

**As Reported by 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  
SENATORS Jacobson, Spada**

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5139.28, and 5741.18 of the Revised Code; to amend 152  
the versions of sections 5139.29, 5139.31, and 153  
5705.19 and to repeal the version of section 154  
2151.652 of the Revised Code that are scheduled to 155  
take effect January 1, 2002; and to amend the 156  
versions of sections 5139.01 and 5139.11 of the 157  
Revised Code that are scheduled to take effect 158  
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Sub. H.B. 117 of the 121st General Assembly, as 160  
subsequently amended; to amend Section 3 of Am. 161  
Sub. H.B. 440 of the 121st General Assembly, as 162  
subsequently amended; to amend Section 5 of Am. 163  
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subsequently amended; to amend Section 3 of Am. 165  
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subsequently amended; to amend Section 3 of Am. 167  
Sub. H.B. 621 of the 122nd General Assembly, as 168  
subsequently amended; to amend Sections 6.02, 9, 169  
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General Assembly; to amend Sections 6.01 and 18 of 171  
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amend Section 18 of Am. Sub. S.B. 192 of the 123rd 175  
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General Assembly; to amend Section 1 of Sub. H.B. 181  
574 of the 123rd General Assembly; to amend 182  
Sections 10 and 13 of Am. Sub. S.B. 287 of the 183  
123rd General Assembly; to repeal Section 4 of Am. 184

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Sub. H.B. 478 of the 119th General Assembly, as 185  
subsequently amended; to repeal Section 18 of Am. 186  
Sub. H.B. 650 of the 122nd General Assembly, as 187  
subsequently amended; to repeal Section 17 of Am. 188  
Sub. H.B. 282 of the 123rd General Assembly, as 189  
subsequently amended; to repeal Section 180 of Am 190  
Sub. H.B. 283 of the 123rd General Assembly; to 191  
repeal Section 9 of Sub. S.B. 245 of the 123rd 192  
General Assembly; to repeal Section 15 of Am. Sub. 193  
S.B. 287 of the 123rd General Assembly; and to 194  
repeal Section 197 of this act on January 16, 2002, 195  
to make operating appropriations for the biennium 196  
beginning July 1, 2001, and ending June 30, 2003, 197  
to provide authorization and conditions for the 198  
operation of state programs, and to provide that 199  
the provisions of this act relative to the 200  
practices of orthotics, prosthetics, and pedorthics 201  
terminate on December 31, 2004, when sections 202  
4779.01, 4779.02, 4779.16, 4779.19, 4779.20, and 203  
4779.26 of the Revised Code are repealed on that 204  
date. 205  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 9.03, 9.06, 9.821, 9.822, 101.15, 207  
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5747.122, 5747.221, 5747.39, 5749.06, 6101.25, 6109.13, 6109.21, 287  
6111.035, and 6111.044 be amended; sections 3317.161 (3317.052), 288  
3317.162 (3317.053), 5101.19 (329.19), 5101.071 (5101.251), 289  
5101.853 (5101.851), 5101.854 (5101.853), 5108.06 (5108.03), 290  
5108.07 (5108.05), 5108.08 (5108.06), and 5111.87 (5111.871) be 291  
amended for the purpose of adopting new section numbers as 292  
indicated in parentheses; new sections 3318.052, 5101.852, 293  
5108.07, 5108.08, 5111.34, 5111.87, and 5126.054 and sections 294  
101.302, 101.303, 103.33, 109.761, 122.60, 122.601, 122.602, 295  
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5123.044, 5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 304  
5123.0410, 5123.0411, 5123.0412, 5123.0413, 5126.035, 5126.046, 305  
5126.055, 5126.056, 5126.057, 5126.14, 5126.221, 5126.313, 306  
5153.06, and 5139.87 be enacted; and section 1309.525 of the 307  
Revised Code contingently be enacted to read as follows: 308

**Sec. 9.03.** (A) As used in this section, "political 309  
subdivision" means any body corporate and politic, except a 310

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municipal corporation that has adopted a charter under Section 7 311  
of Article XVIII, Ohio Constitution, and except a county that has 312  
adopted a charter under Sections 3 and 4 of Article X, Ohio 313  
Constitution, to which both of the following apply: 314

(1) It is responsible for governmental activities only in a 315  
geographic area smaller than the state. 316

(2) It is subject to the sovereign immunity of the state. 317

(B) Except as otherwise provided in division (C) of this 318  
section, the governing body of a political subdivision may use 319  
public funds to publish and distribute newsletters, or to use any 320  
other means, to communicate information about the plans, policies, 321  
and operations of the political subdivision to members of the 322  
public within the political subdivision and to other persons who 323  
may be affected by the political subdivision. 324

(C) Except as otherwise provided in division (A)~~(5)~~(7) of 325  
section 340.03 or division (A)(12) of section 340.033 of the 326  
Revised Code, no governing body of a political subdivision shall 327  
use public funds to do any of the following: 328

(1) Publish, distribute, or otherwise communicate information 329  
that does any of the following: 330

(a) Contains defamatory, libelous, or obscene matter; 331

(b) Promotes alcoholic beverages, cigarettes or other tobacco 332  
products, or any illegal product, service, or activity; 333

(c) Promotes illegal discrimination on the basis of race, 334  
color, religion, national origin, handicap, age, or ancestry; 335

(d) Supports or opposes any labor organization or any action 336  
by, on behalf of, or against any labor organization; 337

(e) Supports or opposes the nomination or election of a 338  
candidate for public office, the investigation, prosecution, or 339  
recall of a public official, or the passage of a levy or bond 340

issue.	341
(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this section. Division (C)(2) of this section does not prohibit the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.	342 343 344 345 346 347 348 349 350 351 352
(D) Nothing in this section prohibits or restricts any political subdivision from sponsoring, participating in, or doing any of the following:	353 354 355
(1) Charitable or public service advertising that is not commercial in nature;	356 357
(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;	358 359 360 361
(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.	362 363
(E) As used in this section, "cigarettes" and "tobacco product" have the same meanings as in section 5743.01 of the Revised Code.	364 365 366
<b>Sec. 9.06.</b> (A)(1) The department of rehabilitation and correction shall contract for the private operation and management pursuant to this section of the initial intensive program prison established pursuant to section 5120.033 of the Revised Code and	367 368 369 370

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may contract for the private operation and management of any other 371  
facility under this section. Counties and municipal corporations 372  
to the extent authorized in sections 307.93, 341.35, 753.03, and 373  
753.15 of the Revised Code, may contract for the private operation 374  
and management of a facility under this section. A contract 375  
entered into under this section shall be for an initial term of 376  
not more than two years, with an option to renew for additional 377  
periods of two years. 378

(2) ~~Not later than December 31, 1998, the~~ The department of 379  
rehabilitation and correction, by rule, shall adopt minimum 380  
criteria and specifications that a person or entity, other than a 381  
person or entity that satisfies the criteria set forth in division 382  
(A)(3)(a) of this section and subject to division (I) of this 383  
section, must satisfy in order to apply to operate and manage as a 384  
contractor pursuant to this section the initial intensive program 385  
prison established pursuant to section 5120.033 of the Revised 386  
Code. 387

(3) Subject to division (I) of this section, any person or 388  
entity that applies to operate and manage a facility as a 389  
contractor pursuant to this section shall satisfy one or more of 390  
the following criteria: 391

(a) The person or entity is accredited by the American 392  
correctional association and, at the time of the application, 393  
operates and manages one or more facilities accredited by the 394  
American correctional association. 395

(b) The person or entity satisfies all of the minimum 396  
criteria and specifications adopted by the department of 397  
rehabilitation and correction pursuant to division (A)(2) of this 398  
section, provided that this alternative shall be available only in 399  
relation to the initial intensive program prison established 400  
pursuant to section 5120.033 of the Revised Code. 401

(4) Subject to division (I) of this section, before a public 402

entity may enter into a contract under this section, the 403  
contractor shall convincingly demonstrate to the public entity 404  
that it can operate the facility with the inmate capacity required 405  
by the public entity and provide the services required in this 406  
section and realize at least a five per cent savings over the 407  
projected cost to the public entity of providing these same 408  
services to operate the facility that is the subject of the 409  
contract. No out-of-state prisoners may be housed in any facility 410  
that is the subject of a contract entered into under this section. 411

(B) Subject to division (I) of this section, any contract 412  
entered into under this section shall include all of the 413  
following: 414

(1) A requirement that the contractor retain the contractor's 415  
accreditation from the American correctional association 416  
throughout the contract term or, if the contractor applied 417  
pursuant to division (A)(3)(b) of this section, continue complying 418  
with the applicable criteria and specifications adopted by the 419  
department of rehabilitation and correction pursuant to division 420  
(A)(2) of this section; 421

(2) A requirement that all of the following conditions be 422  
met: 423

(a) The contractor begins the process of accrediting the 424  
facility with the American correctional association no later than 425  
sixty days after the facility receives its first inmate. 426

(b) The contractor receives accreditation of the facility 427  
within twelve months after the date the contractor applies to the 428  
American correctional association for accreditation. 429

(c) Once the accreditation is received, the contractor 430  
maintains it for the duration of the contract term. 431

(d) If the contractor does not comply with divisions 432  
(B)(2)(a) to (c) of this section, the contractor is in violation 433

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  
escapes from the facility, and the apprehension of all escapees,  
by telephone and in writing to all local law enforcement agencies  
with jurisdiction over the place at which the facility is located,  
to the prosecuting attorney of the county in which the facility is  
located, to the state highway patrol, to a daily newspaper having  
general circulation in the county in which the facility is  
located, and, if the institution facility is a state correctional  
institution, to the department of rehabilitation and correction.

The written notice may be by either facsimile transmission or 466  
mail. A failure to comply with this requirement regarding an 467  
escape is a violation of section 2921.22 of the Revised Code. 468

(6) A requirement that, if the facility is a state 469  
correctional institution, the contractor provide a written report 470  
within specified time limits to the director of rehabilitation and 471  
correction or the director's designee of all unusual incidents at 472  
the facility as defined in rules promulgated by the department of 473  
rehabilitation and correction or, if the facility is a local 474  
correctional institution, that the contractor provide a written 475  
report of all unusual incidents at the facility to the governing 476  
authority of the local public entity; 477

(7) A requirement that the contractor maintain proper control 478  
of inmates' personal funds pursuant to rules promulgated by the 479  
department of rehabilitation and correction, for state 480  
correctional institutions, or pursuant to the minimum standards 481  
for jails along with any additional standards established by the 482  
local public entity, for local correctional institutions, and that 483  
records pertaining to these funds be made available to 484  
representatives of the public entity for review or audit; 485

(8) A requirement that the contractor prepare and distribute 486  
to the director of rehabilitation and correction or, if 487  
contracting with a local public entity, to the governing authority 488  
of the local entity, annual budget income and expenditure 489  
statements and funding source financial reports; 490

(9) A requirement that the public entity appoint and 491  
supervise a full-time contract monitor, that the contractor 492  
provide suitable office space for the contract monitor at the 493  
facility, and that the contractor allow the contract monitor 494  
unrestricted access to all parts of the facility and all records 495  
of the facility except the contractor's financial records; 496

(10) A requirement that if the facility is a state 497

correctional institution, designated department of rehabilitation 498  
and correction staff members be allowed access to the facility in 499  
accordance with rules promulgated by the department; 500

(11) A requirement that the contractor provide internal and 501  
perimeter security as agreed upon in the contract; 502

(12) If the facility is a state correctional institution, a 503  
requirement that the contractor impose discipline on inmates 504  
housed in a state correctional institution, only in accordance 505  
with rules promulgated by the department of rehabilitation and 506  
correction; 507

(13) A requirement that the facility be staffed at all times 508  
with a staffing pattern approved by the public entity and adequate 509  
both to ensure supervision of inmates and maintenance of security 510  
within the facility, and to provide for programs, transportation, 511  
security, and other operational needs. In determining security 512  
needs, the contractor shall be required to consider, among other 513  
things, the proximity of the facility to neighborhoods and 514  
schools. 515

(14) If the contract is with a local public entity, a 516  
requirement that the contractor provide services and programs, 517  
consistent with the minimum standards for jails promulgated by the 518  
department of rehabilitation and correction under section 5120.10 519  
of the Revised Code; 520

(15) A clear statement that no immunity from liability 521  
granted to the state, and no immunity from liability granted to 522  
political subdivisions under Chapter 2744. of the Revised Code, 523  
shall extend to the contractor or any of the contractor's 524  
employees; 525

(16) A statement that all documents and records relevant to 526  
the facility shall be maintained in the same manner required for, 527  
and subject to the same laws, rules, and regulations as apply to, 528

the records of the public entity; 529

(17) Authorization for the public entity to impose a fine on 530  
the contractor from a schedule of fines included in the contract 531  
for the contractor's failure to perform its contractual duties, or 532  
to cancel the contract, as the public entity considers 533  
appropriate. If a fine is imposed, the public entity may reduce 534  
the payment owed to the contractor pursuant to any invoice in the 535  
amount of the imposed fine. 536

(18) A statement that all services provided or goods produced 537  
at the facility shall be subject to the same regulations, and the 538  
same distribution limitations, as apply to goods and services 539  
produced at other correctional institutions; 540

(19) Authorization for the department to establish one or 541  
more prison industries at a facility operated and managed by a 542  
contractor for the department; 543

(20) A requirement that, if the facility is an intensive 544  
program prison established pursuant to section 5120.033 of the 545  
Revised Code, the facility shall comply with all criteria for 546  
intensive program prisons of that type that are set forth in that 547  
section; 548

(21) If the institution is a state correctional institution, 549  
a requirement that the contractor provide clothing for all inmates 550  
housed in the facility that is conspicuous in its color, style, or 551  
color and style, that conspicuously identifies its wearer as an 552  
inmate, and that is readily distinguishable from clothing of a 553  
nature that normally is worn outside the facility by non-inmates, 554  
that the contractor require all inmates housed in the facility to 555  
wear the clothing so provided, and that the contractor not permit 556  
any inmate, while inside or on the premises of the facility or 557  
while being transported to or from the facility, to wear any 558  
clothing of a nature that does not conspicuously identify its 559

wearer as an inmate and that normally is worn outside the facility 560  
by non-inmates. 561

(C) No contract entered into under this section may require, 562  
authorize, or imply a delegation of the authority or 563  
responsibility of the public entity to a contractor for any of the 564  
following: 565

(1) Developing or implementing procedures for calculating 566  
inmate release and parole eligibility dates and recommending the 567  
granting or denying of parole, although the contractor may submit 568  
written reports that have been prepared in the ordinary course of 569  
business; 570

(2) Developing or implementing procedures for calculating and 571  
awarding earned credits, approving the type of work inmates may 572  
perform and the wage or earned credits, if any, that may be 573  
awarded to inmates engaging in ~~such~~ that work, and granting, 574  
denying, or revoking earned credits; 575

(3) For inmates serving a term imposed for a felony offense 576  
committed prior to July 1, 1996, or for a misdemeanor offense, 577  
developing or implementing procedures for calculating and awarding 578  
good time, approving the good time, if any, that may be awarded to 579  
inmates engaging in work, and granting, denying, or revoking good 580  
time; 581

(4) For inmates serving a term imposed for a felony offense 582  
committed on or after July 1, 1996, extending an inmate's term 583  
pursuant to the provisions of law governing bad time; 584

(5) Classifying an inmate or placing an inmate in a more or a 585  
less restrictive custody than the custody ordered by the public 586  
entity; 587

(6) Approving inmates for work release; 588

(7) Contracting for local or long distance telephone services 589

for inmates or receiving commissions from ~~such~~ those services at a 590  
facility that is owned by or operated under a contract with the 591  
department. 592

(D) A contractor that has been approved to operate a facility 593  
under this section, and a person or entity that enters into a 594  
contract for specialized services, as described in division (I) of 595  
this section, relative to an intensive program prison established 596  
pursuant to section 5120.033 of the Revised Code to be operated by 597  
a contractor that has been approved to operate the prison under 598  
this section, shall provide an adequate policy of insurance 599  
specifically including, but not limited to, insurance for civil 600  
rights claims as determined by a risk management or actuarial firm 601  
with demonstrated experience in public liability for state 602  
governments. The insurance policy shall provide that the state, 603  
including all state agencies, and all political subdivisions of 604  
the state with jurisdiction over the facility or in which a 605  
facility is located are named as insured, and that the state and 606  
its political subdivisions shall be sent any notice of 607  
cancellation. The contractor may not self-insure. 608

A contractor that has been approved to operate a facility 609  
under this section, and a person or entity that enters into a 610  
contract for specialized services, as described in division (I) of 611  
this section, relative to an intensive program prison established 612  
pursuant to section 5120.033 of the Revised Code to be operated by 613  
a contractor that has been approved to operate the prison under 614  
this section, shall indemnify and hold harmless the state, its 615  
officers, agents, and employees, and any local government entity 616  
in the state having jurisdiction over the facility or ownership of 617  
the facility, shall reimburse the state for its costs in defending 618  
the state or any of its officers, agents, or employees, and shall 619  
reimburse any local government entity of that nature for its costs 620  
in defending the local government entity, from all of the 621

following: 622

(1) Any claims or losses for services rendered by the 623  
contractor, person, or entity performing or supplying services in 624  
connection with the performance of the contract; 625

(2) Any failure of the contractor, person, or entity or its 626  
officers or employees to adhere to the laws, rules, regulations, 627  
or terms agreed to in the contract; 628

(3) Any constitutional, federal, state, or civil rights claim 629  
brought against the state related to the facility operated and 630  
managed by the contractor; 631

(4) Any claims, losses, demands, or causes of action arising 632  
out of the contractor's, person's, or entity's activities in this 633  
state; 634

(5) Any attorney's fees or court costs arising from any 635  
habeas corpus actions or other inmate suits that may arise from 636  
any event that occurred at the facility or was a result of such an 637  
event, or arise over the conditions, management, or operation of 638  
the facility, which fees and costs shall include, but not be 639  
limited to, attorney's fees for the state's representation and for 640  
any court-appointed representation of any inmate, and the costs of 641  
any special judge who may be appointed to hear ~~such~~ those actions 642  
or suits. 643

(E) Private correctional officers of a contractor operating 644  
and managing a facility pursuant to a contract entered into under 645  
this section may carry and use firearms in the course of their 646  
employment only after being certified as satisfactorily completing 647  
an approved training program as described in division (A) of 648  
section 109.78 of the Revised Code. 649

(F) Upon notification by the contractor of an escape from, or 650  
of a disturbance at, the facility that is the subject of a 651  
contract entered into under this section, the department of 652

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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.

