3333.12 of the Revised Code, in lieu 54965  
 of the tables in that section, instructional grants for all 54966  
 full-time students shall be made for fiscal year 2002 using the 54967  
 tables under this heading. 54968

The tables under this heading prescribe the maximum grant 54969  
 amounts covering two semesters, three quarters, or a comparable 54970  
 portion of one academic year. The grant amount for a full-time 54971  
 student enrolled in an eligible institution for a semester or 54972  
 quarter in addition to the portion of the academic year covered by 54973



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a grant determined under these tables shall be a percentage of the maximum prescribed in the applicable table. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under the table. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under the table.

For a full-time student who is a dependent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution							54987
Table of Grants							54988
Gross Income	Maximum Grant \$5,160					54989	
	Number of Dependents					54990	
	1	2	3	4	5 or more	54991	
Under \$14,000	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	54992	
\$14,001 - \$15,000	4,644	5,160	5,160	5,160	5,160	54993	
\$15,001 - \$16,000	4,116	4,644	5,160	5,160	5,160	54994	
\$16,001 - \$17,000	3,612	4,116	4,644	5,160	5,160	54995	
\$17,001 - \$18,000	3,102	3,612	4,116	4,644	5,160	54996	
\$18,001 - \$21,000	2,586	3,102	3,612	4,116	4,644	54997	
\$21,001 - \$24,000	2,058	2,586	3,102	3,612	4,116	54998	
\$24,001 - \$27,000	1,536	2,058	2,586	3,102	3,612	54999	
\$27,001 - \$30,000	1,272	1,536	2,058	2,586	3,102	55000	
\$30,001 - \$31,000	1,020	1,272	1,536	2,058	2,586	55001	
\$31,001 - \$32,000	930	1,020	1,272	1,536	2,058	55002	
\$32,001 - \$33,000	840	930	1,020	1,272	1,536	55003	
\$33,001 - \$34,000	420	840	930	1,020	1,272	55004	

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\$34,001 - \$35,000	--	420	840	930	1,020	55005
\$35,001 - \$36,000	--	--	420	840	930	55006
\$36,001 - \$37,000	--	--	--	420	840	55007
\$37,001 - \$38,000	--	--	--	--	420	55008

For a full-time student who is financially independent and enrolled in a nonprofit educational institution that is not a state-assisted institution and that has a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Private Institution

Table of Grants

Maximum Grant \$5,160

Gross Income Number of Dependents

	0	1	2	3	4	5 or more	
Under \$4,500	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	55020
\$4,501 - \$5,000	4,644	5,160	5,160	5,160	5,160	5,160	55021
\$5,001 - \$5,500	4,116	4,644	5,160	5,160	5,160	5,160	55022
\$5,501 - \$6,000	3,612	4,116	4,644	5,160	5,160	5,160	55023
\$6,001 - \$6,500	3,102	3,612	4,116	4,644	5,160	5,160	55024
\$6,501 - \$7,000	2,586	3,102	3,612	4,116	4,644	5,160	55025
\$7,001 - \$8,000	2,058	2,586	3,102	3,612	4,116	4,644	55026
\$8,001 - \$9,000	1,536	2,058	2,586	3,102	3,612	4,116	55027
\$9,001 - \$10,000	1,272	1,536	2,058	2,586	3,102	3,612	55028
\$10,001 - \$11,500	1,020	1,272	1,536	2,058	2,586	3,102	55029
\$11,501 - \$13,000	930	1,020	1,272	1,536	2,058	2,586	55030
\$13,001 - \$14,500	840	930	1,020	1,272	1,536	2,058	55031
\$14,501 - \$16,000	420	840	930	1,020	1,272	1,536	55032
\$16,001 - \$19,000	--	420	840	930	1,020	1,272	55033
\$19,001 - \$22,000	--	--	420	840	930	1,020	55034
\$22,001 - \$25,000	--	--	--	420	840	930	55035

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\$25,001 - \$30,000	--	--	--	--	420	840	55037
\$30,001 - \$35,000	--	--	--	--	--	420	55038

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	55049
\$14,001 - \$15,000	3,948	4,374	4,374	4,374	4,374	55050
\$15,001 - \$16,000	3,480	3,948	4,374	4,374	4,374	55051
\$16,001 - \$17,000	3,042	3,480	3,948	4,374	4,374	55052
\$17,001 - \$18,000	2,634	3,042	3,480	3,948	4,374	55053
\$18,001 - \$21,000	2,166	2,634	3,042	3,480	3,948	55054
\$21,001 - \$24,000	1,752	2,166	2,634	3,042	3,480	55055
\$24,001 - \$27,000	1,338	1,752	2,166	2,634	3,042	55056
\$27,001 - \$30,000	1,074	1,338	1,752	2,166	2,634	55057
\$30,001 - \$31,000	858	1,074	1,338	1,752	2,166	55058
\$31,001 - \$32,000	804	858	1,074	1,338	1,752	55059
\$32,001 - \$33,000	708	804	858	1,074	1,338	55060
\$33,001 - \$34,000	354	708	804	858	1,074	55061
\$34,001 - \$35,000	--	354	708	804	858	55062
\$35,001 - \$36,000	--	--	354	708	804	55063
\$36,001 - \$37,000	--	--	--	354	708	55064
\$37,001 - \$38,000	--	--	--	--	354	55065

For a full-time student who is financially independent and

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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							55073
Table of Grants							55074
Maximum Grant \$4,374							55075
Gross Income	Number of Dependents						55076
	0	1	2	3	4	5 or more	55077
Under \$4,500	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	55078
\$4,501 - \$5,000	3,948	4,374	4,374	4,374	4,374	4,374	55079
\$5,001 - \$5,500	3,480	3,948	4,374	4,374	4,374	4,374	55080
\$5,501 - \$6,000	3,042	3,480	3,948	4,374	4,374	4,374	55081
\$6,001 - \$6,500	2,634	3,042	3,480	3,948	4,374	4,374	55082
\$6,501 - \$7,000	2,166	2,634	3,042	3,480	3,948	4,374	55083
\$7,001 - \$8,000	1,752	2,166	2,634	3,042	3,480	3,948	55084
\$8,001 - \$9,000	1,338	1,752	2,166	2,634	3,042	3,480	55085
\$9,001 - \$10,000	1,074	1,338	1,752	2,166	2,634	3,042	55086
\$10,001 - \$11,500	858	1,074	1,338	1,752	2,166	2,634	55087
\$11,501 - \$13,000	804	858	1,074	1,338	1,752	2,166	55088
\$13,001 - \$14,500	708	804	858	1,074	1,338	1,752	55089
\$14,501 - \$16,000	354	708	804	858	1,074	1,338	55090
\$16,001 - \$19,000	--	354	708	804	858	1,074	55091
\$19,001 - \$22,000	--	--	354	708	804	858	55092
\$22,001 - \$25,000	--	--	--	354	708	804	55093
\$25,001 - \$30,000	--	--	--	--	354	708	55094
\$30,001 - \$35,000	--	--	--	--	--	354	55095

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

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comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							55101
Table of Grants							55102
Maximum Grant \$2,070							55103
Gross Income	Number of Dependents						55104
	1	2	3	4	5 or more		55105
Under \$14,000	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	55106
\$14,001 - \$15,000	1,866	2,070	2,070	2,070	2,070	2,070	55107
\$15,001 - \$16,000	1,644	1,866	2,070	2,070	2,070	2,070	55108
\$16,001 - \$17,000	1,458	1,644	1,866	2,070	2,070	2,070	55109
\$17,001 - \$18,000	1,248	1,458	1,644	1,866	2,070	2,070	55110
\$18,001 - \$21,000	1,020	1,248	1,458	1,644	1,866	1,866	55111
\$21,001 - \$24,000	816	1,020	1,248	1,458	1,644	1,644	55112
\$24,001 - \$27,000	612	816	1,020	1,248	1,458	1,458	55113
\$27,001 - \$30,000	492	612	816	1,020	1,248	1,248	55114
\$30,001 - \$31,000	396	492	612	816	1,020	1,020	55115
\$31,001 - \$32,000	366	396	492	612	816	816	55116
\$32,001 - \$33,000	336	366	396	492	612	612	55117
\$33,001 - \$34,000	168	336	366	396	492	492	55118
\$34,001 - \$35,000	--	168	336	366	396	396	55119
\$35,001 - \$36,000	--	--	168	336	366	366	55120
\$36,001 - \$37,000	--	--	--	168	336	336	55121
\$37,001 - \$38,000	--	--	--	--	168	168	55122

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution		55128
Table of Grants		55129

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	Maximum Grant \$2,070						55130
Gross Income	Number of Dependents						55131
	0	1	2	3	4	5 or more	55132
Under \$4,500	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	55133
\$4,501 - \$5,000	1,866	2,070	2,070	2,070	2,070	2,070	55134
\$5,001 - \$5,500	1,644	1,866	2,070	2,070	2,070	2,070	55135
\$5,501 - \$6,000	1,458	1,644	1,866	2,070	2,070	2,070	55136
\$6,001 - \$6,500	1,248	1,458	1,644	1,866	2,070	2,070	55137
\$6,501 - \$7,000	1,020	1,248	1,458	1,644	1,866	2,070	55138
\$7,001 - \$8,000	816	1,020	1,248	1,458	1,644	1,866	55139
\$8,001 - \$9,000	612	816	1,020	1,248	1,458	1,644	55140
\$9,001 - \$10,000	492	612	816	1,020	1,248	1,458	55141
\$10,001 - \$11,500	396	492	612	816	1,020	1,248	55142
\$11,501 - \$13,000	366	396	492	612	816	1,020	55143
\$13,001 - \$14,500	336	366	396	492	612	816	55144
\$14,501 - \$16,000	168	336	366	396	492	612	55145
\$16,001 - \$19,000	--	168	336	366	396	492	55146
\$19,001 - \$22,000	--	--	168	336	366	396	55147
\$22,001 - \$25,000	--	--	--	168	336	366	55148
\$25,001 - \$30,000	--	--	--	--	168	336	55149
\$30,001 - \$35,000	--	--	--	--	--	168	55150

The foregoing appropriation item 235-503, Ohio Instructional Grants, shall be used to make the payments authorized by division (C) of section 3333.26 of the Revised Code to the institutions described in that division. In addition, this appropriation shall be used to reimburse the institutions described in division (B) of section 3333.26 of the Revised Code for the cost of the waivers required by that division.

Of the appropriation item 235-503, Ohio Instructional Grants, surplus funds net of encumbrances from the appropriation for fiscal year 2002 shall be reappropriated to appropriation item

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235-534, Student Workforce Development Grants, for fiscal year	55161
2003.	55162
Of the appropriation item 235-503, Ohio Instructional Grants,	55163
surplus funds net of encumbrances from the appropriation for	55164
fiscal year 2003 shall be reappropriated to appropriation item	55165
235-534, Student Workforce Development Grants, for fiscal year	55166
2004.	55167
WAR ORPHANS SCHOLARSHIPS	55168
The foregoing appropriation item 235-504, War Orphans	55169
Scholarships, shall be used to reimburse state-assisted	55170
institutions of higher education for waivers of instructional fees	55171
and general fees provided by them, to provide grants to	55172
institutions that have received a certificate of authorization	55173
from the Ohio Board of Regents under Chapter 1713. of the Revised	55174
Code, in accordance with the provisions of section 5910.04 of the	55175
Revised Code, and to fund additional scholarship benefits provided	55176
by section 5910.032 of the Revised Code.	55177
PART-TIME STUDENT INSTRUCTIONAL GRANTS	55178
The foregoing appropriation item 235-549, Part-time Student	55179
Instructional Grants, shall be used to support a grant program for	55180
part-time undergraduate students who are Ohio residents and who	55181
are enrolled in degree granting programs.	55182
Eligibility for participation in the program shall include	55183
degree granting educational institutions that hold a certificate	55184
of registration from the State Board of Proprietary School	55185
Registration, and nonprofit institutions that have a certificate	55186
of authorization issued pursuant to Chapter 1713. of the Revised	55187
Code, as well as state-assisted colleges and universities. Grants	55188
shall be given to students on the basis of need, as determined by	55189
the college, which, in making these determinations, shall give	55190
special consideration to single-parent heads-of-household and	55191

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displaced homemakers who enroll in an educational degree program 55192  
 that prepares the individual for a career. In determining need, 55193  
 the college also shall consider the availability of educational 55194  
 assistance from a student's employer. It is the intent of the 55195  
 General Assembly that these grants not supplant such assistance. 55196

**Section 93.08. STUDENT CHOICE GRANTS** 55197

The foregoing appropriation item 235-531, Student Choice 55198  
 Grants, shall be used to support the Student Choice Grant Program 55199  
 created by section 3333.27 of the Revised Code. 55200

## STUDENT WORKFORCE DEVELOPMENT GRANTS 55201

The foregoing appropriation item 235-534, Student Workforce 55202  
 Development Grants, shall be used to support the Student Workforce 55203  
 Development Grant Program. Of the appropriated funds available, 55204  
 the Board of Regents shall distribute grants of up to \$200 to each 55205  
 eligible student in an academic year. 55206

## ACADEMIC SCHOLARSHIPS 55207

The foregoing appropriation item 235-530, Academic 55208  
 Scholarships, shall be used to provide academic scholarships to 55209  
 students under section 3333.22 of the Revised Code. The annual 55210  
 scholarship amount awarded to any student who receives a 55211  
 scholarship for the 2001-2002 academic year shall be \$2,100, and 55212  
 the annual scholarship amount awarded to any student who receives 55213  
 a scholarship for the 2002-2003 academic year shall be \$2,205. 55214

## PHYSICIAN LOAN REPAYMENT 55215

The foregoing appropriation item 235-604, Physician Loan 55216  
 Repayment, shall be used in accordance with sections 3702.71 to 55217  
 3702.81 of the Revised Code. 55218

## NURSING LOAN PROGRAM 55219

The foregoing appropriation item 235-606, Nursing Loan 55220



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Program, shall be used to administer the nurse education 55221  
 assistance program. Up to \$159,600 in fiscal year 2002 and 55222  
 \$167,580 in fiscal year 2003 may be used for operating expenses 55223  
 associated with the program. Any additional funds needed for the 55224  
 administration of the program are subject to Controlling Board 55225  
 approval. 55226

**Section 93.09. COOPERATIVE EXTENSION SERVICE 55227**

Of the foregoing appropriation item 235-511, Cooperative 55228  
 Extension Service, \$210,000 in each fiscal year shall be used for 55229  
 additional staffing for county agents for expanded 4-H activities. 55230  
 Of the foregoing appropriation item 235-511, Cooperative Extension 55231  
 Service, \$210,000 in each fiscal year shall be used by the 55232  
 Cooperative Extension Service, through the Enterprise Center for 55233  
 Economic Development in cooperation with other agencies, for a 55234  
 public-private effort to create and operate a small business 55235  
 economic development program to enhance the development of 55236  
 alternatives to the growing of tobacco, and implement, through 55237  
 applied research and demonstration, the production and marketing 55238  
 of other high-value crops and value-added products. Of the 55239  
 foregoing appropriation item 235-511, Cooperative Extension 55240  
 Service, \$65,000 in each fiscal year shall be used for farm labor 55241  
 mediation and education programs. Of the foregoing appropriation 55242  
 item 235-511, Cooperative Extension Service, \$215,000 in each 55243  
 fiscal year shall be used to support the Ohio State University 55244  
 Marion Enterprise Center. 55245

Of the foregoing appropriation item 235-511, Cooperative 55246  
 Extension Service, \$910,500 in each fiscal year shall be used to 55247  
 support the Ohio Watersheds Initiative. 55248

**OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 55249**

Of the foregoing appropriation item 235-535, Ohio 55250  
 Agricultural Research and Development Center, \$950,000 in each 55251

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fiscal year shall be distributed to the Piketon Agricultural  
 Research and Extension Center. 55252  
 55253

Of the foregoing appropriation item 235-535, Ohio 55254  
 Agricultural Research and Development Center, \$250,000 in each 55255  
 fiscal year shall be distributed to the 55256  
 Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 55257  
 State University Medical College in cooperation with the Ohio 55258  
 State University College of Agriculture. 55259

Of the foregoing appropriation item 235-535, Ohio 55260  
 Agricultural Research and Development Center, \$50,000 in each 55261  
 fiscal year shall be used to support the Ohio Berry Administrator. 55262

Of the foregoing appropriation item 235-535, Ohio 55263  
 Agricultural Research and Development Center, \$100,000 in each 55264  
 fiscal year shall be used for the development of agricultural 55265  
 crops and products not currently in widespread production in Ohio, 55266  
 in order to increase the income and viability of family farmers. 55267

COOPERATIVE EXTENSION SERVICE AND OHIO AGRICULTURAL RESEARCH 55268  
 AND DEVELOPMENT CENTER 55269

The foregoing appropriation items 235-511, Cooperative 55270  
 Extension Service, and 235-535, Ohio Agricultural Research and 55271  
 Development Center, shall be disbursed through the Board of 55272  
 Regents to The Ohio State University in monthly payments, unless 55273  
 otherwise determined by the Director of Budget and Management 55274  
 pursuant to section 126.09 of the Revised Code. Of the foregoing 55275  
 appropriation item 235-535, Ohio Agricultural Research and 55276  
 Development Center, \$540,000 in each fiscal year shall be used to 55277  
 purchase equipment. 55278

The Ohio Agricultural Research and Development Center shall 55279  
 not be required to remit payment to The Ohio State University 55280  
 during the 2001-2003 biennium for cost reallocation assessments. 55281  
 The cost reallocation assessments include, but are not limited to, 55282

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any assessment on state appropriations to the center.	55283
<b>Section 93.10. SEA GRANTS</b>	55284
The foregoing appropriation item 235-402, Sea Grants, shall	55285
be disbursed to The Ohio State University and shall be used to	55286
conduct research on fish in Lake Erie.	55287
<b>INFORMATION SYSTEM</b>	55288
The foregoing appropriation item 235-409, Information System,	55289
shall be used by the Board of Regents to operate the higher	55290
education information data system known as the Higher Education	55291
Information System.	55292
<b>STUDENT SUPPORT SERVICES</b>	55293
The foregoing appropriation item 235-502, Student Support	55294
Services, shall be distributed by the Board of Regents to Ohio's	55295
state-assisted colleges and universities that incur	55296
disproportionate costs in the provision of support services to	55297
disabled students.	55298
<b>CENTRAL STATE SUPPLEMENT</b>	55299
The foregoing appropriation item 235-514, Central State	55300
Supplement, shall be used by Central State University to keep	55301
undergraduate fees below the statewide average, consistent with	55302
its mission of service to many first-generation college students	55303
from groups historically underrepresented in higher education and	55304
from families with limited incomes.	55305
<b>SHAWNEE STATE SUPPLEMENT</b>	55306
The foregoing appropriation item 235-520, Shawnee State	55307
Supplement, shall be used by Shawnee State University as detailed	55308
by both of the following:	55309
(A) To allow Shawnee State University to keep its	55310
undergraduate fees below the statewide average, consistent with	55311

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its mission of service to an economically depressed Appalachian region;	55312 55313
(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.	55314 55315 55316
POLICE AND FIRE PROTECTION	55317
The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), and Rootstown Township, which may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each participating municipality and township shall receive at least five thousand dollars per year. Funds shall be distributed by the Board of Regents.	55318 55319 55320 55321 55322 55323 55324 55325 55326 55327
SCHOOL OF INTERNATIONAL BUSINESS	55328
Of the foregoing appropriation item 235-547, School of International Business, \$1,218,764 in each fiscal year shall be used for the continued development and support of the School of International Business of the state universities of northeast Ohio. The money shall go to the University of Akron. These funds shall be used by the university to establish a School of International Business located at the University of Akron. It may confer with Kent State University, Youngstown State University, and Cleveland State University as to the curriculum and other matters regarding the school.	55329 55330 55331 55332 55333 55334 55335 55336 55337 55338
Of the foregoing appropriation item 235-547, School of International Business, \$245,000 in each fiscal year shall be used by the University of Toledo College of Business for expansion of its international business programs.	55339 55340 55341 55342

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Of the foregoing appropriation item 235-547, School of International Business, \$245,000 in each fiscal year shall be used by to support the Ohio State University MUCIA program.

## CAPITAL COMPONENT

The foregoing appropriation item 235-552, Capital Component, shall be used by the Board of Regents to implement the capital funding policy for state-assisted colleges and universities established in Am. H.B. No. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to new qualifying capital projects from the campus formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

## DAYTON AREA GRADUATE STUDIES INSTITUTE

The foregoing appropriation item 235-553, Dayton Area Graduate Studies Institute, shall be used by the Board of Regents to support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of three universities in the Dayton area: Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

## LONG-TERM CARE RESEARCH

The foregoing appropriation item 235-558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

## BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER

55372

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The foregoing appropriation item 235-561, Bowling Green State University Canadian Studies Center, shall be used by the Canadian Studies Center at Bowling Green State University to study opportunities for Ohio and Ohio businesses to benefit from the Free Trade Agreement between the United States and Canada.

URBAN UNIVERSITY PROGRAMS

Of the foregoing appropriation item 235-583, Urban University Programs, universities receiving funds that are used to support an ongoing university unit shall certify periodically in a manner approved by the Board of Regents that program funds are being matched on a one-to-one basis with equivalent resources. Overhead support may not be used to meet this requirement. Where Urban University Program funds are being used to support an ongoing university unit, matching funds must come from continuing rather than one-time sources. At each participating state-assisted institution of higher education, matching funds must be within the substantial control of the individual designated by the institution's president as the Urban University Program representative.

Of the foregoing appropriation item 235-583, Urban University Programs, \$372,400 in each fiscal year shall be used to support a public communication outreach program (WCPN). The primary purpose of the program shall be to develop a relationship between Cleveland State University and nonprofit communications entities.

Of the foregoing appropriation item 235-583, Urban University Programs, \$176,400 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and the Urban Child at Cleveland State University. These funds shall be distributed according to rules adopted by the Board of Regents and shall be used by the center for interdisciplinary activities targeted toward increasing the chance of lifetime success of the urban child, including interventions beginning with the prenatal

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period. The primary purpose of the center is to study issues in 55405  
urban education and to systematically map directions for new 55406  
approaches and new solutions by bringing together a cadre of 55407  
researchers, scholars, and professionals representing the social, 55408  
behavioral, education, and health disciplines. 55409

Of the foregoing appropriation item 235-583, Urban University 55410  
Programs, \$254,800 in each fiscal year shall be used to support 55411  
the Kent State University Learning and Technology Project. This 55412  
project is a kindergarten through university collaboration between 55413  
schools surrounding Kent's eight campuses in northeast Ohio, and 55414  
corporate partners who will assist in development and delivery. 55415

The Kent State University Project shall provide a faculty 55416  
member who has a full-time role in the development of 55417  
collaborative activities and teacher instructional programming 55418  
between Kent and the K-12th grade schools that surround its eight 55419  
campuses; appropriate student support staff to facilitate these 55420  
programs and joint activities; and hardware and software to 55421  
schools that will make possible the delivery of instruction to 55422  
pre-service and in-service teachers, and their students, in their 55423  
own classrooms or school buildings. This shall involve the 55424  
delivery of low-bandwidth streaming video and web-based 55425  
technologies in a distributed instructional model. 55426

Of the foregoing appropriation item 235-583, Urban University 55427  
Programs, \$98,000 in each fiscal year shall be used to support the 55428  
Ameritech Classroom/Center for Research at Kent State University. 55429

Of the foregoing appropriation item 235-583, Urban University 55430  
Programs, \$980,000 in each fiscal year shall be used to support 55431  
the Polymer Distance Learning Project at the University of Akron. 55432

Of the foregoing appropriation item 235-583, Urban University 55433  
Programs, \$49,000 in each fiscal year shall be distributed to the 55434  
Kent State University/Cleveland Design Center program. 55435

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Of the foregoing appropriation item 235-583, Urban University Programs, \$245,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, \$14,700 in each fiscal year shall be used for the Advancing-Up Program at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, in each fiscal year \$2,156,629 shall be distributed by the Board of Regents to Cleveland State University in support of the Maxine Goodman Levin College of Urban Affairs.

Of the foregoing appropriation item 235-583, Urban University Programs, in each fiscal year \$2,156,630 shall be distributed to the Northeast Ohio Research Consortium, the Urban Linkages Program, and the Urban Research Technical Assistance Grant Program. The distribution among the three programs shall be determined by the chair of the Urban University Program.

## INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 55453

The foregoing appropriation item 235-595, International Center for Water Resources Development, shall be used to support the International Center for Water Resources Development at Central State University. The center shall develop methods to improve the management of water resources for Ohio and for emerging nations.

## RURAL UNIVERSITY PROJECTS 55460

Of the foregoing appropriation item 235-587, Rural University Projects, Bowling Green State University shall receive \$212,072 in each fiscal year, Miami University shall receive \$324,503 in each fiscal year, and Ohio University shall receive \$740,977 in each fiscal year. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio



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University, the Center for Public Management and Regional Affairs 55467  
 at Miami University, and the Center for Policy Analysis and Public 55468  
 Service at Bowling Green State University. 55469

Of the foregoing appropriation item 235-587, Rural University 55470  
 Projects, \$24,500 in each fiscal year shall be used to support the 55471  
 Washington State Community College day care center. 55472

Of the foregoing appropriation item 235-587, Rural University 55473  
 Projects, \$73,500 in each fiscal year shall be used to support the 55474  
 COAD/ILGARD/GOA Appalachian Leadership Initiative. 55475

A small portion of the funds provided to Ohio University 55476  
 shall also be used for the Institute for Local Government 55477  
 Administration and Rural Development State and Rural Policy 55478  
 Partnership with the Governor's Office of Appalachia and the 55479  
 Appalachian delegation of the General Assembly. 55480

## OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 55481

The foregoing appropriation item 235-588, Ohio Resource 55482  
 Center for Mathematics, Science, and Reading, shall be used to 55483  
 support a resource center for mathematics, science, and reading to 55484  
 be located at a state-assisted university for the purpose of 55485  
 identifying best educational practices in primary and secondary 55486  
 schools and establishing methods for communicating them to 55487  
 colleges of education and school districts. 55488

## HAZARDOUS MATERIALS PROGRAM 55489

The foregoing appropriation item 235-596, Hazardous Materials 55490  
 Program, shall be disbursed to Cleveland State University for the 55491  
 operation of a program to certify firefighters for the handling of 55492  
 hazardous materials. Training shall be available to all Ohio 55493  
 firefighters. 55494

Of the foregoing appropriation item 235-596, Hazardous 55495  
 Materials Program, \$100,000 in each fiscal year shall be used to 55496

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support the Center for the Interdisciplinary Study of Education 55497  
 and Leadership in Public Service at Cleveland State University. 55498  
 These funds shall be distributed by the Board of Regents and shall 55499  
 be used by the center targeted toward increasing the role of 55500  
 special populations in public service and not-for-profit 55501  
 organizations. The primary purpose of the center is to study 55502  
 issues in public service and to guide strategies for attracting 55503  
 new communities into public service occupations by bringing 55504  
 together a cadre of researchers, scholars and professionals 55505  
 representing the public administration, social behavioral, and 55506  
 education disciplines. 55507

NATIONAL GUARD SCHOLARSHIP PROGRAM 55508

The Board of Regents shall disburse funds from appropriation 55509  
 item 235-599, National Guard Scholarship Program, at the direction 55510  
 of the Adjutant General. 55511

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 55512

The foregoing appropriation item 235-602, HEFC 55513  
 Administration, shall be used by the Board of Regents for 55514  
 operating expenses related to the Board of Regents' support of the 55515  
 activities of the Ohio Higher Educational Facility Commission. 55516  
 Upon the request of the chancellor, the Director of Budget and 55517  
 Management shall transfer up to \$12,000 cash from Fund 461 to Fund 55518  
 4E8 in each fiscal year of the biennium. 55519

**Section 93.11.** BREAKTHROUGH INVESTMENTS 55520

OHIO PLAN STUDY COMMITTEE 55521

There is established the Ohio Plan Study Committee, which 55522  
 shall determine appropriate ways to fund the Ohio Plan for 55523  
 Technology and Development. The Study Committee shall consist of 55524  
 the Director of Budget and Management, the Chancellor of the Board 55525  
 of Regents, three members of the House of Representatives 55526

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appointed by the Speaker, of whom no more than two shall be of the 55527  
 same political party, and three members of the Senate appointed by 55528  
 the President, of whom no more than two shall be of the same 55529  
 political party. Administrative support for the Study Committee 55530  
 shall be provided by the Board of Regents. The Study Committee 55531  
 shall report its recommendations to the Governor and the General 55532  
 Assembly no later than December 31, 2001. After it submits its 55533  
 report, the Study Committee shall cease to exist. The Ohio Plan 55534  
 for Technology and Development is intended to promote 55535  
 collaborative efforts among state government, higher education, 55536  
 and business and industry that will lead to the development of New 55537  
 Economy applications of science and technology and, ultimately, 55538  
 new business start-ups in the state and increased economic 55539  
 prosperity for the citizens of Ohio. 55540

APPALACHIAN NEW ECONOMY PARTNERSHIP 55541

The foregoing appropriation item 235-428, Appalachian New 55542  
 Economy Partnership, shall be used by the Board of Regents to 55543  
 begin a multicampus and multiagency coordinated effort to link 55544  
 Appalachia to the new economy. Funds shall be distributed to Ohio 55545  
 University to provide leadership in the development and 55546  
 implementation of initiatives in the areas of entrepreneurship, 55547  
 technology, education, and management. 55548

**Section 93.12.** REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND 55549  
 MONEYS 55550

Notwithstanding any provision of law to the contrary, all 55551  
 repayments of Research Facility Investment Fund loans shall be 55552  
 made to the Bond Service Trust Fund. All Research Facility 55553  
 Investment Fund loan repayments made prior to the effective date 55554  
 of this section shall be transferred by the Director of Budget and 55555  
 Management to the Bond Service Trust Fund within sixty days of the 55556  
 effective date of this section. 55557

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Campuses shall make timely repayments of Research Facility Investment Fund loans, according to the schedule established by the Board of Regents. In the case of late payments, the Board of Regents may deduct from an institution's periodic subsidy distribution an amount equal to the amount of the overdue payment for that institution, transfer such amount to the Bond Service Trust Fund, and credit the appropriate institution for the repayment.

## VETERANS' PREFERENCES

The Board of Regents shall work with the Governor's Office of Veterans' Affairs to develop specific veterans' preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

**Section 93.13.** CENTRAL STATE UNIVERSITY

(A) Notwithstanding sections 3345.72, 3345.74, 3345.75, and 3345.76 of the Revised Code and rule 126:3-1-01 of the Administrative Code, Central State University shall adhere to the following fiscal standards:

(1) Maintenance of a balanced budget and filing of quarterly reports on an annualized budget with the Board of Regents, comparing the budget to actual spending and revenues with projected expenditures and revenues for the remainder of the year. Such reports shall include narrative explanations as appropriate and be filed within 30 days of the end of the quarter.

(2) Timely and accurate assessment of the current and projected cash flow of university funds, by fund type;

(3) Timely reconciliation of all university cash and general ledger accounts, by fund;

(4) Submission to the Auditor of State of financial

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statements consistent with audit requirements prescribed by the Auditor of State within four months after the end of the fiscal year;

(5) Completion of an audit within six months after the end of the fiscal year.

The Director of Budget and Management shall provide clarification to the university on these fiscal standards as deemed necessary. The director also may take such actions as are necessary to ensure that the university adheres to these standards and other fiscal standards consistent with generally accepted accounting principles and the requirements of external entities providing funding to the university. Such actions may include the appointment of a financial consultant to assist Central State University in the continuous process of design and implementation of responsible systems of financial management and accounting.

(B) The director's fiscal oversight shall continue until such time as the university meets the same criteria as those created in paragraph (F) of rule 126:3-1-01 of the Administrative Code for the termination of a fiscal watch. At that time Central State University shall be relieved of the requirements of this section and subject to the requirements of sections 3345.72, 3345.74, 3345.75, and 3345.76 of the Revised Code.

Any encumbered funds remaining from appropriation item 042-407, Central State Deficit, as appropriated in Am. Sub. S.B. 6 of the 122nd General Assembly shall be released during the 2001-2003 biennium for nonrecurring expenses contingent upon the approval of the Director of Budget and Management.

Section 94. DRC DEPARTMENT OF REHABILITATION AND

CORRECTION

General Revenue Fund

GRF 501-321 Institutional \$ 803,742,214 \$ 845,948,431

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	Operations			
GRF 501-403	Prisoner Compensation	\$ 8,837,616	\$ 8,837,616	55619
GRF 501-405	Halfway House	\$ 36,873,018	\$ 36,873,018	55620
GRF 501-406	Lease Rental Payments	\$ 147,288,300	\$ 151,594,300	55621
GRF 501-407	Community	\$ 15,150,792	\$ 15,150,792	55622
	Nonresidential			
	Programs			
GRF 501-408	Community Misdemeanor	\$ 7,942,211	\$ 7,942,211	55623
	Programs			
GRF 501-501	Community Residential	\$ 51,215,353	\$ 54,815,353	55624
	Programs - CBCF			
				55625
GRF 502-321	Mental Health Services	\$ 74,444,329	\$ 78,261,520	55626
GRF 503-321	Parole and Community	\$ 73,332,328	\$ 78,711,552	55627
	Operations			
GRF 504-321	Administrative	\$ 27,673,600	\$ 27,465,740	55628
	Operations			
GRF 505-321	Institution Medical	\$ 132,610,379	\$ 138,122,584	55629
	Services			
GRF 506-321	Institution Education	\$ 22,858,645	\$ 23,917,493	55630
	Services			
GRF 507-321	Institution Recovery	\$ 6,642,352	\$ 6,951,387	55631
	Services			
TOTAL GRF	General Revenue Fund	\$ 1,408,611,137	\$ 1,474,591,997	55632
				55633
	General Services Fund Group			
				55634
4B0 501-601	Penitentiary Sewer	\$ 1,535,919	\$ 1,614,079	55635
	Treatment Facility			
	Services			
4D4 501-603	Prisoner Programs	\$ 21,872,497	\$ 23,135,230	55636
4L4 501-604	Transitional Control	\$ 401,772	\$ 417,032	55637
4S5 501-608	Education Services	\$ 3,727,680	\$ 3,894,150	55638
483 501-605	Property Receipts	\$ 361,230	\$ 373,628	55639

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5H8	501-617	Offender Financial Responsibility	\$	435,000	\$	440,000	55640
5L6	501-611	Information Technology Services	\$	5,474,800	\$	3,561,670	55641
571	501-606	Training Academy Receipts	\$	71,567	\$	71,567	55642
593	501-618	Laboratory Services	\$	4,277,711	\$	4,469,231	55643
TOTAL GSF		General Services Fund Group	\$	38,158,176	\$	37,976,587	55644
Federal Special Revenue Fund Group							55645
3S1	501-615	Truth-In-Sentencing Grants	\$	22,906,042	\$	23,432,796	55646
323	501-619	Federal Grants	\$	10,246,790	\$	10,246,790	55647
TOTAL FED		Federal Special Revenue Fund Group	\$	33,152,832	\$	33,679,586	55649
Intragovernmental Service Fund Group							55650
148	501-602	Services and Agricultural	\$	95,102,123	\$	98,634,008	55651
200	501-607	Ohio Penal Industries	\$	43,131,254	\$	44,425,724	55652
TOTAL ISF		Intragovernmental Service Fund Group	\$	138,233,377	\$	143,059,732	55654
TOTAL ALL BUDGET FUND GROUPS			\$	1,618,155,522	\$	1,689,307,902	55655
OHIO BUILDING AUTHORITY LEASE PAYMENTS							55656
The foregoing appropriation item 501-406, Lease Rental							55657
Payments, shall be used for payments to the Ohio Building							55658
Authority for the period July 1, 2001, to June 30, 2003, pursuant							55659
to the primary leases and agreements for those buildings made							55660
under Chapter 152. of the Revised Code in the amount of							55661
\$298,882,600, which are the source of funds pledged for bond							55662
service charges on related obligations issued pursuant to Chapter							55663
152. of the Revised Code.							55664
PRISONER COMPENSATION							55665

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Money from the foregoing appropriation item 501-403, Prisoner Compensation, shall be transferred on a quarterly basis by intrastate transfer voucher to Fund 148 for the purposes of paying prisoner compensation.

## CBCF Title XX FUNDS

Not later than July 15, 2001, the Director of Budget and Management shall transfer \$1,800,000 from Fund 3W3, Adult Special Needs, to the General Revenue Fund. Not later than July 15, 2002, the Director of Budget and Management shall transfer \$5,400,000 from Fund 3W3, Adult Special Needs, to the General Revenue Fund.

## INMATE DEVELOPMENT PROGRAM

Of the foregoing appropriation item 503-321, Parole and Community Operations, at least \$30,000 in each fiscal year shall be used for an inmate development program.

## INSTITUTION RECOVERY SERVICES

Of the foregoing appropriation item 507-321, Institution Recovery Services, \$50,000 in each fiscal year shall be used to fund a demonstration project using innovative alcohol and substance abuse treatment methods.

**Section 95.** RSC REHABILITATION SERVICES COMMISSION

## General Revenue Fund

GRF 415-100	Personal Services	\$	8,506,587	\$	8,949,644	55687
GRF 415-401	Personal Care Assistance	\$	943,374	\$	943,374	55688
GRF 415-402	Independent Living Council	\$	398,582	\$	398,582	55689
GRF 415-403	Mental Health Services	\$	754,473	\$	754,473	55690
GRF 415-404	MR/DD Services	\$	1,326,302	\$	1,326,301	55691
GRF 415-405	Vocational Rehabilitation/Job and	\$	564,799	\$	564,799	55692



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		Family Services				
GRF	415-406	Assistive Technology	\$	50,000	\$	50,000 55693
GRF	415-431	Office for People with	\$	246,856	\$	247,746 55694
		Brain Injury				
GRF	415-506	Services for People	\$	11,785,245	\$	12,082,297 55695
		with Disabilities				
GRF	415-508	Services for the Deaf	\$	145,040	\$	145,040 55696
GRF	415-509	Services for the	\$	378,043	\$	378,044 55697
		Elderly				
GRF	415-520	Independent Living	\$	61,078	\$	61,078 55698
		Services				
TOTAL GRF		General Revenue Fund	\$	25,160,379	\$	25,901,378 55699
		General Services Fund Group				55700
4W5	415-606	Administrative	\$	18,775,759	\$	19,649,829 55701
		Expenses				
467	415-609	Business Enterprise	\$	1,585,602	\$	1,493,586 55702
		Operating Expenses				
TOTAL GSF		General Services				55703
		Fund Group	\$	20,361,361	\$	21,143,415 55704
		Federal Special Revenue Fund Group				55705
3L1	415-601	Social Security	\$	3,044,146	\$	3,044,146 55706
		Personal Care				
		Assistance				
3L1	415-605	Social Security	\$	1,100,488	\$	1,100,488 55707
		Community Centers for				
		the Deaf				
3L1	415-607	Social Security	\$	163,596	\$	171,085 55708
		Administration Cost				
3L1	415-608	Social Security	\$	16,949,140	\$	7,309,984 55709
		Special				
		Programs/Assistance				
3L1	415-610	Social Security	\$	1,338,324	\$	1,338,324 55710

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		Vocational					
		Rehabilitation					
3L4	415-612	Federal-Independent	\$	681,726	\$	681,726	55711
		Living Centers or					
		Services					
3L4	415-615	Federal - Supported	\$	1,753,738	\$	1,753,738	55712
		Employment					
3L4	415-617	Independent	\$	1,033,853	\$	1,035,196	55713
		Living/Vocational					
		Rehabilitation					
		Programs					
317	415-620	Disability	\$	68,752,767	\$	71,452,334	55714
		Determination					
379	415-616	Federal-Vocational	\$	107,747,928	\$	110,980,366	55715
		Rehabilitation					
TOTAL FED		Federal Special					55716
Revenue Fund Group			\$	202,565,706	\$	198,867,387	55717
State Special Revenue Fund Group							55718
4L1	415-619	Services for	\$	5,698,621	\$	5,260,262	55719
		Rehabilitation					
468	415-618	Third Party Funding	\$	1,231,465	\$	892,991	55720
TOTAL SSR		State Special					55721
Revenue Fund Group			\$	6,930,086	\$	6,153,253	55722
TOTAL ALL BUDGET FUND GROUPS			\$	255,017,532	\$	252,065,433	55723
		STAND CONCESSIONS FUND - CREDITING OF INCOME					55724
		In crediting interest and other income earned on moneys					55725
		deposited in the Stand Concessions Fund (Fund 467), the Treasurer					55726
		of State and Director of Budget and Management shall ensure that					55727
		the requirements of section 3304.35 of the Revised Code are met.					55728
		PERSONAL CARE ASSISTANCE					55729
		The foregoing appropriation item 415-401, Personal Care					55730
		Assistance, shall be used in addition to Social Security					55731

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reimbursement funds to provide personal care assistance services.	55732
These funds shall not be used in lieu of Social Security	55733
reimbursement funds.	55734
 MR/DD SERVICES	 55735
The foregoing appropriation item 415-404, MR/DD Services,	55736
shall be used as state matching funds to provide vocational	55737
rehabilitation services to mutually eligible clients between the	55738
Rehabilitation Services Commission and the Department of Mental	55739
Retardation and Developmental Disabilities. The Rehabilitation	55740
Services Commission shall report to the Department of Mental	55741
Retardation and Developmental Disabilities, as outlined in an	55742
interagency agreement, on the number and status of mutually	55743
eligible clients and the status of the funds and expenditures for	55744
these clients.	55745
 VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES	 55746
The foregoing appropriation item 415-405, Vocational	55747
Rehabilitation/Job and Family Services, shall be used as state	55748
matching funds to provide vocational rehabilitation services to	55749
mutually eligible clients between the Rehabilitation Services	55750
Commission and the Department of Job and Family Services. The	55751
Rehabilitation Services Commission shall report to the Department	55752
of Job and Family Services, as outlined in an interagency	55753
agreement, on the number and status of mutually eligible clients	55754
and the status of the funds and expenditures for these clients.	55755
 ASSISTIVE TECHNOLOGY	 55756
The foregoing appropriation item 415-406, Assistive	55757
Technology, shall be provided to Assistive Technology of Ohio and	55758
shall be used only to provide grants under that program. No amount	55759
of the appropriation may be used for administrative costs.	55760
 OFFICE FOR PEOPLE WITH BRAIN INJURY	 55761

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Of the foregoing appropriation item 415-431, Office for 55762  
 People with Brain Injury, \$100,000 in each fiscal year shall be 55763  
 used for the state match for a federal grant awarded through the 55764  
 Traumatic Brain Injury Act, Pub. L. No. 104-166, and \$50,000 in 55765  
 fiscal year 2002 and \$50,000 in fiscal year 2003 shall be provided 55766  
 to the Brain Injury Trust Fund. The remaining appropriation in 55767  
 this item shall be used to plan and coordinate head-injury-related 55768  
 services provided by state agencies and other government or 55769  
 private entities, to assess the needs for such services, and to 55770  
 set priorities in this area. 55771

## SERVICES FOR PEOPLE WITH DISABILITIES 55772

On verification of the receipt of revenue in Fund 3W2, Title 55773  
 XX Vocational Rehabilitation, the Director of Budget and 55774  
 Management shall transfer those funds to the General Revenue Fund. 55775  
 The transferred funds are appropriated to appropriation item 55776  
 415-506, Services for People with Disabilities. The foregoing 55777  
 appropriation item 415-506, Services for People with Disabilities, 55778  
 includes transferred funds of \$600,000 in fiscal year 2002 and 55779  
 \$897,052 in fiscal year 2003. 55780

## SERVICES FOR THE DEAF 55781

The foregoing appropriation item 415-508, Services for the 55782  
 Deaf, shall be used to supplement Social Security reimbursement 55783  
 funds used to provide grants to community centers for the deaf. 55784  
 These funds shall not be used in lieu of Social Security 55785  
 reimbursement funds. 55786

## SERVICES FOR THE ELDERLY 55787

The foregoing appropriation item 415-509, Services for the 55788  
 Elderly, shall be used as matching funds for vocational 55789  
 rehabilitation services for eligible elderly citizens with a 55790  
 disability. 55791

## SOCIAL SECURITY REIMBURSEMENT FUNDS 55792

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Reimbursement funds received from the Social Security	55793
Administration, United States Department of Health and Human	55794
Services, for the costs of providing services and training to	55795
return disability recipients to gainful employment, shall be used	55796
in the Social Security Reimbursement Fund (Fund 3L1), as follows:	55797
(A) Appropriation item 415-601, Social Security Personal Care	55798
Assistance, to provide personal care services in accordance with	55799
section 3304.41 of the Revised Code;	55800
(B) Appropriation item 415-605, Social Security Community	55801
Centers for the Deaf, to provide grants to community centers for	55802
the deaf in Ohio for services to individuals with hearing	55803
impairments;	55804
(C) Appropriation item 415-607, Social Security	55805
Administration Cost, to provide administrative services needed to	55806
administer the Social Security reimbursement program;	55807
(D) Appropriation item 415-608, Social Security Special	55808
Programs/Assistance, to provide vocational rehabilitation services	55809
to individuals with severe disabilities, who are Social Security	55810
beneficiaries, to achieve competitive employment. This item also	55811
includes funds to assist the Personal Care Assistance, Community	55812
Centers for the Deaf, and Independent Living Programs to pay their	55813
share of indirect costs as mandated by federal OMB Circular A-87.	55814
(E) Appropriation item 415-610, Social Security Vocational	55815
Rehabilitation, to provide vocational rehabilitation services to	55816
individuals with severe disabilities to achieve a noncompetitive	55817
employment goal such as homemaker.	55818
ADMINISTRATIVE EXPENSES	55819
The foregoing appropriation item 415-606, Administrative	55820
Expenses, shall be used to support the administrative functions of	55821
the commission related to the provision of vocational	55822
rehabilitation, disability determination services, and ancillary	55823

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programs.	55824
INDEPENDENT LIVING COUNCIL	55825
The foregoing appropriation items 415-402, Independent Living	55826
Council, shall be used to fund the operations of the State	55827
Independent Living Council.	55828
MENTAL HEALTH SERVICES	55829
The foregoing appropriation item 415-403, Mental Health	55830
Services, shall be used for the provision of vocational	55831
rehabilitation services to mutually eligible consumers of the	55832
Rehabilitation Services Commission and the Department of Mental	55833
Health.	55834
The Department of Mental Health shall receive a quarterly	55835
report from the Rehabilitation Services Commission stating the	55836
numbers served, numbers placed in employment, average hourly wage,	55837
and average hours worked.	55838
INDEPENDENT LIVING SERVICES	55839
The foregoing appropriation items 415-520, Independent Living	55840
Services, and 415-612, Federal-Independent Living Centers or	55841
Services, shall be used to support state independent living	55842
centers or independent living services pursuant to Title VII of	55843
the Independent Living Services and Centers for Independent Living	55844
of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29	55845
U.S.C. 796d.	55846
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	55847
The foregoing appropriation item 415-617, Independent	55848
Living/Vocational Rehabilitation Programs, shall be used to	55849
support vocational rehabilitation programs, including, but not	55850
limited to, Projects with Industry and Training Grants.	55851
<b>Section 96. RCB RESPIRATORY CARE BOARD</b>	55852

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General Services Fund Group				55853
4K9 872-609 Operating Expenses	\$	287,191	\$ 305,030	55854
TOTAL GSF General Services				55855
Fund Group	\$	287,191	\$ 305,030	55856
TOTAL ALL BUDGET FUND GROUPS	\$	287,191	\$ 305,030	55857
<b>Section 97. REVENUE DISTRIBUTION FUNDS</b>				55859
Volunteer Firefighters' Dependents Fund				55860
085 800-900 Volunteer	\$	200,000	\$ 200,000	55861
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				55862
Dependents Fund	\$	200,000	\$ 200,000	55863
Agency Fund Group				55864
062 110-900 Resort Area Excise Tax	\$	500,000	\$ 500,000	55865
063 110-900 Permissive Tax	\$	1,398,200,000	\$ 1,447,100,000	55866
Distribution				
067 110-900 School District Income	\$	156,800,000	\$ 166,200,000	55867
Tax Fund				
4P8 001-698 Cash Management	\$	2,000,000	\$ 2,000,000	55868
Improvement Fund				
608 001-699 Investment Earnings	\$	406,700,000	\$ 398,300,000	55869
TOTAL AGY Agency Fund Group	\$	1,964,200,000	\$ 2,014,100,000	55870
Holding Account Redistribution				55871
R45 110-617 International Fuel Tax	\$	40,000,000	\$ 41,000,000	55872
Distribution				
TOTAL R45 Holding Account	\$	40,000,000	\$ 41,000,000	55873
Redistribution Fund				
Revenue Distribution Fund Group				55874
049 038-900 Indigent Drivers	\$	2,100,000	\$ 2,300,000	55875
Alcohol Treatment				
050 762-900 International	\$	58,000,000	\$ 65,000,000	55876

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		Registration Plan				
		Distribution				
051	762-901	Auto Registration	\$	490,000,000	\$	515,000,000 55877
		Distribution				
054	110-900	Local Government	\$	43,700,000	\$	88,800,000 55878
		Property Tax				
		Replacement				
060	110-900	Gasoline Excise Tax	\$	116,027,000	\$	118,348,000 55879
		Fund				
064	110-900	Local Government	\$	100,600,000	\$	100,900,000 55880
		Revenue Assistance				
065	110-900	Library/Local	\$	506,700,000	\$	508,100,000 55881
		Government Support				
		Fund				
066	800-900	Undivided Liquor	\$	13,500,000	\$	13,750,000 55882
		Permit Fund				
068	110-900	State/Local Government	\$	233,750,000	\$	238,893,000 55883
		Highway Distribution				
		Fund				
069	110-900	Local Government Fund	\$	718,700,000	\$	720,400,000 55884
082	110-900	Horse Racing Tax	\$	200,000	\$	200,000 55885
083	700-900	Ohio Fairs Fund	\$	3,000,000	\$	3,000,000 55886
		TOTAL RDF Revenue Distribution				55887
		Fund Group	\$	2,286,277,000	\$	2,374,691,000 55888
		TOTAL ALL BUDGET FUND GROUPS	\$	4,290,677,000	\$	4,429,991,000 55889
		ADDITIONAL APPROPRIATIONS				55890
		Appropriation items in this section are to be used for the				55891
		purpose of administering and distributing the designated revenue				55892
		distributions fund according to the Revised Code. If it is				55893
		determined that additional appropriations are necessary, such				55894
		amounts are appropriated.				55895
		<b>Section 98. SAN BOARD OF SANITARIAN REGISTRATION</b>				55896



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General Services Fund Group				55897
4K9 893-609 Operating Expenses	\$	109,512	\$ 115,074	55898
TOTAL GSF General Services				55899
Fund Group	\$	109,512	\$ 115,074	55900
TOTAL ALL BUDGET FUND GROUPS	\$	109,512	\$ 115,074	55901
<b>Section 99.</b> OSB OHIO STATE SCHOOL FOR THE BLIND				55903
General Revenue Fund				55904
GRF 226-100 Personal Services	\$	5,880,065	\$ 6,157,563	55905
GRF 226-200 Maintenance	\$	700,437	\$ 717,948	55906
GRF 226-300 Equipment	\$	139,288	\$ 142,770	55907
TOTAL GRF General Revenue Fund	\$	6,719,790	\$ 7,018,281	55908
General Services Fund Group				55909
4H8 226-602 Education Reform	\$	30,652	\$ 31,476	55910
Grants				
TOTAL GSF General Services				55911
Fund Group	\$	30,652	\$ 31,476	55912
State Special Revenue Fund Group				55913
4M5 226-601 Work Study &	\$	41,854	\$ 42,919	55914
Technology Investments				
TOTAL SSR State Special Revenue				55915
Fund Group	\$	41,854	\$ 42,919	55916
Federal Special Revenue Fund Group				55917
3P5 226-643 Medicaid Professional	\$	125,000	\$ 125,000	55918
Services Reimbursement				
310 226-626 Coordinating Unit	\$	1,274,274	\$ 1,278,475	55919
TOTAL FED Federal Special				55920
Revenue Fund Group	\$	1,399,274	\$ 1,403,475	55921
TOTAL ALL BUDGET FUND GROUPS	\$	8,191,570	\$ 8,496,151	55922
<b>Section 100.</b> OSD OHIO STATE SCHOOL FOR THE DEAF				55924

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General Revenue Fund				55925	
GRF 221-100 Personal Services	\$	7,662,763	\$	8,022,913	55926
GRF 221-200 Maintenance	\$	998,197	\$	1,018,160	55927
GRF 221-300 Equipment	\$	270,867	\$	276,284	55928
TOTAL GRF General Revenue Fund	\$	8,931,827	\$	9,317,357	55929
General Services Fund Group				55930	
4M1 221-602 Education Reform	\$	68,107	\$	70,701	55931
Grants					
TOTAL GSF General Services				55932	
Fund Group	\$	68,107	\$	70,701	55933
State Special Revenue Fund Group				55934	
4M0 221-601 Educational Program	\$	35,320	\$	33,188	55935
Expenses				55936	
5H6 221-609 Even Start Fees &	\$	157,723	\$	122,989	55937
Gifts					
TOTAL SSR State Special Revenue				55938	
Fund Group	\$	193,043	\$	156,177	55939
Federal Special Revenue Fund Group				55940	
3R0 221-684 Medicaid Professional	\$	90,464	\$	111,377	55941
Services Reimbursement				55942	
3U4 221-603 Even Start	\$	125,000	\$	104,625	55943
311 221-625 Coordinating Unit	\$	910,000	\$	933,400	55944
TOTAL FED Federal Special				55945	
Revenue Fund Group	\$	1,125,464	\$	1,149,402	55946
TOTAL ALL BUDGET FUND GROUPS	\$	10,318,441	\$	10,693,637	55947
<b>Section 101. SFC SCHOOL FACILITIES COMMISSION</b>				55949	
General Revenue Fund				55950	
GRF 230-428 Lease Rental Payments	\$	41,645,300	\$	37,654,300	55951
GRF 230-908 Common Schools General	\$	36,418,800	\$	55,336,300	55952
Obligation Debt					
Service					

## Substitute Version as Presented to the Senate Finance and Financial Institutions

TOTAL GRF General Revenue Fund	\$	78,064,100	\$	92,990,600	55953
State Special Revenue Fund Group					55954
5E3 230-644 Operating Expenses	\$	6,096,521	\$	6,409,766	55955
TOTAL SSR State Special Revenue					55956
Fund Group	\$	6,096,521	\$	6,409,766	55957
TOTAL ALL BUDGET FUND GROUPS	\$	84,160,621	\$	99,400,366	55958