(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.

(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.

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

management of the prison and also enters into one or more 685  
specialized service contracts with other persons or entities, all 686  
of the following apply: 687

(1) The contract for the general operation and management 688  
shall comply with all requirements and criteria set forth in this 689  
section, and all provisions of this section apply in relation to 690  
the prison operated and managed pursuant to the contract. 691

(2) Divisions (A)(2), (B), and (C) of this section do not 692  
apply in relation to any specialized services contract, except to 693  
the extent that the provisions of those divisions clearly are 694  
relevant to the specialized services to be provided under the 695  
specialized services contract. Division (D) of this section 696  
applies in relation to each specialized services contract. 697

(J) As used in this section: 698

(1) "Public entity" means the department of rehabilitation 699  
and correction, or a county or municipal corporation or a 700  
combination of counties and municipal corporations, that has 701  
jurisdiction over a facility that is the subject of a contract 702  
entered into under this section. 703

(2) "Local public entity" means a county or municipal 704  
corporation, or a combination of counties and municipal 705  
corporations, that has jurisdiction over a jail, workhouse, or 706  
other correctional facility used only for misdemeanants that is 707  
the subject of a contract entered into under this section. 708

(3) "Governing authority of a local public entity" means, for 709  
a county, the board of county commissioners; for a municipal 710  
corporation, the legislative authority; for a combination of 711  
counties and municipal corporation, all the boards of county 712  
commissioners and municipal legislative authorities that joined to 713  
create the facility. 714

(4) "Contractor" means a person ~~who~~ or entity that enters 715

into a contract under this section to operate and manage a jail, 716  
workhouse, or other correctional facility. 717

(5) "Facility" means the specific county, multicounty, 718  
municipal, municipal-county, or multicounty-municipal jail, 719  
workhouse, prison, or other type of correctional institution or 720  
facility used only for misdemeanants, or a state correctional 721  
institution, that is the subject of a contract entered into under 722  
this section. 723

(6) "Person or entity" in the case of a contract for the 724  
private operation and management of a state correctional 725  
institution, includes an employee organization, as defined in 726  
section 4117.01 of the Revised Code, that represents employees at 727  
state correctional institutions. 728

**Sec. 9.821.** (A) The department of administrative services 729  
shall direct and manage for state agencies all risk management and 730  
insurance programs authorized under section 9.822 of the Revised 731  
Code. 732

(B) The office of risk management is hereby established 733  
within the department of administrative services. The director of 734  
administrative services, or a deputy director appointed by the 735  
director, shall control and supervise the office. 736

(C) The office may take any of the following actions that it 737  
determines to be in the best interests of the state: 738

(1) Provide all insurance coverages for the state, including, 739  
but not limited to, automobile liability, casualty, property, 740  
public liability, and, except as provided in division (C)(6) of 741  
this section, fidelity bond insurance. The cost of insurance 742  
coverage shall be paid from appropriations made to the state 743  
agencies that the office has designated to receive the coverage. 744

745

(2) Provide coverage of legal expenses that are necessary and related to the legal defense of claims against the state;	746 747
(3) Purchase insurance policies consistent with sections 125.01 to 125.111 of the Revised Code, develop and administer self-insurance programs, or do both;	748 749 750
(4) Consolidate and combine state insurance coverages;	751
(5) Provide technical services in risk management and insurance to state agencies;	752 753
(6)(a) Establish and administer a self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent, if, prior to the establishment and administration of this program, the director does both of the following:	754 755 756 757 758
(i) Holds a hearing in accordance with Chapter 119. of the Revised Code to determine whether fidelity bond insurance for that particular class or subclass of state officer, employee, or agent is available in the voluntary market;	759 760 761 762
(ii) If, as a result of that hearing, the director determines that fidelity bond insurance for a particular class or subclass of state officer, employee, or agent is unavailable in the voluntary market and that the absence of this insurance threatens the operation of state government and will be detrimental to the general welfare of the citizens of this state, adopts rules in accordance with Chapter 119. of the Revised Code to establish standards and procedures governing the establishment, administration, and termination of the fidelity bond program for that particular class or subclass of state officer, employee, or agent.	763 764 765 766 767 768 769 770 771 772 773
(b) Division (C)(6)(a) of this section does not apply to any self-insured blanket fidelity bond program that, on <del>the effective date of this section</del> <u>September 20, 1993</u> , has been established	774 775 776

pursuant to section 9.831 ~~or 9.832~~ of the Revised Code. 777

(7) Except as provided in division (C)(6) of this section, 778  
adopt and publish, in accordance with section 111.15 of the 779  
Revised Code, necessary rules and procedures governing the 780  
administration of the state's insurance and risk management 781  
activities. 782

(D) No state agency, except a state agency exempted under 783  
section 125.02 or 125.04 of the Revised Code from the department's 784  
purchasing authority, shall purchase any insurance described in 785  
this section except as authorized by the department and in 786  
accordance with terms, conditions, and procurement methods 787  
established by the department. 788

(E) With respect to any civil action, demand, or claim 789  
against the state that could be filed in the court of claims, 790  
nothing in sections 9.82 to 9.823 of the Revised Code shall be 791  
interpreted to permit the settlement or compromise of those civil 792  
actions, demands, or claims, except in the manner provided in 793  
Chapter 2743. of the Revised Code. 794

**Sec. 9.822.** (A) The department of administrative services 795  
through the office of risk management shall establish an insurance 796  
plan or plans, ~~which~~ that may provide for self-insurance or the 797  
purchase of insurance, or both, for any of the following purposes: 798

(1) Insuring state real and personal property against losses 799  
occasioned by fire, windstorm, or other accidents and perils; 800

(2) Insuring the state and its officers and employees against 801  
liability resulting from any civil action, demand, or claim 802  
against the state or its officers and employees arising out of any 803  
act or omission of an officer or employee in the performance of 804  
~~his~~ official duties, except acts and omissions for which 805  
indemnification is prohibited under section 9.87 of the Revised 806  
Code; 807

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

(B)(1) Prior to the establishment of any self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent authorized pursuant to division (A)(3) of this section, the director of administrative services shall follow the procedures for holding a hearing and adopting rules set forth in division (C)(6)(a) of section 9.821 of the Revised Code.

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

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

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

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

(2) "Committee" means any committee of either house of the general assembly, a joint committee of both houses of the general

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assembly, including a committee of conference, or a subcommittee  
of any committee listed in division (A)(2) of this section. 838  
839

(3) "Meeting" means any prearranged discussion of the public  
business of a committee by a majority of its members. 840  
841

(B) Except as otherwise provided in division (F) of this  
section, all meetings of any committee are declared to be public 842  
meetings open to the public at all times. The secretary assigned 843  
to the chairperson of the committee shall prepare, file, and 844  
maintain the minutes of every regular or special meeting of a 845  
committee. The committee, at its next regular or special meeting, 846  
shall approve the minutes prepared, filed, and maintained by the 847  
secretary, or, if the minutes prepared, filed, and maintained by 848  
the secretary require correction before their approval, the 849  
committee shall correct and approve the minutes at the next 850  
following regular or special meeting. The committee shall make the 851  
minutes available for public inspection not later than seven days 852  
after the meeting the minutes reflect or not later than the 853  
committee's next regular or special meeting, whichever occurs 854  
first. 855  
856

(C) Each committee shall establish ~~by rule~~ a reasonable 857  
method whereby any person may determine the time and place of all 858  
regularly scheduled meetings and the time, place, and purpose of 859  
all special meetings. No committee shall hold a regular or special 860  
meeting unless it gives at least twenty-four hours' advance notice 861  
to the news media that have requested notification. 862

The ~~rule~~ method established by each committee shall provide 863  
that, upon request and payment of a reasonable fee, any person may 864  
obtain reasonable advance notification of all meetings at which 865  
any specific type of public business will be discussed. Provisions 866  
for advance notification may include, but are not limited to, 867  
mailing the agenda of meetings to all subscribers on a mailing 868  
list or mailing notices in self-addressed stamped envelopes 869

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provided by the person who desires advance notification. 870

(D) Any action of a committee relating to a bill or 871  
resolution, or any other formal action of a committee, is invalid 872  
unless taken in an open meeting of the committee. Any action of a 873  
committee relating to a bill or resolution, or any other formal 874  
action of a committee, taken in an open meeting is invalid if it 875  
results from deliberations in a meeting not open to the public. 876

(E)(1) Any person may bring an action to enforce this 877  
section. An action under this division shall be brought within two 878  
years after the date of the alleged violation or threatened 879  
violation. Upon proof of a violation or threatened violation of 880  
this section in an action brought by any person, the court of 881  
common pleas shall issue an injunction to compel the members of 882  
the committee to comply with its provisions. 883

(2)(a) If the court of common pleas issues an injunction 884  
under division (E)(1) of this section, the court shall order the 885  
committee that it enjoins to pay a civil forfeiture of five 886  
hundred dollars to the party that sought the injunction and shall 887  
award to that party all court costs and, subject to reduction as 888  
described in this division, reasonable attorney's fees. The court, 889  
in its discretion, may reduce an award of attorney's fees to the 890  
party that sought the injunction or not award attorney's fees to 891  
that party if the court determines both of the following: 892

(i) That, based on the ordinary application of statutory law 893  
and case law as it existed at the time of the violation or 894  
threatened violation that was the basis of the injunction, a 895  
well-informed committee reasonably would believe that the 896  
committee was not violating or threatening to violate this 897  
section; 898

(ii) That a well-informed committee reasonably would believe 899  
that the conduct or threatened conduct that was the basis of the 900  
injunction would serve the public policy that underlies the 901

authority that is asserted as permitting that conduct or 902  
threatened conduct. 903

(b) If the court of common pleas does not issue an injunction 904  
under division (E)(1) of this section and the court determines at 905  
that time that the bringing of the action was frivolous conduct as 906  
defined in division (A) of section 2323.51 of the Revised Code, 907  
the court shall award to the committee all court costs and 908  
reasonable attorney's fees, as determined by the court. 909

(3) Irreparable harm and prejudice to the party that sought 910  
the injunction shall be conclusively and irrebuttably presumed 911  
upon proof of a violation or threatened violation of this section. 912

(4) A member of a committee who knowingly violates an 913  
injunction issued under division (E)(1) of this section may be 914  
removed from office by an action brought in the court of common 915  
pleas for that purpose by the prosecuting attorney of Franklin 916  
county or by the attorney general. 917

(5) The remedies described in divisions (E)(1) to (4) of this 918  
section shall be the exclusive remedies for a violation of this 919  
section. 920

(F) This section does not apply to or affect either of the 921  
following: 922

(1) All meetings of the joint legislative ethics committee 923  
created under section 101.34 of the Revised Code other than a 924  
meeting that is held for any of the following purposes: 925

(a) To consider the adoption, amendment, or rescission of any 926  
rule that the joint legislative ethics committee is authorized to 927  
adopt pursuant to division (B)(11) of section 101.34, division (E) 928  
of section 101.78, division (B) of section 102.02, or division (E) 929  
of section 121.68 of the Revised Code; 930

(b) To discuss and consider changes to any administrative 931

operation of the joint legislative ethics committee other than any 932  
matter described in division (G) of section 121.22 of the Revised 933  
Code; 934

(c) To discuss pending or proposed legislation. 935

(2) Meetings of a caucus. 936

(G) For purposes of division (F)(1)(a) of this section, an 937  
advisory opinion, written opinion, or decision relative to a 938  
complaint is not a rule. 939

**Sec. 101.27.** (A)(1) Every member of the senate, except the 940  
members elected president, president pro tempore, assistant 941  
president pro tempore, majority whip, minority leader, assistant 942  
minority leader, minority whip, and assistant minority whip, shall 943  
receive as compensation a salary of fifty-one thousand six hundred 944  
seventy-four dollars a year during the senator's term of office. 945  
Every member of the house of representatives, except the members 946  
elected speaker, speaker pro tempore, majority floor leader, 947  
assistant majority floor leader, majority whip, assistant majority 948  
whip, minority leader, assistant minority leader, minority whip, 949  
and assistant minority whip, shall receive as compensation a 950  
salary of fifty-one thousand six hundred seventy-four dollars a 951  
year during the representative's term of office. Such salaries 952  
shall be paid in equal monthly installments during such term. All 953  
monthly payments shall be made on or before the fifth day of each 954  
month. Upon the death of any member of the general assembly during 955  
the member's term of office, any unpaid salary due such member for 956  
the remainder of the member's term shall be paid to the member's 957  
~~dependent~~, surviving spouse, children, mother, or father, in the 958  
order in which the relationship is set forth in this section in 959  
monthly installments. 960

(2) Each member shall receive a travel allowance 961  
reimbursement per mile each way, at the same mileage rate allowed 962

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for the reimbursement of travel expenses of state agents as 963  
provided by rule of the director of budget and management pursuant 964  
to division (B) of section 126.31 of the Revised Code, for mileage 965  
not more than once a week during the session for travel incurred 966  
by a member from and to the member's place of residence, by the 967  
most direct highway route of public travel to and from the seat of 968  
government, to be paid quarterly on the last day of March, June, 969  
September, and December of each year. 970

(3) The member of the senate elected president and the member 971  
of the house of representatives elected speaker shall each receive 972  
as compensation a salary of eighty thousand five hundred 973  
forty-nine dollars a year during the president's or speaker's term 974  
of office. 975

The member of the senate elected president pro tempore, the 976  
member of the senate elected minority leader, the member of the 977  
house of representatives elected speaker pro tempore, and the 978  
member of the house of representatives elected minority leader 979  
shall each receive as compensation a salary of seventy-three 980  
thousand four hundred ninety-three dollars a year during the 981  
member's term of office. The member of the house of 982  
representatives elected majority floor leader and the member of 983  
the senate elected assistant president pro tempore shall each 984  
receive as compensation a salary of sixty-nine thousand two 985  
hundred twenty-seven dollars a year during the member's term of 986  
office. The member of the senate elected assistant minority leader 987  
and the member of the house of representatives elected assistant 988  
minority leader shall each receive as compensation a salary of 989  
sixty-seven thousand ninety-nine dollars a year during the 990  
member's term of office. The member of the senate elected majority 991  
whip and the member of the house of representatives elected 992  
assistant majority floor leader shall each receive a salary of 993  
sixty-four thousand nine hundred sixty-seven dollars a year during 994

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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  
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

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sum of five thousand dollars annually. Except for the ranking 1027  
minority member of each standing subcommittee of a finance 1028  
committee, the ranking minority member of each standing 1029  
subcommittee of each house shall receive an additional sum of two 1030  
thousand five hundred dollars annually. 1031

No member may receive more than one additional sum for 1032  
serving as chairperson, vice-chairperson, or ranking minority 1033  
member of a standing committee or standing subcommittee, 1034  
regardless of the number of standing committees or standing 1035  
subcommittees on which the member serves as chairperson, 1036  
vice-chairperson, or ranking minority member. 1037

(5) If a member is absent without leave, or is not excused on 1038  
the member's return, there shall be deducted from the member's 1039  
compensation twenty dollars for each day's absence. 1040

(B) Each calendar year from 2002 through 2008, the salary 1041  
amounts under divisions (A)(1) and (3) of this section shall be 1042  
increased by the lesser of the following: 1043

(1) Three per cent; 1044

(2) The percentage increase, if any, in the consumer price 1045  
index over the twelve-month period that ends on the thirtieth day 1046  
of September of the immediately preceding year, rounded to the 1047  
nearest one-tenth of one per cent. 1048

(C) As used in this section: 1049

(1) "Consumer price index" means the consumer price index 1050  
prepared by the United States bureau of labor statistics (U.S. 1051  
city average for urban wage earners and clerical workers: all 1052  
items, 1982-1984=100), or, if that index is no longer published, a 1053  
generally available comparable index. 1054

(2) "Finance committee" means the finance committee of the 1055  
senate and the finance-appropriations committee of the house of 1056

representatives. 1057

**Sec. 101.30.** (A) As used in this section and in sections 1058  
101.302 and 101.303 of the Revised Code: 1059

(1) "Legislative document" includes, but is not limited to, 1060  
all of the following: 1061

(a) A working paper, work product, correspondence, 1062  
preliminary draft, note, proposed bill or resolution, proposed 1063  
amendment to a bill or resolution, analysis, opinion, memorandum, 1064  
or other document in whatever form or format prepared by 1065  
legislative staff for a member of the general assembly or for 1066  
general assembly staff; 1067

(b) Any document or material in whatever form or format 1068  
provided by a member of the general assembly or general assembly 1069  
staff to legislative staff that requests, or that provides 1070  
information or materials to assist in, the preparation of any of 1071  
the items described in division (A)(1)(a) of this section; 1072

(c) Any summary of a bill or resolution or of an amendment to 1073  
a bill or resolution in whatever form or format that is prepared 1074  
by or in the possession of a member of the general assembly or 1075  
general assembly staff, if the summary is prepared before the 1076  
bill, resolution, or amendment is filed for introduction or 1077  
presented at a committee hearing or floor session, as applicable. 1078

(2) "Legislative staff" means the staff of the legislative 1079  
service commission, ~~legislative budget office of the legislative~~ 1080  
~~service commission,~~ or any other legislative agency included in 1081  
the legislative service commission budget group. 1082  
1083

(3) "General assembly staff" means an officer or employee of 1084  
either house of the general assembly who acts on behalf of a 1085  
member of the general assembly or on behalf of a committee or 1086

either house of the general assembly. 1087

(B)(1) Legislative staff shall maintain a confidential 1088  
relationship with each member of the general assembly, and with 1089  
each member of the general assembly staff, with respect to 1090  
communications between the member of the general assembly or 1091  
general assembly staff and legislative staff. Except as otherwise 1092  
provided in this division and division (C) of this section, a 1093  
legislative document arising out of this confidential relationship 1094  
is not a public record for purposes of section 149.43 of the 1095  
Revised Code. When it is in the public interest and with the 1096  
consent of the commission, the director of the commission may 1097  
release to the public any legislative document in the possession 1098  
of the commission staff arising out of a confidential relationship 1099  
with a former member of the general assembly or former member of 1100  
the general assembly staff who is not available to make the 1101  
legislative document a public record as provided in division (C) 1102  
of this section because of death or disability, whom the director 1103  
is unable to contact for that purpose, or who fails to respond to 1104  
the director after the director has made a reasonable number of 1105  
attempts to make such contact. 1106

(2) Legislative documents that are not public records under 1107  
divisions (B)(1) and (C) of this section are not subject to 1108  
subpoena duces tecum. A member of the general assembly, member of 1109  
the general assembly staff, or member of the legislative staff 1110  
neither is subject to subpoena or subpoena duces tecum, nor may be 1111  
compelled to testify, with regard to legislative documents that 1112  
are not public records under divisions (B)(1) and (C) of this 1113  
section. 1114

(C)(1) A legislative document is a public record for purposes 1115  
of section 149.43 of the Revised Code if it is an analysis, 1116  
synopsis, fiscal note, or local impact statement prepared by 1117  
legislative staff that is required to be prepared by law, or by a 1118

rule of either house of the general assembly, for the benefit of 1119  
the members of either or both of those houses or any legislative 1120  
committee and if it has been presented to those members. 1121  
1122

(2) A legislative document is a public record for purposes of 1123  
section 149.43 of the Revised Code if a member of the general 1124  
assembly for whom legislative staff prepared the legislative 1125  
document does any of the following: 1126

(a) Files it for introduction with the clerk of the senate or 1127  
the clerk of the house of representatives, if it is a bill or 1128  
resolution; 1129

(b) Presents it at a committee hearing or floor session, if 1130  
it is an amendment to a bill or resolution or is a substitute bill 1131  
or resolution; 1132

(c) Releases it, or authorizes general assembly staff or 1133  
legislative staff to release it, to the public. 1134

Sec. 101.302. A member of the general assembly, a member of 1135  
the general assembly staff, and a member of the legislative staff, 1136  
in their respective capacities as such, are not liable in a civil 1137  
action for any legislative act or duty. In relation to any 1138  
legislative act or duty, a member of the general assembly, a 1139  
member of the general assembly staff, or a member of the 1140  
legislative staff is not subject to subpoena or subpoena duces 1141  
tecum in a civil action, may not be made party to a civil action, 1142  
and may not be compelled to testify or to produce tangible 1143  
evidence in a civil action. 1144

This section is cumulative to Ohio Constitution, Article II, 1145  
Section 12. 1146

Sec. 101.303. A member of the legislative staff shall not be 1147  
compelled to testify or to produce tangible evidence concerning 1148

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any communication with or any advice or assistance given to a 1149  
member of the general assembly or a member of the general assembly 1150  
staff in relation to any legislative act or duty. 1151

**Sec. 101.34.** (A) There is hereby created a joint legislative 1152  
ethics committee to serve the general assembly. The committee 1153  
shall be composed of twelve members, six each from the two major 1154  
political parties, and each member shall serve on the committee 1155  
during the member's term as a member of that general assembly. Six 1156  
members of the committee shall be members of the house of 1157  
representatives appointed by the speaker of the house of 1158  
representatives, not more than three from the same political 1159  
party, and six members of the committee shall be members of the 1160  
senate appointed by the president of the senate, not more than 1161  
three from the same political party. A vacancy in the committee 1162  
shall be filled for the unexpired term in the same manner as an 1163  
original appointment. The members of the committee shall be 1164  
appointed within fifteen days after the first day of the first 1165  
regular session of each general assembly and the committee shall 1166  
meet and proceed to recommend an ethics code not later than thirty 1167  
days after the first day of the first regular session of each 1168  
general assembly. 1169

In the first regular session of each general assembly, the 1170  
speaker of the house of representatives shall appoint the 1171  
chairperson of the committee from among the house members of the 1172  
committee and the president of the senate shall appoint the 1173  
vice-chairperson of the committee from among the senate members of 1174  
the committee. In the second regular session of each general 1175  
assembly, the president of the senate shall appoint the 1176  
chairperson of the committee from among the senate members of the 1177  
committee and the speaker of the house of representatives shall 1178  
appoint the vice-chairperson of the committee from among the house 1179  
members of the committee. The chairperson, vice-chairperson, and 1180

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members of the committee shall serve until their respective	1181
successors are appointed or until they are no longer members of	1182
the general assembly.	1183
The committee shall meet at the call of the chairperson or	1184
upon the written request of seven members of the committee.	1185
(B) The joint legislative ethics committee:	1186
(1) Shall recommend a code of ethics which is consistent with	1187
law to govern all members and employees of each house of the	1188
general assembly and all candidates for the office of member of	1189
each house;	1190
(2) May receive and hear any complaint which alleges a breach	1191
of any privilege of either house, or misconduct of any member,	1192
employee, or candidate, or any violation of the appropriate code	1193
of ethics;	1194
(3) May obtain information with respect to any complaint	1195
filed pursuant to this section and to that end may enforce the	1196
attendance and testimony of witnesses, and the production of books	1197
and papers;	1198
(4) May recommend whatever sanction is appropriate with	1199
respect to a particular member, employee, or candidate as will	1200
best maintain in the minds of the public a good opinion of the	1201
conduct and character of members and employees of the general	1202
assembly;	1203
(5) May recommend legislation to the general assembly	1204
relating to the conduct and ethics of members and employees of and	1205
candidates for the general assembly;	1206
(6) Shall employ an executive director for the committee and	1207
may employ such other staff as the committee determines necessary	1208
to assist it in exercising its powers and duties. The executive	1209
director and staff of the committee shall be known as the office	1210

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of legislative inspector general. At least one member of the staff  
of the committee shall be an attorney at law licensed to practice  
law in this state. The appointment and removal of the executive  
director shall require the approval of at least eight members of  
the committee.

(7) May employ a special counsel to assist the committee in  
exercising its powers and duties. The appointment and removal of a  
special counsel shall require the approval of at least eight  
members of the committee.

(8) Shall act as an advisory body to the general assembly and  
to individual members, candidates, and employees on questions  
relating to ethics, possible conflicts of interest, and financial  
disclosure;

(9) Shall provide for the proper forms on which the statement  
required pursuant to section 102.02 of the Revised Code shall be  
filed and instructions as to the filing of the statement;

(10) Exercise the powers and duties prescribed under sections  
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code;

(11) Adopt in accordance with section 111.15 of the Revised  
Code any rules that are necessary to implement and clarify Chapter  
102. and sections 2921.42 and 2921.43 of the Revised Code.

(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

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statements filed with the joint committee under sections 101.73, 1242  
101.74, 121.63, and 121.64 of the Revised Code. 1243

(D) The chairperson of the joint committee shall issue a 1244  
written report, not later than the thirty-first day of January of 1245  
each year, to the speaker and minority leader of the house of 1246  
representatives and to the president and minority leader of the 1247  
senate that lists the number of committee meetings and 1248  
investigations the committee conducted during the immediately 1249  
preceding calendar year and the number of advisory opinions it 1250  
issued during the immediately preceding calendar year. 1251

(E) Any investigative report that contains facts and findings 1252  
regarding a complaint filed with the committee and that is 1253  
prepared by the staff of the committee or a special counsel to the 1254  
committee shall become a public record upon its acceptance by a 1255  
vote of the majority of the members of the committee, except for 1256  
any names of specific individuals and entities contained in the 1257  
report. If the committee recommends disciplinary action or reports 1258  
its findings to the appropriate prosecuting authority for 1259  
proceedings in prosecution of the violations alleged in the 1260  
complaint, the investigatory report regarding the complaint shall 1261  
become a public record in its entirety. 1262

(F)(1) Any file obtained by or in the possession of the 1263  
former house ethics committee or former senate ethics committee 1264  
shall become the property of the joint legislative ethics 1265  
committee. Any such file is confidential if either of the 1266  
following applies: 1267

(a) It is confidential under section 102.06 of the Revised 1268  
Code or the legislative code of ethics. 1269

(b) If the file was obtained from the former house ethics 1270  
committee or from the former senate ethics committee, it was 1271  
confidential under any statute or any provision of a code of 1272  
ethics that governed the file. 1273

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(2) As used in this division, "file" includes, but is not 1274  
limited to, evidence, documentation, or any other tangible thing. 1275

**Sec. 101.37. (A)** There is hereby created the joint council on 1276  
mental retardation and developmental disabilities. The joint 1277  
council shall consist of three members of the house of 1278  
representatives appointed by the speaker of the house of 1279  
representatives, not more than two of whom shall be members of the 1280  
same political party, three members of the senate appointed by the 1281  
president of the senate, not more than two of whom shall be 1282  
members of the same political party, and the director of mental 1283  
retardation and developmental disabilities. At least one member of 1284  
the joint council appointed by the speaker of the house of 1285  
representatives and at least one member appointed by the president 1286  
of the senate shall be a member of the house or senate committee 1287  
with primary responsibility for appropriation issues and at least 1288  
one member appointed by the speaker and at least one member 1289  
appointed by the president shall be a member of the house or 1290  
senate committee with primary responsibility for human services 1291  
issues. ~~Members~~ 1292

Members of the joint council shall be reimbursed for their 1293  
actual and necessary expenses incurred in the performance of their 1294  
official duties, provided that reimbursement for such expenses 1295  
shall not exceed limits imposed upon the department of mental 1296  
retardation and developmental disabilities by administrative rules 1297  
regulating travel within this state. Members shall receive no 1298  
other compensation. ~~The~~ 1299

The joint council shall organize itself within fifteen days 1300  
after the commencement of each regular session of the general 1301  
assembly by electing a chairperson and vice-chairperson. The joint 1302  
council may meet upon the call of the chairperson, the director, 1303  
or on the request of any three members. ~~Members~~ 1304

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Members of the joint council who are appointed from the 1305  
 general assembly shall serve until the expiration of their terms 1306  
 in the general assembly. Any vacancies occurring among the general 1307  
 assembly members of the joint council shall be filled in the 1308  
 manner of the original appointment. 1309

(B) The joint council shall do all of the following: 1310

~~(A)~~(1) Appoint the original members of the citizen's advisory 1311  
 council at any institution under the control of the department of 1312  
 mental retardation and developmental disabilities that is created 1313  
 after November 15, 1981; 1314

~~(B)~~(2) Make final determinations in any dispute between the 1315  
 director of mental retardation and developmental disabilities and 1316  
 a citizen's advisory council concerning the appointment of members 1317  
 to the citizen's advisory council, as provided for in section 1318  
 5123.092 of the Revised Code; 1319

~~(C)~~(3) Receive reports from citizen's advisory councils on or 1320  
 before the thirty-first day of January of each year, as required 1321  
 by section 5123.093 of the Revised Code; 1322

~~(D)~~(4) Receive reports as appropriate concerning extenuating 1323  
 circumstances at institutions under the control of the department 1324  
 of mental retardation and developmental disabilities; 1325

~~(E)~~(5) Conduct reviews and make recommendations to the 1326  
director of mental retardation and developmental disabilities with 1327  
respect to any disputes between the department of mental 1328  
retardation and developmental disabilities and entities that have 1329  
entered into contracts with the department for the provision of 1330  
protective services to individuals with mental retardation or 1331  
developmental disabilities; 1332

(6) Provide the director of mental retardation and 1333  
 developmental disabilities with advice on legislative and fiscal 1334  
 issues affecting the department of mental retardation and 1335

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developmental disabilities, county boards of mental retardation 1336  
and developmental disabilities, persons with mental retardation or 1337  
developmental disabilities, and providers of services to persons 1338  
with mental retardation or developmental disabilities and on 1339  
related issues the director requests the joint council to address; 1340

~~(F)~~(7) On behalf of the director of mental retardation and 1341  
developmental disabilities, advocate to the general assembly 1342  
legislative issues about which the joint council has provided 1343  
advice to the director. 1344

(C) Reports and any correspondence received by the joint 1345  
council shall be deposited with the legislative service 1346  
commission, which shall retain them for not less than three years 1347  
after the date of deposit. 1348

**Sec. 101.72.** (A) Each legislative agent and employer, within 1349  
ten days following an engagement of a legislative agent, shall 1350  
file with the joint legislative ethics committee an initial 1351  
registration statement showing all of the following: 1352

(1) The name, business address, and occupation of the 1353  
legislative agent; 1354

(2) The name and business address of the employer and the 1355  
real party in interest on whose behalf the legislative agent is 1356  
actively advocating, if it is different from the employer. For the 1357  
purposes of division (A) of this section, where a trade 1358  
association or other charitable or fraternal organization that is 1359  
exempt from federal income taxation under subsection 501(c) of the 1360  
federal Internal Revenue Code is the employer, the statement need 1361  
not list the names and addresses of each member of the association 1362  
or organization, so long as the association or organization itself 1363  
is listed. 1364

(3) A brief description of the type of legislation to which 1365  
the engagement relates. 1366

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(B) In addition to the initial registration statement 1367  
required by division (A) of this section, each legislative agent 1368  
and employer shall file with the joint committee, not later than 1369  
the last day of January, May, and September of each year, an 1370  
updated registration statement that confirms the continuing 1371  
existence of each engagement described in an initial registration 1372  
statement and that lists the specific bills or resolutions on 1373  
which the agent actively advocated under that engagement during 1374  
the period covered by the updated statement, and with it any 1375  
statement of expenditures required to be filed by section 101.73 1376  
of the Revised Code and any details of financial transactions 1377  
required to be filed by section 101.74 of the Revised Code. 1378

(C) If a legislative agent is engaged by more than one 1379  
employer, the agent shall file a separate initial and updated 1380  
registration statement for each engagement. If an employer engages 1381  
more than one legislative agent, the employer need file only one 1382  
updated registration statement under division (B) of this section, 1383  
which shall contain the information required by division (B) of 1384  
this section regarding all of the legislative agents engaged by 1385  
the employer. 1386

(D)(1) A change in any information required by division 1387  
(A)(1), (2), or (B) of this section shall be reflected in the next 1388  
updated registration statement filed under division (B) of this 1389  
section. 1390

(2) Within thirty days after the termination of an 1391  
engagement, the legislative agent who was employed under the 1392  
engagement shall send written notification of the termination to 1393  
the joint committee. 1394

(E) Except as otherwise provided in this division, a 1395  
registration fee of ten dollars shall be charged for filing an 1396  
initial registration statement. All money collected from ~~this~~ 1397  
registration ~~fee~~ fees under this division and late filing fees 1398

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under division (G) of this section shall be deposited to the 1399  
credit of the joint legislative ethics committee fund created 1400  
under section 101.34 of the Revised Code. ~~An~~ 1401

An officer or employee of a state agency who actively 1402  
advocates in a fiduciary capacity as a representative of that 1403  
state agency need not pay the registration fee prescribed by this 1404  
division or file expenditure statements under section 101.73 of 1405  
the Revised Code. As used in this division, "state agency" does 1406  
not include a state institution of higher education as defined in 1407  
section 3345.011 of the Revised Code. 1408

(F) Upon registration pursuant to division (A) of this 1409  
section, the legislative agent shall be issued a card by the joint 1410  
committee showing that the legislative agent is registered. The 1411  
registration card and the legislative agent's registration shall 1412  
be valid from the date of their issuance until the next 1413  
thirty-first day of December of an even-numbered year. 1414

(G) The executive director of the joint committee shall be 1415  
responsible for reviewing each registration statement filed with 1416  
the joint committee under this section and for determining whether 1417  
the statement contains all of the information required by this 1418  
section. If the joint committee determines that the registration 1419  
statement does not contain all of the required information or that 1420  
a legislative agent or employer has failed to file a registration 1421  
statement, the joint committee shall send written notification by 1422  
certified mail to the person who filed the registration statement 1423  
regarding the deficiency in the statement or to the person who 1424  
failed to file the registration statement regarding the failure. 1425  
Any person so notified by the joint committee shall, not later 1426  
than fifteen days after receiving the notice, file a registration 1427  
statement or an amended registration statement that does contain 1428  
all of the information required by this section. If any person who 1429  
receives a notice under this division fails to file a registration 1430

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statement or such an amended registration statement within this 1431  
 fifteen-day period, the joint committee shall ~~notify the attorney~~ 1432  
~~general, who may take appropriate action as authorized under~~ 1433  
~~section 101.79 of the Revised Code. If the joint committee~~ 1434  
~~notifies the attorney general under this division, the joint~~ 1435  
~~committee shall also notify in writing the governor and each~~ 1436  
~~member of the general assembly of the pending investigation assess~~ 1437  
~~a late filing fee equal to twelve dollars and fifty cents per day,~~ 1438  
~~up to a maximum of one hundred dollars, upon that person. The~~ 1439  
~~joint committee may waive the late filing fee for good cause~~ 1440  
~~shown.~~ 1441

(H) On or before the fifteenth day of March of each year, the 1442  
 joint committee shall, in the manner and form that it determines, 1443  
 publish a report containing statistical information on the 1444  
 registration statements filed with it under this section during 1445  
 the preceding year. 1446

**Sec. 101.73.** (A) Each legislative agent and each employer 1447  
 shall file in the office of the joint legislative ethics 1448  
 committee, with the updated registration statement required by 1449  
 division (B) of section 101.72 of the Revised Code, a statement of 1450  
 expenditures as specified in divisions (B) and (C) of this 1451  
 section. A legislative agent shall file a separate statement of 1452  
 expenditures under this section for each employer engaging ~~him~~ the 1453  
legislative agent. 1454