**Section 101.01. LEASE RENTAL PAYMENTS** 55960

The foregoing appropriation item 230-428, Lease Rental 55961  
 Payments, shall be used to meet all payments at the times they are 55962  
 required to be made during the period from July 1, 2001, to June 55963  
 30, 2003, by the School Facilities Commission pursuant to leases 55964  
 and agreements made under section 3318.26 of the Revised Code, but 55965  
 limited to the aggregate amount of \$79,299,600. Nothing in this 55966  
 act shall be deemed to contravene the obligation of the state to 55967  
 pay, without necessity for further appropriation, from the sources 55968  
 pledged thereto, the bond service charges on obligations issued 55969  
 pursuant to Chapter 3318. of the Revised Code. 55970

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 55971

The foregoing appropriation item 230-908, Common Schools 55972  
 General Obligation Debt Service, shall be used to pay all debt 55973  
 service and financing costs at the times they are required to be 55974  
 made pursuant to sections 151.01 and 151.03 of the Revised Code 55975  
 during the period from July 1, 2001, to June 30, 2003. The Office 55976  
 of the Sinking Fund or the Director of Budget and Management shall 55977  
 effectuate the required payments by an intrastate transfer 55978  
 voucher. 55979

**OPERATING EXPENSES** 55980

The foregoing appropriation item 230-644, Operating Expenses, 55981  
 shall be used by the Ohio School Facilities Commission to carry 55982  
 out its responsibilities pursuant to this section and Chapter 55983

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3318. of the Revised Code. 55984

Within ten days after the effective date of this section, or 55985  
as soon as possible thereafter, the Executive Director of the Ohio 55986  
School Facilities Commission shall certify to the Director of 55987  
Budget and Management the amount of cash to be transferred from 55988  
the School Building Assistance Fund (Fund 032) or the Public 55989  
School Building Fund (Fund 021) to the Ohio School Facilities 55990  
Commission Fund (Fund 5E3). 55991

By July 10, 2002, the Executive Director of the Ohio School 55992  
Facilities Commission shall certify to the Director of Budget and 55993  
Management the amount of cash to be transferred from the School 55994  
Building Assistance Fund (Fund 032) or the Public School Building 55995  
Fund (Fund 021) to the Ohio School Facilities Commission Fund 55996  
(Fund 5E3). 55997

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 55998

At the request of the Executive Director of the Ohio School 55999  
Facilities Commission, the Director of Budget and Management may 56000  
cancel encumbrances for school district projects from a previous 56001  
biennium if the district has not raised its local share of project 56002  
costs within one year of receiving Controlling Board approval in 56003  
accordance with section 3318.05 of the Revised Code. The Executive 56004  
Director of the Ohio School Facilities Commission shall certify 56005  
the amounts of these canceled encumbrances to the Director of 56006  
Budget and Management on a quarterly basis. The amounts of the 56007  
canceled encumbrances are appropriated. 56008

DISABILITY ACCESS PROJECTS 56009

The unencumbered and unallotted balances as of June 30, 2001, 56010  
in appropriation item 230-649, Disability Access Project, are 56011  
hereby reappropriated. The unencumbered and unallotted balances of 56012  
the appropriation at the end of fiscal year 2002 are hereby 56013  
reappropriated in fiscal year 2003 to fund capital projects 56014

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pursuant to this section. 56015

(A) As used in this section: 56016

(1) "Percentile" means the percentile in which a school 56017  
district is ranked according to the fiscal year 1998 ranking of 56018  
school districts with regard to income and property wealth under 56019  
division (B) of section 3318.011 of the Revised Code. 56020

(2) "School district" means a city, local, or exempted 56021  
village school district, but excluding a school district that is 56022  
one of the state's 21 urban school districts as defined in 56023  
division (O) of section 3317.02 of the Revised Code, as that 56024  
section existed prior to July 1, 1998. 56025

(3) "Valuation per pupil" means a district's total taxable 56026  
value as defined in section 3317.02 of the Revised Code divided by 56027  
the district's ADM as defined in division (A) of section 3317.02 56028  
of the Revised Code as that section existed prior to July 1, 1998. 56029

(B) The School Facilities Commission shall adopt rules for 56030  
awarding grants to school districts with a valuation per pupil of 56031  
less than \$200,000, to be used for construction, reconstruction, 56032  
or renovation projects in classroom facilities, the purpose of 56033  
which is to improve access to such facilities by physically 56034  
handicapped persons. The rules shall include application 56035  
procedures. No school district shall be awarded a grant under this 56036  
section in excess of \$100,000. In addition, any school district 56037  
shall be required to pay a percentage of the cost of the project 56038  
or which the grant is being awarded equal to the percentile in 56039  
which the district is ranked. 56040

(C) The School Facilities Commission is hereby authorized to 56041  
transfer a portion of appropriation item CAP-622, Public School 56042  
Buildings, contained in Am. Sub. H.B. No. 283 of the 123rd General 56043  
Assembly, to CAP-777, Disability Access Projects, to provide funds 56044  
to make payments resulting from the approval of applications for 56045

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disability access grants received prior to January 1, 1999. The 56046  
amounts transferred are appropriated. 56047

**Section 101.02.** In fiscal year 2002, the Director of Budget 56048  
and Management shall deposit into the Community School Classroom 56049  
Facilities Loan Guarantee Fund, established under section 3318.52 56050  
of the Revised Code, not less than ten million dollars from the 56051  
moneys that have been appropriated to the Ohio School Facilities 56052  
Commission for capital projects. The moneys so deposited shall be 56053  
used by the Commission to guarantee loans to community schools 56054  
under section 3318.50 of the Revised Code. 56055

**Section 102.** NET OHIO SCHOOLNET COMMISSION 56056

General Revenue Fund 56057

GRF 228-404	Operating Expenses	\$	7,255,189	\$	7,117,741	56058
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GRF 228-406	Technical and	\$	10,475,898	\$	10,172,630	56059
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Instructional

Professional

Development

GRF 228-539	Education Technology	\$	6,161,096	\$	5,910,596	56060
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Total GRF	General Revenue Fund	\$	23,892,183	\$	23,200,967	56061
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General Services Fund Group 56062

5D4 228-640	Conference/Special	\$	510,700	\$	521,382	56063
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Purpose Expenses

TOTAL GSF General Services 56064

Fund Group	\$	510,700	\$	521,382	56065
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State Special Revenue Fund Group 56066

4W9 228-630	Ohio SchoolNet	\$	547,615	\$	447,615	56067
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Telecommunity Fund

4X1 228-634	Distance Learning	\$	2,930,000	\$	2,930,000	56068
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TOTAL SSR State Special Revenue 56069

Fund Group	\$	3,477,615	\$	3,377,615	56070
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Federal Special Revenue Fund Group				56071
3S3 228-655 Technology Literacy	\$	15,918,780	\$	15,918,780
Challenge				56072
TOTAL FED Federal Special Revenue				56073
Fund Group	\$	15,918,780	\$	15,918,780
TOTAL ALL BUDGET FUND GROUPS	\$	43,799,278	\$	43,018,744

**Section 102.01.** TECHNICAL AND INSTRUCTIONAL PROFESSIONAL DEVELOPMENT 56077  
 DEVELOPMENT 56078

The foregoing appropriation item 228-406, Technical and Instructional Professional Development, shall be used by the Ohio SchoolNet Commission to make grants to qualifying schools, including the State School for the Blind and the Ohio School for the Deaf, for the provision of hardware, software, telecommunications services, and staff development to support educational uses of technology in the classroom. 56079  
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The Ohio SchoolNet Commission shall consider the professional development needs associated with the OhioReads Program when making funding allocations and program decisions. 56086  
 56087  
 56088

The Ohio Educational Telecommunications Network Commission, with the advice of the Ohio SchoolNet Commission, shall make grants totaling up to \$1,400,000 in each year of the biennium for research development and production of interactive instructional programming series and teleconferences to support SchoolNet. Up to \$55,000 of this amount shall be used in each year of the biennium to provide for the administration of these activities by the Ohio Educational Telecommunications Network Commission. The programming shall be targeted to the needs of the poorest 200 school districts as determined by the district's adjusted valuation per pupil as defined in section 3317.0213 of the Revised Code. 56089  
 56090  
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Of the foregoing appropriation item 228-406, Technical and 56100  
 56101

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Instructional Professional Development, \$2,900,000 in each fiscal year shall be distributed by the Ohio SchoolNet Commission to low-wealth districts or consortia including low-wealth school 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.

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.

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.

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.

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.



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Application for grants from this appropriation in 56134  
 appropriation item 228-406, Technical and Instructional 56135  
 Professional Development, shall be consistent with a school 56136  
 district's technology plan that shall meet the minimum 56137  
 specifications for school district technology plans as prescribed 56138  
 by the Ohio SchoolNet Commission. Funds allocated through these 56139  
 grants may be combined with funds received through other state or 56140  
 federal grants for technology so long as the school district's 56141  
 technology plan specifies the use of these funds. The commission 56142  
 may combine the application for these grants with the SchoolNet 56143  
 application process authorized in Am. Sub. H.B. 790 of the 120th 56144  
 General Assembly. 56145

## EDUCATION TECHNOLOGY 56146

The foregoing appropriation item 228-539, Education 56147  
 Technology, shall be used to provide funding to suppliers of 56148  
 information services to school districts for the provision of 56149  
 hardware, software, and staff development in support of 56150  
 educational uses of technology in the classroom as prescribed by 56151  
 the State Plan for Technology pursuant to section 3301.07 of the 56152  
 Revised Code, and to support assistive technology for children and 56153  
 youth with disabilities. 56154

Up to \$5,200,000 in each fiscal year shall be used by the 56155  
 Ohio SchoolNet Commission to contract with instructional 56156  
 television, and \$850,000 in fiscal year 2002, and \$840,000 in 56157  
 fiscal year 2003 shall be used by the commission to contract with 56158  
 education media centers to provide Ohio schools with instructional 56159  
 resources and services. 56160

Resources may include, but not be limited to, the following: 56161  
 pre-recorded video materials (including videotape, laser discs, 56162  
 and CD-ROM discs); computer software for student use or student 56163  
 access to electronic communication, databases, spreadsheet, and 56164  
 word processing capability; live student courses or courses 56165

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delivered electronically; automated media systems; and 56166  
instructional and professional development materials for teachers. 56167  
The commission shall cooperate with education technology agencies 56168  
in the acquisition, development, and delivery of such educational 56169  
resources to ensure high-quality and educational soundness at the 56170  
lowest possible cost. Delivery of such resources may utilize a 56171  
variety of technologies, with preference given to a high-speed 56172  
integrated information network that can transport video, voice, 56173  
data, and graphics simultaneously. 56174

Services shall include presentations and technical assistance 56175  
that will help students and teachers integrate educational 56176  
materials that support curriculum objectives, match specific 56177  
learning styles, and are appropriate for individual interests and 56178  
ability levels. 56179

Such instructional resources and services shall be made 56180  
available for purchase by chartered nonpublic schools or by public 56181  
school districts for the benefit of pupils attending chartered 56182  
nonpublic schools. 56183

## DISTANCE LEARNING 56184

Appropriation item 228-634, Distance Learning, shall be 56185  
distributed by the Ohio SchoolNet Commission on a grant basis to 56186  
eligible school districts to establish "distance learning" in the 56187  
school district. Per the agreement with Ameritech, school 56188  
districts are eligible for funds if they are within an Ameritech 56189  
service area. Funds to administer the program shall be expended by 56190  
the commission up to the amount specified in the agreement with 56191  
Ameritech. 56192

Within 30 days after the effective date of this section, the 56193  
Director of Budget and Management shall transfer to fund 4X1 in 56194  
the State Special Revenue Fund Group any investment earnings from 56195  
moneys paid to the office or to the SchoolNet Commission by any 56196

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telephone company as part of a settlement agreement between the	56197
company and the Public Utilities Commission in fiscal year 1995.	56198
 ELECTRICAL INFRASTRUCTURE	 56199
The unencumbered and unallotted balances of June 30, 2001, in	56200
appropriation item 228-690, SchoolNet Electrical Infrastructure,	56201
are reappropriated to fund projects pursuant to this section. The	56202
foregoing appropriation item may be distributed by the Ohio	56203
SchoolNet Commission for use by school districts to renovate	56204
existing buildings with sufficient electrical service to safely	56205
operate educational technology consistent with their SchoolNet and	56206
SchoolNet Plus technology plans. The Executive Director of the	56207
Ohio SchoolNet Commission shall review grant proposals from school	56208
districts for the use of these funds. In evaluating grant	56209
proposals, the executive director shall consider the ability and	56210
commitment of school districts to contribute local public and	56211
private resources to upgrade their electrical service and shall	56212
give consideration to consortia of school districts that have	56213
formed to optimize resources to upgrade electrical service. In no	56214
case shall grant awards exceed \$1,000,000 for a single school	56215
district. Funding recommendations for this appropriation made by	56216
the executive director are subject to the review of the Ohio	56217
SchoolNet Commission.	56218
 <b>Section 102.02.</b> TOBACCO SETTLEMENT EDUCATION TECHNOLOGIES	 56219
TRUST FUND	56220
All funds from the Tobacco Settlement Education Technologies	56221
Trust Fund are hereby dedicated to the Ohio SchoolNet Commission.	56222
Existing balances in the fund and additional revenue deposited	56223
prior to June 30, 2003, are hereby appropriated to be used by the	56224
SchoolNet Commission for grants to school districts and other	56225
entities, and for the costs of administering these grants. Of the	56226
total amount for grants, \$1,841,655 in fiscal year 2002 and	56227

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\$1,917,293 in fiscal year 2003 shall be used for the Ohio ONEnet project, \$865,950 in fiscal year 2002 and \$909,247 in fiscal year 2003 shall be used for the INFOhio Network, \$313,500 in fiscal year 2002 and \$298,750 in fiscal year 2003 shall be used for the JASON Project, \$1,000,000 in each fiscal year shall be used for RISE Learning Solutions, and \$200,000 in each fiscal year shall be used for the Stark County School Teacher Technical Training Center. The remaining amount for grants shall be made to school districts.

The ONEnet Ohio Project is designed 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.

The INFOhio Network is a network of library resources to support the provision of electronic resources to all public schools with preference given to elementary schools. Consideration should be given to coordinating the allocation of these moneys with the efforts of OhioLINK and the Ohio Public Information Network.

The JASON Project shall provide funding for statewide access and a 75% subsidy for statewide licensing of JASON content for 90,000 middle school students statewide, and professional development for teachers participating in the program.

It is the intent of the General Assembly that the SchoolNet Commission, in conjunction with RISE Learning Solutions, shall develop a program that may be conducted in conjunction with state-supported technology programs including, but not limited to, SchoolNet Commission appropriation item 228-406, Technical and Instructional Professional Development, and appropriation item 228-539, Education Technology, designed to educate preschool staff members and providers on developmentally appropriate teaching methods, behavior guidance, and literacy and to involve parents

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more closely in the education and development of their children. 56260  
The project shall include an interactive instructional program, 56261  
delivered using satellite television, Internet, and with 56262  
facilitation, which shall be distributed to program participants 56263  
using the established satellite receiver dishes on public schools, 56264  
Head Start centers, and childcare centers at up to 100 locations 56265  
throughout the state. The interactive instructional program shall 56266  
be developed to enhance the professional development, training, 56267  
and performance of preschool staff members; the education and 56268  
care-giving skills of the parents of preschool children; and the 56269  
preparation of preschool-aged children for learning. 56270

The project shall utilize the grant to continue a 56271  
direct-service program that shall include at least three 56272  
teleconferences that may be distributed by Ohio-based public 56273  
television utilizing satellite or microwave technology in a manner 56274  
designed to promote interactive communications between the program 56275  
participants located at sub-sites within the Ohio Educational 56276  
Broadcast Network or as determined by the commission. Program 56277  
participants shall communicate with trainers and participants at 56278  
other program sites through telecommunications and facsimile and 56279  
on-line computer technology. As much as possible, the project 56280  
shall utilize systems currently available in state-supported 56281  
technology programs and conduct the program in a manner that 56282  
promotes innovative, interactive communications between program 56283  
participants at all the sites. Parent support groups and teacher 56284  
training sessions shall supplement the teleconferences and shall 56285  
occur on a local basis. 56286

RISE Learning Solutions may subcontract components of the 56287  
project. 56288

Individuals eligible to participate in the program include 56289  
those children, their parents, custodians, or guardians, and 56290  
preschool staff members who are eligible to participate in a 56291

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preschool program as defined in division (A) of section 3301.52 56292  
and section 5104.02 of the Revised Code. 56293

The programs, including two to be developed in support of 56294  
teacher proficiency in teaching reading to prekindergarten and 56295  
kindergarten to third grade students, at the direction of the 56296  
Department, may include: two three-hour broadcast seminars from a 56297  
central up-link station, distributed in up to 88 counties; high 56298  
production-value video sought in various locations; and direct 56299  
interactive adult learning activities. The program shall develop 56300  
program workbooks and involve at least three small 56301  
group-facilitated follow-up discussion workshops and development 56302  
and distribution of at least two home videos. The program shall 56303  
also provide Internet access, interactive lines, bulletin board, 56304  
and CD-ROM. 56305

Upon completion of each of the school years for which the 56306  
grant was made, RISE Learning Solutions shall issue a report to 56307  
the commission and the members of the General Assembly explaining 56308  
the goals and objectives determined, the activities implemented, 56309  
the progress made toward the achievement of the goals and 56310  
objectives, and the outcome of the project. 56311

Not later than August 30, 2001, after the approval of the 56312  
Director of Budget and Management, the SchoolNet Commission shall 56313  
submit a budget for the expected appropriations from the Tobacco 56314  
Settlement Education Technologies Trust Fund to the Controlling 56315  
Board. The SchoolNet Commission shall demonstrate to the 56316  
Controlling Board how the Commission's other funding provided by 56317  
this act works with these additional appropriations. 56318

In the event that the funds in the Tobacco Settlement 56319  
Education Technologies Trust Fund are not sufficient to cover the 56320  
appropriations for the specific projects listed in this section, 56321  
spending on every project shall be reduced proportionately. 56322

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**Section 102.03.** There is hereby created the Ohio Schools Technology Implementation Task Force. The Task Force shall develop recommendations based upon the findings from the Independent Review and Strategic Plan authorized to be completed in divisions (A)(3) and (4) of Section 11 of Am. Sub. H.B. 282 of the 123rd General Assembly, for a comprehensive framework for coordinating the planning and implementation of technology in Ohio schools. The Task Force shall examine and make long-term recommendations for technology funding for Ohio's primary and secondary schools as well as for the operational costs of the Ohio SchoolNet Commission.

The Task Force shall be composed of six voting members, three of whom shall be members of the Senate appointed by the President of the Senate and three of whom shall be members of the House of Representatives appointed by the Speaker of the House of Representatives. Not more than two members from each house shall be members of the same political party. From among these six voting members, the President of the Senate and the Speaker of the House of Representatives jointly shall appoint a chairperson of the Task Force. The Task Force shall include as ex officio nonvoting members the Superintendent of Public Instruction or the Superintendent's designee, the Director of Budget and Management or the Director's designee, the Director of Administrative Services or the Director's designee, the Executive Director of the Ohio SchoolNet Commission or the Executive Director's designee, a representative designated by the head of the Ohio Education Computer Network, a representative designated by the Chairperson of the Public Utilities Commission of Ohio, a representative appointed by the Chairperson of the Ohio Educational Telecommunications Network Commission, a representative of Ohio's business community appointed by the President of the Senate, and a representative from an educational service center appointed by the

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Speaker of the House of Representatives. The voting members may, 56355  
 by majority vote, elect to include any number of additional 56356  
 nonvoting members. 56357

The Legislative Service Commission shall provide any staffing 56358  
 assistance requested by the Task Force. The Task Force shall issue 56359  
 a report not later than December 1, 2002. Upon issuing its report, 56360  
 the Task Force shall cease to exist. 56361

**Section 103. SOS SECRETARY OF STATE** 56362

General Revenue Fund 56363

GRF 050-321 Operating Expenses \$ 3,300,000 \$ 3,300,000 56364

GRF 050-403 Election Statistics \$ 146,963 \$ 154,882 56365

GRF 050-407 Pollworkers Training \$ 231,400 \$ 327,600 56366

GRF 050-409 Litigation \$ 26,210 \$ 27,622 56367

## Expenditures

TOTAL GRF General Revenue Fund \$ 3,704,573 \$ 3,810,104 56368

General Services Fund Group 56369

4S8 050-610 Board of Voting \$ 7,200 \$ 7,200 56370

## Machine Examiners

412 050-607 Notary Commission \$ 166,284 \$ 171,273 56371

413 050-601 Information Systems \$ 153,300 \$ 157,133 56372

414 050-602 Citizen Education Fund \$ 80,000 \$ 70,000 56373

TOTAL General Services Fund Group \$ 406,784 \$ 405,606 56374

State Special Revenue Fund Group 56375

5N9 050-607 Technology \$ 120,000 \$ 121,000 56376

## Improvements

599 050-603 Business Services \$ 11,880,000 \$ 11,979,000 56377

## Operating Expenses

TOTAL SSR State Special Revenue 56378

Fund Group \$ 12,000,000 \$ 12,100,000 56379

Holding Account Redistribution Fund Group 56380



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R01	050-605	Uniform Commercial Code Refunds	\$	65,000	\$	65,000	56381
R02	050-606	Corporate/Business Filing Refunds	\$	185,000	\$	185,000	56382
TOTAL	090	Holding Account					56383
		Redistribution Fund Group	\$	250,000	\$	250,000	56384
TOTAL	ALL BUDGET FUND GROUPS		\$	16,361,357	\$	16,565,710	56385
		BOARD OF VOTING MACHINE EXAMINERS					56386
		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 returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are appropriated.					56387 56388 56389 56390 56391 56392 56393 56394 56395
		HOLDING ACCOUNT REDISTRIBUTION GROUP					56396
		The foregoing appropriation items 050-605 and 050-606, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are appropriated.					56397 56398 56399 56400 56401
		<b>Section 104.</b> SEN THE OHIO SENATE					56402
		General Revenue Fund					56403
GRF	020-321	Operating Expenses	\$	11,199,045	\$	11,199,045	56404
TOTAL	GRF	General Revenue Fund	\$	11,199,045	\$	11,199,045	56405
		General Services Fund Group					56406
102	020-602	Senate Reimbursement	\$	402,744	\$	402,744	56407
409	020-601	Miscellaneous Sales	\$	30,980	\$	30,980	56408

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TOTAL GSF General Services				56409
Fund Group	\$	433,724	\$ 433,724	56410
TOTAL ALL BUDGET FUND GROUPS	\$	11,632,769	\$ 11,632,769	56411
 <b>Section 105. CSF COMMISSIONERS OF THE SINKING FUND</b>				56413
Debt Service Fund Group				56414
071 155-901 Highway Obligations	\$	49,614,300	\$ 47,572,500	56415
Bond Retirement Fund				
072 155-902 Highway Capital	\$	137,730,500	\$ 152,120,700	56416
Improvements Bond				
Retirement Fund				
073 155-903 Natural Resources Bond	\$	19,001,100	\$ 22,101,900	56417
Retirement				
076 155-906 Coal Research and	\$	8,971,700	\$ 9,420,300	56418
Development Bond				
Retirement Fund				
077 155-907 State Capital	\$	135,693,200	\$ 146,210,200	56419
Improvements Bond				
Retirement Fund				
078 155-908 Common Schools Capital	\$	36,418,800	\$ 55,336,300	56420
Facilities Bond				
Retirement Fund				
079 155-909 Higher Education	\$	50,055,100	\$ 74,344,100	56421
Capital Facilities				
Bond Retirement Fund				
TOTAL DSF Debt Service Fund Group	\$	437,484,700	\$ 507,106,000	56422
TOTAL ALL BUDGET FUND GROUPS	\$	437,484,700	\$ 507,106,000	56423
 ADDITIONAL APPROPRIATIONS				56424
Appropriation items in this section are for the purpose of				56425
paying debt service and financing costs on bonds or notes of the				56426
state issued pursuant to the Ohio Constitution and acts of the				56427
General Assembly. If it is determined that additional				56428

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appropriations are necessary, such amounts are appropriated.				56429
<b>Section 106. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY</b>				56430
			<b>&amp; AUDIOLOGY</b>	56431
General Services Fund Group				56432
4K9 886-609 Operating Expenses	\$	352,727	\$ 372,348	56433
TOTAL GSF General Services				56434
Fund Group	\$	352,727	\$ 372,348	56435
TOTAL ALL BUDGET FUND GROUPS	\$	352,727	\$ 372,348	56436
<b>Section 107. BTA BOARD OF TAX APPEALS</b>				56438
General Revenue Fund				56439
GRF 116-321 Operating Expenses	\$	2,499,741	\$ 2,569,734	56440
TOTAL GRF General Revenue Fund	\$	2,499,741	\$ 2,569,734	56441
General Services Fund Group				56442
439 116-602 Reproduction of	\$	7,500	\$ 7,500	56443
Decisions				
TOTAL GSF General Services				56444
Fund Group	\$	7,500	\$ 7,500	56445
TOTAL ALL BUDGET FUND GROUPS	\$	2,507,241	\$ 2,577,234	56446
<b>Section 108. TAX DEPARTMENT OF TAXATION</b>				56448
General Revenue Fund				56449
GRF 110-321 Operating Expenses	\$	87,611,076	\$ 89,566,509	56450
GRF 110-412 Child Support	\$	92,939	\$ 90,006	56451
Administration				
GRF 110-901 Property Tax	\$	380,200,000	\$ 399,300,000	56452
Allocation - Taxation				
GRF 110-906 Tangible Tax Exemption	\$	30,000,000	\$ 30,900,000	56453
- Taxation				
TOTAL GRF General Revenue Fund	\$	497,904,015	\$ 519,856,515	56454

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Agency Fund Group				56455
425 110-635 Tax Refunds	\$	860,000,000	\$ 875,000,000	56456
TOTAL AGY Agency Fund Group	\$	860,000,000	\$ 875,000,000	56457
General Services Fund Group				56458
433 110-602 Tape File Account	\$	92,082	\$ 96,165	56459
TOTAL GSF General Services				56460
Fund Group	\$	92,082	\$ 96,165	56461
State Special Revenue Fund Group				56462
4C6 110-616 International	\$	669,561	\$ 706,855	56463
Registration Plan				
4R6 110-610 Tire Tax	\$	65,000	\$ 65,000	56464
Administration				
435 110-607 Local Tax	\$	29,517,404	\$ 24,189,026	56465
Administration				
436 110-608 Motor Vehicle Audit	\$	1,687,249	\$ 1,600,000	56466
437 110-606 Litter Tax and Natural	\$	594,726	\$ 625,232	56467
Resource Tax				
Administration				
438 110-609 School District Income	\$	2,873,446	\$ 2,599,999	56468
Tax				
5N6 110-618 Kilowatt Hour Tax	\$	85,000	\$ 85,000	56469
Administration				
5N7 110-619 Municipal Internet	\$	10,000	\$ 10,000	56470
Site				
639 110-614 Cigarette Tax	\$	161,168	\$ 168,925	56471
Enforcement				
642 110-613 Ohio Political Party	\$	800,000	\$ 800,000	56472
Distributions				
688 110-615 Local Excise Tax	\$	300,000	\$ 300,000	56473
Administration				
TOTAL SSR State Special Revenue				56474
Fund Group	\$	36,763,554	\$ 31,150,037	56475

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Federal Special Revenue Fund Group				56476
3J6 110-601 Motor Fuel Compliance	\$	33,000	\$ 33,000	56477
TOTAL FED Federal Special Revenue				56478
Fund Group	\$	33,000	\$ 33,000	56479
Holding Account Redistribution Fund Group				56480
R10 110-611 Tax Distributions	\$	2,000	\$ 2,000	56481
R11 110-612 Miscellaneous Income	\$	5,000	\$ 5,000	56482
Tax Receipts				
TOTAL 090 Holding Account				56483
Redistribution Fund Group	\$	7,000	\$ 7,000	56484
TOTAL ALL BUDGET FUND GROUPS	\$	1,394,799,651	\$ 1,426,142,717	56485
LITTER CONTROL TAX ADMINISTRATION FUND				56486
Notwithstanding section 5733.12 of the Revised Code, during				56487
the period from July 1, 2001, to June 30, 2002, the amount of				56488
\$594,726, and during the period from July 1, 2002, to June 30,				56489
2003, the amount of \$625,232, received by the Treasurer of State				56490
under Chapter 5733. of the Revised Code, shall be credited to the				56491
Litter Control Tax Administration Fund (Fund 437).				56492
INTERNATIONAL REGISTRATION PLAN AUDIT				56493
The foregoing appropriation item 110-616, International				56494
Registration Plan, shall be used pursuant to section 5703.12 of				56495
the Revised Code for audits of persons with vehicles registered				56496
under the International Registration Plan.				56497
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLEBACK, AND TANGIBLE TAX				56498
EXEMPTION				56499
The foregoing appropriation item 110-901, Property Tax				56500
Allocation - Taxation, is appropriated to pay for the state's				56501
costs incurred due to the Homestead Exemption, the Manufactured				56502
Home Property Tax Rollback, and the Property Tax Rollback. The Tax				56503
Commissioner shall distribute these funds directly to the				56504
appropriate local taxing districts of the state, except for school				56505

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districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

The foregoing appropriation item 110-906, Tangible Tax Exemption - Taxation, is appropriated to pay for the state's costs incurred due to the tangible personal property tax exemption required by division (C)(3) of section 5709.01 of the Revised Code. The Tax Commissioner shall distribute to each county treasurer the total amount certified by the county treasurer pursuant to section 319.311 of the Revised Code for all local taxing districts located in the county except for school districts, notwithstanding the provision in section 319.311 of the Revised Code which provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county including school districts. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Tax Commissioner among the appropriate local taxing districts except for school districts.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax

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Allocation - Taxation, for the Homestead Exemption, the  
 Manufactured Home Property Tax Rollback, and the Property Tax  
 Rollback payments, and 110-906, Tangible Tax Exemption, for the  
 \$10,000 tangible personal property tax exemption payments, which  
 are determined to be necessary for these purposes, are  
 appropriated.