(B)(1) In addition to the information required by divisions 1455  
 (B)(2) and (3) of this section, a statement filed by a legislative 1456  
 agent shall show the total amount of expenditures made by the 1457  
 legislative agent during the reporting period covered by the 1458  
 statement. 1459

(2) If, during a reporting period covered by a statement, an 1460  
 employer or any legislative agent ~~he~~ the employer engaged made, 1461

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either separately or in combination with each other, either 1462  
directly or indirectly, expenditures to, at the request of, for 1463  
the benefit of, or on behalf of any particular member of the 1464  
general assembly, any particular member of the controlling board, 1465  
the governor, the director of a department created under section 1466  
121.02 of the Revised Code, or any particular member of the staff 1467  
of any of the public officers or employees listed in division 1468  
(B)(2) of this section, then the employer or legislative agent 1469  
shall also state all of the following: 1470

(a) The name of the public officer or employee to whom, at 1471  
whose request, for whose benefit, or on whose behalf the 1472  
expenditures were made; 1473

(b) The total amount of the expenditures made; 1474

(c) A brief description of the expenditures made; 1475

(d) The approximate date the expenditures were made; 1476

(e) The specific items of legislation, if any, for which the 1477  
expenditures were made and the identity of the client on whose 1478  
behalf each expenditure was made. 1479

As used in division (B)(2) of this section, "expenditures" 1480  
does not include expenditures made by a legislative agent as 1481  
payment for meals and other food and beverages. 1482

(3) If, during a reporting period covered by a statement, a 1483  
legislative agent made expenditures as payment for meals and other 1484  
food and beverages, other than for meals and other food and 1485  
beverages provided to a member of the general assembly at a 1486  
meeting at which the member participated in a panel, seminar, or 1487  
speaking engagement or provided to a member of the general 1488  
assembly at a meeting or convention of a national organization to 1489  
which ~~either house of the general assembly, any legislative~~ 1490  
~~agency, or any other state agency or any state institution of~~ 1491  
higher education as defined in section 3345.031 of the Revised 1492

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Code pays membership dues, that, when added to the amount of 1493  
previous payments made for meals and other food and beverages by 1494  
that legislative agent during that same calendar year, exceeded a 1495  
total of fifty dollars to, at the request of, for the benefit of, 1496  
or on behalf of any particular member of the general assembly, any 1497  
particular member of the controlling board, the governor, the 1498  
director of a department created under section 121.02 of the 1499  
Revised Code, or any particular member of the staff of any of the 1500  
public officers or employees listed in division (B)(3) of this 1501  
section, then the legislative agent shall also state all of the 1502  
following regarding those expenditures: 1503

(a) The name of the public officer or employee to whom, at 1504  
whose request, for whose benefit, or on whose behalf the 1505  
expenditures were made; 1506

(b) The total amount of the expenditures made; 1507

(c) A brief description of the expenditures made; 1508

(d) The approximate date the expenditures were made; 1509

(e) The specific items of legislation, if any, for which the 1510  
expenditures were made and the identity of the client on whose 1511  
behalf each expenditure was made. 1512

(C) In addition to the information required by divisions 1513  
(B)(2) and (3) of this section, a statement filed by an employer 1514  
shall show the total amount of expenditures made by the employer 1515  
filing the statement during the period covered by the statement. 1516  
As used in this section, "expenditures" does not include the 1517  
expenses of maintaining office facilities or the compensation paid 1518  
to legislative agents engaged by an employer. 1519

No employer is required to show any expenditure on a 1520  
statement filed under this division if the expenditure is reported 1521  
on a statement filed under division (B) of this section by a 1522  
legislative agent engaged by the employer. 1523

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(D) Any statement required to be filed under this section 1524  
shall be filed at the times specified in section 101.72 of the 1525  
Revised Code. Each statement shall cover expenditures made during 1526  
the four-calendar-month period that ended on the last day of the 1527  
month immediately preceding the month in which the statement is 1528  
required to be filed. 1529

No portion of the amount of an expenditure for a dinner, 1530  
party, or other function sponsored by an employer or legislative 1531  
agent need be attributed to, or counted toward the amount for, a 1532  
reporting period specified in division (B)(2) or (3) of this 1533  
section if the sponsor has invited to the function all the members 1534  
of either of the following: 1535

(1) The general assembly; 1536

(2) Either house of the general assembly. 1537

However, the amount spent for such function and its date and 1538  
purpose shall be reported separately on the statement required to 1539  
be filed under this section and the amount spent for the function 1540  
shall be added with other expenditures for the purpose of 1541  
determining the total amount of expenditures reported in the 1542  
statement under division (B)(1) or (C) of this section. 1543

If it is impractical or impossible for a legislative agent or 1544  
employer to determine exact dollar amounts or values of 1545  
expenditures, reporting of good faith estimates, based upon 1546  
reasonable accounting procedures, constitutes compliance with this 1547  
section. 1548

(E) All legislative agents and employers shall retain 1549  
receipts or maintain records for all expenditures that are 1550  
required to be reported pursuant to this section. These receipts 1551  
or records shall be maintained for a period ending on the 1552  
thirty-first day of December of the second calendar year after the 1553  
year in which the expenditure was made. 1554

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

(2) If, during a reporting period covered by an expenditure statement filed under division (B)(2) of this section, an employer or any legislative agent ~~he~~ the employer engaged made, either separately or in combination with each other, either directly or indirectly, expenditures for transportation, lodging, or food and beverages purchased for consumption on the premises in which the food and beverages were sold to, at the request of, for the benefit of, or on behalf of any of the public officers or employees described in division (B)(2) of this section, the employer or legislative agent shall deliver to the public officer or employee a statement that contains all of the nondisputed information prescribed in division (B)(2)(a) through (e) of this section with respect to the expenditures described in division (F)(2) of this section. The statement of expenditures made under division (F)(2) of this section shall be delivered to the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf those expenditures were made on the same day in which a copy of the expenditure statement or of a portion showing the expenditure is delivered to the public officer or employee under division (F)(1) of this section. An employer is not required to show any expenditure on a statement delivered under division (F)(2) of this section if the expenditure is shown on a statement delivered under division (F)(2) of this section by a legislative agent engaged by the employer.

**Sec. 102.02.** (A) Except as otherwise provided in division (H)

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of this section, every person who is elected to or is a candidate 1587  
for a state, county, or city office, or the office of member of 1588  
the United States congress, and every person who is appointed to 1589  
fill a vacancy for an unexpired term in such an elective office; 1590  
all members of the state board of education; the director, 1591  
assistant directors, deputy directors, division chiefs, or persons 1592  
of equivalent rank of any administrative department of the state; 1593  
the president or other chief administrative officer of every state 1594  
institution of higher education as defined in section 3345.011 of 1595  
the Revised Code; the chief executive officer of each state 1596  
retirement system; all members of the board of commissioners on 1597  
grievances and discipline of the supreme court and the ethics 1598  
commission created under section 102.05 of the Revised Code; every 1599  
business manager, treasurer, or superintendent of a city, local, 1600  
exempted village, joint vocational, or cooperative education 1601  
school district or an educational service center; every person who 1602  
is elected to or is a candidate for the office of member of a 1603  
board of education of a city, local, exempted village, joint 1604  
vocational, or cooperative education school district or of a 1605  
governing board of an educational service center that has a total 1606  
student count of twelve thousand or more as most recently 1607  
determined by the department of education pursuant to section 1608  
3317.03 of the Revised Code; every person who is appointed to the 1609  
board of education of a municipal school district pursuant to 1610  
division (B) or (F) of section 3311.71 of the Revised Code; all 1611  
members of the board of directors of a sanitary district 1612  
established under Chapter 6115. of the Revised Code and organized 1613  
wholly for the purpose of providing a water supply for domestic, 1614  
municipal, and public use that includes two municipal corporations 1615  
in two counties; every public official or employee who is paid a 1616  
salary or wage in accordance with schedule C of section 124.15 or 1617  
schedule E-2 of section 124.152 of the Revised Code; members of 1618  
the board of trustees and the executive director of the tobacco 1619

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use prevention and control foundation; members of the board of 1620  
trustees and the executive director of the southern Ohio 1621  
agricultural and community development foundation; members and the 1622  
executive director of the biomedical research and technology 1623  
transfer commission; and every other public official or employee 1624  
who is designated by the appropriate ethics commission pursuant to 1625  
division (B) of this section shall file with the appropriate 1626  
ethics commission on a form prescribed by the commission, a 1627  
statement disclosing all of the following: 1628

(1) The name of the person filing the statement and each 1629  
member of the person's immediate family and all names under which 1630  
the person or members of the person's immediate family do 1631  
business; 1632

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 1633  
and except as otherwise provided in section 102.022 of the Revised 1634  
Code, identification of every source of income, other than income 1635  
from a legislative agent identified in division (A)(2)(b) of this 1636  
section, received during the preceding calendar year, in the 1637  
person's own name or by any other person for the person's use or 1638  
benefit, by the person filing the statement, and a brief 1639  
description of the nature of the services for which the income was 1640  
received. If the person filing the statement is a member of the 1641  
general assembly, the statement shall identify the amount of every 1642  
source of income received in accordance with the following ranges 1643  
of amounts: zero or more, but less than one thousand dollars; one 1644  
thousand dollars or more, but less than ten thousand dollars; ten 1645  
thousand dollars or more, but less than twenty-five thousand 1646  
dollars; twenty-five thousand dollars or more, but less than fifty 1647  
thousand dollars; fifty thousand dollars or more, but less than 1648  
one hundred thousand dollars; and one hundred thousand dollars or 1649  
more. Division (A)(2)(a) of this section shall not be construed to 1650  
require a person filing the statement who derives income from a 1651

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business or profession to disclose the individual items of income 1652  
that constitute the gross income of that business or profession, 1653  
except for those individual items of income that are attributable 1654  
to the person's or, if the income is shared with the person, the 1655  
partner's, solicitation of services or goods or performance, 1656  
arrangement, or facilitation of services or provision of goods on 1657  
behalf of the business or profession of clients, including 1658  
corporate clients, who are legislative agents as defined in 1659  
section 101.70 of the Revised Code. A person who files the 1660  
statement under this section shall disclose the identity of and 1661  
the amount of income received from a person who the public 1662  
official or employee knows or has reason to know is doing or 1663  
seeking to do business of any kind with the public official's or 1664  
employee's agency. 1665

(b) If the person filing the statement is a member of the 1666  
general assembly, the statement shall identify every source of 1667  
income and the amount of that income that was received from a 1668  
legislative agent, as defined in section 101.70 of the Revised 1669  
Code, during the preceding calendar year, in the person's own name 1670  
or by any other person for the person's use or benefit, by the 1671  
person filing the statement, and a brief description of the nature 1672  
of the services for which the income was received. Division 1673  
(A)(2)(b) of this section requires the disclosure of clients of 1674  
attorneys or persons licensed under section 4732.12 of the Revised 1675  
Code, or patients of persons certified under section 4731.14 of 1676  
the Revised Code, if those clients or patients are legislative 1677  
agents. Division (A)(2)(b) of this section requires a person 1678  
filing the statement who derives income from a business or 1679  
profession to disclose those individual items of income that 1680  
constitute the gross income of that business or profession that 1681  
are received from legislative agents. 1682

(c) Except as otherwise provided in division (A)(2)(c) of 1683

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1684 this section, division (A)(2)(a) of this section applies to  
1685 attorneys, physicians, and other persons who engage in the  
1686 practice of a profession and who, pursuant to a section of the  
1687 Revised Code, the common law of this state, a code of ethics  
1688 applicable to the profession, or otherwise, generally are required  
1689 not to reveal, disclose, or use confidences of clients, patients,  
1690 or other recipients of professional services except under  
1691 specified circumstances or generally are required to maintain  
1692 those types of confidences as privileged communications except  
1693 under specified circumstances. Division (A)(2)(a) of this section  
1694 does not require an attorney, physician, or other professional  
1695 subject to a confidentiality requirement as described in division  
1696 (A)(2)(c) of this section to disclose the name, other identity, or  
1697 address of a client, patient, or other recipient of professional  
1698 services if the disclosure would threaten the client, patient, or  
1699 other recipient of professional services, would reveal details of  
1700 the subject matter for which legal, medical, or professional  
1701 advice or other services were sought, or would reveal an otherwise  
1702 privileged communication involving the client, patient, or other  
1703 recipient of professional services. Division (A)(2)(a) of this  
1704 section does not require an attorney, physician, or other  
1705 professional subject to a confidentiality requirement as described  
1706 in division (A)(2)(c) of this section to disclose in the brief  
1707 description of the nature of services required by division  
1708 (A)(2)(a) of this section any information pertaining to specific  
1709 professional services rendered for a client, patient, or other  
1710 recipient of professional services that would reveal details of  
1711 the subject matter for which legal, medical, or professional  
1712 advice was sought or would reveal an otherwise privileged  
1713 communication involving the client, patient, or other recipient of  
1714 professional services.

(3) The name of every corporation on file with the secretary 1715

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

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

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

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the superintendent's own name or in the name of any other person 1748  
owes any money, and that the superintendent and any deputy 1749  
superintendent of banks shall disclose the names of all 1750  
state-chartered banks and all bank subsidiary corporations subject 1751  
to regulation under section 1109.44 of the Revised Code to whom 1752  
the superintendent or deputy superintendent owes any money. 1753

(6) The names of all persons residing or transacting business 1754  
in the state, other than a depository excluded under division 1755  
(A)(3) of this section, who owe more than one thousand dollars to 1756  
the person filing the statement, either in the person's own name 1757  
or to any person for the person's use or benefit. Division (A)(6) 1758  
of this section shall not be construed to require the disclosure 1759  
of clients of attorneys or persons licensed under section 4732.12 1760  
or 4732.15 of the Revised Code, or patients of persons certified 1761  
under section 4731.14 of the Revised Code, nor the disclosure of 1762  
debts owed to the person resulting from the ordinary conduct of a 1763  
business or profession. 1764

(7) Except as otherwise provided in section 102.022 of the 1765  
Revised Code, the source of each gift of over seventy-five 1766  
dollars, or of each gift of over twenty-five dollars received by a 1767  
member of the general assembly from a legislative agent, received 1768  
by the person in the person's own name or by any other person for 1769  
the person's use or benefit during the preceding calendar year, 1770  
except gifts received by will or by virtue of section 2105.06 of 1771  
the Revised Code, or received from spouses, parents, grandparents, 1772  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1773  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1774  
fathers-in-law, mothers-in-law, or any person to whom the person 1775  
filing the statement stands in loco parentis, or received by way 1776  
of distribution from any inter vivos or testamentary trust 1777  
established by a spouse or by an ancestor; 1778

(8) Except as otherwise provided in section 102.022 of the 1779

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

(10) If the financial disclosure statement is filed by a  
public official or employee described in division (B)(2) of  
section 101.73 of the Revised Code or division (B)(2) of section  
121.63 of the Revised Code who receives a statement from a  
legislative agent, executive agency lobbyist, or employer that  
contains the information described in division (F)(2) of section  
101.73 of the Revised Code or division (G)(2) of section 121.63 of

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

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

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

A statement filed under this section is subject to public  
inspection at locations designated by the appropriate ethics

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commission except as otherwise provided in this section. 1844

(B) The Ohio ethics commission, the joint legislative ethics 1845  
committee, and the board of commissioners on grievances and 1846  
discipline of the supreme court, using the rule-making procedures 1847  
of Chapter 119. of the Revised Code, may require any class of 1848  
public officials or employees under its jurisdiction and not 1849  
specifically excluded by this section whose positions involve a 1850  
substantial and material exercise of administrative discretion in 1851  
the formulation of public policy, expenditure of public funds, 1852  
enforcement of laws and rules of the state or a county or city, or 1853  
the execution of other public trusts, to file an annual statement 1854  
on or before the fifteenth day of April under division (A) of this 1855  
section. The appropriate ethics commission shall send the public 1856  
officials or employees written notice of the requirement by the 1857  
fifteenth day of February of each year the filing is required 1858  
unless the public official or employee is appointed after that 1859  
date, in which case the notice shall be sent within thirty days 1860  
after appointment, and the filing shall be made not later than 1861  
ninety days after appointment. 1862

Except for disclosure statements filed by members of the 1863  
board of trustees and the executive director of the tobacco use 1864  
prevention and control foundation, members of the board of 1865  
trustees and the executive director of the southern Ohio 1866  
agricultural and community development foundation, and members and 1867  
the executive director of the biomedical research and technology 1868  
transfer commission, disclosure statements filed under this 1869  
division with the Ohio ethics commission by members of boards, 1870  
commissions, or bureaus of the state for which no compensation is 1871  
received other than reasonable and necessary expenses shall be 1872  
kept confidential. Disclosure statements filed with the Ohio 1873  
ethics commission under division (A) of this section by business 1874  
managers, treasurers, and superintendents of city, local, exempted 1875

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village, joint vocational, or cooperative education school 1876  
districts or educational service centers shall be kept 1877  
confidential, except that any person conducting an audit of any 1878  
such school district or educational service center pursuant to 1879  
section 115.56 or Chapter 117. of the Revised Code may examine the 1880  
disclosure statement of any business manager, treasurer, or 1881  
superintendent of that school district or educational service 1882  
center. The Ohio ethics commission shall examine each disclosure 1883  
statement required to be kept confidential to determine whether a 1884  
potential conflict of interest exists for the person who filed the 1885  
disclosure statement. A potential conflict of interest exists if 1886  
the private interests of the person, as indicated by the person's 1887  
disclosure statement, might interfere with the public interests 1888  
the person is required to serve in the exercise of the person's 1889  
authority and duties in the person's office or position of 1890  
employment. If the commission determines that a potential conflict 1891  
of interest exists, it shall notify the person who filed the 1892  
disclosure statement and shall make the portions of the disclosure 1893  
statement that indicate a potential conflict of interest subject 1894  
to public inspection in the same manner as is provided for other 1895  
disclosure statements. Any portion of the disclosure statement 1896  
that the commission determines does not indicate a potential 1897  
conflict of interest shall be kept confidential by the commission 1898  
and shall not be made subject to public inspection, except as is 1899  
necessary for the enforcement of Chapters 102. and 2921. of the 1900  
Revised Code and except as otherwise provided in this division. 1901  
1902

(C) No person shall knowingly fail to file, on or before the 1903  
applicable filing deadline established under this section, a 1904  
statement that is required by this section. 1905

(D) No person shall knowingly file a false statement that is 1906  
required to be filed under this section. 1907

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

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

For state office, except member of state board of education	\$50	1916
For office of member of United States congress or member of general assembly	\$25	1917
For county office	\$25	1918
	<u>45</u>	1919
For city office	\$10	1920
	<u>20</u>	1921
For office of member of state board of education	\$10	1922
	<u>20</u>	1923
For office of member of city, local, exempted village, or cooperative education board of education or educational service center governing board	\$ 5	1924
For position of business manager, treasurer, or superintendent of city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$ 5	1925
<u>For office of member of the board of trustees of a state college or university</u>	<u>\$50</u>	1926
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(3) No judge of a court of record or candidate for judge of 1940  
~~such~~ a court of record, and no referee or magistrate serving a 1941  
court of record, shall be required to pay the fee required under 1942  
division (E)(1) or (2) or (F) of this section. 1943

(4) For any public official who is appointed to a nonelective 1944  
office of the state and for any employee who holds a nonelective 1945  
position in a public agency of the state, the state agency that is 1946  
the primary employer of the state official or employee shall pay 1947  
the fee required under division (E)(1) or (F) of this section. 1948

(F) If a statement required to be filed under this section is 1950  
not filed by the date on which it is required to be filed, the 1951  
appropriate ethics commission shall assess the person required to 1952  
file the statement a late filing fee equal to one-half of the 1953  
applicable filing fee for each day the statement is not filed, 1954  
except that the total amount of the late filing fee shall not 1955  
exceed one hundred dollars. 1956

(G)(1) The appropriate ethics commission other than the Ohio 1957  
ethics commission shall deposit all fees it receives under 1958  
divisions (E) and (F) of this section into the general revenue 1959  
fund of the state. 1960

(2) The Ohio ethics commission shall deposit all receipts, 1961  
including, but not limited to, fees it receives under divisions 1962  
(E) and (F) of this section and all moneys it receives from 1963  
settlements under division (G) of section 102.06 of the Revised 1964  
Code, into the Ohio ethics commission fund, which is hereby 1965  
created in the state treasury. All moneys credited to the fund 1966  
shall be used solely for expenses related to the operation and 1967  
statutory functions of the commission. 1968

(H) Division (A) of this section does not apply to a person 1969  
elected or appointed to the office of precinct, ward, or district 1970

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committee member under Chapter 3517. of the Revised Code; a 1971  
 presidential elector; a delegate to a national convention; village 1972  
 or township officials and employees; any physician or psychiatrist 1973  
 who is paid a salary or wage in accordance with schedule C of 1974  
 section 124.15 or schedule E-2 of section 124.152 of the Revised 1975  
 Code and whose primary duties do not require the exercise of 1976  
 administrative discretion; or any member of a board, commission, 1977  
 or bureau of any county or city who receives less than one 1978  
 thousand dollars per year for serving in that position. 1979

**Sec. 102.03.** (A)(1) No present or former public official or 1980  
 employee shall, during public employment or service or for twelve 1981  
 months thereafter, represent a client or act in a representative 1982  
 capacity for any person on any matter in which the public official 1983  
 or employee personally participated as a public official or 1984  
 employee through decision, approval, disapproval, recommendation, 1985  
 the rendering of advice, investigation, or other substantial 1986  
 exercise of administrative discretion. 1987

(2) For twenty-four months after the conclusion of service, 1988  
 no former commissioner or attorney examiner of the public 1989  
 utilities commission shall represent a public utility, as defined 1990  
 in section 4905.02 of the Revised Code, or act in a representative 1991  
 capacity on behalf of such a utility before any state board, 1992  
 commission, or agency. 1993

(3) For twenty-four months after the conclusion of employment 1994  
 or service, no former public official or employee who personally 1995  
 participated as a public official or employee through decision, 1996  
 approval, disapproval, recommendation, the rendering of advice, 1997  
 the development or adoption of solid waste management plans, 1998  
 investigation, inspection, or other substantial exercise of 1999  
 administrative discretion under Chapter 343. or 3734. of the 2000  
 Revised Code shall represent a person who is the owner or operator 2001

of a facility, as defined in section 3734.01 of the Revised Code, 2002  
or who is an applicant for a permit or license for a facility 2003  
under that chapter, on any matter in which the public official or 2004  
employee personally participated as a public official or employee. 2005

(4) For a period of one year after the conclusion of 2006  
employment or service as a member or employee of the general 2007  
assembly, no former member or employee of the general assembly 2008  
shall represent, or act in a representative capacity for, any 2009  
person on any matter before the general assembly, any committee of 2010  
the general assembly, or the controlling board. Division (A)(4) of 2011  
this section does not apply to or affect a person who separates 2012  
from service with the general assembly on or before December 31, 2013  
1995. As used in division (A)(4) of this section "person" does not 2014  
include any state agency or political subdivision of the state. 2015  
2016

(5) As used in divisions (A)(1), (2), and (3) of this 2017  
section, "matter" includes any case, proceeding, application, 2018  
determination, issue, or question, but does not include the 2019  
proposal, consideration, or enactment of statutes, rules, 2020  
ordinances, resolutions, or charter or constitutional amendments. 2021  
As used in division (A)(4) of this section, "matter" includes the 2022  
proposal, consideration, or enactment of statutes, resolutions, or 2023  
constitutional amendments. As used in division (A) of this 2024  
section, "represent" includes any formal or informal appearance 2025  
before, or any written or oral communication with, any public 2026  
agency on behalf of any person. 2027

(6) Nothing contained in division (A) of this section shall 2028  
prohibit, during such period, a former public official or employee 2029  
from being retained or employed to represent, assist, or act in a 2030  
representative capacity for the public agency by which the public 2031  
official or employee was employed or on which the public official 2032  
or employee served. 2033

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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.

(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.

(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 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 to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more

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than five per cent, has sold goods or services totaling more than  
one thousand dollars during the preceding year, unless the public  
official or employee has filed a written statement acknowledging  
that sale with the clerk or secretary of the public agency and the  
statement is entered in any public record of the agency's  
proceedings. This division 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.

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

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

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

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

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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 division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of

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demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

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

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of

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such a character as to manifest a substantial and improper 2161  
influence on the public official or employee with respect to that 2162  
person's duties. As used in this division, "organization" means a 2163  
church or a religious, benevolent, fraternal, or professional 2164  
organization that is tax exempt under subsection 501(a) and 2165  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 2166  
"Internal Revenue Code of 1986." This division does not apply to a 2167  
public official or employee who is an employee of an organization, 2168  
serves as a trustee, director, or officer of an organization, or 2169  
otherwise holds a fiduciary relationship with an organization. 2170  
This division does not allow a public official or employee who is 2171  
a member of an organization to participate, formally or 2172  
informally, in deliberations, discussions, or voting on a matter 2173  
or to use his official position with regard to the interests of 2174  
the organization on the matter if the public official or employee 2175  
has assumed a particular responsibility in the organization with 2176  
respect to the matter or if the matter would affect that person's 2177  
personal, pecuniary interests. 2178

(K) It is not a violation of this section for a prosecuting 2179  
attorney to appoint assistants and employees in accordance with 2180  
division (B) of section 309.06 and section 2921.421 of the Revised 2181  
Code, for a chief legal officer of a municipal corporation or an 2182  
official designated as prosecutor in a municipal corporation to 2183  
appoint assistants and employees in accordance with sections 2184  
733.621 and 2921.421 of the Revised Code, for a township law 2185  
director appointed under section 504.15 of the Revised Code to 2186  
appoint assistants and employees in accordance with sections 2187  
504.151 and 2921.421 of the Revised Code, or for a coroner to 2188  
appoint assistants and employees in accordance with division (B) 2189  
of section 313.05 of the Revised Code. 2190

As used in this division, "chief legal officer" has the same 2191  
meaning as in section 733.621 of the Revised Code. 2192

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Sec. 102.031. (A) As used in this section:	2193
(1) "Actively advocating," "employer," "financial transaction," "legislation," and "legislative agent" have the same meanings as in section 101.70 of the Revised Code.	2194 2195 2196
(2) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.	2197 2198 2199
(3) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.	2200 2201
(4) "Employee" does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose nonlegislative position of employment, if <del>he</del> <u>the member</u> is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or execution of other public trusts.	2202 2203 2204 2205 2206 2207 2208 2209 2210
(B) No member of the general assembly shall vote on any legislation that <del>he</del> <u>the member</u> knows is then being actively advocated if <del>he</del> <u>the member</u> is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:	2211 2212 2213 2214 2215
(1) An employee;	2216
(2) A business associate;	2217
(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.	2218 2219 2220 2221

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(C) No member of the general assembly shall knowingly accept	2222
any of the following from a legislative agent:	2223
(1) The payment of any expenses for travel or lodging except	2224
as otherwise authorized by division (H) of section 102.03 of the	2225
Revised Code;	2226
(2) More than seventy-five dollars aggregated per calendar	2227
year as payment for meals and other food and beverages, other than	2228
for those meals and other food and beverages provided to the	2229
member at a meeting at which the member participates in a panel,	2230
seminar, or speaking engagement, at a meeting or convention of a	2231
national organization to which <del>either house of the general</del>	2232
<del>assembly, any legislative agency, or any other state agency</del> <u>or any</u>	2233
<u>state institution of higher education as defined in section</u>	2234
<u>3345.031 of the Revised Code</u> pays membership dues, or at a dinner,	2235
party, or function to which all members of the general assembly or	2236
all members of either house of the general assembly are invited;	2237
(3) A gift of any amount in the form of cash or the	2238
equivalent of cash, or a gift of any other thing of value whose	2239
value exceeds seventy-five dollars. As used in division (C)(3) of	2240
this section, "gift" does not include any contribution or any	2241
gifts of meals and other food and beverages or the payment of	2242
expenses incurred for travel to destinations either inside or	2243
outside this state that is received by the member of the general	2244
assembly and that is incurred in connection with the member's	2245
official duties.	2246
(D) It is not a violation of division (C)(2) of this section	2247
if, within sixty days after receiving notice from a legislative	2248
agent that the legislative agent has provided a member of the	2249
general assembly with more than seventy-five dollars aggregated in	2250
a calendar year as payment for meals and other food and beverages,	2251
the member of the general assembly returns to that legislative	2252
agent the amount received that exceeds seventy-five dollars.	2253

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(E) The joint legislative ethics committee may impose a fine 2254  
of not more than one thousand dollars upon a member of the general 2255  
assembly who violates division (B) of this section. 2256

**Sec. 102.06.** (A) The appropriate ethics commission shall 2257  
receive and may initiate complaints against persons subject to 2258  
Chapter 102. of the Revised Code concerning conduct alleged to be 2259  
in violation of this chapter or section 2921.42 or 2921.43 of the 2260  
Revised Code. All complaints except those by the commission shall 2261  
be by affidavit made on personal knowledge, subject to the 2262  
penalties of perjury. Complaints by the commission shall be by 2263  
affidavit, based upon reasonable cause to believe that a violation 2264  
has occurred. 2265

(B) The commission shall investigate complaints, may 2266  
investigate charges presented to it, and may request further 2267  
information, including the specific amount of income from a 2268  
source, from any person filing with the commission a statement 2269  
required by section 102.02 of the Revised Code, if the information 2270  
sought is directly relevant to a complaint or charges received by 2271  
the commission pursuant to this section. This information is 2272  
confidential, except that the commission, at its discretion, may 2273  
share information gathered in the course of any investigation 2274  
with, or disclose the information to, any appropriate prosecuting 2275  
authority, any law enforcement agency, or any other appropriate 2276  
ethics commission. The person so requested shall furnish the 2277  
information to the commission, unless within fifteen days from the 2278  
date of the request the person files an action for declaratory 2279  
judgment challenging the legitimacy of the request in the court of 2280  
common pleas of the county of ~~his~~ the person's residence, ~~his~~ the 2281  
person's place of employment, or Franklin county. The requested 2282  
information need not be furnished to the commission during the 2283  
pendency of the judicial proceedings. Proceedings of the 2284  
commission in connection with the declaratory judgment action 2285

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shall be kept confidential except as otherwise provided by this 2286  
section. Before the commission proceeds to take any formal action 2287  
against a person who is the subject of an investigation based on 2288  
charges presented to the commission, a complaint shall be filed 2289  
against the person. If the commission finds that a complaint is 2290  
not frivolous, and there is reasonable cause to believe that the 2291  
facts alleged in a complaint constitute a violation of section 2292  
102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised 2293  
Code, it shall hold a hearing. If the commission does not so find, 2294  
it shall dismiss the complaint and notify the accused person in 2295  
writing of the dismissal of the complaint. The commission shall 2296  
not make a report of its finding unless the accused person 2297  
requests a report. Upon the request of the accused person, the 2298  
commission shall make a public report of its finding. The person 2299  
against whom the complaint is directed shall be given reasonable 2300  
notice by certified mail of the date, time, and place of the 2301  
hearing and a statement of the charges and the law directly 2302  
involved and shall be given the opportunity to be represented by 2303  
counsel, to have counsel appointed for ~~him~~ the person if ~~he~~ the 2304  
person is unable to afford counsel without undue hardship, to 2305  
examine the evidence against ~~him~~ the person, to produce evidence 2306  
and to call and subpoena witnesses in ~~his~~ the person's defense, to 2307  
confront ~~his~~ the person's accusers, and to cross-examine 2308  
witnesses. The commission shall have a stenographic record made of 2309  
the hearing. The hearing shall be closed to the public. 2310

(C)(1)(a) If upon the basis of the hearing, the commission 2311  
finds by a preponderance of the evidence that the facts alleged in 2312  
the complaint are true and constitute a violation of section 2313  
102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised 2314  
Code, it shall report its findings to the appropriate prosecuting 2315  
authority for proceedings in prosecution of the violation and to 2316  
the appointing or employing authority of the accused. 2317

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

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

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

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

section 102.07 of the Revised Code. 2382

(G)(1) When a complaint or charge is before it, the Ohio 2383  
ethics commission or the appropriate prosecuting authority, in 2384  
consultation with the person filing the complaint or charge, the 2385  
accused, and any other person the commission or prosecuting 2386  
authority considers necessary, may compromise or settle the 2387  
complaint or charge with the agreement of the accused. The 2388  
compromise or settlement may include mediation, restitution, 2389  
rescission of affected contracts, forfeiture of any benefits 2390  
resulting from a violation or potential violation of law, 2391  
resignation of a public official or employee, or any other relief 2392  
that is agreed upon between the commission or prosecuting 2393  
authority and the accused. 2394

(2) Any settlement agreement entered into under division 2395  
(G)(1) of this section shall be in writing and be accompanied by a 2396  
statement of the findings of the commission or prosecuting 2397  
authority and the reasons for entering into the agreement. The 2398  
commission or prosecuting authority shall retain the agreement and 2399  
statement in ~~its~~ the commission's or ~~his~~ prosecuting attorney's 2400  
office and, in ~~its~~ the commission's or ~~his~~ prosecuting authority's 2401  
discretion, may make the agreement, the statement, and any 2402  
supporting information public, unless the agreement provides 2403  
otherwise. 2404

(3) If a settlement agreement is breached by the accused, the 2405  
commission or prosecuting authority, in ~~its~~ the commission's or 2406  
~~his~~ prosecuting authority's discretion, may rescind the agreement 2407  
and reinstitute any investigation, hearing, or prosecution of the 2408  
accused. No information obtained from the accused in reaching the 2409  
settlement that is not otherwise discoverable from the accused 2410  
shall be used in any proceeding before the commission or by the 2411  
appropriate prosecuting authority in prosecuting the violation. 2412  
Notwithstanding any other section of the Revised Code, if a 2413

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settlement agreement is breached, any statute of limitations for a 2414  
violation of this chapter or section 2921.42 or 2921.43 of the 2415  
Revised Code is tolled from the date the complaint or charge is 2416  
filed until the date the settlement agreement is breached. 2417

2418

**Sec. 103.143.** In addition to its duties under section 103.14 2419  
of the Revised Code, ~~the legislative budget office~~ of the 2420  
legislative service commission shall, in accordance with this 2421  
section, review all bills assigned to a committee of the general 2422  
assembly, complete the appropriate local impact statements 2423  
required by this section, and compile and distribute these 2424  
statements as required by division (D) of this section. 2425

(A) Subject to division (F) of this section, whenever any 2426  
bill is introduced into either house of the general assembly and 2427  
receives second consideration pursuant to the rules of that house, 2428  
the bill shall be reviewed immediately by the legislative budget 2429  
officer. Upon completing this review, the legislative budget 2430  
officer shall determine whether the bill could result in a net 2431  
additional cost to school districts, counties, townships, or 2432  
municipal corporations from any new or expanded program or service 2433  
that school districts, counties, townships, or municipal 2434  
corporations would be required to perform or administer under the 2435  
bill. If the legislative budget officer determines that it could 2436  
result in such a cost, the legislative ~~budget office~~ service 2437  
commission shall prepare a local impact statement in the manner 2438  
specified in this section. Immediately upon determining the 2439  
potential for a net additional cost, the legislative budget 2440  
officer shall notify the sponsor of the bill, the chairperson of 2441  
the committee to which the bill has been assigned, and the 2442  
presiding officer and minority leader of the house in which the 2443  
bill originates of the legislative budget officer's determination 2444  
by signing and dating a statement to be delivered to them. 2445