## TAX REFUNDS

The foregoing appropriation item 110-635, Tax Refunds, shall  
 be used to pay refunds as provided in section 5703.052 of the  
 Revised Code. If it is determined that additional appropriations  
 are necessary, such amounts are appropriated.

**Section 109.** DOT DEPARTMENT OF TRANSPORTATION

## Transportation Modes

## General Revenue Fund

GRF 775-451	Public Transportation	\$	24,000,000	\$	24,000,000	56552
	- State					
GRF 775-453	Waterfront Line Lease	\$	1,786,000	\$	0	56553
	Payments - State					
GRF 775-458	Elderly and Disabled	\$	3,364,000	\$	3,364,000	56554
	Fare Assistance					
GRF 776-465	Ohio Rail Development	\$	5,000,000	\$	5,000,000	56555
	Commission					
GRF 776-466	Railroad Crossing and	\$	1,000,000	\$	1,000,000	56556
	Grade Separation					
GRF 777-471	Airport Improvements -	\$	3,409,876	\$	3,000,576	56557
	State					
GRF 777-473	Rickenbacker Lease	\$	600,000	\$	600,000	56558
	Payments - State					
TOTAL GRF	General Revenue Fund	\$	39,159,876	\$	36,964,576	56559
	Federal Special Revenue Fund Group					56560
3B9 776-662	Rail Transportation -	\$	600,000	\$	600,000	56561

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Federal

TOTAL FSR Federal Special Revenue				56562
Fund Group	\$	600,000	\$ 600,000	56563
State Special Revenue Fund Group				56564
4N4 776-663 Panhandle Lease	\$	770,000	\$ 770,000	56565
Reserve Payments				
4N4 776-664 Rail Transportation -	\$	850,720	\$ 1,745,000	56566
Other				
TOTAL SSR State Special Revenue				56567
Fund Group	\$	1,620,720	\$ 2,515,000	56568
TOTAL ALL BUDGET FUND GROUPS	\$	41,380,596	\$ 40,079,576	56569

AVIATION LEASE PAYMENTS 56570

The foregoing appropriation item 777-473, Rickenbacker Lease 56571  
 Payments - State, shall be used to meet scheduled payments for the 56572  
 Rickenbacker Port Authority. The Director of Transportation shall 56573  
 certify to the Director of Budget and Management any 56574  
 appropriations in appropriation item 777-473, Rickenbacker Lease 56575  
 Payments - State, that are not needed to make lease payments for 56576  
 the Rickenbacker Port Authority. Notwithstanding section 127.14 of 56577  
 the Revised Code, the amount certified may be transferred by the 56578  
 Director of Budget and Management to appropriation item 777-471, 56579  
 Airport Improvements - State. 56580

TRANSFER OF APPROPRIATIONS - PUBLIC TRANSPORTATION 56581

The Director of Budget and Management may approve requests 56582  
 from the Department of Transportation for the transfer of 56583  
 appropriations between appropriation item 775-451, Public 56584  
 Transportation - State, and appropriation item 775-458, Elderly 56585  
 and Disabled Fare Assistance. Transfers between appropriation 56586  
 items shall be made upon the written request of the Director of 56587  
 Transportation and with the approval of the Director of Budget and 56588  
 Management. Such transfers shall be reported to the Controlling 56589  
 Board. 56590



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RAILROAD CROSSING AND GRADE SEPARATION				56591	
The foregoing appropriation item 776-466, Railroad Crossing				56592	
and Grade Separation, shall be used to fund the Rail Crossing				56593	
Safety Initiative, which will provide improvements to communities				56594	
most affected by rail traffic and related issues.				56595	
AIRPORT IMPROVEMENTS - STATE				56596	
Of the foregoing appropriation item 777-471, Airport				56597	
Improvements - State, \$500,000 in fiscal year 2002 shall be used				56598	
for the Lorain County Airport.				56599	
<b>Section 110. TOS TREASURER OF STATE</b>				56600	
General Revenue Fund				56601	
GRF 090-321 Operating Expenses	\$	10,510,560	\$	12,717,120	56602
GRF 090-401 Office of the Sinking	\$	596,736	\$	614,640	56603
Fund				56604	
GRF 090-402 Continuing Education	\$	460,150	\$	513,600	56605
GRF 090-524 Police and Fire	\$	43,000	\$	40,000	56606
Disability Pension				56607	
GRF 090-534 Police & Fire Ad Hoc	\$	280,000	\$	260,000	56608
Cost					
of Living				56609	
GRF 090-544 Police and Fire State	\$	1,200,000	\$	1,200,000	56610
Contribution				56611	
GRF 090-554 Police and Fire	\$	1,550,000	\$	1,500,000	56612
Survivor					
Benefits				56613	
GRF 090-575 Police and Fire Death	\$	23,000,000	\$	24,000,000	56614
Benefits				56615	
TOTAL GRF General Revenue Fund	\$	37,640,446	\$	40,845,360	56616
Agency Fund Group				56617	
425 090-635 Tax Refunds	\$	655,000,000	\$	675,000,000	56618
TOTAL Agency Fund Group	\$	655,000,000	\$	675,000,000	56619

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General Services Fund Group				56620
182 090-608 Financial Planning	\$	12,944	\$ 13,682	56621
Commissions				56622
4E9 090-603 Securities Lending	\$	3,773,177	\$ 970,000	56623
Income				
4NO 090-611 Treasury Education	\$	27,500	\$ 27,500	56624
577 090-605 Investment Pool	\$	662,000	\$ 600,000	56625
Reimbursement				56626
605 090-609 Treasurer of State	\$	760,000	\$ 1,270,000	56627
Administrative Fund				56628
TOTAL GSF General Services				56629
Fund Group	\$	5,235,621	\$ 2,881,182	56630
State Special Revenue Fund Group				56631
5C5 090-602 County Treasurer	\$	92,000	\$ 88,000	56632
Education				
TOTAL SSR State Special Revenue				56633
Fund Group	\$	92,000	\$ 88,000	56634
TOTAL ALL BUDGET FUND GROUPS	\$	697,968,067	\$ 718,814,542	56635

**Section 110.01. OFFICE OF THE SINKING FUND** 56637

The foregoing appropriation item 090-401, Office of the Sinking Fund, shall be used for financing and other costs incurred by or on behalf of the Commissioners of the Sinking Fund, the Ohio Public Facilities Commission or its secretary, or the Treasurer of State, with respect to State of Ohio general obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual

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amounts used. The amounts necessary to make such reimbursements 56650  
 are appropriated from the general obligation bond retirement funds 56651  
 created by the Constitution and laws to the extent such costs are 56652  
 incurred. 56653

**Section 110.02.** POLICE AND FIRE DEATH BENEFIT FUND 56654

The foregoing appropriation item 090-575, Police and Fire 56655  
 Death Benefits, shall be disbursed annually by the Treasurer of 56656  
 State at the beginning of each fiscal year to the Board of 56657  
 Trustees of the Ohio Police and Fire Pension Fund. By the 56658  
 twentieth day of June of each year, the Board of Trustees of the 56659  
 Ohio Police and Fire Pension Fund shall certify to the Treasurer 56660  
 of State the amount disbursed in the current fiscal year to make 56661  
 the payments required by section 742.63 of the Revised Code and 56662  
 shall return to the Treasurer of State moneys received from this 56663  
 item but not disbursed. 56664

**Section 111.** UST PETROLEUM UNDERGROUND STORAGE TANK 56665

RELEASE COMPENSATION BOARD 56666

State Special Revenue Fund Group				56667	
691 810-632 PUSTRCB Staff	\$	1,011,437	\$	1,075,158	56668
TOTAL SSR State Special Revenue					56669
Fund Group	\$	1,011,437	\$	1,075,158	56670
TOTAL ALL BUDGET FUND GROUPS	\$	1,011,437	\$	1,075,158	56671

**Section 112.** TTA OHIO TUITION TRUST AUTHORITY 56673

State Special Revenue Fund Group				56674	
645 095-601 Operating Expenses	\$	4,630,385	\$	4,734,800	56675
TOTAL SSR State Special Revenue					56676
Fund Group	\$	4,630,385	\$	4,734,800	56677
TOTAL ALL BUDGET FUND GROUPS	\$	4,630,385	\$	4,734,800	56678

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<b>Section 113. OVH OHIO VETERANS' HOME</b>				56680
General Revenue Fund				56681
GRF 430-100	Personal Services	\$ 14,019,975	\$ 14,954,831	56682
GRF 430-200	Maintenance	\$ 5,099,666	\$ 5,199,159	56683
TOTAL GRF General Revenue Fund				56684
Federal Special Revenue Fund Group				56685
3L2 430-601	Federal Grants	\$ 9,823,259	\$ 10,059,342	56686
TOTAL FED Federal Special Revenue				56687
Fund Group				56688
State Special Revenue Fund Group				56689
4E2 430-602	Veterans Home	\$ 5,288,525	\$ 5,583,806	56690
Operating				
484 430-603	Rental and Service	\$ 457,060	\$ 509,737	56691
Revenue				
604 430-604	Veterans Home	\$ 725,699	\$ 670,096	56692
Improvement				
TOTAL SSR State Special Revenue				56693
Fund Group				56694
TOTAL ALL BUDGET FUND GROUPS				56695
<b>Section 114. VET VETERANS' ORGANIZATIONS</b>				56697
General Revenue Fund				56698
VAP AMERICAN EX-PRISONERS OF WAR				56699
GRF 743-501	State Support	\$ 25,030	\$ 25,030	56700
VAN ARMY AND NAVY UNION, USA, INC.				56701
GRF 746-501	State Support	\$ 55,012	\$ 55,012	56702
VKW KOREAN WAR VETERANS				56703
GRF 747-501	State Support	\$ 49,453	\$ 49,453	56704
VJW JEWISH WAR VETERANS				56705
GRF 748-501	State Support	\$ 29,715	\$ 29,715	56706
VCW CATHOLIC WAR VETERANS				56707

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GRF 749-501	State Support	\$	57,990	\$	57,990	56708
	VPH MILITARY ORDER OF THE PURPLE HEART					56709
GRF 750-501	State Support	\$	56,377	\$	56,377	56710
	VVV VIETNAM VETERANS OF AMERICA					56711
GRF 751-501	State Support	\$	185,954	\$	185,954	56712
	VAL AMERICAN LEGION OF OHIO					56713
GRF 752-501	State Support	\$	252,328	\$	252,328	56714
	VII VETERANS OF WORLD WAR II-KOREA-VIETNAM					56715
GRF 753-501	State Support	\$	237,919	\$	237,919	56716
	VAV DISABLED AMERICAN VETERANS					56717
GRF 754-501	State Support	\$	166,308	\$	166,308	56718
	VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO					56719
GRF 755-501	State Support	\$	4,226	\$	4,226	56720
	VMC MARINE CORPS LEAGUE					56721
GRF 756-501	State Support	\$	85,972	\$	85,972	56722
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION					56723
GRF 757-501	State Support	\$	5,946	\$	5,946	56724
	VFW VETERANS OF FOREIGN WARS					56725
GRF 758-501	State Support	\$	196,615	\$	196,615	56726
	VWI VETERANS OF WORLD WAR I					56727
GRF 759-501	State Support	\$	24,780	\$	24,780	56728
TOTAL GRF General Revenue Fund		\$	1,433,625	\$	1,433,625	56729
TOTAL ALL BUDGET FUND GROUPS		\$	1,433,625	\$	1,433,625	56730
	RELEASE OF FUNDS					56731
	The foregoing appropriation items 743-501, 746-501, 747-501,					56732
	748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501,					56733
	755-501, 756-501, 757-501, 758-501, and 759-501, State Support,					56734
	shall be released upon approval by the Director of Budget and					56735
	Management.					56736
	AMERICAN EX-PRISONERS OF WAR					56737
	The American Ex-Prisoners of War shall be permitted to share					56738
	an office with the Veterans of World War I.					56739

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CENTRAL OHIO UNITED SERVICES ORGANIZATION 56740

Of the foregoing appropriation item 751-501, State Support, 56741
Vietnam Veterans of America, \$50,000 in each fiscal year shall be 56742
used to support the activities of the Central Ohio USO. 56743

VETERANS SERVICE COMMISSION EDUCATION 56744

Of the foregoing appropriation item 753-501, State Support, 56745
Veterans of World War II-Korea-Vietnam, up to \$20,000 in each 56746
fiscal year may be used to provide moneys to the Association of 56747
County Veterans Service Commissioners to reimburse its member 56748
county veterans service commissions for costs incurred in carrying 56749
out educational and outreach duties required under divisions (E) 56750
and (F) of section 5901.03 of the Revised Code. Upon the 56751
presentation of an itemized statement to the Office of Veterans 56752
Affairs, the office shall direct the Auditor of State to issue a 56753
warrant upon the state treasury to the association to reimburse 56754
member commissions for reasonable and appropriate expenses 56755
incurred performing these duties. The association shall establish 56756
uniform procedures for reimbursing member commissions. 56757

Section 115. DVM STATE VETERINARY MEDICAL BOARD 56758

Table with 5 columns: Description, Amount 1, Amount 2, Amount 3, and Page Number. Rows include General Services Fund Group, 4K9 888-609 Operating Expenses, TOTAL GSF General Services, Fund Group, and TOTAL ALL BUDGET FUND GROUPS.

Section 116. DYS DEPARTMENT OF YOUTH SERVICES 56765

Table with 5 columns: Description, Amount 1, Amount 2, Amount 3, and Page Number. Rows include General Revenue Fund, GRF 470-401 RECLAIM Ohio, and GRF 470-402 Community Program Services.

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GRF 470-412	Lease Rental Payments	\$	17,376,700	\$	18,739,900	56769
GRF 470-502	Detention Subsidies	\$	6,163,213	\$	6,433,035	56770
GRF 470-510	Youth Services	\$	18,841,205	\$	21,307,671	56771
GRF 472-321	Parole Operations	\$	16,680,042	\$	17,246,018	56772
GRF 477-321	Administrative Operations	\$	14,814,953	\$	15,934,443	56773
TOTAL GRF	General Revenue Fund	\$	235,425,743	\$	244,916,501	56774
	General Services Fund Group					56775
175 470-613	Education Reimbursement	\$	8,461,407	\$	8,817,598	56776
4A2 470-602	Child Support	\$	450,000	\$	400,000	56777
4G6 470-605	General Operational Funds	\$	10,000	\$	10,000	56778
479 470-609	Employee Food Service	\$	143,349	\$	146,933	56779
523 470-621	Wellness Program	\$	192,954	\$	197,778	56780
TOTAL GSF	General Services Fund Group	\$	9,257,710	\$	9,572,309	56781 56782
	Federal Special Revenue Fund Group					56783
3V9 470-608	Federal Juvenile Programs FFY 01	\$	7,828,899	\$	0	56784
3W0 470-611	Federal Juvenile Programs FFY 02	\$	0	\$	7,828,899	56785
3V5 470-604	Juvenile Justice/Delinquency Prevention	\$	5,159,202	\$	5,998,092	56786
321 470-601	Education	\$	1,298,156	\$	1,334,122	56787
321 470-603	Juvenile Justice Prevention	\$	2,973,733	\$	2,973,733	56788
321 470-606	Nutrition	\$	2,800,000	\$	2,800,000	56789
321 470-610	Rehabilitation Programs	\$	83,500	\$	83,500	56790
321 470-614	Title IV-E	\$	5,700,000	\$	5,700,000	56791

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## Reimbursements

321	470-617	Americorps Programs	\$	407,860	\$	418,444	56792
TOTAL FED Federal Special Revenue							56793
Fund Group			\$	26,251,350	\$	27,136,790	56794
State Special Revenue Fund Group							56795
147	470-612	Vocational Education	\$	2,012,665	\$	2,090,392	56796
4W3	470-618	Help Me Grow	\$	10,900	\$	11,587	56797
5J7	470-623	Residential Treatment	\$	0	\$	500,000	56798

## Services

TOTAL SSR State Special Revenue							56799
Fund Group			\$	2,023,565	\$	2,601,979	56800
TOTAL ALL BUDGET FUND GROUPS			\$	272,958,368	\$	284,227,579	56801

OHIO BUILDING AUTHORITY LEASE PAYMENTS 56802

The foregoing appropriation item 470-412, Lease Rental 56803  
 Payments, in the Department of Youth Services, shall be used for 56804  
 payments, limited to the aggregate amount of \$36,116,600, to the 56805  
 Ohio Building Authority for the period from July 1, 2001, to June 56806  
 30, 2003, pursuant to the primary leases and agreements for 56807  
 facilities made under Chapter 152. of the Revised Code, which are 56808  
 the source of funds pledged for bond service charges on related 56809  
 obligations issued pursuant to Chapter 152. of the Revised Code. 56810

RECLAIM OHIO 56811

In determining the amount of moneys necessary to fund the 56812  
 foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal 56813  
 years 2002 and 2003, the Department of Youth Services shall 56814  
 compute the number of state target youth for each fiscal year. As 56815  
 defined in section 5139.01 of the Revised Code, "state target 56816  
 youth" means twenty-five per cent of the projected total number of 56817  
 felony-level delinquency adjudications in the juvenile courts for 56818  
 each year of a biennium, factoring in revocations and 56819  
 recommitments. The foregoing appropriation item 470-401, RECLAIM 56820  
 Ohio, shall provide for an amount not less than \$98 per day for 56821



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each state target youth or not less than \$20,000 per year for each	56822
state target youth for each year of the biennium.	56823
YOUTH SERVICES BLOCK GRANT	56824
Of the foregoing appropriation item 470-510, Youth Services,	56825
\$50,000 in fiscal year 2002 shall be distributed directly to	56826
Lighthouse Youth Services.	56827
EMPLOYEE FOOD SERVICE AND EQUIPMENT	56828
Notwithstanding section 125.14 of the Revised Code, the	56829
foregoing appropriation item 470-609, Employee Food Service, may	56830
be used to purchase any food operational items with funds received	56831
into the fund from reimbursement for state surplus property.	56832
EDUCATION REIMBURSEMENT	56833
The foregoing appropriation item 470-613, Education	56834
Reimbursement, shall be used to fund the operating expenses of	56835
providing educational services to youth supervised by the	56836
Department of Youth Services. Operating expenses include, but are	56837
not limited to, teachers' salaries, maintenance costs, and	56838
educational equipment. This appropriation item shall not be used	56839
for capital expenses.	56840
FINANCIAL ASSISTANCE FOR JUVENILE DETENTION FACILITIES	56841
Pursuant to section 5139.281 of the Revised Code, funding	56842
provided to a county for the operation and maintenance of each	56843
home shall be in an amount of fifty per cent of the approved	56844
annual operating cost, but shall not be in excess of \$156,928 in	56845
each fiscal year.	56846
FEDERAL PROGRAM TRANSFER OF JUVENILE JUSTICE FROM THE OFFICE	56847
OF CRIMINAL JUSTICE SERVICES	56848
On July 1, 2001, responsibility for a federal juvenile	56849
justice program is transferred from the Office of Criminal Justice	56850
Services to the Department of Youth Services. The Department of	56851

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Youth Services thereupon and thereafter is successor to, assumes  
the obligations of, and otherwise provides for the continuation of  
a federal juvenile justice program.

Any business relating to a federal juvenile justice program  
commenced but not completed by the Office of Criminal Justice  
Services or its director prior to July 1, 2001, shall be completed  
by the Department of Youth Services or its director in the same  
manner, and with the same effect, as if completed by the Office of  
Criminal Justice Services or its director. No validation, cure,  
right, privilege, remedy, obligation, or liability is lost or  
impaired by reason of the transfer. All of the Office of Criminal  
Justice Services' rules, orders, and determinations continue in  
effect as rules, orders, and determinations of the Department of  
Youth Services, until modified or rescinded by the Department of  
Youth Services. If necessary to ensure the integrity of the  
numbering of the Administrative Code, the Director of the  
Legislative Service Commission shall renumber the Office of  
Criminal Justice Services' rules for a federal juvenile justice  
program to reflect the transfer of the program to the Department  
of Youth Services.

The employees of the Office of Criminal Justice Services  
assigned to work with a federal juvenile justice program are  
transferred to the Department of Youth Services and shall retain  
their positions and all the benefits accruing thereto.

No action or proceeding pending on July 1, 2001, is affected  
by the transfer, and any action or proceeding pending on July 1,  
2001, shall be prosecuted or defended in the name of the  
Department of Youth Services or its director. In all such actions  
and proceedings, the Department of Youth Services or its director  
upon application to the court shall be substituted as a party.

**Section 117.** EXPENDITURES AND APPROPRIATION INCREASES

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APPROVED BY THE CONTROLLING BOARD 56883

Any money that the Controlling Board approves for expenditure 56884  
 or any increase in appropriation authority that the Controlling 56885  
 Board approves pursuant to the provisions of sections 127.14, 56886  
 131.35, and 131.39 of the Revised Code or any other provision of 56887  
 law is appropriated for the period ending June 30, 2003. 56888

**Section 118. PERSONAL SERVICE EXPENSES** 56889

Unless otherwise prohibited by law, any appropriation from 56890  
 which personal service expenses are paid shall bear the employer's 56891  
 share of public employees' retirement, workers' compensation, 56892  
 disabled workers' relief, and all group insurance programs; the 56893  
 costs of centralized accounting, centralized payroll processing, 56894  
 and related personnel reports and services; the cost of the Office 56895  
 of Collective Bargaining; the cost of the Personnel Board of 56896  
 Review; the cost of the Employee Assistance Program; the cost of 56897  
 the Equal Opportunity Center; the costs of interagency information 56898  
 management infrastructure; and the cost of administering the state 56899  
 employee merit system as required by section 124.07 of the Revised 56900  
 Code. These costs shall be determined in conformity with 56901  
 appropriate sections of law and paid in accordance with procedures 56902  
 specified by the Office of Budget and Management. Expenditures 56903  
 from appropriation item 070-601, Public Audit Expense - Local 56904  
 Government, in Fund 422 may be exempted from the requirements of 56905  
 this section. 56906

**Section 119. REISSUANCE OF VOIDED WARRANTS** 56907

In order to provide funds for the reissuance of voided 56908  
 warrants pursuant to section 117.47 of the Revised Code, there is 56909  
 appropriated, out of moneys in the state treasury from the fund 56910  
 credited as provided in section 117.47 of the Revised Code, that 56911  
 amount sufficient to pay such warrants when approved by the Office 56912

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of Budget and Management. 56913

Section 120. \* CAPITAL PROJECT SETTLEMENTS 56914

This section specifies an additional and supplemental 56915  
 procedure to provide for payments of judgments and settlements if 56916  
 the Director of Budget and Management determines, pursuant to 56917  
 division (C)(4) of section 2743.19 of the Revised Code, that 56918  
 sufficient unencumbered moneys do not exist in the particular 56919  
 appropriation to pay the amount of a final judgment rendered 56920  
 against the state or a state agency, including the settlement of a 56921  
 claim approved by a court, in an action upon and arising out of a 56922  
 contractual obligation for the construction or improvement of a 56923  
 capital facility if the costs under the contract were payable in 56924  
 whole or in part from a state capital projects appropriation. In 56925  
 such a case, the director may either proceed pursuant to division 56926  
 (C)(4) of section 2743.19 of the Revised Code, or apply to the 56927  
 Controlling Board to increase an appropriation or create an 56928  
 appropriation out of any unencumbered moneys in the state treasury 56929  
 to the credit of the capital projects fund from which the initial 56930  
 state appropriation was made. The Controlling Board may approve or 56931  
 disapprove the application as submitted or modified. The amount of 56932  
 an increase in appropriation or new appropriation specified in an 56933  
 application approved by the Controlling Board is hereby 56934  
 appropriated from the applicable capital projects fund and made 56935  
 available for the payment of the judgment or settlement. 56936

If the director does not make the application authorized by 56937  
 this section or the Controlling Board disapproves the application, 56938  
 and the director does not make application pursuant to division 56939  
 (C)(4) of section 2743.19 of the Revised Code, the director shall 56940  
 for the purpose of making that payment request to the General 56941  
 Assembly as provided for in division (C)(5) of that section. 56942

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Section 121. INCOME TAX DISTRIBUTION TO COUNTIES 56943

There are hereby appropriated out of any moneys in the state 56944
treasury to the credit of the General Revenue Fund, which are not 56945
otherwise appropriated, funds sufficient to make any payment 56946
required by division (B)(2) of section 5747.03 of the Revised 56947
Code. 56948

Section 122. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 56949
AGAINST THE STATE 56950

Any appropriation may be used for the purpose of satisfying 56951
judgments or settlements in connection with civil actions against 56952
the state in federal court not barred by sovereign immunity or the 56953
Eleventh Amendment to the Constitution of the United States, or 56954
for the purpose of satisfying judgments, settlements, or 56955
administrative awards ordered or approved by the Court of Claims 56956
in connection with civil actions against the state, pursuant to 56957
section 2743.15, 2743.19, or 2743.191 of the Revised Code. This 56958
authorization does not apply to appropriations to be applied to or 56959
used for payment of guarantees by or on behalf of the state, for 56960
or relating to lease payments or debt service on bonds, notes, or 56961
similar obligations and those from the Sports Facilities Building 56962
Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the 56963
Administrative Building Fund (Fund 026), the Adult Correctional 56964
Building Fund (Fund 027), the Juvenile Correctional Building Fund 56965
(Fund 028), the Transportation Building Fund (Fund 029), the Arts 56966
Facilities Building Fund (Fund 030), the Natural Resources 56967
Projects Fund (Fund 031), the School Building Program Assistance 56968
Fund (Fund 032), the Mental Health Facilities Improvement Fund 56969
(Fund 033), the Higher Education Improvement Fund (Fund 034), the 56970
Parks and Recreation Improvement Fund (Fund 035), the State 56971
Capital Improvements Fund (Fund 038), the Highway Obligation Fund 56972
(Fund 041), the Coal Research/Development Fund (Fund 046), and any 56973