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If a local impact statement is required, the legislative 2446  
~~budget office~~ service commission shall, as soon as possible but no 2447  
later than thirty days after the date the bill is scheduled for a 2448  
first hearing in a committee in the house in which the bill was 2449  
introduced or no later than thirty days after being requested to 2450  
do so by the chairperson of such a committee, prepare a statement 2451  
containing the most accurate estimate possible, in dollars, of the 2452  
net additional costs, if any, that will be required of school 2453  
districts, counties, townships, or municipal corporations to 2454  
perform or administer a new or expanded program or service 2455  
required under the bill. Copies of this statement shall be sent to 2456  
the governor, the speaker of the house of representatives, the 2457  
president of the senate, the sponsor of the bill, the minority 2458  
leader in both houses, and the chairperson of the committee to 2459  
which the bill has been assigned. 2460

No bill for which a local impact statement is required by 2461  
this section shall be voted out of committee until after the 2462  
committee members have received and considered the statement or, 2463  
if the bill was amended in committee, the revised statement, 2464  
unless the bill is voted out of committee by a two-thirds vote of 2465  
the membership of the committee. 2466

(B) In preparing a local impact statement, the legislative 2467  
~~budget office~~ service commission may request any department, 2468  
division, institution, board, commission, authority, bureau, or 2469  
other instrumentality or officer of the state, a school district, 2470  
a county, a municipal corporation, or a township to provide any of 2471  
the following information: 2472

(1) An estimate, in dollars, of the amount by which the bill 2473  
would increase or decrease the revenues received or expenditures 2474  
made by the instrumentality, officer, or entity; 2475

(2) Any other information the legislative ~~budget office~~ 2476  
service commission considers necessary for it to understand or 2477

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explain the fiscal effect of the bill. 2478

An instrumentality, officer, or entity shall comply with a 2479  
request as soon as reasonably possible, but not later than fifteen 2480  
days, after receiving it. The legislative ~~budget office~~ service 2481  
commission shall specify the manner of compliance in its request, 2482  
and if necessary may specify a period of time longer than fifteen 2483  
days for compliance. The legislative ~~budget office~~ service 2484  
commission may consider any information provided under division 2485  
(B)(1) or (2) of this section in preparing a local impact 2486  
statement. 2487

(C) Any time a bill is amended, the legislative ~~budget office~~ 2488  
service commission shall, as soon as reasonably possible, revise 2489  
the local impact statement to reflect changes made by amendment. 2490  
2491

(D) The legislative ~~budget office~~ service commission shall 2492  
annually compile the final local impact statements completed for 2493  
all laws passed by both houses of the general assembly in the 2494  
preceding year. It shall send a copy of this compilation as a 2495  
draft report ~~to the state and local government commission~~ and to 2496  
associations or nonprofit organizations formed for the improvement 2497  
of school districts or municipal, township, or county government 2498  
or for their elected officials by the last day of July of each 2499  
year. Upon receiving the draft report, ~~the state and local~~ 2500  
~~government commission shall solicit comments from~~ these 2501  
associations and organizations may comment about the actual fiscal 2502  
impact of bills passed during the year covered by the report. ~~The~~ 2503  
~~commission shall review and comment on the draft report before~~ 2504  
~~returning it to the legislative budget office, along with the~~ and 2505  
forward those comments of the associations and organizations, to 2506  
the legislative service commission by the last day of August. The 2507  
legislative ~~budget office~~ service commission shall then prepare a 2508  
final report consisting of the compiled local impact statements 2509

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and all forwarded comments ~~returned by the state and local~~ 2510  
~~government commission~~. The final report shall be completed by the 2511  
 last day of September and copies of the report shall be sent to 2512  
 the governor, the speaker of the house of representatives, and the 2513  
 president of the senate. 2514

(E) As used in this section, "net additional cost" means any 2515  
 cost incurred or anticipated to be incurred by a school district, 2516  
 county, township, or municipal corporation in performing or 2517  
 administering a new or expanded program or service required by a 2518  
 state law other than any of the following: 2519

(1) A cost arising from the exercise of authority granted by 2520  
 a state law rather than from the performance of a duty or 2521  
 obligation imposed by a state law; 2522

(2) New duties or obligations that create only a minimal cost 2523  
 for affected school districts, counties, townships, or municipal 2524  
 corporations. The legislative ~~budget office~~ service commission 2525  
 shall determine what constitutes such a minimal cost. Before 2526  
 making this determination, the legislative ~~budget office~~ service 2527  
commission shall notify the state organizations that represent 2528  
 school districts, counties, townships, and municipal corporations 2529  
 regarding the proposed determination and provide a thirty-day 2530  
 period for these organizations and individual school districts, 2531  
 counties, townships, and municipal corporations to comment on it. 2532  
 2533

(3) A cost arising from a law passed as a result of a federal 2534  
 mandate. 2535

The amounts described in division (E)(2) of this section 2536  
 include only the amounts remaining after subtracting from such 2537  
 costs any revenues received or receivable by the school district, 2538  
 county, township, or municipal corporation on account of the 2539  
 program or service, including the following: 2540

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(a) Fees charged to the recipients of the program or service;	2541
	2542
(b) State or federal aid paid specifically or categorically in connection with the program or service;	2543
	2544
(c) Any offsetting savings resulting from the diminution or elimination of any other program or service directly attributable to the performance or administration of the required program or service.	2545
	2546
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	2548
(F) This section does not apply to any of the following:	2549
(1) The main biennial operating appropriations bill;	2550
(2) The biennial operating appropriations bill for state agencies supported by motor fuel tax revenue;	2551
	2552
(3) The biennial operating appropriations bill or bills for the bureau of workers' compensation and the industrial commission;	2553
	2554
(4) Any other bill that makes the principal biennial operating appropriations for one or more state agencies;	2555
	2556
(5) The bill that primarily contains corrections and supplemental appropriations to the biennial operating appropriations bills;	2557
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	2559
(6) The main biennial capital appropriations bill;	2560
(7) The bill that primarily contains reappropriations from previous capital appropriations bills.	2561
	2562
<b><u>Sec. 103.33.</u></b> This section shall be known as "The Community Organizations Access Procedure Act."	2563
	2564
<u>Any state agency that is eligible to receive federal funds</u>	2565
<u>under a federal grant program and that cannot or has decided that</u>	2566
<u>it will not participate fully in the program shall promptly report</u>	2567
<u>both of the following to the joint legislative committee on</u>	2568

federal funds: 2569

(A) That the agency cannot or has decided that it will not participate fully in the program, along with the reason; 2570  
2571

(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. 2572  
2573  
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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 funds to the counties when available. 2576  
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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. 2595  
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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:

(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;

(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;

(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.

(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 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. 2631  
2632

(C) The board shall hold meetings in a manner and at times 2633  
prescribed by the rules adopted by the board. A majority of the 2634  
board constitutes a quorum, and no action shall be taken by the 2635  
board unless approved by at least five voting members. At its 2636  
first meeting, the board shall adopt rules for the conduct of its 2637  
business and the election of its officers, and shall organize by 2638  
selecting a chairperson and other officers as it considers 2639  
necessary. Board members shall serve without compensation but 2640  
shall be reimbursed for actual and necessary expenses incurred in 2641  
the performance of their duties. 2642

(D) The board may do any of the following: 2643

(1) Employ or hire on a consulting basis professional, 2644  
technical, and clerical employees as are necessary for the 2645  
performance of its duties; 2646

(2) Hold public hearings at times and places as determined by 2647  
the board; 2648

(3) Adopt, amend, or rescind rules necessary to accomplish 2649  
the duties of the board as set forth in this section; 2650

(4) Sponsor, conduct, and support such social events as the 2651  
board may authorize and consider appropriate for the employees of 2652  
the board, employees and members of the general assembly, 2653  
employees of persons under contract with the board or otherwise 2654  
engaged to perform services on the premises of capitol square, or 2655  
other persons as the board may consider appropriate. Subject to 2656  
the requirements of Chapter 4303. of the Revised Code, the board 2657  
may provide beer, wine, and intoxicating liquor, with or without 2658  
charge, for ~~such~~ those events and may use funds only from the sale 2659  
of goods and services fund to purchase the beer, wine, and 2660  
intoxicating liquor the board provides. 2661

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- (E) The board shall do all of the following: 2662
- (1) Have sole authority to coordinate and approve any 2663  
improvements, additions, and renovations that are made to the 2664  
capitol square. The improvements shall include, but not be limited 2665  
to, the placement of monuments and sculpture on the capitol 2666  
grounds. 2667
- (2) ~~Operate~~ Subject to section 3353.07 of the Revised Code, 2668  
operate the capitol square, and have sole authority to regulate 2669  
all uses of the capitol square. The uses shall include, but not be 2670  
limited to, the casual and recreational use of the capitol square. 2671  
2672
- (3) Employ, fix the compensation of, and prescribe the duties 2673  
of the executive director of the board and ~~such~~ other employees ~~as~~ 2674  
the board considers necessary for the performance of its powers 2675  
and duties; 2676
- (4) Establish and maintain the capitol collection trust. The 2677  
capitol collection trust shall consist of furniture, antiques, and 2678  
other items of personal property that the board shall store in 2679  
suitable facilities until they are ready to be placed in the 2680  
capitol square. 2681
- (5) Perform ~~such~~ repair, construction, contracting, 2682  
purchasing, maintenance, supervisory, and operating activities ~~as~~ 2683  
the board determines are necessary for the operation and 2684  
maintenance of the capitol square; 2685
- (6) Maintain and preserve the capitol square, in accordance 2686  
with guidelines issued by the United States secretary of the 2687  
interior for application of the secretary's standards for 2688  
rehabilitation adopted in 36 C.F.R. part 67. 2689
- (F)(1) The ~~capitol square review and advisory~~ board shall 2690  
lease capital facilities improved or financed by the Ohio building 2691  
authority pursuant to Chapter 152. of the Revised Code for the use 2692

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of the board, and may enter into any other agreements with the 2693  
authority ancillary to improvement, financing, or leasing of ~~such~~ 2694  
those capital facilities, including, but not limited to, any 2695  
agreement required by the applicable bond proceedings authorized 2696  
by Chapter 152. of the Revised Code. Any lease of capital 2697  
facilities authorized by this section shall be governed by 2698  
division (D) of section 152.24 of the Revised Code. 2699

(2) Fees, receipts, and revenues received by the ~~capitol~~ 2700  
~~square review and advisory~~ board from the state underground 2701  
parking garage constitute available receipts as defined in section 2702  
152.09 of the Revised Code, and may be pledged to the payment of 2703  
bond service charges on obligations issued by the Ohio building 2704  
authority pursuant to Chapter 152. of the Revised Code to improve 2705  
or finance capital facilities useful to the board. The authority 2706  
may, with the consent of the board, provide in the bond 2707  
proceedings for a pledge of all or ~~such a~~ portion of ~~such~~ those 2708  
fees, receipts, and revenues as the authority determines. The 2709  
authority may provide in the bond proceedings or by separate 2710  
agreement with the board for the transfer of ~~such~~ those fees, 2711  
receipts, and revenues to the appropriate bond service fund or 2712  
bond service reserve fund as required to pay the bond service 2713  
charges when due, and any such provision for the transfer of ~~such~~ 2714  
those fees, receipts, and revenues shall be controlling 2715  
notwithstanding any other provision of law pertaining to ~~such~~ 2716  
those fees, receipts, and revenues. 2717

(3) All moneys received by the treasurer of state on account 2718  
of the board and required by the applicable bond proceedings or by 2719  
separate agreement with the board to be deposited, transferred, or 2720  
credited to the bond service fund or bond service reserve fund 2721  
established by ~~such~~ the bond proceedings shall be transferred by 2722  
the treasurer of state to such fund, whether or not ~~such fund~~ it 2723  
is in the custody of the treasurer of state, without necessity for 2724

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further appropriation, upon receipt of notice from the Ohio 2725  
building authority as prescribed in the bond proceedings. 2726

(G) All fees, receipts, and revenues received by the ~~capitol~~ 2727  
~~square review and advisory~~ board from the state underground 2728  
parking garage shall be deposited into the state treasury to the 2729  
credit of the underground parking garage operating fund, which is 2730  
hereby created, to be used for the purposes specified in division 2731  
(F) of this section and for the operation and maintenance of the 2732  
garage. All investment earnings of the fund shall be credited to 2733  
the fund. 2734

(H) All donations received by the ~~capitol square review and~~ 2735  
~~advisory~~ board shall be deposited into the state treasury to the 2736  
credit of the capitol square renovation gift fund, which is hereby 2737  
created. The fund shall be used by the ~~capitol square review and~~ 2738  
~~advisory~~ board as follows: 2739

(1) To provide part or all of the funding related to 2740  
construction, goods, or services for the renovation of the capitol 2741  
square; 2742

(2) To purchase art, antiques, and artifacts for display at 2743  
the capitol square; 2744

(3) To award contracts or make grants to organizations for 2745  
educating the public regarding the historical background and 2746  
governmental functions of the capitol square. Chapters 125., 127., 2747  
and 153. and section 3517.13 of the Revised Code do not apply to 2748  
purchases made exclusively from the fund, notwithstanding anything 2749  
to the contrary in those chapters or that section. All investment 2750  
earnings of the fund shall be credited to the fund. 2751

(I) Except as provided in divisions (G), (H), and (J) of this 2752  
section, all fees, receipts, and revenues received by the ~~capitol~~ 2753  
~~square review and advisory~~ board shall be deposited into the state 2754  
treasury to the credit of the sale of goods and services fund, 2755

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which is hereby created. Money credited to the fund shall be used 2756  
solely to pay costs of the board other than those specified in 2757  
divisions (F) and (G) of this section. All investment earnings of 2758  
the fund shall be credited to the fund. 2759

(J) There is hereby created in the state treasury the capitol 2760  
square improvement fund, to be used by the ~~capitol square review~~ 2761  
~~and advisory~~ board to pay construction, renovation, and other 2762  
costs related to the capitol square for which money is not 2763  
otherwise available to the board. Whenever the board determines 2764  
that there is a need to incur ~~such~~ those costs and that the 2765  
unencumbered, unobligated balance to the credit of the underground 2766  
parking garage operating fund exceeds the amount needed for the 2767  
purposes specified in division (F) of this section and for the 2768  
operation and maintenance of the garage, the board may request the 2769  
director of budget and management to transfer from the underground 2770  
parking garage operating fund to the capitol square improvement 2771  
fund the amount needed to pay such construction, renovation, or 2772  
other costs. The director then shall ~~thereupon~~ transfer the amount 2773  
needed from the excess balance of the underground parking garage 2774  
operating fund. 2775

(K) As the operation and maintenance of the capitol square 2776  
constitute essential government functions of a public purpose, the 2777  
board shall not be required to pay taxes or assessments upon the 2778  
square, ~~or~~ upon any property acquired or used by the board under 2779  
this section, or upon any income generated by the operation of the 2780  
square. 2781

(L) As used in this section, "capitol square" means the 2782  
capitol building, senate building, capitol atrium, capitol 2783  
grounds, and the state underground parking garage. 2784

(M) The capitol annex shall be known as the senate building. 2785

**Sec. 107.10.** The following records shall be kept in the 2786

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Governor's <del>governor's</del> office:	2787
(A) A register of every bill passed by the general assembly	2788
<del>which</del> <u>that</u> has been presented to the governor, in which is entered	2789
the number of the bill, the date <del>such</del> <u>the</u> bill was presented to	2790
the governor, <u>and</u> the action taken <del>thereon</del> <u>on it</u> by the governor	2791
and the date <del>thereof</del> <u>of the action</u> ;	2792
(B) An appointment record in which is entered the name of	2793
each person appointed to an office by the governor, except	2794
<del>notaries public and</del> commissioners, the office to which appointed,	2795
the date of the appointment, the date of the commission, the date	2796
of the beginning and expiration of the term, and, <del>the</del> result and	2797
date of action by the senate, if required;	2798
(C) <del>A record of notaries public in which is entered the name,</del>	2799
<del>post-office address, county, date of commission, and the beginning</del>	2800
<del>and expiration of term of each notary public appointed;</del>	2801
( <del>D</del> ) A record of commissioners in which is entered the name,	2802
post-office address, the state, territory, or county where the	2803
appointee resides, the date of commission, and the beginning and	2804
expiration of term of each commissioner appointed;	2805
( <del>E</del> )(D) A record of requisitions in which is entered <u>both of</u>	2806
<u>the following</u> : ( <del>1</del> ) <del>an</del>	2807
(1) <u>An</u> abstract of each application for a requisition,	2808
showing date, by whom made, the name of the alleged fugitive, the	2809
offense charged, upon the executive authority of what state,	2810
territory, or country the requisition is made, and whether granted	2811
or refused; ( <del>2</del> ) <del>an</del>	2812
(2) <u>An</u> abstract of requisition received, showing date of	2813
receipt, from what state or territory issued, the name of the	2814
alleged fugitive, the offense charged, whether a warrant was	2815
issued or refused, and if issued, to the sheriff of what county,	2816
or the reason for refusing to issue a warrant <del>+</del> .	2817

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~~(F)~~(E) A pardon record in which is entered the date of each application for pardon, reprieve, or commutation, the name of the convict, of what crime, in what county, and at what term of court ~~he~~ the convict was convicted, the sentence of the court, the action of the governor, the reason ~~therefor~~ for that action, and the date ~~thereof~~ of that action.

**Sec. 109.761.** (A)(1) Each agency or entity that appoints or employs one or more peace officers shall report to the Ohio peace officer training commission on or after January 1, 2002, all of the following that occur on or after that date:

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

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

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

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

in the manner and format, and by the date, prescribed by the 2849  
executive director of the Ohio peace officer training commission. 2850

(C) If an agency or entity that appoints or employs one or 2851  
more peace officers fails to comply with division (A) or (B) of 2852  
this section, the agency or entity is ineligible to have any of 2853  
its peace officers participate in any basic training certified by 2854  
the Ohio peace officer training commission or any advanced 2855  
training conducted by the Ohio peace officer training academy. The 2856  
agency or entity shall remain ineligible as described in this 2857  
division until the agency or entity attains compliance with 2858  
divisions (A) and (B) of this section. Upon the agency's or 2859  
entity's compliance with divisions (A) and (B) of this section, 2860  
the ineligibility imposed by this division terminates. 2861

(D) The Ohio peace officer training commission shall 2862  
prescribe the manner and format of making reports under division 2863  
(A) of this section and providing annual rosters under division 2864  
(B) of this section and shall prescribe the date by which annual 2865  
rosters must be provided. 2866

**Sec. 111.16.** The secretary of state shall charge and collect, 2867  
for the benefit of the state, the following fees: 2868

(A) For filing and recording articles of incorporation of a 2869  
domestic corporation, including designation of agent: 2870

(1) Wherein the corporation shall not be authorized to issue 2871  
any shares of capital stock, one hundred twenty-five dollars; 2872

(2) Wherein the corporation shall be authorized to issue 2873  
shares of capital stock, with or without par value: 2874

(a) Ten cents for each share authorized up to and including 2875  
one thousand shares; 2876

(b) Five cents for each share authorized in excess of one 2877  
thousand shares up to and including ten thousand shares; 2878

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(c) Two cents for each share authorized in excess of ten thousand shares up to and including fifty thousand shares;	2879 2880
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	2881 2882
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	2883 2884 2885
(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.	2886 2887 2888 2889
(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:	2890 2891 2892 2893 2894
(1) If the domestic corporation is not authorized to issue any shares of capital stock, <del>twenty-five</del> <u>fifty</u> dollars;	2895 2896
(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;	2897 2898 2899 2900 2901 2902 2903 2904
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	2905 2906
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	2907 2908

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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;

(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;

(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;

(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

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dollars;	2941
(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>	2942 2943 2944
<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>	2945 2946 2947 2948 2949
<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>	2950 2951 2952 2953
(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;	2954 2955 2956 2957
(I) For filing and recording any of the following:	2958
(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;	2959 2960 2961 2962 2963
(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;	2964 2965
(3) <del>Any</del> <u>Except as otherwise provided in this section or any other section of the Revised Code</u> , any other certificate or paper that is required to be <u>filed and recorded</u> or is permitted <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.	2966 2967 2968 2969 2970 2971

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(J) For filing any certificate or paper not required to be recorded, five dollars;	2972 2973
(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> .	2974 2975 2976 2977 2978 2979 2980 2981
<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>	2982 2983 2984 2985
(L) For a minister's license to solemnize marriages, ten dollars;	2986 2987
(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;	2988 2989 2990
(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>	2991 2992 2993 2994 2995
<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>	2996 2997 2998
<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>	2999 3000 3001

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<u>(3) The withdrawal of registration of a foreign or domestic</u>	3002
<u>limited liability partnership under section 1775.61 or 1775.64 of</u>	3003
<u>the Revised Code, or the certificate of cancellation of</u>	3004
<u>registration of a foreign limited liability company under section</u>	3005
<u>1705.57 of the Revised Code;</u>	3006
<u>(4) The filing of a cancellation of disclaimer of general</u>	3007
<u>partner status under Chapter 1782. of the Revised Code.</u>	3008
<u>(O) Fees For filing a statement of continued existence by a</u>	3009
<u>nonprofit corporation, twenty-five dollars;</u>	3010
<u>(P) For filing a restatement under section 1705.08 or 1782.09</u>	3011
<u>of the Revised Code, an amendment to a certificate of cancellation</u>	3012
<u>under section 1782.10 of the Revised Code, an amendment under</u>	3013
<u>section 1705.08 or 1782.09 of the Revised Code, or a correction</u>	3014
<u>under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised</u>	3015
<u>Code, fifty dollars;</u>	3016
<u>(Q) For filing for reinstatement of an entity cancelled by</u>	3017
<u>operation of law, by the secretary of state, by order of the</u>	3018
<u>department of taxation, or by order of a court, twenty-five</u>	3019
<u>dollars;</u>	3020
<u>(R) For filing a change of agent, resignation of agent, or</u>	3021
<u>change of agent's address under section 1701.07, 1702.06,</u>	3022
<u>1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04</u>	3023
<u>of the Revised Code, twenty-five dollars;</u>	3024
<u>(S) For filing and recording any of the following:</u>	3025
<u>(1) An application for the exclusive right to use a name or</u>	3026
<u>an application to reserve a name for future use under section</u>	3027
<u>1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised</u>	3028
<u>Code, fifty dollars;</u>	3029
<u>(2) A trade name or fictitious name registration or report,</u>	3030
<u>fifty dollars;</u>	3031

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<u>(3) An application to renew any item covered by division</u>	3032
<u>(S)(1) or (2) of this section that is permitted to be renewed,</u>	3033
<u>twenty-five dollars;</u>	3034
<u>(4) An assignment of rights for use of a name covered by</u>	3035
<u>division (S)(1), (2), or (3) of this section, the cancellation of</u>	3036
<u>a name registration or name reservation that is so covered, or</u>	3037
<u>notice of a change of address of the registrant of a name that is</u>	3038
<u>so covered, twenty-five dollars.</u>	3039
<u>(T) For filing and recording a report to operate a business</u>	3040
<u>trust or a real estate investment trust, either foreign or</u>	3041
<u>domestic, one hundred twenty-five dollars; and for filing and</u>	3042
<u>recording an amendment to a report or associated trust instrument,</u>	3043
<u>or a surrender of authority, to operate a business trust or real</u>	3044
<u>estate investment trust, fifty dollars;</u>	3045
<u>(U)(1) For filing and recording the registration of a</u>	3046
<u>trademark, service mark, or mark of ownership, one hundred</u>	3047
<u>twenty-five dollars;</u>	3048
<u>(2) For filing and recording the change of address of a</u>	3049
<u>registrant, the assignment of rights to a registration, a renewal</u>	3050
<u>of a registration, or the cancellation of a registration</u>	3051
<u>associated with a trademark, service mark, or mark of ownership,</u>	3052
<u>twenty-five dollars.</u>	3053
<u>Fees specified in this section may be paid by cash, check, or</u>	3054
<u>money order or by credit card, or an alternative payment program,</u>	3055
<u>in accordance with division (B) or (C) of section 111.18 of the</u>	3056
<u>Revised Code. Any credit card number or the expiration date of any</u>	3057
<u>credit card is not subject to disclosure under Chapter 149. of the</u>	3058
<u>Revised Code.</u>	3059
<b>Sec. 111.18.</b> (A) The secretary of state shall keep a record	3060
of all fees collected by the secretary of state and, <del>except as</del>	3061

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~~otherwise provided in this subject to division (B) of section and 3062  
in sections 1309.401 and 1329.68 and division (C)(2) of section 3063  
3506.05 of the Revised Code and except as otherwise provided in 3064  
the Revised Code, shall pay, through June 30, 2001, fifty per cent 3065  
of them into the state treasury to the credit of the general 3066  
revenue fund and fifty per cent of them into the state treasury to 3067  
the credit of the corporate and uniform commercial code filing 3068  
fund created under by section 1309.401 of the Revised Code and 3069  
shall pay, on and after July 1, 2001, all of them into the state 3070  
treasury to the credit of the general revenue fund. Through June 3071  
30, 2001, all of the fees collected under divisions (I)(2) and (N) 3072  
of section 111.16 of the Revised Code shall be paid into the state 3073  
treasury to the credit of that corporate and uniform commercial 3074  
code filing fund. On and after July 1, 2001, the following fees 3075  
shall be paid into the state treasury to the credit of that 3076  
corporate and uniform commercial code filing fund: 3077~~

~~(1) Twenty-five dollars of each fee collected under divisions 3078  
(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised 3079  
Code; 3080~~

~~(2) Twenty-five dollars of each fee collected under division 3081  
(C) of section 1703.031 of the Revised Code; 3082~~

~~(3) All fees collected under divisions (I)(2) and (N) of 3083  
section 111.16 of the Revised Code; 3084~~

~~(4) All fees collected under section 1703.08 of the Revised 3085  
Code; 3086~~

~~(5) Each fifty-dollar fee for amendments filed by foreign 3087  
nonprofit corporations under section 1703.27 of the Revised Code. 3088~~

~~(B) The secretary of state may implement a credit card 3089  
payment program permitting payment of any fee charged by the 3090  
secretary of state by means of a credit card. The secretary of 3091  
state may open an account outside the state treasury in a 3092~~

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~~financial institution for the purpose of depositing credit card receipts. Within forty-eight hours following the deposit of the receipts, the financial institution shall make available to the secretary of state funds in the amount of the receipts. The secretary of state shall then pay these funds into the state treasury to the credit of the general revenue fund, except as otherwise provided by the Revised Code.~~

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

~~The secretary of state shall adopt rules as 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.~~

The secretary of state may implement alternative payment programs that permit payment of any fee charged by the secretary of state by means other than cash, check, money order, or credit card; an alternative payment program may include, but is not limited to, one that permits a fee to be paid by electronic means of transmission. Fees paid under an alternative payment program shall be deposited to the credit of the secretary of state alternative payment program fund, which is hereby created. The secretary of state alternative payment program fund shall be in the custody of the treasurer of state but shall not be part of the state treasury. Any investment income of the secretary of state alternative payment program fund shall be credited to that fund and used to operate the alternative payment program. Within two working days following the deposit of funds to the credit of the secretary of state alternative payment program fund, the secretary of state shall pay those funds into the state treasury to the

credit of the corporate and uniform commercial code filing fund, 3125  
subject to division (B) of section 1309.401 of the Revised Code 3126  
and except as otherwise provided in the Revised Code. 3127

The secretary of state shall adopt rules necessary to carry 3128  
out the purposes of this division. 3129

**Sec. 111.23.** (A) The secretary of state, by rule, shall 3130  
establish, and prescribe guidelines and fees for the use of, an 3131  
"expedited filing service" that provides, at the option of the 3132  
person making such a filing, expeditious processing of any filing 3133  
with the secretary of state under ~~Chapters~~ Chapter 1309. and or 3134  
1329. and of any filing referred to in divisions (A), (B), (C), 3135  
(D), (E), (F), and (G) of section 111.16 or Title XVII of the 3136  
Revised Code. 3137

(B) The secretary of state may adopt rules establishing, and 3138  
prescribing guidelines and fees for the use of, a bulk filing 3139  
service that provides, at the option of the person making a 3140  
filing, a method for providing large amounts of information. The 3141  
secretary of state may charge and collect fees for filings made 3142  
through a bulk filing service at reduced amounts from those 3143  
otherwise specified in or authorized by the Revised Code. 3144

(C) The secretary of state may adopt rules establishing, and 3145  
prescribing guidelines and fees for the use of, alternative filing 3146  
procedures in making filings with the secretary of state. Under 3147  
these rules, the secretary of state may accept any filing and 3148  
payment of associated fees through any electronic, digital, 3149  
facsimile, or other means of transmission. The filings shall be 3150  
made on a form prescribed by the secretary of state and shall 3151  
comply fully with any other requirements of the Revised Code 3152  
applicable to the type of filing being made. 3153

**Sec. 111.25.** (A) The secretary of state shall prescribe the 3154

following forms for persons to use in complying with the 3155  
requirements of Chapter 1309. of the Revised Code for the filing 3156  
of financing statements and related documents: 3157

~~(A)~~(1) The financing statement described in division (A) of 3158  
section 1309.39 of the Revised Code; 3159

~~(B)~~(2) A form for the amendment of a financing statement 3160  
described in division (C) of section 1309.39 of the Revised Code; 3161

~~(C)~~(3) A continuation statement described in division (C) of 3162  
section 1309.40 of the Revised Code; 3163

~~(D)~~(4) A termination statement described in division (A) of 3164  
section 1309.41 of the Revised Code; 3165

~~(E)~~(5) A form for an assignment of rights under a financing 3166  
statement described in section 1309.42 of the Revised Code; 3167

~~(F)~~(6) A statement of release described in section 1309.43 of 3168  
the Revised Code. 3169

(B) The secretary of state shall prescribe the forms for 3170  
persons to use in complying with the requirements of Title XVII of 3171  
the Revised Code to the extent that those requirements relate to 3172  
filings with the secretary of state's office. 3173

**Sec. 118.08.** (A) The members of the financial planning and 3174  
supervision commission shall serve without compensation, but shall 3175  
be paid by the commission their necessary and actual expenses 3176  
incurred while engaged in the business of the commission. 3177

(B) All expenses incurred for services rendered by the 3178  
financial supervisor for a period of twenty-four months shall be 3179  
paid by the commission pursuant to an appropriation made by the 3180  
general assembly for this purpose. Expenses incurred for services 3181  
rendered by the financial supervisor beyond this period shall be 3182  
borne by the municipal corporation, county, or township unless the 3183  
director of budget and management waives the costs and allows 3184

payment in accordance with the following: 3185

(1) If the continued performance of the financial supervisor 3186  
is required for a period of twenty-five to thirty months, the 3187  
municipal corporation, county, or township is responsible for 3188  
twenty per cent of the compensation due. 3189

(2) If the continued performance of the financial supervisor 3190  
is required for a period of thirty-one to thirty-six months, the 3191  
municipal corporation, county, or township is responsible for 3192  
fifty per cent of the compensation due. 3193

(3) If the continued performance of the financial supervisor 3194  
is required for a period of thirty-seven months or more, the 3195  
municipal corporation, county, or township is responsible for one 3196  
hundred per cent of the compensation due except as otherwise 3197  
provided in division (B)(4) of this section. 3198

(4) ~~Beginning in fiscal year 2000, if~~ If the continued 3199  
performance of the financial supervisor has been required longer 3200  
than eight fiscal years for any municipal corporation, county, or 3201  
township declared to be in a fiscal emergency prior to fiscal year 3202  
1996, that municipal corporation, county, or township is 3203  
responsible for fifty per cent of the compensation due in its 3204  
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred 3205  
per cent of the compensation due in its tenth fiscal year ~~2001~~ and 3206  
every fiscal year thereafter while in fiscal emergency. 3207

(C) If the municipal corporation, county, or township fails 3208  
to make any payment to the financial supervisor as required by 3209  
this chapter, the financial supervisor may certify to the county 3210  
auditor the amount due, and that amount shall be withheld from the 3211  
municipal corporation, county, or township from any fund or funds 3212  
in the custody of the county auditor for distribution to the 3213  
municipal corporation, county, or township, except for those 3214  
reserved for payment of local government fund notes. Upon 3215

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receiving ~~such the~~ certification from the ~~auditor of state~~ 3216  
financial supervisor, the county auditor shall draw a voucher for 3217  
the amount against ~~such~~ those fund or funds in favor of the 3218  
financial supervisor. 3219

**Sec. 119.12.** Any party adversely affected by any order of an 3220  
agency issued pursuant to an adjudication denying an applicant 3221  
admission to an examination, or denying the issuance or renewal of 3222  
a license or registration of a licensee, or revoking or suspending 3223  
a license, or allowing the payment of a forfeiture under section 3224  
4301.252 of the Revised Code, may appeal from the order of the 3225  
agency to the court of common pleas of the county in which the 3226  
place of business of the licensee is located or the county in 3227  
which the licensee is a resident, except that appeals from 3228  
decisions of the liquor control commission, the state medical 3229  
board, state chiropractic board, state dental board, and board of 3230  
nursing shall be to the court of common pleas of Franklin county. 3231  
If any such party is not a resident of and has no place of 3232  
business in this state, the party may appeal to the court of 3233  
common pleas of Franklin county. 3234

Any party adversely affected by any order of an agency issued 3235  
pursuant to any other adjudication may appeal to the court of 3236  
common pleas of Franklin county, except that appeals from orders 3237  
of the fire marshal issued under Chapter 3737. of the Revised Code 3238  
may be to the court of common pleas of the county in which the 3239  
building of the aggrieved person is located. 3240

This section does not apply to appeals from the department of 3241  
taxation. 3242

Any party desiring to appeal shall file a notice of appeal 3243  
with the agency setting forth the order appealed from and the 3244  
grounds of the party's appeal. A copy of such notice of appeal 3245  
shall also be filed by the appellant with the court. Unless 3246

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otherwise provided by law relating to a particular agency, such 3247  
notices of appeal shall be filed within fifteen days after the 3248  
mailing of the notice of the agency's order as provided in this 3249  
section. For purposes of this paragraph, an order includes a 3250  
determination appealed pursuant to division (C) of section 119.092 3251  
of the Revised Code. 3252

The filing of a notice of appeal shall not automatically 3253  
operate as a suspension of the order of an agency. If it appears 3254  
to the court that an unusual hardship to the appellant will result 3255  
from the execution of the agency's order pending determination of 3256  
the appeal, the court may grant a suspension and fix its terms. If 3257  
an appeal is taken from the judgment of the court and the court 3258  
has previously granted a suspension of the agency's order as 3259  
provided in this section, such suspension of the agency's order 3260  
shall not be vacated and shall be given full force and effect 3261  
until the matter is finally adjudicated. No renewal of a license 3262  
or permit shall be denied by reason of such suspended order during 3263  
the period of the appeal from the decision of the court of common 3264  
pleas. In the case of an appeal from the state medical board or 3265  
state chiropractic board, the court may grant a suspension and fix 3266  
its terms if it appears to the court that an unusual hardship to 3267  
the appellant will result from the execution of the agency's order 3268  
pending determination of the appeal and the health, safety, and 3269  
welfare of the public will not be threatened by suspension of the 3270  
order. This provision shall not be construed to limit the factors 3271  
the court may consider in determining whether to suspend an order 3272  
of any other agency pending determination of an appeal. 3273

The final order of adjudication may apply to any renewal of a 3274  
license or permit which has been granted during the period of the 3275  
appeal. 3276

Notwithstanding any other provision of this section, any 3277  
order issued by a court of common pleas or a court of appeals 3278

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suspending the effect of an order of the liquor control commission 3279  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3280  
suspends, revokes, or cancels a permit issued under Chapter 4303. 3281  
of the Revised Code, or that allows the payment of a forfeiture 3282  
under section 4301.252 of the Revised Code, shall terminate not 3283  
more than six months after the date of the filing of the record of 3284  
the liquor control commission with the clerk of the court of 3285  
common pleas and shall not be extended. The court of common pleas, 3286  
or the court of appeals on appeal, shall render a judgment in that 3287  
matter within six months after the date of the filing of the 3288  
record of the liquor control commission with the clerk of the 3289  
court of common pleas. A court of appeals shall not issue an order 3290  
suspending the effect of an order of the liquor control commission 3291  
that extends beyond six months after the date on which the record 3292  
of the liquor control commission is filed with a court of common 3293  
pleas. 3294

Notwithstanding any other provision of this section, any 3295  
order issued by a court of common pleas suspending the effect of 3296  
an order of the state medical board or state chiropractic board 3297  
that limits, revokes, suspends, places on probation, or refuses to 3298  
register or reinstate a certificate issued by the board or 3299  
reprimands the holder of such a certificate shall terminate not 3300  
more than fifteen months after the date of the filing of a notice 3301  
of appeal in the court of common pleas, or upon the rendering of a 3302  
final decision or order in the appeal by the court of common 3303  
pleas, whichever occurs first. 3304

Within thirty days after receipt of a notice of appeal from 3305  
an order in any case in which a hearing is required by sections 3306  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3307  
certify to the court a complete record of the proceedings in the 3308  
case. Failure of the agency to comply within the time allowed, 3309  
upon motion, shall cause the court to enter a finding in favor of 3310

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the party adversely affected. Additional time, however, may be  
granted by the court, not to exceed thirty days, when it is shown  
that the agency has made substantial effort to comply. Such record  
shall be prepared and transcribed and the expense of it shall be  
taxed as a part of the costs on the appeal. The appellant shall  
provide security for costs satisfactory to the court of common  
pleas. Upon demand by any interested party, the agency shall  
furnish at the cost of the party requesting it a copy of the  
stenographic report of testimony offered and evidence submitted at  
any hearing and a copy of the complete record.