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other fund into which proceeds of obligations are deposited. 56974  
 Nothing contained in this section is intended to subject the state 56975  
 to suit in any forum in which it is not otherwise subject to suit, 56976  
 nor is it intended to waive or compromise any defense or right 56977  
 available to the state in any suit against it. 56978

**Section 123. \* UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS** 56979

The maximum amounts that may be assessed against nuclear 56980  
 electric utilities in accordance with division (B)(2) of section 56981  
 4937.05 of the Revised Code are as follows: 56982

	FY 2002	FY 2003	
Department of Agriculture			56983
Fund 4E4 Utility Radiological Safety	\$69,016	\$73,059	56984
Department of Health			56985
Fund 610 Radiation Emergency Response	\$870,505	\$923,315	56986
Environmental Protection Agency			56987
Fund 644 ER Radiological Safety	\$242,446	\$255,947	56988
Emergency Management Agency			56989
Fund 657 Utility Radiological Safety	\$874,602	\$927,241	56990

**Section 124. UNCLAIMED FUNDS TRANSER** 56992

Notwithstanding division (A) of section 169.05 of the Revised 56993  
 Code, prior to June 30, 2003, upon the request of the Director of 56994  
 Budget and Management, the Director of Commerce shall transfer to 56995  
 the General Revenue Fund up to \$30,000,000 of the unclaimed funds 56996  
 that have been reported by the holder of unclaimed funds as 56997  
 provided by section 169.05 of the Revised Code, irrespective of 56998  
 the allocation of the unclaimed funds under that section. 56999

**Section 125. GRF TRANSER TO FUND 5N4, ERP PROJECT** 57000  
IMPLEMENTATION 57001

On July 1, 2001, or as soon thereafter as possible, the 57002

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Director of Budget and Management shall transfer \$2,432,110 in 57003  
 cash from the General Revenue Fund to Fund 5N4, ERP Project 57004  
 Implementation. On July 1, 2002, or as soon thereafter as 57005  
 possible, the Director of Budget and Management shall transfer 57006  
 \$2,535,770 in cash from the General Revenue Fund to Fund 5N4, ERP 57007  
 Project Implementation. 57008

**Section 126. CORPORATE AND UCC FILING FUND TRANSFER TO GRF** 57009

No later than the first day of June in each year of the 57010  
 biennium, the Director of Budget and Management shall transfer 57011  
 \$1,000,000 from the Corporate and Uniform Commercial Code Filing 57012  
 Fund to the General Revenue Fund. 57013

**Section 127. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 57014

Certain appropriations are in this act for the purpose of 57015  
 paying debt service and financing costs on general obligation 57016  
 bonds or notes of the state issued pursuant to the Ohio 57017  
 Constitution and acts of the General Assembly. If it is determined 57018  
 that additional appropriations are necessary for this purpose, 57019  
 such amounts are appropriated. 57020

**Section 128. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF STATE** 57021  
57022

Certain appropriations are in this act for the purpose of 57023  
 making lease payments pursuant to leases and agreements relating 57024  
 to bonds or notes issued by the Ohio Building Authority or the 57025  
 Treasurer of State or, previously, by the Ohio Public Facilities 57026  
 Commission, pursuant to the Ohio Constitution and acts of the 57027  
 General Assembly. If it is determined that additional 57028  
 appropriations are necessary for this purpose, such amounts are 57029  
 appropriated. 57030

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Section 129. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 57031  
EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 57032

The Office of Budget and Management shall initiate and 57033  
process disbursements from lease rental payment appropriation 57034  
items during the period from July 1, 2001, to June 30, 2003, 57035  
pursuant to leases and agreements relating to bonds or notes 57036  
issued under Section 2i of Article VIII, Ohio Constitution, and 57037  
Chapters 154. and 3318. of the Revised Code. Disbursements shall 57038  
be made upon certification by the Treasurer of State of the dates 57039  
and amounts due on those dates. 57040

Section 130. STATE AND LOCAL REBATE AUTHORIZATION 57041

There is hereby appropriated, from those funds designated by 57042  
or pursuant to the applicable proceedings authorizing the issuance 57043  
of state obligations, amounts computed at the time to represent 57044  
the portion of investment income to be rebated or amounts in lieu 57045  
of or in addition to any rebate amount to be paid to the federal 57046  
government in order to maintain the exclusion from gross income 57047  
for federal income tax purposes of interest on those state 57048  
obligations pursuant to section 148(f) of the Internal Revenue 57049  
Code. 57050

Rebate payments shall be approved and vouchered by the Office 57051  
of Budget and Management. 57052

Section 131. TRANSFERS FROM SPECIFIED FUNDS 57053

Notwithstanding any other provision of law to the contrary, 57054  
the Commissioners of the Sinking Fund shall transfer the balance 57055  
remaining after provision for payment of all outstanding bonds or 57056  
notes, coupons, and charges, from the Improvement Bond Retirement 57057  
Fund, the Public Improvement Bond Retirement Fund, and the 57058  
Development Bond Retirement Fund, to the General Revenue Fund as 57059



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expeditiously as possible upon this act taking effect. 57060

Notwithstanding any other provision of law to the contrary, 57061  
the Commissioners of the Sinking Fund shall transfer the balance 57062  
remaining after provision for payment of all outstanding bonds or 57063  
notes, coupons, and charges, from the Highway Improvement Bond 57064  
Retirement Fund, to the Highway Operating Fund as expeditiously as 57065  
possible upon taking effect of this act. 57066

**Section 132. APPROPRIATIONS RELATED TO CASH TRANSFERS AND** 57067  
**REESTABLISHMENT OF ENCUMBRANCES** 57068

Any cash transferred by the Director of Budget and Management 57069  
as provided by section 126.15 of the Revised Code is appropriated. 57070  
Any amounts necessary to reestablish appropriations or 57071  
encumbrances as provided in section 126.15 of the Revised Code are 57072  
appropriated. 57073

**Section 133. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 57074

Pursuant to the plan for compliance with the Federal Cash 57075  
Management Improvement Act required by section 131.36 of the 57076  
Revised Code, the Director of Budget and Management is authorized 57077  
to cancel and reestablish all or parts of encumbrances in like 57078  
amounts within the funds identified by the plan. The amounts 57079  
necessary to reestablish all or parts of encumbrances are 57080  
appropriated. 57081

**Section 134. STATEWIDE INDIRECT COST RECOVERY** 57082

Whenever the Director of Budget and Management determines 57083  
that an appropriation made to a state agency from a fund of the 57084  
state is insufficient to provide for the recovery of statewide 57085  
indirect costs pursuant to section 126.12 of the Revised Code, the 57086  
amount required for such purpose is appropriated from the 57087  
available receipts of such fund. 57088

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<b>Section 135.</b> GRF TRANSFERS ON BEHALF OF THE STATEWIDE	57089
INDIRECT COST ALLOCATION PLAN	57090
The total transfers made from the General Revenue Fund by the	57091
Director of Budget and Management pursuant to this section shall	57092
not exceed the amounts transferred into the General Revenue Fund	57093
pursuant to division (B) of section 126.12 of the Revised Code.	57094
A director of an agency may certify to the Director of Budget	57095
and Management the amount of expenses not allowed to be included	57096
in the Statewide Indirect Cost Allocation plan pursuant to federal	57097
regulations, from any fund included in the Statewide Indirect Cost	57098
Allocation plan, prepared as required by section 126.12 of the	57099
Revised Code.	57100
Upon determining that no alternative source of funding is	57101
available to pay for such expenses, the Director of Budget and	57102
Management may transfer from the General Revenue Fund into the	57103
fund for which the certification is made, up to the amount of the	57104
certification. The director of the agency receiving such funds	57105
shall include, as part of the next budget submission prepared	57106
pursuant to section 126.02 of the Revised Code, a request for	57107
funding for such activities from an alternative source such that	57108
further federal disallowances would not be required.	57109
<b>Section 136.</b> REAPPROPRIATION OF UNEXPENDED ENCUMBERED	57110
BALANCES OF OPERATING APPROPRIATIONS	57111
An unexpended balance of an operating appropriation or	57112
reappropriation that a state agency lawfully encumbered prior to	57113
the close of a fiscal year is reappropriated on the first day of	57114
July of the following fiscal year from the fund from which it was	57115
originally appropriated or reappropriated for the following period	57116
and shall remain available only for the purpose of discharging the	57117
encumbrance:	57118

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(A) For an encumbrance for personal services, maintenance, 57119  
equipment, or items for resale, other than an encumbrance for an 57120  
item of special order manufacture not available on term contract 57121  
or in the open market or for reclamation of land or oil and gas 57122  
wells for a period of not more than five months from the end of 57123  
the fiscal year; 57124

(B) For an encumbrance for an item of special order 57125  
manufacture not available on term contract or in the open market, 57126  
for a period of not more than five months from the end of the 57127  
fiscal year or, with the written approval of the Director of 57128  
Budget and Management, for a period of not more than twelve months 57129  
from the end of the fiscal year; 57130

(C) For an encumbrance for reclamation of land or oil and gas 57131  
wells, for a period ending when the encumbered appropriation is 57132  
expended or for a period of two years, whichever is less; 57133

(D) For an encumbrance for any other expense, for such period 57134  
as the director approves, provided such period does not exceed two 57135  
years. 57136

Any operating appropriations for which unexpended balances 57137  
are reappropriated beyond a five-month period from the end of the 57138  
fiscal year, pursuant to division (B) of this section, shall be 57139  
reported to the Controlling Board by the Director of Budget and 57140  
Management by the thirty-first day of December of each year. The 57141  
report on each such item shall include the item, the cost of the 57142  
item, and the name of the vendor. This report to the board shall 57143  
be updated on a quarterly basis for encumbrances remaining open. 57144

Upon the expiration of the reappropriation period set out in 57145  
divisions (A), (B), (C), or (D) of this section, a reappropriation 57146  
made pursuant to this section lapses, and the Director of Budget 57147  
and Management shall cancel the encumbrance of the unexpended 57148  
reappropriation no later than the end of the weekend following the 57149

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expiration of the reappropriation period.	57150
Notwithstanding the preceding paragraph, with the approval of	57151
the Director of Budget and Management, an unexpended balance of an	57152
encumbrance that was reappropriated on the first day of July	57153
pursuant to this section for a period specified in division (C) or	57154
(D) of this section and that remains encumbered at the close of	57155
the fiscal biennium is hereby reappropriated pursuant to this	57156
section on the first day of July of the following fiscal biennium	57157
from the fund from which it was originally appropriated or	57158
reappropriated for the applicable period specified in division (C)	57159
or (D) of this section and shall remain available only for the	57160
purpose of discharging the encumbrance.	57161
If the Controlling Board approved a purchase, that approval	57162
remains in effect as long as the appropriation used to make that	57163
purchase remains encumbered.	57164
<b>Section 137. FEDERAL GOVERNMENT INTEREST REQUIREMENTS</b>	57165
Notwithstanding any provision of law to the contrary, on or	57166
before the first day of September of each fiscal year, the	57167
Director of Budget and Management, in order to reduce the payment	57168
of adjustments to the federal government, as determined by the	57169
plan prepared pursuant to division (A) of section 126.12 of the	57170
Revised Code, may designate such funds as the director considers	57171
necessary to retain their own interest earnings.	57172
<b>Section 138. FAMILY SERVICES STABILIZATION FUND</b>	57173
The Director of Budget and Management shall transfer the \$100	57174
million balance in the Family Services Stabilization Fund at the	57175
end of fiscal year 2001 to the General Revenue Fund.	57176
<b>Section 139. TEMPORARY STABILIZATION OF LOCAL GOVERNMENT</b>	57177
DISTRIBUTIONS	57178

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(A) On or before the third day of each month of the period 57179  
July 2001 through May 2002, the Tax Commissioner shall determine 57180  
the amounts credited under sections 5727.45, 5733.12, 5739.21, 57181  
5741.03, and 5747.03 of the Revised Code, respectively, to the 57182  
Local Government Fund, to the Library and Local Government Support 57183  
Fund, and to the Local Government Revenue Assistance Fund in the 57184  
twelfth preceding month. On or before June 3, 2002, the Tax 57185  
Commissioner shall determine the amounts credited under sections 57186  
5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised 57187  
Code, respectively, to the Local Government Fund, to the Library 57188  
and Local Government Support Fund, and to the Local Government 57189  
Revenue Assistance Fund in June 2000. For purposes of this 57190  
section, any amount transferred during the period January 1, 2001, 57191  
through June 30, 2001 to the Local Government Fund, to the Local 57192  
Government Revenue Assistance Fund, or to the Library and Local 57193  
Government Support Fund under section 131.44 of the Revised Code 57194  
shall be considered to be an amount credited to that respective 57195  
fund under section 5747.03 of the Revised Code. 57196

Notwithstanding sections 5727.45, 5733.12, 5739.21, 5741.03, 57197  
and 5747.03 of the Revised Code to the contrary, for each month in 57198  
the period July 1, 2001, through June 30, 2003, from the public 57199  
utility excise, corporate franchise, sales, use, and personal 57200  
income taxes collected: 57201

(1) An amount shall first be credited to the Local Government 57202  
Fund that equals the amount credited to that fund from that tax 57203  
according to the schedule in division (B) of this section. 57204

(2) An amount shall next be credited to the Local Government 57205  
Revenue Assistance Fund that equals the amount credited to that 57206  
fund from that tax according to the schedule in division (B) of 57207  
this section. 57208

(3) An amount shall next be credited to the Library and Local 57209  
Government Support Fund that equals the amount credited to that 57210

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fund from that tax according to the schedule in division (B) of	57211
this section.	57212
(B) The amounts shall be credited from each tax to each	57213
respective fund as follows:	57214
(1) In July 2001 and July 2002, the amounts credited in July	57215
2000;	57216
(2) In August 2001 and August 2002, the amounts credited in	57217
August 2000;	57218
(3) In September 2001 and September 2002, the amounts	57219
credited in September 2000;	57220
(4) In October 2001 and October 2002, the amounts credited in	57221
October 2000;	57222
(5) In November 2001 and November 2002, the amounts credited	57223
in November 2000;	57224
(6) In December 2001 and December 2002, the amounts credited	57225
in December 2000;	57226
(7) In January 2002 and January 2003, the amounts credited in	57227
January 2001;	57228
(8) In February 2002 and February 2003, the amounts credited	57229
in February 2001;	57230
(9) In March 2002 and March 2003, the amounts credited in	57231
March 2001;	57232
(10) In April 2002 and April 2003, the amounts credited in	57233
April 2001;	57234
(11) In May 2002 and May 2003, the amounts credited in May	57235
2001;	57236
(12) In June 2002 and June 2003, the amounts credited in June	57237
2000.	57238

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(C) Notwithstanding section 5727.84 of the Revised Code to 57239  
the contrary, for the period July 1, 2001, through June 30, 2003, 57240  
no amounts shall be credited to the Local Government Fund or to 57241  
the Local Government Revenue Assistance Fund from the kilowatt 57242  
hour tax, and such amounts that would have otherwise been required 57243  
to be credited to such funds shall instead be credited to the 57244  
General Revenue Fund. Notwithstanding section 131.44 of the 57245  
Revised Code to the contrary, for the period July 1, 2001, through 57246  
June 30, 2003, no amounts shall be transferred to the Local 57247  
Government Fund, the Local Government Revenue Assistance Fund, or 57248  
the Library and Local Government Support Fund from the Income Tax 57249  
Reduction Fund, and such amounts that would have otherwise been 57250  
transferred to such funds from the Income Tax Reduction Fund shall 57251  
instead be transferred to the General Revenue Fund. 57252

Notwithstanding any other provision of law to the contrary, 57253  
the Tax Commissioner shall compute separate adjustments to the 57254  
amounts credited from the public utility excise, corporate 57255  
franchise, sales, use, and personal income taxes to the Local 57256  
Government Fund, the Local Government Revenue Assistance Fund, and 57257  
the Library and Local Government Support Fund during July 2001. 57258  
The adjustments shall equal the amount credited to each respective 57259  
fund from each respective tax during June 2000 minus the amount 57260  
credited to that fund from that tax during June 2001. If an 57261  
adjustment is a positive amount, during July 2001, such amount 57262  
shall be credited to the Local Government Fund, the Local 57263  
Government Revenue Assistance Fund, or the Library and Local 57264  
Government Support Fund, as appropriate, and shall be deducted 57265  
from the General Revenue Fund. If an adjustment is a negative 57266  
amount, during July 2001, such amount shall be deducted from the 57267  
Local Government Fund, the Local Government Revenue Assistance 57268  
Fund, or the Library and Local Government Support Fund, as 57269  
appropriate, and shall be credited to the General Revenue Fund. 57270

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Any amount remaining in the Local Government Fund, the Local  
Government Revenue Assistance Fund, or the Library and Local  
Government Support Fund after the distributions from such funds  
are made to local governments in August 2001, shall be certified  
by the Tax Commissioner to the Director of Budget and Management  
by August 15, 2001, and the Director of Budget and Management  
shall transfer such amount from each respective fund to the  
General Revenue Fund by August 31, 2001.

For purposes of this section, "pro rata share" means the  
percentage calculated for each county and used in each month of  
the period July 2000 through June 2001 to distribute the amounts  
credited to the Library and Local Government Support Fund in  
accordance with section 5747.47 of the Revised Code.

Notwithstanding any other provision of law to the contrary,  
in July 2001, each county undivided library and local government  
support fund shall receive from the Library and Local Government  
Support Fund an amount equal to the amount it would have received  
pursuant to section 5747.47 of the Revised Code for that month,  
minus its pro rata share of any amount that has been or shall be  
transferred from the Library and Local Government Support Fund to  
the OPLIN Technology Fund in that month. In August 2001, each  
county undivided library and local government support fund shall  
receive from the Library and Local Government Support Fund an  
amount equal to the amount it received from that fund in July 2000  
and August 2000 minus the amount it received from that fund in  
July 2001 and minus its pro rata share of any amount transferred  
from that fund to the OPLIN Technology Fund in July 2001 or August  
2001. In August 2001, each county undivided local government fund  
shall receive from the Local Government Fund, each municipality  
that receives a distribution directly from the Local Government  
Fund shall receive from that fund, and each county undivided local  
government revenue assistance fund shall receive from the Local



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Government Revenue Assistance Fund an amount equal to the amount 57303  
it received from that respective fund in July 2000 and August 2000 57304  
minus the amount it received from that respective fund in July 57305  
2001. In each month of the periods September 1, 2001, through June 57306  
30, 2002, and September 1, 2002, through June 30, 2003, each 57307  
county undivided local government fund shall receive from the 57308  
Local Government Fund, each municipality that receives a 57309  
distribution directly from the Local Government Fund shall receive 57310  
from that fund, each county undivided local government revenue 57311  
assistance fund shall receive from the Local Government Revenue 57312  
Assistance Fund, and each county undivided library and local 57313  
government support fund shall receive from the Library and Local 57314  
Government Support Fund, the same amount it received from that 57315  
respective fund in the corresponding month of the period September 57316  
1, 2000, through June 2001. In each month of the period July 1, 57317  
2002, through August 31, 2002, and in the month of July 2003, each 57318  
county undivided local government fund shall receive from the 57319  
Local Government Fund, each municipality that receives a 57320  
distribution directly from the Local Government Fund shall receive 57321  
from that fund, each county undivided local government revenue 57322  
assistance fund shall receive from the Local Government Revenue 57323  
Assistance Fund, and each county undivided library and local 57324  
government support fund shall receive from the Library and Local 57325  
Government Support Fund, the same amount it received from that 57326  
respective fund in the corresponding month of the period July 1, 57327  
2000, through August 31, 2000. If during any month of the period 57328  
September 1, 2001, through July 31, 2003, a transfer is made from 57329  
the Library and Local Government Support Fund to the OPLIN 57330  
Technology Fund, the amount distributed to each county undivided 57331  
library and local government support fund shall be reduced by its 57332  
pro rata share of the amount transferred. 57333

During the period July 1, 2001, through July 31, 2003, the 57334

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Director of Budget and Management shall issue those directives to 57335  
state agencies that are necessary to ensure that the appropriate 57336  
amounts are distributed to the Local Government Fund, to the Local 57337  
Government Revenue Assistance Fund, and to the Library and Local 57338  
Government Support Fund to accomplish the purposes of this 57339  
section. 57340

**Section 140.** BUDGET STABILIZATION FUND TRANSFERS FOR THE 57341  
DEPARTMENT OF JOB AND FAMILY SERVICES 57342

Notwithstanding section 131.43 and division (D) of section 57343  
127.14 of the Revised Code, if the Director of Budget and 57344  
Management, in consultation with the Director of Job and Family 57345  
Services, determines that Medicaid expenditures for the biennium 57346  
are likely to exceed the amounts appropriated in the Department of 57347  
Job and Family Services appropriation item 600-525, Health 57348  
Care/Medicaid, the Director of Budget and Management may, with 57349  
Controlling Board approval, transfer up to \$150 million in cash 57350  
from the Budget Stabilization Fund to the General Revenue Fund and 57351  
increase the appropriation to appropriation item 600-525, Health 57352  
Care/Medicaid, accordingly. In increasing the appropriation to 57353  
appropriation item 600-525, Health Care/Medicaid, the Director of 57354  
Budget and Management shall add to the amount transferred from the 57355  
Budget Stabilization Fund appropriation amounts that are 57356  
attributable to the federal match that is indicated by the state 57357  
and federal division of appropriation item 600-525, Health 57358  
Care/Medicaid, as represented in this act. Before any transfers 57359  
are authorized, the Director of Budget and Management shall 57360  
exhaust the possibilities for transfers of moneys within the 57361  
Department of Job and Family Services to meet the identified 57362  
shortfall. 57363

**Section 141.** BUDGET STABILIZATION FUND TRANSFERS TO THE 57364  
EMERGENCY PURPOSES FUND 57365

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Notwithstanding section 131.43 of the Revised Code and 57366  
 division (D) of section 127.14 of the Revised Code, the Director 57367  
 of Budget and Management may, with Controlling Board approval, 57368  
 transfer up to \$5 million, in each of fiscal years 2002 and 2003, 57369  
 from the Budget Stabilization Fund to the Emergency Purposes Fund 57370  
 of the Controlling Board, which is hereby created in the state 57371  
 treasury, and establish the necessary appropriation authority. The 57372  
 Controlling Board may, at the request of any state agency or the 57373  
 Director of Budget and Management, transfer all or part of the 57374  
 moneys in the fund for the purpose of providing disaster and 57375  
 emergency situation aid to state agencies and political 57376  
 subdivisions in the event of disasters and emergency situations. 57377

**Section 142.** TRANSFERS TO THE GENERAL REVENUE FUND 57378

Notwithstanding any other provision of law to the contrary, 57379  
 if the Director of Budget and Management determines that revenues 57380  
 to the General Revenue Fund in fiscal years 2002 and 2003 are 57381  
 insufficient to cover agency appropriations for fiscal years 2002 57382  
 and 2003, the Director of Budget and Management is hereby 57383  
 authorized to selectively transfer to the General Revenue Fund up 57384  
 to \$30 million from non-federal, non-General Revenue Fund funds 57385  
 that are not constitutionally restricted and that have sufficient 57386  
 balances to support the transfer. 57387

**Section 143.** That Section 5 of Am. Sub. S.B. 50 of the 121st 57388  
 General Assembly, as most recently amended by Am. Sub. H.B. 283 of 57389  
 the 123rd General Assembly, be amended to read as follows: 57390

"**Sec. 5.** Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 57391  
 General Assembly shall take effect ~~July 1, 2001~~ October 16, 2003." 57392

**Section 144.** That existing Section 5 of Am. Sub. S.B. 50 of 57393  
 the 121st General Assembly, as most recently amended by Am. Sub. 57394

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H.B. 283 of the 123rd General Assembly, is hereby repealed. 57395

**Section 145.** That Section 153 of Am. Sub. H.B. 117 of the 57396  
121st General Assembly, as most recently amended by Am. Sub. H.B. 57397  
283 of the 123rd General Assembly, be amended to read as follows: 57398

"**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 57399  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 57400  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 57401  
repealed, effective ~~July 1~~ October 16, 2001 2003. 57402

(B) Any money remaining in the Legislative Budget Services 57403  
Fund on ~~July 1~~ October 16, 2001 2003, the date that section 57404  
5112.19 of the Revised Code is repealed by division (A) of this 57405  
section, shall be used solely for the purposes stated in then 57406  
former section 5112.19 of the Revised Code. When all money in the 57407  
Legislative Budget Services Fund has been spent after then former 57408  
section 5112.19 of the Revised Code is repealed under division (A) 57409  
of this section, the fund shall cease to exist." 57410

**Section 146.** That existing Section 153 of Am. Sub. H.B. 117 57411  
of the 121st General Assembly, as most recently amended by Am. 57412  
Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed. 57413

**Section 147.** That Section 3 of Am. Sub. H.B. 440 of the 121st 57414  
General Assembly, as most recently amended by Sub. S.B. 245 of the 57415  
123rd General Assembly, be amended to read as follows: 57416

"**Sec. 3.** Sections 122.23, 122.24, 122.25, 122.26, and 122.27 57417  
of the Revised Code are hereby repealed, effective July 1, ~~2001~~ 57418  
2003." 57419

**Section 148.** That existing Section 3 of Am. Sub. H.B. 440 of 57420  
the 121st General Assembly, as most recently amended by Sub. S.B. 57421

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245 of the 123rd General Assembly, is hereby repealed. 57422

**Section 149.** That Section 3 of Am. Sub. H.B. 215 of the 122nd 57423  
General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd 57424  
General Assembly, be amended to read as follows: 57425

"**Sec. 3.** Section 1751.68 of the Revised Code is hereby 57426  
repealed, effective ~~July 1, 2001~~ October 16, 2003." 57427

**Section 150.** That existing Section 3 of Am. Sub. H.B. 215 of 57428  
the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 57429  
123rd General Assembly, is hereby repealed. 57430

**Section 151.** That Section 3 of Am. Sub. H.B. 621 of the 122nd 57431  
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 57432  
the 123rd General Assembly, be amended to read as follows: 57433

"**Sec. 3.** That sections 166.031, 901.80, 901.81, 901.82, and 57434  
901.83 of the Revised Code are hereby repealed, effective July 1, 57435  
~~2001~~ 2003." 57436

**Section 152.** That existing Section 3 of Am. Sub. H.B. 621 of 57437  
the 122nd General Assembly, as most recently amended by Am. Sub. 57438  
H.B. 283 of the 123rd General Assembly, is hereby repealed. 57439

**Section 153.** That Section 9 of Am. Sub. S.B. 192 of the 123rd 57440  
General Assembly be amended to read as follows: 57441

"**Sec. 9.** All items set forth in this section are hereby 57442  
appropriated out of any moneys in the state treasury to the credit 57443  
of the Law Enforcement Improvements Trust Fund (Fund J87) that are 57444  
not otherwise appropriated. 57445

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	AGO ATTORNEY GENERAL		57446
CAP-716	Lab and Training Facility Improvements	\$ <del>2,000,000</del>	57447
		<u>5,200,000</u>	57448
TOTAL	Attorney General	\$ <del>2,000,000</del>	57449
		<u>5,200,000</u>	57450
TOTAL	Law Enforcement Improvements Trust Fund	\$ <del>2,000,000</del>	57451
		<u>5,200,000"</u>	57452

**Section 154.** That existing Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly is hereby repealed. 57454  
57455

**Section 155.** That Section 18 of Am. Sub. S.B. 192 of the 123rd General Assembly, as amended by Sub. S.B. 346 of the 123rd General Assembly, be amended to read as follows: 57456  
57457  
57458

**"Sec. 18.** (A) The Tobacco Oversight Accountability Panel is hereby created. The committee shall consist of the Director of Budget and Management or the Director's designee, three members of the House of Representatives appointed by the Speaker of the House of Representatives, no more than two of whom shall belong to the same political party as the Speaker, and three members of the Senate appointed by the President of the Senate, no more than two of whom shall belong to the same political party as the President. 57459  
57460  
57461  
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57465  
57466

(B) The Panel shall develop appropriate achievement benchmarks for each of the following: 57467  
57468

- (1) The Tobacco Use Prevention and Cessation Trust Fund; 57469
- (2) The Law Enforcement Improvements Trust Fund; 57470
- (3) The Southern Ohio Agricultural and Community Development Trust Fund; 57471  
57472
- (4) Ohio's Public Health Priorities Trust Fund; 57473
- (5) The Biomedical Research and Technology Transfer Trust 57474

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Fund;	57475
(6) The Education Facilities Trust Fund;	57476
(7) The Education Technology Trust Fund.	57477
(C) On or before <del>July 1</del> <u>December 31</u> , 2001, the Panel shall	57478
submit a report describing the achievement benchmarks developed	57479
under division (B) of this section to the Governor, the General	57480
Assembly, and the chairpersons and ranking minority members of the	57481
finance committees of the Senate and House of Representatives.	57482
Upon submitting the report, the panel shall cease to exist."	57483
<b>Section 156.</b> That existing Section 18 of Am. Sub. S.B. 192 of	57484
the 123rd General Assembly, as amended by Sub. S.B. 346 of the	57485
123rd General Assembly, is hereby repealed.	57486
<b>Section 157.</b> That Section 4 of Am. S.B. 210 of the 123rd	57487
General Assembly be amended to read as follows:	57488
" <b>Sec. 4.</b> (A) There is hereby created the Civil Service Review	57489
Commission. The Commission shall consist of the following members:	57490
	57491
(1) Three members of the Senate appointed by the President of	57492
the Senate, with at least one member from the minority party;	57493
(2) Three members of the House of Representatives appointed	57494
by the Speaker of the House of Representatives, with at least one	57495
member from the minority party;	57496
(3) Nine members appointed by the Governor, of whom one shall	57497
be the Director of Administrative Services or the Director's	57498
designee, one shall be from a union representing the largest	57499
number of state employees, one shall be from a union representing	57500
the largest number of local government employees, two shall be	57501
recommended by a statewide organization representing counties, two	57502

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shall be recommended by a statewide organization representing 57503  
municipal corporations, and two shall represent the public. 57504

All appointments shall be made not later than one month after 57505  
~~the effective date of this section~~ September 22, 2000. The 57506  
Commission shall be co-chaired by a member of the House of 57507  
Representatives designated by the Speaker of the House of 57508  
Representatives and a member of the Senate designated by the 57509  
President of the Senate. The co-chairs shall alternate chairing 57510  
meetings of the Commission by agreement of the co-chairs. 57511

(B) The Commission shall review civil service laws and 57512  
practice under those laws in Ohio. In conducting the review, the 57513  
Commission shall conduct a comprehensive analysis of Ohio's civil 57514  
service laws as set forth in the Revised Code and associated 57515  
rules, including an analysis of how the laws and any associated 57516  
rules are applied in practice by public entities across Ohio. 57517  
Additionally, the Commission may review decisions of the Personnel 57518  
Board of Review created in section 124.05 of the Revised Code or 57519  
other administrative and judicial bodies to determine how 57520  
decisions of the Board or those other bodies influence the 57521  
interpretation or application of civil service laws. The 57522  
Commission also may review practices and innovations of public 57523  
entities in other states. The Commission may call witnesses and 57524  
review any other information that it determines to be appropriate 57525  
and may consider recommendations of the Governor's Management 57526  
Improvement Commission. 57527

(C) Upon completion of its review under division (B) of this 57528  
section, but not later than ~~nine months after all of the~~ 57529  
~~appointments have been made under division (A) of this section~~ 57530  
December 31, 2001, the Commission shall issue a report to the 57531  
President of the Senate and the Speaker of the House of 57532  
Representatives. The report shall identify current statutes, 57533  
rules, practices, and procedures and shall make recommendations 57534



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for changes to those statutes, rules, practices, and procedures 57535  
 that the Commission determines necessary to improve them. Upon 57536  
 issuance of the report under this division, the Commission ceases 57537  
 to exist." 57538

**Section 158.** That existing Section 4 of Am. S.B. 210 of the 57539  
 123rd General Assembly is hereby repealed. 57540

**Section 159.** That Section 28.43 of Sub. S.B. 245 of the 123rd 57541  
 General Assembly be amended to read as follows: 57542

<b>"Sec. 28.43.</b> SOC SOUTHERN STATE COMMUNITY COLLEGE				57543
CAP-010	Basic Renovations	\$	132,297	57544
CAP-019	New North Campus Facility	\$	249,553	57545
CAP-022	Clinton County Facility	\$	405,381	57546
Total Southern State Community College		\$	787,231	57547

CLINTON COUNTY FACILITY 57548

The amount reappropriated for the foregoing appropriation 57549  
item CAP-022, Clinton County Facility, shall be the sum of the 57550  
unencumbered and unallotted balances as of June 30, 2000, in 57551  
appropriation item CAP-022, plus \$70,142." 57552

**Section 160.** That existing Section 28.43 of Sub. S.B. 245 of 57553  
 the 123rd General Assembly is hereby repealed. 57554

**Section 161.** That Sections 10 and 13 of Am. Sub. S.B. 287 of 57555  
 the 123rd General Assembly be amended to read as follows: 57556

**"Sec. 10.** The excise tax imposed by section 5727.811 of the 57557  
 Revised Code shall ~~first~~ apply to every natural gas distributed 57558  
distribution company for all natural gas volumes billed by, or on 57559  
behalf of, the company on and after July 1, 2001. Before that 57560  
 date, a natural gas distribution company shall register with the 57561

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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 162.** That existing Sections 10 and 13 of Am. Sub. S.B. 287 of the 123rd General Assembly are hereby repealed.

**Section 163.** 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 for, nor of residential facility beds or to issue a license under section 5123.19 of the Revised Code, ~~new residential facility if the approval or issuance will result in an increase in the number of residential facility beds for persons with mental retardation or developmental disabilities, except that the department may approve the development or licensure, or both, of such new beds in an emergency. The department shall adopt rules in accordance with~~

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~~Chapter 119. of the Revised Code specifying what constitutes an emergency for the purposes of this section including those certified as intermediate care facility for the mentally retarded beds under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended. A modification, replacement, or relocation of existing beds in a residential facility licensed under section 5123.19 of the Revised Code shall not be considered an increase described in this division. The director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying what constitutes a modification or replacement of existing beds.~~

~~(B) For the purposes of Notwithstanding division (A) of this section, the following shall not be considered new beds:~~

~~(1) Beds relocated from one facility to another, if the facility from which the beds are relocated reduces the number of its beds by the same number of beds that are relocated to the other facility;~~

~~(2) Beds to replace others that the Director of Health determines no longer comply with the standards of the Medical Assistance Program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended during the period beginning on July 1, 2001, and ending on October 15, 2003, the director may issue a license under section 5123.19 of the Revised Code to a nursing home described in section 5123.192 of the Revised Code if the sole purpose of the issuance is the relocation of existing beds within the same county. The director shall authorize under this division no additional beds beyond those being relocated.~~

**Sec. 180.** ~~(A) Divisions (A)(12) and (13) of section 5733.98 of the Revised Code, as amended by this act, and section 5733.42 of the Revised Code, as enacted by this act, shall first apply to~~

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~~eligible training costs paid or incurred on or after January 1, 2000. Section 5733.351 of the Revised Code, as enacted by this act Am. Sub. H.B. 283 of the 123rd General Assembly, shall first apply to qualified research expenses paid or incurred on or after January 1, 2001 2003.~~

~~(B) Notwithstanding division (C) of section 5733.42 of the Revised Code, as enacted by this act, applications for a tax credit certificate filed pursuant to that section prior to the date the Department of Job and Family Services comes into existence shall be filed with the Director of Development, and the Director of Development shall perform the duties otherwise assigned to the Director of Job and Family Services under that section until that date. Rules adopted pursuant to division (F) of that section by the Director of Development shall continue in effect on and after that date, unless rescinded or amended by the Director of Job and Family Services thereafter."~~

**Section 164.** That existing Sections 129 and 180 of Am. Sub. H.B. 283 of the 123rd General Assembly are hereby repealed.

**Section 165.** That Section 1 of Sub. H.B. 574 of the 123rd General Assembly be amended to read as follows:

**"Sec. 1.** (A) ~~Within thirty days after the effective date of this act~~ Not later than January 31, 2001, a joint legislative committee shall be appointed to study the impact of high technology start-up businesses on economic development and small businesses in this state and certain other matters. The committee shall consist of seventeen members, two of whom shall serve as co-chairpersons, as follows:

(1) Three members from the House of Representatives, two of whom shall be appointed by the Speaker of the House of

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Representatives and one of whom shall be appointed by the Minority  
Leader of the House of Representatives. The Speaker of the House  
of Representatives shall designate one of the members appointed by  
the Speaker as a co-chairperson of the committee.

(2) Three members from the Senate, two of whom shall be  
appointed by the President of the Senate and one of whom shall be  
appointed by the Minority Leader of the Senate. The President of  
the Senate shall appoint one of the members appointed by the  
President as a co-chairperson of the committee.

(3) One former member of the House of Representatives  
appointed by the Speaker of the House of Representatives;

(4) One former member of the Senate appointed by the  
President of the Senate;

(5) One member, appointed by the Speaker of the House of  
Representatives, who shall represent the venture capital industry  
in the state;

(6) One member, appointed by the President of the Senate, who  
shall be an attorney and an expert in high-technology legal  
issues;

(7) Six members appointed by the Governor, three of whom  
shall represent a different private business association in the  
state, one of whom shall represent an Ohio labor organization, one  
of whom shall represent an Edison Center, as defined in division  
(A) of section 122.15 of the Revised Code, and one of whom shall  
be a member of the Governor's Small Business Advisory Council;

(8) The Director of Development or the Director's designee.

(B) The members of the committee shall serve without  
compensation, but shall be reimbursed for their actual and  
necessary travel and other expenses incurred in the performance of  
their official duties as committee members. Witnesses called to

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testify before the committee shall be reimbursed for their actual 57680  
 and necessary travel expenses incurred in attending committee 57681  
 hearings. These and other expenses associated with the committee's 57682  
 performance of its functions shall be paid from any funds 57683  
 appropriated for the operation of committees of the General 57684  
 Assembly. 57685

(C) The committee shall examine how to retain high technology 57686  
 start-up businesses in the state, the factors motivating these 57687  
 businesses to locate in the state or to relocate out of the state, 57688  
 and the overall impact of these businesses on economic development 57689  
 and small businesses in Ohio. The committee shall submit a report 57690  
 along with its recommendations based on the study to the General 57691  
 Assembly by ~~August~~ March 1, ~~2001~~ 2002. Upon submitting its report 57692  
 and recommendations, the committee shall cease to exist." 57693  
 57694

**Section 166.** That existing Section 1 of Sub. H.B. 574 of the 57695  
 123rd General Assembly is hereby repealed. 57696

**Section 167.** \* That Sections 6.02, 9, and 23 of Am. Sub. H.B. 57697  
 640 of the 123rd General Assembly be amended to read as follows: 57698

<b>"Sec. 6.02. AFC ARTS AND SPORTS FACILITIES COMMISSION</b>			57699
CAP-047	Cincinnati Classical Music Hall of Fame	\$ 300,000	57700
CAP-053	Powers Auditorium Improvements	\$ 500,000	57701
CAP-059	Johnny Appleseed Museum Theatre	\$ 200,000	57702
CAP-818	Great Lakes League Baseball Stadium in Lake County	\$ 350,000	57703
CAP-819	Cooper Stadium Relocation Feasibility Study	\$ 350,000	57704
Total Arts And Sports Facilities Commission			57705
			\$ 1,700,000
GREAT LAKES LEAGUE BASEBALL STADIUM IN LAKE COUNTY			57706

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Notwithstanding division (F) of section 3383.07 of the Revised Code, all or a portion of the foregoing appropriation item CAP-818, Great Lakes League Baseball Stadium in Lake County, may be expended for the cost of preparing a financial and development plan or feasibility study, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for that Great Lakes League Baseball Stadium in Lake County. Any amount expended for that purpose from the appropriation shall count toward the maximum fifteen percent of the construction cost of the sports facility to be paid from state funds.

COOPER STADIUM RELOCATION FEASIBILITY STUDY

Notwithstanding division (F) of section 3383.07 of the Revised Code, all or a portion of the foregoing appropriation item CAP-819, Cooper Stadium Relocation Feasibility Study, may be expended for the cost of preparing a financial and development plan or feasibility study, renovation, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for that Cooper Stadium. Any amount expended for that purpose from the appropriation shall count toward the maximum fifteen percent of the construction cost of the sports facility to be paid from state funds.

**Sec. 9.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Waterways Safety Fund (Fund 086), which are not otherwise appropriated.

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES

CAP-324	Cooperative Funding for Boating	\$	<del>5,600,000</del>	57734
	Facilities		<u>6,600,000</u>	57735
CAP-874	Recreational Harbor Evaluation Project	\$	1,000,000	57736

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CAP-934	Operations Facilities Development	\$	800,000	57737
Total Department of Natural Resources		\$	<del>7,400,000</del>	57738
			<u>8,400,000</u>	57739
Total Waterways Safety Fund		\$	<del>7,400,000</del>	57740
			<u>8,400,000</u>	57741

**Sec. 23.** All items set forth in this section are hereby 57743  
appropriated out of any moneys in the state treasury to the credit 57744  
of the Parks and Recreation Improvement Fund (Fund 035) created by 57745  
division (F) of section 154.22 of the Revised Code, derived from 57746  
the proceeds of obligations heretofore and herein authorized, to 57747  
pay costs of capital facilities, as defined in section 154.01 of 57748  
the Revised Code, for parks and recreation. 57749

## Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES				57750
CAP-012	Land Acquisition	\$	3,150,000	57751
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	57752
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	8,725,000	57753
CAP-718	Grand Lake St. Mary's State Park	\$	150,000	57754
CAP-748	Local Parks Projects	\$	4,409,000	57755
CAP-787	Scioto Riverfront Improvements	\$	9,175,000	57756
CAP-789	Great Miami Riverfront Improvements	\$	2,000,000	57757
CAP-821	State Park Dredging and Shoreline Protection	\$	300,000	57758
CAP-836	State Park Renovations/Upgrading	\$	50,000	57759
CAP-876	Statewide Trails Program	\$	3,175,000	57760
CAP-910	Scioto Peninsula Property Acquisition	\$	4,750,000	57761
CAP-928	Statewide Accessibility Improvements	\$	125,000	57762
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,000,000	57763
Total Department of Natural Resources		\$	38,859,000	57764



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Total Parks and Recreation Improvement Fund	\$ 38,859,000	57765
FEDERAL REIMBURSEMENT		57766
All reimbursements received from the federal government for		57767
any expenditures made pursuant to this section shall be deposited		57768
in the state treasury to the credit of the Parks and Recreation		57769
Improvement Fund (Fund 035).		57770
LOCAL PARKS PROJECTS		57771
Of the foregoing appropriation item CAP-748, Local Parks		57772
Projects, \$100,000 shall be used for the Darke County Park		57773
District; <del>\$750,000</del> <u>\$500,000</u> shall be used for Erie Metro Parks		57774
Land Acquisition; \$40,000 shall be used for Grove City Fryer Park		57775
Improvements; \$60,000 shall be used for Ritter Park Improvements;		57776
\$125,000 shall be used for Highland Community Park Improvements;		57777
\$12,500 shall be used for Big Prairie/Lakeville Park Improvements;		57778
\$25,000 shall be used for Holmes County Park Improvements; \$25,000		57779
shall be used for Stockport Riverfront Park Improvements; \$50,000		57780
shall be used for Silver Park Improvements; \$50,000 shall be used		57781
for New Philadelphia City Park Improvements; \$100,000 shall be		57782
used for Dover Park Improvements; \$40,000 shall be used for		57783
Newcomerstown Park Improvements; \$60,000 shall be used for		57784
Sugarcreek Park Improvements; \$20,000 shall be used for Dodge Park		57785
Improvements; \$20,000 shall be used for Grandview Park		57786
Improvements; \$6,500 shall be used for Crossroads Park		57787
Improvements; \$38,000 shall be used for Wauseon Park Land		57788
Acquisition; \$450,000 shall be used for Barberton Park		57789
Improvements; \$150,000 shall be used for Black Swamp <del>Land</del>		57790
<del>Acquisition</del> <u>Improvements</u> ; \$50,000 shall be used for Felicity Park		57791
Improvements; \$50,000 shall be used for Cincinnati Whitewater		57792
Canal Tunnel Park; \$75,000 shall be used for the Walbridge Parks		57793
Improvements; \$50,000 shall be used for the Village of Richwood		57794
Parks; \$112,000 shall be used for the West Creek Preserve - City		57795
of Parma; \$100,000 shall be used by the West Creek Preservation		57796

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Committee for a West Creek Watershed Project; and \$350,000 shall 57797  
be used for Stark County Parks. 57798

## LOCAL PARKS PROJECTS - RIVERFRONT PLAZA 57799

Of the foregoing appropriation item CAP-748, Local Parks 57800  
Projects, \$1,000,000 shall be used for Riverfront Plaza in 57801  
Cincinnati. The Director of Natural Resources shall study and 57802  
determine whether it is feasible and suitable to include the 57803  
Riverfront Plaza in the state park system. 57804

## STATEWIDE TRAILS PROGRAM 57805

Of the foregoing appropriation item CAP-876, Statewide Trails 57806  
Program, \$2,000,000 shall be used for the Ohio to Erie Bike Trail 57807  
in Greene County, Madison County, and Clark County; \$125,000 shall 57808  
be used for the Bike Path Extension in Delaware County; \$150,000 57809  
shall be used for the Village Green Hillside Bike/Hike Path in 57810  
Butler County; \$150,000 shall be used for the Pleasant Run Creek 57811  
Bike/Hike Path in Butler County; \$500,000 shall be used for the 57812  
Delhi Nature Trail in Hamilton County; \$50,000 shall be used for 57813  
the New Richmond Bike Path; and \$50,000 shall be used for the Lake 57814  
to River Greenway Bike Path in Trumbull County. 57815

## SCIOTO RIVERFRONT IMPROVEMENTS 57816

Of the foregoing appropriation item CAP-787, Scioto 57817  
Riverfront Improvements, \$7,750,000 shall be used for Spring and 57818  
Long Park and \$1,425,000 shall be used for Whittier peninsula 57819  
property acquisition and demolition. 57820

## STATE PARK RENOVATIONS/UPGRADING 57821

Of the foregoing appropriation item CAP-836, State Park 57822  
Renovations/Upgrading, \$50,000 shall be used for the Kennedy Stone 57823  
House Improvements in Salt Fork State Park." 57824

**Section 168.** \* That existing Sections 6.02, 9, and 23 of Am. 57825  
Sub. H.B. 640 of the 123rd General Assembly are hereby repealed." 57826

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**Section 169.** \* That Sections 6.01 and 18 of Am. Sub. H.B. 640 57827  
of the 123rd General Assembly, as most recently amended by Am. 57828  
Sub. S.B. 346 of the 123rd General Assembly, be amended to read as 57829  
follows: 57830

## Appropriations

" <b>Sec. 6.01.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		57831
CAP-785 Rural Areas Historical Projects	\$ <del>4,838,500</del>	57832
	<u>5,338,500</u>	
CAP-786 Rural Areas Community Improvements	\$ 13,537,300	57833
CAP-817 Urban Areas Community Improvements	\$ 27,066,000	57834
CAP-818 Community Theatre Renovations	\$ 1,210,000	57835
Total Department of Administrative Services	\$ <del>46,651,800</del>	57836
	<u>47,151,800</u>	

RURAL AREAS HISTORICAL PROJECTS 57837

From the foregoing appropriation item CAP-785, Rural Areas 57838  
Historical Projects, grants shall be made for the following 57839  
projects: 57840

<u>Euclid Beach Carousel</u>	\$ <u>500,000</u>	57841
Camden Town Hall and Opera House	\$ 75,000	57842
Historic Hopewell Church	\$ 10,000	57843
Preble County Historical Society	\$ 150,000	57844
Allen County Museum Building Expansion	\$ 600,000	57845
Allen County Railroad Museum	\$ 50,000	57846
John P. Parker Historic Site Restoration	\$ 200,000	57847
Grant Memorial Building	\$ 185,000	57848
Steamship William G. Mather Maritime Museum	\$ 25,000	57849
Bedford Historical Society	\$ 250,000	57850
Fulton County Historical Society Museum		57851
Rehabilitation	\$ 50,000	57852
Lyons and Area Historical Society Train Depot		57853
Restoration	\$ 40,000	57854

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Middlefield Historical Society	\$	45,000	57855
Hancock Historical Society-New			57856
Agriculture/Transportation Building	\$	150,000	57857
Henry County Historical Society Building			57858
Improvements	\$	50,000	57859
Holmes County Historic Building Improvements	\$	25,000	57860
Holmes County Historical Society Victorian			57861
House	\$	30,000	57862
Harvey Wells House Restoration	\$	100,000	57863
Western Reserve Railroad Association Train			57864
Station Improvements	\$	10,000	57865
Great Lakes Historical Society Renovations	\$	200,000	57866
Monroe County Park District Parry Museum	\$	20,000	57867
Morgan County Historical Society Building			57868
Renovations	\$	25,000	57869
General Sheridan Monument Restoration	\$	6,000	57870
Haydenville Museum	\$	7,500	57871
Overland Inn Historical Site	\$	50,000	57872
Spring Hill Historic Home	\$	100,000	57873
Stan Hywet Hall and Gardens	\$	1,000,000	57874
Gnadenhutten Historical Society	\$	15,000	57875
Van Wert Historical Society Red Barn Project	\$	40,000	57876
Marietta Lockmaster's House Renovation	\$	50,000	57877
New Matamorus Historical Society Renovations	\$	25,000	57878
Wayne County Historical Society	\$	150,000	57879
Wood County Historic Courthouse	\$	1,000,000	57880
Mt. Pleasant Historical Society	\$	10,000	57881
Dennison Railroad Depot Museum	\$	95,000	57882
RURAL AREAS COMMUNITY IMPROVEMENTS			57883
From the foregoing appropriation item CAP-786, Rural Areas			57884
Community Improvements, grants shall be made for the following			57885
projects:			57886

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Southern Ohio Health Network Facility	\$	100,000	57887
Allen County Reservoir Feasibility Study	\$	250,000	57888
Belmont County Office Space	\$	30,000	57889
Meigs County Industrial Park	\$	100,000	57890
Lawrence County Industrial Park	\$	100,000	57891
Gallia County Industrial Park	\$	100,000	57892
Community Building - Belmont County	\$	2,000,000	57893
Watt Center - Belmont County	\$	15,000	57894
4-H Barn - Brown County	\$	50,000	57895
People Working Cooperatively Facility			57896
Improvements	\$	75,000	57897
Champaign YMCA	\$	200,000	57898
Clermont County Courthouse	\$	50,000	57899
Clermont County Visitor Information Center	\$	50,000	57900
Clinton County Firing Range	\$	50,000	57901
Coshocton Infrastructure Improvements	\$	150,000	57902
Bethlehem Water Well	\$	2,700	57903
West Lafayette Municipal Building Roof	\$	7,200	57904
Tuscarawas Township Safety Improvements	\$	10,000	57905
Village of Warsaw Improvements	\$	39,100	57906
Coshocton Softball Field Lighting Improvements	\$	20,000	57907
Defiance/Williams Flood Mitigation Project	\$	1,350,000	57908
Bellepoint Bridge Reconstruction	\$	75,000	57909
West After-School Center	\$	50,000	57910
Gallia County Water Projects	\$	25,000	57911
Fairmount Fine Arts Center	\$	40,000	57912
Guernsey Infrastructure Improvements	\$	100,000	57913
Tornado Warning Sirens - Guernsey County	\$	60,000	57914
Old Kenton Armory Improvements	\$	100,000	57915
Court House/City Hall Improvements - Highland County	\$	400,000	57917
Holmes County Home Renovations	\$	25,000	57918
Old Children's Home Renovations - Holmes County	\$	25,000	57919

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Fairport Community Center	\$	150,000	57920
Mentor Fire and Police Headquarters Relocation	\$	100,000	57921
Hanna House - Lake County	\$	25,000	57922
Perry Township Industrial Park Land Acquisition	\$	65,000	57923
Red Mill Creek Water Retention Basin	\$	20,000	57924
Madison Village Community Building ADA Upgrades	\$	12,500	57925
Mentor-on-the-Lake Erosion Control Project	\$	135,000	57926
Athalia Community Facility	\$	20,000	57927
Chesapeake Community Facility	\$	20,000	57928
Proctorville Community Facility	\$	20,000	57929
Lawrence County Water Projects	\$	25,000	57930
Downtown Parking Garage and Walkway - Licking County	\$	500,000	57931 57932
Institute of Industrial Technology	\$	500,000	57933
Outdoor Education Laboratory Construction - Marion County	\$	60,000	57934 57935
Medina County Engineered Fuel Project	\$	575,000	57936
Chester Court House	\$	15,000	57937
Meigs County Water Projects	\$	25,000	57938
Fort Piqua Hotel	\$	400,000	57939
Graysville Community Center	\$	50,000	57940
Midway Community Center	\$	10,000	57941
Chesterhill Water Tower Improvements	\$	50,000	57942
Morgan Infrastructure Improvements	\$	100,000	57943
Morgan County Economic Development	\$	125,000	57944
Secrest Auditorium Improvements	\$	50,000	57945
Diesel Powered Generators - Muskingum County	\$	6,000	57946
Muskingum County Center for Seniors	\$	8,000	57947
Maysville Community Improvements	\$	10,000	57948
Muskingum County Court House Improvements	\$	65,000	57949
Litter Prevention Complex - Muskingum County	\$	17,300	57950
Noble County Infrastructure Improvements	\$	185,000	57951
Lake Erie Islands Regional Welcome Center	\$	500,000	57952

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Corning Community Center	\$	10,000	57953
Somerset Court House	\$	100,000	57954
New Lexington Community Center	\$	125,000	57955
Crooksville Family Recreation Center	\$	70,000	57956
Perry County Agricultural Society	\$	75,000	57957
Nelsonville Pool	\$	100,000	57958
Cave Lake Center for Community Leadership	\$	350,000	57959
Atwater Township Town Hall Improvements	\$	100,000	57960
Brimfield Township Community Center	\$	75,000	57961
Portage County Sheriff's Department Shooting Range	\$	200,000	57962
WSTB Equipment Upgrade	\$	50,000	57963
Richland Academy of Arts and Sciences Discovery Center	\$	100,000	57964
Mansfield Area YMCA	\$	200,000	57965
Mohican School in the Out-of-Doors Expansion	\$	325,000	57966
Mansfield Reformatory Preservation Project	\$	100,000	57967
Ross County Multi-Purpose Facility	\$	50,000	57968
Bellevue Society for the Arts	\$	10,000	57969
County Jail Improvements - Sandusky County	\$	300,000	57970
Southern Ohio Port Authority	\$	50,000	57971
Meadowbrook Park Ballroom Restoration	\$	100,000	57972
Eastern Ohio Developmental Alliance Equipment Purchase	\$	10,000	57973
Uhrichsville Municipal Building Improvements	\$	80,000	57974
Project Pride Town Hall	\$	20,000	57975
Marietta Nutrition Facility	\$	100,000	57976
Liberty Township Community Center	\$	20,000	57977
West Salem Town Hall	\$	150,000	57978
City of Rittman Recreation Center	\$	125,000	57979
Bryan Senior Center	\$	450,000	57980
Jerry City Town Hall Improvements	\$	7,000	57981
Bradner Historic Building	\$	45,000	57982

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Fairfield Township Community Recreation Facility	\$	150,000	57986
Lighthouse Youth Center Improvements	\$	250,000	57987
Chagrin Falls Park Community Center - Seniors'			57988
Room Construction	\$	10,000	57989
City of Willowick - Senior Center Remodeling,			57990
Addition, and Completion	\$	100,000	57991
Painesville Township Greenspace	\$	15,000	57992
Clermont County Animal Shelter	\$	22,500	57993

ROSS COUNTY MULTI-PURPOSE FACILITY 57994

Of the foregoing appropriation item CAP-786, Rural Areas 57995  
 Community Improvements, the \$50,000 earmarked for the Ross County 57996  
 Multi-Purpose Facility is for a feasibility study for the 57997  
 facility. Yoctangee Park in Chillicothe, Ohio, is specifically 57998  
 excluded as a site from any feasibility study for a multi-purpose 57999  
 facility. 58000

PORTAGE COUNTY SHERIFF'S DEPARTMENT SHOOTING RANGE 58001

Of the foregoing appropriation item CAP-786, Rural Areas 58002  
 Community Improvements, the \$200,000 earmarked for the Portage 58003  
 County Sheriff's Department Shooting Range shall be distributed to 58004  
 the Portage County Sheriff's Department for utilization by that 58005  
 department for a training facility. Any structure so constructed 58006  
 with these funds shall be used by the Portage County Sheriff's 58007  
 Department as a training facility for ten years or moneys must be 58008  
 repaid to the state by Portage County. The Portage County 58009  
 Sheriff's Department may contract with other law enforcement 58010  
 agencies to use the training facility. 58011

URBAN AREAS COMMUNITY IMPROVEMENTS 58012

From the foregoing appropriation item CAP-817, Urban Areas 58013  
 Community Improvements, grants shall be made for the following 58014  
 projects: 58015  
 Cross Links 2000 - Middletown Downtown 58016



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Revitalization	\$	2,000,000	58017
Solon Community Arts Center	\$	275,000	58018
Cleveland Health Museum	\$	1,000,000	58019
Cleveland Jewish Community Center	\$	350,000	58020
Beck Center for the Arts	\$	500,000	58021
Cleveland School for the Arts	\$	100,000	58022
Hill House	\$	325,000	58023
Bellfaire/Jewish Children's Bureau	\$	1,020,000	58024
Karamu House Improvements	\$	600,000	58025
Halloran Ice Skating Rink	\$	300,000	58026
Cleveland Greenhouse Improvements	\$	255,000	58027
Alliance for Poles of America Facility			58028
Improvements	\$	260,000	58029
West Side Ecumenical Ministry	\$	375,000	58030
Solon VFW Memorial	\$	7,000	58031
Solon Senior Center	\$	300,000	58032
Brecksville Senior Development Project	\$	10,000	58033
Bentlyville Village Hall	\$	30,000	58034
Sterns Farm	\$	70,000	58035
Schaaf Community Center	\$	100,000	58036
Olmstead Community Center	\$	100,000	58037
Horizon Center	\$	200,000	58038
North Royalton Recreation Center	\$	200,000	58039
St. Vincent de Paul Recycle Project	\$	250,000	58040
Cleveland Free Clinic	\$	370,000	58041
Alta House	\$	35,000	58042
Rickenbacker House Restoration and Park	\$	475,000	58043
King Lincoln District Revitalization	\$	1,425,000	58044
J. Ashburn Youth Center	\$	500,000	58045
Columbus Downtown Initiatives Planning	\$	1,900,000	58046
Leo Yassenoff Columbus Community Center	\$	400,000	58047
Rickenbacker Air and Industrial Park	\$	6,000,000	58048
Clintonville Improvements	\$	150,000	58049

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Grove City YMCA	\$	35,000	58050
Victorian Village Society	\$	15,000	58051
Beech Acres Family Center	\$	50,000	58052
Health Education Center	\$	25,000	58053
Convention Center Expansion Planning	\$	500,000	58054
German Heritage Museum	\$	12,000	58055
Lincoln Heights Health Center Improvements	\$	1,000,000	58056
South End Revitalization Project	\$	100,000	58057
Toledo International Youth Hostel Renovations	\$	50,000	58058
Sylvania Recreation Center	\$	450,000	58059
Sylvania Senior Center	\$	300,000	58060
Canton Civic Center	\$	1,000,000	58061
Canton Jewish Community Center Renovations	\$	20,000	58062
Canton Jewish Women's Center	\$	100,000	58063
J.R. Coleman Center	\$	250,000	58064
Gateway Social Services Building	\$	450,000	58065
Massillon Domestic Violence Shelter for Battered Women			58066
	\$	100,000	58067
Massillon Civic Center	\$	1,000,000	58068
Football Hall of Fame	\$	150,000	58069
Stark Central YMCA	\$	25,000	58070
Stark County Convention and Visitors Bureau			58071
Tourist Center	\$	25,000	58072
Akron Jewish Community Center Renovations	\$	85,000	58073
Oriana House	\$	450,000	58074
Cedar Grove Mausoleum Improvements	\$	30,000	58075
Amphitheater, Riverwalk, and Kinsman House Improvements			58076
	\$	1,000,000	58077
Fairlawn, Bath, Copley Community Center	\$	65,000	58078
Loew Field Improvements	\$	50,000	58079
Harvard Community Services Center Renovation and Expansion			58080
	\$	20,000	58081
City of South Euclid-Construction of Complying			58082

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Community Ground Sign	\$	5,000	58083
Henn Mansion Renovation	\$	25,000	58084
Collinwood Community Service Center Repair and Renovation	\$	20,000	58085 58086
Bowman Park - City of Toledo	\$	80,000	58087
Godman Guild	\$	65,000	58088

COMMUNITY THEATRE RENOVATIONS 58089

From the foregoing appropriation item CAP-818, Community Theatre Renovations, grants shall be made for the following projects: 58090  
58091  
58092

Hayesville Opera House	\$	50,000	58093
Cleveland Public Theatre Improvements - Gordon Square	\$	160,000	58094 58095
Markay Theatre Renovations	\$	100,000	58096
Stranahan Theatre	\$	100,000	58097
Holland Theatre	\$	250,000	58098
Lorain Palace Theatre Improvements	\$	200,000	58099
Ohio Ballet	\$	250,000	58100
Ritz Theatre Renovations	\$	100,000	58101

**Sec. 18.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Arts Facilities Building Fund (Fund 030). Revenues to the Arts Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements: 58103  
58104  
58105  
58106  
58107  
58108

Appropriations

AFC ARTS FACILITIES COMMISSION			58109
CAP-010	Sandusky State Theatre Improvements	\$	200,000 58110
CAP-013	Stambaugh Hall Improvements	\$	500,000 58111
CAP-033	Woodward Opera House Renovation	\$	250,000 58112
CAP-037	Canton Palace Theatre Renovations	\$	750,000 58113
CAP-044	National Underground Railroad Freedom	\$	3,500,000 58114

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	Center			
CAP-045	Cincinnati Contemporary Arts Center	\$	2,000,000	58115
CAP-046	Cincinnati Museum Center Improvements	\$	200,000	58116
CAP-048	John and Annie Glenn Museum	\$	500,000	58117
CAP-051	Akron Civic Theatre Improvements	\$	1,000,000	58118
CAP-052	Akron Art Museum	\$	2,500,000	58119
CAP-056	Ohio Agricultural and Industrial Heritage	\$	2,500,000	58120
	Center			
CAP-063	Robins Theatre Renovations	\$	1,000,000	58121
CAP-734	Hayes Presidential Center-Museum and Home	\$	750,000	58122
	Improvements			
CAP-735	Paul Lawrence Dunbar House	\$	672,000	58123
CAP-741	Adena State Memorial Renovations	\$	3,888,000	58124
CAP-742	Ft. Meigs Museum and Exhibit Improvements	\$	1,805,000	58125
CAP-780	Harding Tomb and Site Renovations	\$	138,000	58126
CAP-781	Archives and Library Automation	\$	300,000	58127
CAP-784	Ohio Historical Center Rehabilitation	\$	500,000	58128
CAP-786	Piqua/Fort Pickawillany Acquisition and	\$	435,000	58129
	Improvements			
CAP-789	Neil Armstrong Air and Space Museum	\$	200,000	58130
	Improvements			
CAP-790	Reese-Peters Site Improvements	\$	250,000	58131
CAP-798	Multi-Site Fire and Security System	\$	100,000	58132
	Improvements			
CAP-801	Statewide Underground Storage Tank	\$	107,000	58133
	Removal			
CAP-802	Zane Grey Museum Improvements	\$	280,000	58134
CAP-803	Digitization of OHS Collection	\$	750,000	58135
CAP-806	Grant Boyhood Home Improvements	\$	200,000	58136
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	58137
CAP-811	National First Ladies Library	\$	500,000	58138
CAP-812	Dayton Performing Arts Center	\$	9,500,000	58139
CAP-814	Crawford Museum of Transportation and	\$	<del>3,000,000</del>	58140

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Industry		<u>2,500,000</u>	
Total Arts Facilities Commission	\$	<del>38,725,000</del>	58141
		<u>38,225,000</u>	
Total Arts Facilities Building Fund	\$	<del>38,725,000</del>	58142
		<u>38,225,000"</u>	

**Section 170.** \* That existing Sections 6.01 and 18 of Am. Sub. 58144  
H.B. 640 of the 123rd General Assembly, as most recently amended 58145  
by Am. Sub. S.B. 346, are hereby repealed. 58146

**Section 171.** That Section 4 of Am. Sub. H.B. 478 of the 119th 58147  
General Assembly, as amended by Am. Sub. S.B. 300 of the 121st 58148  
General Assembly and Am. Sub. H.B. 215 of the 122nd General 58149  
Assembly, is hereby repealed. 58150

The intent of this repeal is to remove the limitation imposed 58151  
by Section 4 of Am. Sub. H.B. 478 of the 119th General Assembly 58152  
upon the continued existence of sections 3702.71, 3702.72, 58153  
3702.73, 3702.74, 3702.75, 3702.76, 3702.77, 3702.78, 3702.79, 58154  
3702.80, and 3702.81 of the Revised Code. This intent is not 58155  
affected by the rule of construction in section 1.57 of the 58156  
Revised Code. 58157

**Section 172.** That Section 18 of Am. Sub. H.B. 650 of the 58158  
122nd General Assembly, as most recently amended by Sub. S.B. 245 58159  
of the 123rd General Assembly, is hereby repealed. 58160

**Section 173.** That Section 17 of Am. Sub. H.B. 282 of the 58161  
123rd General Assembly, as most recently amended by Sub. S.B. 245 58162  
of the 123rd General Assembly, is hereby repealed. 58163

**Section 174.** That Section 15 of Am. Sub. S.B. 287 of the 58164  
123rd General Assembly is hereby repealed. 58165

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**Section 175.** \* All items set forth in this section are hereby 58166  
appropriated out of any moneys in the state treasury to the credit 58167  
of the School Building Program Assistance Fund (Fund 032), created 58168  
under section 3318.25 of the Revised Code, derived from the 58169  
proceeds of obligations heretofore and herein authorized to pay 58170  
the cost of facilities for a system of common schools throughout 58171  
the state for the period beginning July 1, 2001, and ending June 58172  
30, 2003. 58173

SFC SCHOOL FACILITIES COMMISSION 58174

CAP-770	School Building Program Assistance	\$	300,000,000	58175
	Total School Facilities Commission	\$	300,000,000	58176
	Total School Building Program Assistance Fund	\$	300,000,000	58177

SCHOOL BUILDING PROGRAM ASSISTANCE 58178

The foregoing appropriation item CAP-770, School Building 58179  
Program Assistance, shall be used by the School Facilities 58180  
Commission to provide funding to school districts that receive 58181  
conditional approval from the Commission pursuant to Chapter 3318. 58182  
of the Revised Code. 58183

Expenditures from appropriations contained in this act may be 58184  
accounted for as though made in Am. Sub. H.B. 640 of the 123rd 58185  
General Assembly. The appropriations made in this act are subject 58186  
to all provisions of Am. Sub. H.B. 640 of the 123rd General 58187  
Assembly that are generally applicable to such appropriations. 58188

**Section 176.** The Office of Criminal Justice Services and the 58189  
Department of Job and Family Services shall enter into an 58190  
interagency agreement for the transfer to the Office of the 58191  
Department's duties, records, assets, and liabilities related to 58192  
the administration of funds received under the "Family Violence 58193  
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 58194  
10401, as amended. Subject to the layoff provisions of sections 58195

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124.321 to 124.328 of the Revised Code and of any applicable 58196  
 collective bargaining agreement, employees of the Department of 58197  
 Job and Family Services whose primary duties relate to the 58198  
 administration of those funds are hereby transferred to the Office 58199  
 of Criminal Justice Services and shall retain their positions and 58200  
 all of the benefits accruing to them. 58201

**Section 177. WOMEN'S POLICY AND RESEARCH COMMISSION FUND 58202**  
 TRANSFERS 58203

Notwithstanding any other provision of law to the contrary, 58204  
 the Director of Budget and Management shall transfer any remaining 58205  
 amounts of cash from the specified obsolete fund to the General 58206  
 Revenue Fund (Fund GRF) within thirty days after the effective 58207  
 date of this section: Women's Policy and Research Commission, Fund 58208  
 4V9, Women's Policy and Research Commission Fund. 58209

**Section 178. OHIO FAMILY AND CHILDREN FIRST CABINET COUNCIL. 58210**

The Ohio Family and Children First Cabinet Council shall 58211  
 conduct an assessment of the need for and resources available for 58212  
 services and programs that serve children under six years of age. 58213  
 The assessment shall include identifying supports available to 58214  
 those services and programs and gaps in services across Ohio, as 58215  
 well as a review of existing state laws and administrative 58216  
 procedures related to those services and programs. Based on its 58217  
 assessment, the Cabinet Council shall develop, in consultation 58218  
 with early childhood, business, and community organizations, a 58219  
 strategic plan that does both of the following: 58220

(1) Identifies goals for developing an integrated system of 58221  
 early care and education for families with children under six 58222  
 years of age. 58223

(2) Recommends specific steps that must be taken to 58224

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accomplish those goals, including establishing linkages between 58225  
schools and early childhood programs to ensure successful 58226  
transitions for children and their families. The recommendations 58227  
included in the strategic plan shall maximize opportunities for 58228  
existing programs and services to blend funding sources and work 58229  
together. 58230

The Cabinet Council shall provide copies of the strategic 58231  
plan to the Governor, Speaker and Minority Leader of the House of 58232  
Representatives, and the President and Minority Leader of the 58233  
Senate not later than June 30, 2002. 58234

**Section 179.** On the effective date of this section, the Mine 58235  
Examining Board is abolished and all of its functions and assets, 58236  
liabilities, equipment, and records, irrespective of form or 58237  
medium, are transferred to the Chief of the Division of Mineral 58238  
Resources Management in the Department of Natural Resources and 58239  
the Reclamation Commission, as provided in Section 1 of this act. 58240  
The Chief and the Reclamation Commission, as appropriate, are 58241  
thereupon and thereafter successor to, assume the obligations of, 58242  
and otherwise constitute the continuation of the Mine Examining 58243  
Board. 58244

Any business commenced, but not completed by, the Mine 58245  
Examining Board on the effective date of this section shall be 58246  
completed by the Chief or the Reclamation Commission, as 58247  
appropriate. No validation, cure, right, privilege, remedy, 58248  
obligation, or liability is lost or impaired by reason of the 58249  
transfer required by this section, but shall be administered by 58250  
the Chief or the Reclamation Commission, as appropriate. All of 58251  
the Mine Examining Board's rules, orders, and determinations 58252  
continue in effect as rules, orders, and determinations of the 58253  
Chief and the Reclamation Commission, as appropriate, until 58254  
modified or rescinded by the Chief or the Reclamation Commission, 58255



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as appropriate.	58256
Subject to the lay-off provisions of sections 124.321 to	58257
124.328 of the Revised Code, all the employees of the Mine	58258
Examining Board are transferred to the Division of Mineral	58259
Resources Management and the Reclamation Commission, as	58260
appropriate.	58261
Whenever the Mine Examining Board is referred to in any law,	58262
contract, or other document, the reference shall be deemed to	58263
refer to the Chief of the Division of Mineral Resources Management	58264
or the Reclamation Commission, as appropriate.	58265
No action or proceeding pending on the effective date of this	58266
section is affected by the transfer, and shall be prosecuted or	58267
defended in the name of the Chief or the Reclamation Commission,	58268
as appropriate. In all such actions and proceedings, the Chief or	58269
the Reclamation Commission, as appropriate, shall be substituted	58270
as a party upon application by the receiving entity to the court	58271
or other appropriate tribunal.	58272
<b>Section 180. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL</b>	58273
<b>FACILITIES</b>	58274
Notwithstanding any other provisions of law to the contrary,	58275
the School Facilities Commission may provide assistance under the	58276
Exceptional Needs Pilot Program to any school district and not	58277
exclusively a school district in the lowest 50 per cent of	58278
adjusted valuation per pupil on the fiscal year 1999 ranking of	58279
school districts established pursuant to section 3317.02 of the	58280
Revised Code, for the purpose of the relocation or replacement of	58281
school facilities required as a result of extreme environmental	58282
contamination. If in the assessment of the school district's	58283
classroom facilities needs conducted under the Exceptional Needs	58284
Pilot Program pursuant to Section 26 of Am. Sub. H.B. 850 of the	58285
122nd General Assembly, the commission determines that all the	58286

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school district's classroom facilities ultimately will require 58287  
replacement under sections 3318.01 to 3318.20 of the Revised Code, 58288  
then the commission may undertake a district-wide project under 58289  
sections 3318.01 to 3318.20 of the Revised Code. 58290

The School Facilities Commission shall contract with an 58291  
independent environmental consultant to conduct a study and to 58292  
report to the commission as to the seriousness of the 58293  
environmental contamination, whether the contamination violates 58294  
applicable state and federal standards, and whether the facilities 58295  
are no longer suitable for use as school facilities. The 58296  
commission then shall make a determination regarding funding for 58297  
the relocation or replacement of the school facilities. If the 58298  
federal government or other public or private entity provides 58299  
funds for restitution of costs incurred by the state or school 58300  
district in the relocation or replacement of the school 58301  
facilities, the school district shall use such funds in excess of 58302  
the school district's share to refund the state for the state's 58303  
contribution to the environmental contamination portion of the 58304  
project. The school district may apply an amount of such 58305  
restitution funds up to an amount equal to the school district's 58306  
portion of the project, as defined by the commission, toward 58307  
paying its portion of that project to reduce the amount of bonds 58308  
the school district otherwise must issue to receive state 58309  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 58310

**Section 181.** (A) The Ohio School Facilities Commission may 58311  
commit up to thirty-five million dollars to the Canton City School 58312  
District for construction of a facility described in this section, 58313  
in lieu of a high school that would otherwise be authorized under 58314  
Chapter 3318. of the Revised Code. The commission shall not commit 58315  
funds under this section unless all of the following conditions 58316  
are met: 58317

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(1) The district has entered into a cooperative agreement with a state-assisted technical college.	58318 58319
(2) The district has received an irrevocable commitment of additional funding from nonpublic sources.	58320 58321
(3) The facility is intended to serve both secondary and postsecondary instructional purposes.	58322 58323
(B) The commission shall enter into an agreement with the district for the construction of the facility authorized under this section that is separate from and in addition to the agreement required for the district's participation in the Classroom Facilities Assistance Program under section 3318.08 of the Revised Code. Notwithstanding that section and sections 3318.03, 3318.04, and 3318.083 of the Revised Code, the additional agreement shall provide, but not be limited to, the following:	58324 58325 58326 58327 58328 58329 58330 58331
(1) The commission shall not have any oversight responsibilities over the construction of the facility.	58332 58333
(2) The facility need not comply with the specifications for plans and materials for high schools adopted by the commission.	58334 58335
(3) The commission may decrease the basic project cost that would otherwise be calculated for a high school under Chapter 3318. of the Revised Code.	58336 58337 58338
(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.	58339 58340 58341
All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.	58342 58343 58344
The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised	58345 58346 58347

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Code. All additional state funds committed to the Canton City	58348
School District for classroom facilities assistance shall be	58349
subject to all provisions of Chapter 3318. of the Revised Code.	58350
<b>Section 182.</b> Not later than July 1, 2001, the Tax	58351
Commissioner shall certify to the Department of Education for each	58352
city, local, and exempted village school district the total	58353
federal adjusted gross income of the residents of the school	58354
district, based on tax returns filed by the residents of the	58355
district, for each of the three most recent years for which this	58356
information is available. The Department shall use the information	58357
certified under this section to compute each district's state	58358
parity aid funding under section 3317.0217 of the Revised Code in	58359
fiscal year 2002.	58360
<b>Section 183.</b> The Legislative Office of Education Oversight	58361
shall review and evaluate the policies adopted by school districts	58362
for the identification of gifted students under section 3313.21 of	58363
the Revised Code and analyze the advantages and disadvantages of	58364
allocating funds on either a district percentage basis or on a	58365
unit basis. Not later than November 30, 2002, the Office shall	58366
issue a report that summarizes the results of the evaluations and	58367
recommends appropriate methods for serving students who are	58368
gifted. The Office shall submit its report to the President of the	58369
Senate, the Speaker of the House of Representatives, the Minority	58370
Leader of the Senate, the Minority Leader of the House of	58371
Representatives, and the Governor.	58372
<b>Section 184.</b> The Department of Education shall consider the	58373
feasibility and desirability of relocating the department staff	58374
responsible for gifted education from the Center for Students,	58375
Families, and Communities to the Center for Curriculum and	58376
Assessment.	58377

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**Section 185.** There is hereby created the Instructional Subsidy and Challenge Review Committee. The Committee shall contain ten members: the Chancellor of the Ohio Board of Regents or the chancellor's designee; a representative of two-year colleges and two representatives of the state universities identified in section 3345.011 of the Revised Code, all three of whom shall be appointed jointly by the President of the Senate and the Speaker of the House of Representatives; three members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and three members of the House of Representatives appointed by the Speaker of the House, two of whom shall be members of the majority party and one of whom shall be a member of the minority party. The Committee shall perform a comprehensive review of the allocation formula for the State Share of Instruction appropriation item as well as all of the "Challenge" appropriation items contained in the Board of Regents' budget and shall issue a report containing its recommendations to the General Assembly not later than December 31, 2001. Upon issuance of its report, the Committee shall cease to exist.

**Section 186.** The Arts Facilities Building Fund and Sports Facilities Building Fund created by section 3383.09 of the Revised Code are the same as the Arts Facilities Building Fund and the Sports Facilities Building Fund from which appropriations are made in Am. Sub. H.B. 640 of the 123rd General Assembly.

**Section 187.** An owner or operator of a facility that is regulated under Chapter 1509. of the Revised Code who submits the fees that the owner or operator is required to submit under section 3750.13 of the Revised Code, as amended by this act, by the first day of March of the year following the effective date of

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this section shall be deemed to have paid all late fees, 58408  
penalties, and interest and to have satisfied all other monetary 58409  
obligations that were imposed on that person under Chapter 3750. 58410  
of the Revised Code prior to that date. As used in this section, 58411  
"facility" has the same meaning as in section 3750.01 of the 58412  
Revised Code. 58413

**Section 188.** (A) Notwithstanding section 4717.07 of the 58414  
Revised Code as amended by this act, the Board of Embalmers and 58415  
Funeral Directors shall charge and collect the following fees for 58416  
the renewal of licenses that expire on December 31, 2001: 58417

(1) Sixty dollars for renewal of an embalmer's or funeral 58418  
director's license; 58419

(2) One hundred twenty-five dollars for renewal of a license 58420  
to operate a funeral home; 58421

(3) One hundred dollars for renewal of a license to operate 58422  
an embalming facility; 58423

(4) One hundred dollars for renewal of a license to operate a 58424  
crematory facility. 58425

(B) Notwithstanding section 4717.08 of the Revised Code as 58426  
amended by this act, every license issued under Chapter 4717. of 58427  
the Revised Code expires on December 31, 2001, and shall be 58428  
renewed on or before that date according to the standard license 58429  
renewal procedure set forth in Chapter 4745. of the Revised Code. 58430

**Section 189.** Unless five licensed embalmers and practicing 58431  
funeral directors are serving on the Board of Embalmers and 58432  
Funeral Directors on the effective date of this section, the first 58433  
person appointed to fill a vacancy occurring on the Board on or 58434  
after that date under section 4717.02 of the Revised Code, as 58435  
amended by this act, shall be a licensed embalmer and practicing 58436  
funeral director with at least ten consecutive years of experience 58437

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in this state immediately preceding the date of the person's 58438  
 appointment. 58439

**Section 190.** Notwithstanding section 4775.08 of the Revised 58440  
 Code, as amended by this act, during calendar year 2001, the 58441  
 initial and annual renewal fee for a motor vehicle collision 58442  
 repair registration certificate and for a temporary motor vehicle 58443  
 collision repair registration certificate is one hundred dollars 58444  
 for each business location at which the motor vehicle collision 58445  
 repair operator conducts business as an operator. However, the 58446  
 Board of Motor Vehicle Collision Repair Registration may adjust 58447  
 the fee in the same manner as provided in division (A) of section 58448  
 4775.08 of the Revised Code, as amended by this act. 58449

**Section 191.** (A) As used in this section: 58450

(1) "Amnesty" means forgiving a taxpayer's liability for 58451  
 penalties and one-half of the interest that accrue on account of 58452  
 the late payment, nonpayment, underreporting, or unreporting of 58453  
 delinquent taxes. 58454

(2) "Delinquent taxes" means taxes imposed under section 58455  
 5727.24 or 5727.30 (public utility excise tax), 5733.06 or 5733.41 58456  
 (corporation franchise tax), 5739.02 (except division (C) of 58457  
 section 5739.02), 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 58458  
 5741.022, or 5741.023 (sales and use taxes), or 5747.02, 5747.41, 58459  
 or 5747.07 (personal income tax) of the Revised Code, that were 58460  
 due and payable from a taxpayer, that were unreported or 58461  
 underreported, and that remain unpaid. "Delinquent taxes" does not 58462  
 include taxes for which a notice of assessment or audit has been 58463  
 issued, a bill has been issued, or an audit is currently being 58464  
 conducted. 58465

(3) "Taxpayer" means any individual or other person, as 58466  
 defined in section 5701.01 of the Revised Code, that is subject to 58467

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taxes imposed under section 5727.24, 5727.30, 5733.06, 5733.41, 58468  
5739.02, 5741.02, 5747.02, or 5747.41 of the Revised Code, 58469  
including any vendor subject to sections 5739.03 and 5739.12 of 58470  
the Revised Code, any seller subject to section 5741.04 or 5741.12 58471  
of the Revised Code, any employer subject to section 5747.07 of 58472  
the Revised Code, and any qualifying entity as defined in section 58473  
5733.40 of the Revised Code. 58474

(B)(1) Beginning on October 15, 2001, and ending on January 58475  
15, 2002, if a taxpayer that owes delinquent taxes pays the full 58476  
amount of delinquent taxes and one-half of any interest to the 58477  
Treasurer of State, in the form and manner prescribed by the Tax 58478  
Commissioner, the Tax Commissioner shall grant amnesty for any 58479  
penalties and one-half of the interest that otherwise are imposed 58480  
as a result of delinquency in the payment of those taxes. 58481

(2) The Tax Commissioner shall prescribe forms on which 58482  
taxpayers may apply for amnesty. The Tax Commissioner may require 58483  
taxpayers applying for amnesty to file returns or reports, 58484  
including amended returns and reports, that otherwise would be 58485  
required. 58486

(C) If a taxpayer pays delinquent taxes as prescribed in 58487  
division (B) of this section, no criminal prosecution or civil 58488  
action shall be brought thereafter against the taxpayer and no 58489  
assessment shall be issued thereafter against the taxpayer on 58490  
account of the delinquent taxes paid. 58491

(D) Delinquent taxes and interest collected under this 58492  
section shall be credited to the General Revenue Fund. 58493

(E) This section is hereby repealed, effective January 16, 58494  
2002. 58495

**Section 192.** The credit allowed by section 5747.29 of the 58496  
Revised Code shall not be claimed for taxable year 2001 or 2002. 58497



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**Section 193.** Except as otherwise specifically provided in 58498  
 this act, the codified sections of law amended or enacted in this 58499  
 act, and the items of law of which the codified sections of law 58500  
 amended or enacted in this act are composed, are subject to the 58501  
 referendum. Therefore, under Ohio Constitution, Article II, 58502  
 Section 1c and section 1.471 of the Revised Code, the codified 58503  
 sections of law amended or enacted by this act, and the items of 58504  
 law of which the codified sections of law as amended or enacted by 58505  
 this act are composed, take effect on the ninety-first day after 58506  
 this act is filed with the Secretary of State. If, however, a 58507  
 referendum petition is filed against any such codified section of 58508  
 law as amended or enacted by this act, or against any item of law 58509  
 of which any such codified section of law as amended or enacted by 58510  
 this act is composed, the codified section of law as amended or 58511  
 enacted, or item of law, unless rejected at the referendum, takes 58512  
 effect at the earliest time permitted by law. 58513

**Section 194.** Except as otherwise specifically provided in 58514  
 this act, the repeal by this act of a codified section of law is 58515  
 subject to the referendum. Therefore, under Ohio Constitution, 58516  
 Article II, Section 1c and section 1.471 of the Revised Code, the 58517  
 repeal by this act of a codified section of law takes effect on 58518  
 the ninety-first day after this act is filed with the Secretary of 58519  
 State. If, however, a referendum petition is filed against any 58520  
 such repeal, the repeal, unless rejected at the referendum, takes 58521  
 effect at the earliest time permitted by law. 58522

**Section 195.** The repeals of sections 166.032, 1329.68, 58523  
 5101.143, 5101.52, 5101.851, 5101.852, 5111.341, 5111.88, and 58524  
 5126.054 of the Revised Code constitute items of law that are not 58525  
 subject to the referendum. Therefore, under Ohio Constitution, 58526  
 Article II, Section 1d and section 1.471 of the Revised Code, the 58527

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repeals go into immediate effect when this act becomes law. 58528

**Section 196.** Sections 105.41, 111.16, 111.18, 111.23, 111.25, 58529  
 121.40, 122.011, 133.06, 166.03, 181.52, 901.43, 901.63, 901.81, 58530  
 901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 58531  
 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 58532  
 1329.56, 1329.58, 1329.60, 1329.601, 1501.40, 1502.12, 1701.05, 58533  
 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 58534  
 1703.041, 1703.15, 1703.17, 1703.27, 1705.05, 1705.06, 1705.38, 58535  
 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 58536  
 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 58537  
 3301.70, 3302.041, 3313.603, 3314.08, 3314.09, 3314.091, 3317.012, 58538  
 3317.013, 3317.014, 3317.02, 3317.021, 3317.022, 3317.024, 58539  
 3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.03, 58540  
 3317.05, 3317.051, 3317.06, 3317.064, 3317.161 (3317.052), 58541  
 3317.162 (3317.053), 3317.11, 3317.13, 3317.16, 3317.19, 3317.20, 58542  
 3318.042, 3318.52, 3323.09, 3323.091, 3333.043, 3333.21, 3333.22, 58543  
 3702.68, 3721.07, 3721.51, 3721.56, 3734.57, 3745.014, 3745.11, 58544  
 3745.22, 3769.08, 3769.20, 3923.28, 3923.30, 4115.10, 4301.43, 58545  
 4503.10, 4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 58546  
 4507.50, 4507.52, 4511.81, 4519.03, 4519.10, 4519.56, 4519.69, 58547  
 4734.20, 4761.05, 4779.01, 4779.02, 4779.16, 4779.19, 4779.20, 58548  
 4779.26, 4905.87, 5101.071 (5101.251), 5101.521, 5101.821, 58549  
 5101.85, 5101.853 (5101.851), 5101.852, 5101.854 (5101.853), 58550  
 5103.07, 5111.041, 5111.042, 5111.081, 5111.171, 5111.25, 58551  
 5111.251, 5111.262, 5111.28, 5111.29, 5111.87 (5111.871), 58552  
 5111.872, 5111.873, 5123.01, 5123.041, 5123.044, 5123.045, 58553  
 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 5123.0411, 58554  
 5123.0412, 5123.0413, 5123.71, 5123.76, 5126.01, 5126.042, 58555  
 5126.046, 5126.047, 5126.05, 5126.051, 5126.054, 5126.055, 58556  
 5126.056, 5126.12, 5126.18, 5126.357, 5126.431, 5139.11, 5703.49, 58557  
 5705.091, 5705.41, 5705.44, 5725.31, 5727.84, 5727.85, 5729.07, 58558  
 5733.122, 5733.42, 5747.39, and 6109.21 of the Revised Code as 58559

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amended or enacted by this act, and the items of law of which such 58560  
sections as amended or enacted by this act are composed, are not 58561  
subject to the referendum. Therefore, under Ohio Constitution, 58562  
Article II, Section 1d and section 1.471 of the Revised Code, such 58563  
sections as amended or enacted by this act, and the items of law 58564  
of which such sections as amended or enacted by this act are 58565  
composed, go into immediate effect when this act becomes law. 58566

**Section 197.** (A) The amendment by this act removing language 58567  
from division (B)(1)(e) of section 125.22 of the Revised Code 58568  
constitutes an item of law that is subject to the referendum. 58569  
Therefore, under Ohio Constitution, Article II, Section 1c and 58570  
section 1.471 of the Revised Code, the item takes effect on the 58571  
ninety-first day after this act is filed with the Secretary of 58572  
State. If, however, a referendum petition is filed against the 58573  
item, the item, unless rejected at the referendum, takes effect at 58574  
the earliest time permitted by law. 58575

(B) The amendment by this act inserting division (A)(20) into 58576  
section 125.22 of the Revised Code constitutes an item of law that 58577  
is not subject to the referendum. Therefore, under Ohio 58578  
Constitution, Article II, Section 1d and section 1.471 of the 58579  
Revised Code, the item goes into immediate effect when this act 58580  
becomes law. 58581

**Section 198.** (A) The amendment by this act removing language 58582  
from division (B)(2) of section 3318.04 of the Revised Code 58583  
constitutes an item of law that is subject to the referendum. 58584  
Therefore, under Ohio Constitution, Article II, Section 1c and 58585  
section 1.471 of the Revised Code, the item takes effect on the 58586  
ninety-first day after this act is filed with the Secretary of 58587  
State. If, however, a referendum petition is filed against the 58588  
item, the item, unless rejected at the referendum, takes effect at 58589

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the earliest time permitted by law. 58590

(B) The amendment by this act inserting division (B)(3) into 58591  
section 3318.04 of the Revised Code constitutes an item of law 58592  
that is not subject to the referendum. Therefore, under Ohio 58593  
Constitution, Article II, Section 1d and section 1.471 of the 58594  
Revised Code, the item goes into immediate effect when this act 58595  
becomes law. 58596

**Section 199.** (A) The amendment by this act removing language 58597  
from divisions (G)(2) and (4) and (H)(1) and (2), and inserting 58598  
language into what are now divisions (G)(3) and (H), of section 58599  
3734.82 of the Revised Code constitutes an item of law that is 58600  
subject to the referendum. Therefore, under Ohio Constitution, 58601  
Article II, Section 1c and section 1.471 of the Revised Code, the 58602  
item takes effect on the ninety-first day after this act is filed 58603  
with the Secretary of State. If, however, a referendum petition is 58604  
filed against the item, the item, unless rejected at the 58605  
referendum, takes effect at the earliest time permitted by law. 58606

(B) The amendment by this act to former division (G)(3) (now 58607  
division (G)(2)) of section 3734.82 of the Revised Code 58608  
constitutes an item of law that is not subject to the referendum. 58609  
Therefore, under Ohio Constitution, Article II, Section 1d and 58610  
section 1.471 of the Revised Code, the item goes into immediate 58611  
effect when this act becomes law. 58612

**Section 200.** (A) The amendment by this act inserting language 58613  
into division (G) of section 5119.01 of the Revised Code 58614  
constitutes an item of law that is subject to the referendum. 58615  
Therefore, under Ohio Constitution, Article II, Section 1c and 58616  
section 1.471 of the Revised Code, the item takes effect on the 58617  
ninety-first day after this act is filed with the Secretary of 58618  
State. If, however, a referendum petition is filed against the 58619

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item, the item, unless rejected at the referendum, takes effect at 58620  
the earliest time permitted by law. 58621

(B) The amendment by this act removing language from division 58622  
(I) of section 5119.01 of the Revised Code constitutes an item of 58623  
law that is not subject to the referendum. Therefore, under Ohio 58624  
Constitution, Article II, Section 1d and section 1.471 of the 58625  
Revised Code, the item goes into immediate effect when this act 58626  
becomes law. 58627

**Section 201.** The repeal by this act of section 3317.0215 of 58628  
the Revised Code is not subject to the referendum. Therefore, 58629  
under Ohio Constitution, Article II, Section 1d and section 1.471 58630  
of the Revised Code, the repeal goes into immediate effect when 58631  
this act becomes law. 58632

**Section 202.** \*Sections 121.04, 1501.04, and 3517.092 of the 58633  
Revised Code, as amended by this act, and the repeal by this act 58634  
of sections 1553.01, 1553.02, 1553.03, 1553.04, 1553.05, 1553.06, 58635  
1553.07, 1553.08, 1553.09, 1553.10, and 1553.99 of the Revised 58636  
Code shall take effect July 1, 2002. 58637

**Section 203.** The amendment by this act of sections 126.21, 58638  
131.01, 183.09, and 183.17 of the Revised Code applies to fiscal 58639  
years beginning with fiscal year 2003. 58640

**Section 204.** The enactment of section 1309.525 of the Revised 58641  
Code by this act is contingent upon and takes effect only if S.B. 58642  
74 of the 124th General Assembly becomes law and section 1309.40 58643  
of the Revised Code is repealed by that latter act. 58644

**Section 205.** (A) Sections 1345.21, 4707.01, 4707.011, 58645  
4707.02, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 58646  
4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 58647

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4707.13, 4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 58648  
4707.23, and 4707.99 of the Revised Code, as amended by this act, 58649  
shall take effect on October 1, 2001, or the earliest date 58650  
thereafter permitted by law. 58651

(B)(1) On the effective date under division (A) of this 58652  
section of the sections as amended, the licensing functions of the 58653  
Department of Commerce under Chapter 4707. of the Revised Code are 58654  
transferred to the Department of Agriculture. The Department of 58655  
Agriculture thereupon and thereafter assumes these functions. 58656

Any business commenced but not completed by the Department of 58657  
Commerce on that effective date shall be completed by the Director 58658  
or Department of Agriculture in the same manner, and with the same 58659  
effect, as if completed by the Director or Department of Commerce. 58660  
No validation, cure, right, privilege, remedy, obligation, or 58661  
liability is lost or impaired by reason of the transfer of 58662  
functions required by this section and shall be administered by 58663  
the Director or Department of Agriculture. All of the Department 58664  
of Commerce's rules, orders, and determinations continue in effect 58665  
as rules, orders, and determinations of the Department of 58666  
Agriculture until modified or rescinded by the Department of 58667  
Agriculture. If necessary to ensure the integrity of the numbering 58668  
of the Administrative Code, the Director of the Legislative 58669  
Service Commission shall renumber the Department of Commerce's 58670  
relevant rules as appropriate to reflect their transfer to the 58671  
Department of Agriculture. 58672

No employees of the Department of Commerce are transferred to 58673  
the Department of Agriculture. The Director of Agriculture may 58674  
create up to three additional full-time positions for the 58675  
administration of the licensing functions of Chapter 4707. of the 58676  
Revised Code assumed by the Director and Department payable out of 58677  
the unexpended balances transferred to the Department of 58678  
Agriculture under division (B)(2) of this section. 58679

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(2) The Director of Budget and Management shall determine the amount of unexpended balances in the Department of Commerce appropriation accounts that pertain to auctioneers and the licensing functions of the Department of Commerce under Chapter 4707. of the Revised Code and shall recommend to the Controlling Board the transfer of such unexpended balances to the Department of Agriculture.

In preparation for the transfer of the licensing functions under Chapter 4707. of the Revised Code from the Department of Commerce to the Department of Agriculture, on October 1, 2001, or thereafter, the Director of Budget and Management also may recommend to the Controlling Board the transfer of such moneys in the unexpended balances in the appropriations to the Department of Commerce to the Department of Agriculture prior to the effective date of the transfer as will enable the Department of Agriculture to effectively prepare for the transfer of duties. The Department of Commerce shall provide full and timely information to the Controlling Board to facilitate this transfer.

(3) Whenever the Director or Department of Commerce is referred to in any law, contract, or other document relating to the transferred functions, the reference shall be deemed to refer to the Director or Department of Agriculture, whichever is appropriate.

No action or proceeding pending on the effective date of this section is affected by the transfer, and shall be prosecuted or defended in the name of the Director or Department of Agriculture. In all such actions, the Director or Department of Agriculture upon application to the court shall be substituted as a party.

**Section 206.** 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

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law amended or enacted in this act are composed, are not subject 58711  
to the referendum. Therefore, under Ohio Constitution, Article II, 58712  
Section 1d and section 1.471 of the Revised Code, the uncodified 58713  
sections of law amended or enacted in this act, and the items of 58714  
law of which the uncodified sections of law amended or enacted in 58715  
this act are composed, go into immediate effect when this act 58716  
becomes law. 58717

**Section 207.** Uncodified sections of law amended or enacted in 58718  
this act, and items of law contained within the uncodified 58719  
sections of law amended or enacted in this act, that are marked 58720  
with an asterisk are subject to the referendum. Therefore, under 58721  
Ohio Constitution, Article II, Section 1c and section 1.471 of the 58722  
Revised Code, the uncodified sections and items of law marked with 58723  
an asterisk take effect on the ninety-first day after this act is 58724  
filed with the Secretary of State. If, however, a referendum 58725  
petition is filed against an uncodified section or item of law 58726  
marked with an asterisk, the uncodified section or item of law 58727  
marked with an asterisk, unless rejected at the referendum, takes 58728  
effect at the earliest time permitted by law. 58729

If the amending and existing repeal clauses commanding the 58730  
amendment of an uncodified section of law are both marked with 58731  
asterisks, the uncodified section as amended is deemed also to 58732  
have been marked with an asterisk. 58733

An asterisk marking an uncodified section or item of law has 58734  
the form \*. 58735

This section defines the meaning and form of, but is not 58736  
itself to be considered marked with, an asterisk. 58737

**Section 208.** The amendment to Section 10 of Am. Sub. S.B. 287 58738  
of the 123rd General Assembly constitutes an item of law that is 58739  
subject to the referendum. Therefore, under Ohio Constitution, 58740



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Article II, Section 1c and section 1.471 of the Revised Code, the 58741  
 item takes effect on the ninety-first day after this act is filed 58742  
 with the Secretary of State. If, however, a referendum petition is 58743  
 filed against the item, the item, unless rejected at the 58744  
 referendum, takes effect at the earliest time permitted by law. 58745

**Section 209.** The amendments by this act to Section 5 of Am. 58746  
 Sub. S.B. 50 of the 121st General Assembly, to Section 153 of Am. 58747  
 Sub. H.B. 117 of the 121st General Assembly, to Section 3 of Am. 58748  
 Sub. H.B. 440 of the 121st General Assembly, to Section 3 of Am. 58749  
 Sub. H.B. 621 of the 122nd General Assembly, to Section 3 of Am. 58750  
 Sub. H.B. 215 of the 123rd General Assembly, to Section 4 of Am. 58751  
 S.B. 210 of the 123rd General Assembly, and to Section 129 of Am. 58752  
 Sub. H.B. 283 of the 123rd General Assembly constitute items of 58753  
 law that are not subject to the referendum. Therefore, under Ohio 58754  
 Constitution, Article II, Section 1d and section 1.471 of the 58755  
 Revised Code, the items go into immediate effect when this act 58756  
 becomes law. 58757

**Section 210.** The repeals by this act of Section 18 of Am. 58758  
 Sub. H.B. 650 of the 122nd General Assembly and of Section 17 of 58759  
 Am. Sub. H.B. 282 of the 123rd General Assembly are not subject to 58760  
 the referendum. Therefore, under Ohio Constitution, Article II, 58761  
 Section 1d and section 1.471 of the Revised Code, the repeals go 58762  
 into immediate effect when this act becomes law. 58763

**Section 211.** If the amendment or enactment in this act of a 58764  
 codified or uncodified section of law is subject to the 58765  
 referendum, the corresponding indications in the amending, 58766  
 enacting, or existing repeal clauses commanding the amendment or 58767  
 enactment also are subject to the referendum, along with the 58768  
 amendment or enactment. If the amendment or enactment by this act 58769  
 of a codified or uncodified section of law is not subject to the 58770

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referendum, the corresponding indications in the amending, 58771  
enacting, or existing repeal clauses commanding the amendment or 58772  
enactment also are not subject to the referendum, the same as the 58773  
amendment or enactment. 58774

**Section 212.** An item, other than an amending, enacting, or 58775  
repealing clause, that composes the whole or part of an uncodified 58776  
section contained in this act has no effect after June 30, 2003, 58777  
unless its context clearly indicates otherwise. 58778

**Section 213.** The amendment of sections 4779.01, 4779.02, 58779  
4779.16, 4779.19, 4779.20, and 4779.26 of the Revised Code is not 58780  
intended to supersede the earlier repeal, with delayed effective 58781  
date, of those sections. 58782

**Section 214.** \* Section 102.06 of the Revised Code is 58783  
presented in this act as a composite of the section as amended by 58784  
both Am. Sub. H.B. 285 and Am. Sub. H.B. 492 of the 120th General 58785  
Assembly. The General Assembly, applying the principle stated in 58786  
division (B) of section 1.52 of the Revised Code that amendments 58787  
are to be harmonized if reasonably capable of simultaneous 58788  
operation, finds that the composite is the resulting version of 58789  
the section in effect prior to the effective date of the section 58790  
as presented in this act. 58791

**Section 215.** \*Section 121.04 of the Revised Code is presented 58792  
in this act as a composite of the section as amended by both Sub. 58793  
H.B. 601 and Am. Sub. H.B. 640 of the 123rd General Assembly. The 58794  
General Assembly, applying the principle stated in division (B) of 58795  
section 1.52 of the Revised Code that amendments are to be 58796  
harmonized if reasonably capable of simultaneous operation, finds 58797  
that the composite is the resulting version of the section in 58798  
effect prior to the effective date of the section as presented in 58799

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this act. 58800

**Section 216.** \* Section 124.24 of the Revised Code is 58801  
presented in this act as a composite of the section as amended by 58802  
both Sub. H.B. 601 and Am. Sub. H.B. 628 of the 123rd General 58803  
Assembly. The General Assembly, applying the principle stated in 58804  
division (B) of section 1.52 of the Revised Code that amendments 58805  
are to be harmonized if reasonably capable of simultaneous 58806  
operation, finds that the composite is the resulting version of 58807  
the section in effect prior to the effective date of the section 58808  
as presented in this act. 58809

**Section 217.** Section 901.63 of the Revised Code is presented 58810  
in this act as a composite of the section as amended by both Sub. 58811  
H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 58812  
General Assembly, applying the principle stated in division (B) of 58813  
section 1.52 of the Revised Code that amendments are to be 58814  
harmonized if reasonably capable of simultaneous operation, finds 58815  
that the composite is the resulting version of the section in 58816  
effect prior to the effective date of the section as presented in 58817  
this act. 58818

**Section 218.** \* Section 2317.02 of the Revised Code is 58819  
presented in this act as a composite of the section as amended by 58820  
both Sub. H.B. 506 and Am. Sub. S.B. 180 of the 123rd General 58821  
Assembly. The General Assembly, applying the principle stated in 58822  
division (B) of section 1.52 of the Revised Code that amendments 58823  
are to be harmonized if reasonably capable of simultaneous 58824  
operation, finds that the composite is the resulting version of 58825  
the section in effect prior to the effective date of the section 58826  
as presented in this act. 58827

**Section 219.** \* Section 2953.21 of the Revised Code is 58828

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presented in this act as a composite of the section as amended by 58829  
both Sub. S.B. 258 and Am. Sub. S.B. 269 of the 121st General 58830  
Assembly. The General Assembly, applying the principle stated in 58831  
division (B) of section 1.52 of the Revised Code that amendments 58832  
are to be harmonized if reasonably capable of simultaneous 58833  
operation, finds that the composite is the resulting version of 58834  
the section in effect prior to the effective date of the section 58835  
as presented in this act. 58836

**Section 220.** Section 3317.03 of the Revised Code is presented 58837  
in this act as a composite of the section as amended by both Am. 58838  
Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The 58839  
General Assembly, applying the principle stated in division (B) of 58840  
section 1.52 of the Revised Code that amendments are to be 58841  
harmonized if reasonably capable of simultaneous operation, finds 58842  
that the composite is the resulting version of the section in 58843  
effect prior to the effective date of the section as presented in 58844  
this act. 58845

**Section 221.** Section 4503.12 of the Revised Code is presented 58846  
in this act as a composite of the section as amended by both Am. 58847  
H.B. 141 and Am. Sub. S.B. 60 of the 122nd General Assembly. The 58848  
General Assembly, applying the principle stated in division (B) of 58849  
section 1.52 of the Revised Code that amendments are to be 58850  
harmonized if reasonably capable of simultaneous operation, finds 58851  
that the composite is the resulting version of the section in 58852  
effect prior to the effective date of the section as presented in 58853  
this act. 58854

**Section 222.** \* Section 5101.141 of the Revised Code is 58855  
presented in this act as a composite of the section as amended by 58856  
both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General 58857  
Assembly. The General Assembly, applying the principle stated in 58858

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division (B) of section 1.52 of the Revised Code that amendments 58859  
are to be harmonized if reasonably capable of simultaneous 58860  
operation, finds that the composite is the resulting version of 58861  
the section in effect prior to the effective date of the section 58862  
as presented in this act. 58863

**Section 223.** \* Section 5101.80 of the Revised Code is 58864  
presented in this act as a composite of the section as amended by 58865  
both Am. Sub. H.B. 470 and H.B. 471 of the 123rd General Assembly. 58866  
The General Assembly, applying the principle stated in division 58867  
(B) of section 1.52 of the Revised Code that amendments are to be 58868  
harmonized if reasonably capable of simultaneous operation, finds 58869  
that the composite is the resulting version of the section in 58870  
effect prior to the effective date of the section as presented in 58871  
this act. 58872

**Section 224.** \* Section 5119.61 of the Revised Code is 58873  
presented in this act as a composite of the section as amended by 58874  
both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General 58875  
Assembly. The General Assembly, applying the principle stated in 58876  
division (B) of section 1.52 of the Revised Code that amendments 58877  
are to be harmonized if reasonably capable of simultaneous 58878  
operation, finds that the composite is the resulting version of 58879  
the section in effect prior to the effective date of the section 58880  
as presented in this act. 58881

**Section 225.** Section 5123.71 of the Revised Code is presented 58882  
in this act as a composite of the section as amended by both Sub. 58883  
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 58884  
General Assembly, applying the principle stated in division (B) of 58885  
section 1.52 of the Revised Code that amendments are to be 58886  
harmonized if reasonably capable of simultaneous operation, finds 58887  
that the composite is the resulting version of the section in 58888

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effect prior to the effective date of the section as presented in 58889  
this act. 58890

**Section 226.** Section 5123.76 of the Revised Code is presented 58891  
in this act as a composite of the section as amended by both Sub. 58892  
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 58893  
General Assembly, applying the principle stated in division (B) of 58894  
section 1.52 of the Revised Code that amendments are to be 58895  
harmonized if reasonably capable of simultaneous operation, finds 58896  
that the composite is the resulting version of the section in 58897  
effect prior to the effective date of the section as presented in 58898  
this act. 58899

**Section 227.** \* Section 5727.26 of the Revised Code is 58900  
presented in this act as a composite of the section as amended by 58901  
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 58902  
The General Assembly, applying the principle stated in division 58903  
(B) of section 1.52 of the Revised Code that amendments are to be 58904  
harmonized if reasonably capable of simultaneous operation, finds 58905  
that the composite is the resulting version of the section in 58906  
effect prior to the effective date of the section as presented in 58907  
this act. 58908

**Section 228.** \* Section 5731.21 of the Revised Code is 58909  
presented in this act as a composite of the section as amended by 58910  
both Am. Sub. H.B. 313 and Sub. S.B. 108 of the 123rd General 58911  
Assembly. The General Assembly, applying the principle stated in 58912  
division (B) of section 1.52 of the Revised Code that amendments 58913  
are to be harmonized if reasonably capable of simultaneous 58914  
operation, finds that the composite is the resulting version of 58915  
the section in effect prior to the effective date of the section 58916  
as presented in this act. 58917

Substitute Version as Presented to the Senate Finance and Financial Institutions

**Section 229.** \* Section 5739.02 of the Revised Code is 58918  
presented in this act as a composite of the section as amended by 58919  
Am. Sub. H.B. 138, H.B. 612, and Am. Sub. H.B. 640 of the 123rd 58920  
General Assembly. The General Assembly, applying the principle 58921  
stated in division (B) of section 1.52 of the Revised Code that 58922  
amendments are to be harmonized if reasonably capable of 58923  
simultaneous operation, finds that the composite is the resulting 58924  
version of the section in effect prior to the effective date of 58925  
the section as presented in this act. 58926

**Section 230.** If any item of law that constitutes the whole or 58927  
part of a codified or uncodified section of law contained in this 58928  
act, or if any application of any item of law that constitutes the 58929  
whole or part of a codified or uncodified section of law contained 58930  
in this act, is held invalid, the invalidity does not affect other 58931  
items of law or applications of items of law that can be given 58932  
effect without the invalid item of law or application. To this 58933  
end, the items of law of which the codified and uncodified 58934  
sections contained in this act are composed, and their 58935  
applications, are independent and severable. 58936