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

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

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the position of the proceedings on the calendar of the court. An 3343  
appeal from an order of the state medical board issued pursuant to 3344  
division (G) of either section 4730.25 or 4731.22 of the Revised 3345  
Code, or the state chiropractic board issued pursuant to section 3346  
4734.37 of the Revised Code, or the liquor control commission 3347  
issued pursuant to Chapter 4301. or 4303. of the Revised Code 3348  
shall be set down for hearing at the earliest possible time and 3349  
takes precedence over all other actions. The hearing in the court 3350  
of common pleas shall proceed as in the trial of a civil action, 3351  
and the court shall determine the rights of the parties in 3352  
accordance with the laws applicable to such action. At such 3353  
hearing, counsel may be heard on oral argument, briefs may be 3354  
submitted, and evidence introduced if the court has granted a 3355  
request for the presentation of additional evidence. 3356

The court may affirm the order of the agency complained of in 3357  
the appeal if it finds, upon consideration of the entire record 3358  
and such additional evidence as the court has admitted, that the 3359  
order is supported by reliable, probative, and substantial 3360  
evidence and is in accordance with law. In the absence of such a 3361  
finding, it may reverse, vacate, or modify the order or make such 3362  
other ruling as is supported by reliable, probative, and 3363  
substantial evidence and is in accordance with law. The court 3364  
shall award compensation for fees in accordance with section 3365  
2335.39 of the Revised Code to a prevailing party, other than an 3366  
agency, in an appeal filed pursuant to this section. 3367

The judgment of the court shall be final and conclusive 3368  
unless reversed, vacated, or modified on appeal. Such appeals may 3369  
be taken either by the party or the agency, shall proceed as in 3370  
the case of appeals in civil actions, and shall be pursuant to the 3371  
Rules of Appellate Procedure and, to the extent not in conflict 3372  
with those rules, Chapter 2505. of the Revised Code. Such appeal 3373  
by the agency shall be taken on questions of law relating to the 3374

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constitutionality, construction, or interpretation of statutes and 3375  
rules of the agency, and in such appeal the court may also review 3376  
and determine the correctness of the judgment of the court of 3377  
common pleas that the order of the agency is not supported by any 3378  
reliable, probative, and substantial evidence in the entire 3379  
record. 3380

The court shall certify its judgment to such agency or take 3381  
such other action necessary to give its judgment effect. 3382

**Sec. 120.06.** (A)(1) The state public defender, when 3383  
designated by the court or requested by a county public defender 3384  
or joint county public defender, may provide legal representation 3385  
in all courts throughout the state to indigent adults and 3386  
juveniles who are charged with the commission of an offense or act 3387  
for which the penalty or any possible adjudication includes the 3388  
potential loss of liberty. 3389

(2) The state public defender may provide legal 3390  
representation to any indigent person who, while incarcerated in 3391  
any state correctional institution, is charged with a felony 3392  
offense, for which the penalty or any possible adjudication that 3393  
may be imposed by a court upon conviction includes the potential 3394  
loss of liberty. 3395

(3) The state public defender may provide legal 3396  
representation to any person incarcerated in any correctional 3397  
institution of the state, in any matter in which the person 3398  
asserts the person is unlawfully imprisoned or detained. 3399

(4) The state public defender, in any case in which the state 3400  
public defender has provided legal representation or is requested 3401  
to do so by a county public defender or joint county public 3402  
defender, may provide legal representation on appeal. 3403

(5) The state public defender, when designated by the court 3404

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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  
defender to provide legal representation for an indigent person in  
any case, other than pursuant to a contract entered into under  
authority of division (C)(7) of section 120.04 of the Revised  
Code, the state public defender shall send to the county in which  
the case is filed an itemized bill for fifty per cent of the  
actual cost of the representation. The county, upon receipt of an

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itemized bill from the state public defender pursuant to this 3437  
division, shall pay fifty per cent of the actual cost of the legal 3438  
representation as set forth in the itemized bill. There is hereby 3439  
created in the state treasury the county representation fund for 3440  
the deposit of moneys received from counties under this division. 3441  
All moneys credited to the fund shall be used by the state public 3442  
defender to provide legal representation for indigent persons when 3443  
designated by the court or requested by a county or joint county 3444  
public defender. 3445

(E)(1) Notwithstanding any contrary provision of sections 3446  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 3447  
that pertains to representation by the attorney general, an 3448  
assistant attorney general, or special counsel of an officer or 3449  
employee, as defined in section 109.36 of the Revised Code, or of 3450  
an entity of state government, the state public defender may elect 3451  
to contract with, and to have the state pay pursuant to division 3452  
(E)(2) of this section for the services of, private legal counsel 3453  
to represent the Ohio public defender commission, the state public 3454  
defender, assistant state public defenders, other employees of the 3455  
commission or the state public defender, and attorneys described 3456  
in division (C) of section 120.41 of the Revised Code in a 3457  
malpractice or other civil action or proceeding that arises from 3458  
alleged actions or omissions related to responsibilities derived 3459  
pursuant to this chapter, or in a civil action that is based upon 3460  
alleged violations of the constitution or statutes of the United 3461  
States, including section 1983 of Title 42 of the United States 3462  
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 3463  
arises from alleged actions or omissions related to 3464  
responsibilities derived pursuant to this chapter, if the state 3465  
public defender determines, in good faith, that the defendant in 3466  
the civil action or proceeding did not act manifestly outside the 3467  
scope of the defendant's employment or official responsibilities, 3468

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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 the best of the state public defender's knowledge and information; a written statement whether the fees, costs, and expenses are for all legal services to be rendered in connection with that defense, are only for legal services rendered to the date of the request and additional legal services likely will have to be provided in connection with that defense, or are for the final legal services

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rendered in connection with that defense; a written statement 3501  
indicating whether the private legal counsel previously submitted 3502  
a request for an award under division (E)(2) of this section in 3503  
connection with that defense and, if so, the date and the amount 3504  
of each award granted; and, if the fees, costs, and expenses are 3505  
for all legal services to be rendered in connection with that 3506  
defense or are for the final legal services rendered in connection 3507  
with that defense, a certified copy of any judgment entry in the 3508  
civil action or proceeding or a signed copy of any settlement 3509  
agreement entered into between the parties to the civil action or 3510  
proceeding. 3511

(ii) Upon receipt of a request for an award of legal fees, 3512  
court costs, and expenses and the requisite supportive 3513  
documentation described in division (E)(2)(a)(i) of this section, 3514  
the attorney general shall review the request and documentation; 3515  
determine whether any of the limitations specified in division 3516  
(E)(2)(b) of this section apply to the request; and, if an award 3517  
of legal fees, court costs, or expenses is permissible after 3518  
applying the limitations, prepare a document awarding legal fees, 3519  
court costs, or expenses to the private legal counsel. The 3520  
document shall name the private legal counsel as the recipient of 3521  
the award; specify the total amount of the award as determined by 3522  
the attorney general; itemize the portions of the award that 3523  
represent legal fees, court costs, and expenses; specify any 3524  
limitation applied pursuant to division (E)(2)(b) of this section 3525  
to reduce the amount of the award sought by the private legal 3526  
counsel; state that the award is payable from the state treasury 3527  
pursuant to division (E)(2)(a)(iii) of this section; and be 3528  
approved by the inclusion of the signatures of the attorney 3529  
general, the state public defender, and the private legal counsel. 3530

(iii) The attorney general shall forward a copy of the 3531  
document prepared pursuant to division (E)(2)(a)(ii) of this 3532

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section to the director of budget and management. The award of 3533  
legal fees, court costs, or expenses shall be paid out of the 3534  
state public defender's appropriations, to the extent there is a 3535  
sufficient available balance in those appropriations. If the state 3536  
public defender does not have a sufficient available balance in 3537  
the state public defender's appropriations to pay the entire award 3538  
of legal fees, court costs, or expenses, the director shall make 3539  
application for a transfer of appropriations out of the emergency 3540  
purposes account or any other appropriation for emergencies or 3541  
contingencies in an amount equal to the portion of the award that 3542  
exceeds the sufficient available balance in the state public 3543  
defender's appropriations. A transfer of appropriations out of the 3544  
emergency purposes account or any other appropriation for 3545  
emergencies or contingencies shall be authorized if there are 3546  
sufficient moneys greater than the sum total of then pending 3547  
emergency purposes account requests, or requests for releases from 3548  
the other appropriation. If a transfer of appropriations out of 3549  
the emergency purposes account or other appropriation for 3550  
emergencies or contingencies is made to pay an amount equal to the 3551  
portion of the award that exceeds the sufficient available balance 3552  
in the state public defender's appropriations, the director shall 3553  
cause the payment to be made to the private legal counsel. If 3554  
sufficient moneys do not exist in the emergency purposes account 3555  
or other appropriation for emergencies or contingencies to pay an 3556  
amount equal to the portion of the award that exceeds the 3557  
sufficient available balance in the state public defender's 3558  
appropriations, the private legal counsel shall request the 3559  
general assembly to make an appropriation sufficient to pay an 3560  
amount equal to the portion of the award that exceeds the 3561  
sufficient available balance in the state public defender's 3562  
appropriations, and no payment in that amount shall be made until 3563  
the appropriation has been made. The private legal counsel shall 3564  
make the request during the current biennium and during each 3565

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succeeding biennium until a sufficient appropriation is made. 3566  
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(b) An award of legal fees, court costs, and expenses 3568  
pursuant to division (E) of this section is subject to the 3569  
following limitations: 3570

(i) The maximum award or maximum aggregate of a series of 3571  
awards of legal fees, court costs, and expenses to the private 3572  
legal counsel in connection with the defense of the Ohio public 3573  
defender commission, the state public defender, an assistant state 3574  
public defender, an employee, or an attorney in a specified civil 3575  
action or proceeding shall not exceed fifty thousand dollars. 3576

(ii) The private legal counsel shall not be awarded legal 3577  
fees, court costs, or expenses to the extent the fees, costs, or 3578  
expenses are covered by a policy of malpractice or other 3579  
insurance. 3580

(iii) The private legal counsel shall be awarded legal fees 3581  
and expenses only to the extent that the fees and expenses are 3582  
reasonable in light of the legal services rendered by the private 3583  
legal counsel in connection with the defense of the Ohio public 3584  
defender commission, the state public defender, an assistant state 3585  
public defender, an employee, or an attorney in a specified civil 3586  
action or proceeding. 3587

(c) If, pursuant to division (E)(2)(a) of this section, the 3588  
attorney general denies a request for an award of legal fees, 3589  
court costs, or expenses to private legal counsel because of the 3590  
application of a limitation specified in division (E)(2)(b) of 3591  
this section, the attorney general shall notify the private legal 3592  
counsel in writing of the denial and of the limitation applied. 3593

(d) If, pursuant to division (E)(2)(c) of this section, a 3594  
private legal counsel receives a denial of an award notification 3595  
or if a private legal counsel refuses to approve a document under 3596

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division (E)(2)(a)(ii) of this section because of the proposed 3597  
application of a limitation specified in division (E)(2)(b) of 3598  
this section, the private legal counsel may commence a civil 3599  
action against the attorney general in the court of claims to 3600  
prove the private legal counsel's entitlement to the award sought, 3601  
to prove that division (E)(2)(b) of this section does not prohibit 3602  
or otherwise limit the award sought, and to recover a judgment for 3603  
the amount of the award sought. A civil action under division 3604  
(E)(2)(d) of this section shall be commenced no later than two 3605  
years after receipt of a denial of award notification or, if the 3606  
private legal counsel refused to approve a document under division 3607  
(E)(2)(a)(ii) of this section because of the proposed application 3608  
of a limitation specified in division (E)(2)(b) of this section, 3609  
no later than two years after the refusal. Any judgment of the 3610  
court of claims in favor of the private legal counsel shall be 3611  
paid from the state treasury in accordance with division (E)(2)(a) 3612  
of this section. 3613

(F) If a court appoints the office of the state public 3614  
defender to represent a petitioner in a postconviction relief 3615  
proceeding under section 2953.21 of the Revised Code, the 3616  
petitioner has received a sentence of death, and the proceeding 3617  
relates to that sentence, all of the attorneys who represent the 3618  
petitioner in the proceeding pursuant to the appointment, whether 3619  
an assistant state public defender, the state public defender, or 3620  
another attorney, shall be certified under Rule ~~65~~ 20 of the Rules 3621  
of Superintendence for ~~Common Pleas~~ the Courts of Ohio to 3622  
represent indigent defendants charged with or convicted of an 3623  
offense for which the death penalty can be or has been imposed. 3624

**Sec. 120.16.** (A)(1) The county public defender shall provide 3625  
legal representation to indigent adults and juveniles who are 3626  
charged with the commission of an offense or act that is a 3627  
violation of a state statute and for which the penalty or any 3628

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possible adjudication includes the potential loss of liberty and 3629  
in postconviction proceedings as defined in this section. 3630

(2) The county public defender may provide legal 3631  
representation to indigent adults and juveniles charged with the 3632  
violation of an ordinance of a municipal corporation for which the 3633  
penalty or any possible adjudication includes the potential loss 3634  
of liberty, if the county public defender commission has 3635  
contracted with the municipal corporation to provide legal 3636  
representation for indigent persons charged with a violation of an 3637  
ordinance of the municipal corporation. 3638

(B) The county public defender shall provide the legal 3639  
representation authorized by division (A) of this section at every 3640  
stage of the proceedings following arrest, detention, service of 3641  
summons, or indictment. 3642

(C) The county public defender may request the state public 3643  
defender to prosecute any appeal or other remedy before or after 3644  
conviction that the county public defender decides is in the 3645  
interests of justice, and may provide legal representation in 3646  
parole and probation revocation matters. 3647

(D) The county public defender shall not be required to 3648  
prosecute any appeal, postconviction remedy, or other proceeding, 3649  
unless the county public defender is first satisfied there is 3650  
arguable merit to the proceeding. 3651

(E) Nothing in this section shall prevent a court from 3652  
appointing counsel other than the county public defender or from 3653  
allowing an indigent person to select the indigent person's own 3654  
personal counsel to represent the indigent person. A court may 3655  
also appoint counsel or allow an indigent person to select the 3656  
indigent person's own personal counsel to assist the county public 3657  
defender as co-counsel when the interests of justice so require. 3658

(F) Information as to the right to legal representation by 3659

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the county public defender or assigned counsel shall be afforded 3660  
to an accused person immediately upon arrest, when brought before 3661  
a magistrate, or when formally charged, whichever occurs first. 3662

(G) If a court appoints the office of the county public 3663  
defender to represent a petitioner in a postconviction relief 3664  
proceeding under section 2953.21 of the Revised Code, the 3665  
petitioner has received a sentence of death, and the proceeding 3666  
relates to that sentence, all of the attorneys who represent the 3667  
petitioner in the proceeding pursuant to the appointment, whether 3668  
an assistant county public defender or the county public defender, 3669  
shall be certified under Rule ~~65~~ 20 of the Rules of 3670  
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 3671  
indigent defendants charged with or convicted of an offense for 3672  
which the death penalty can be or has been imposed. 3673

**Sec. 120.26.** (A)(1) The joint county public defender shall 3674  
provide legal representation to indigent adults and juveniles who 3675  
are charged with the commission of an offense or act that is a 3676  
violation of a state statute and for which the penalty or any 3677  
possible adjudication includes the potential loss of liberty and 3678  
in postconviction proceedings as defined in this section. 3679

(2) The joint county public defender may provide legal 3680  
representation to indigent adults and juveniles charged with the 3681  
violation of an ordinance of a municipal corporation for which the 3682  
penalty or any possible adjudication includes the potential loss 3683  
of liberty, if the joint county public defender commission has 3684  
contracted with the municipal corporation to provide legal 3685  
representation for indigent persons charged with a violation of an 3686  
ordinance of the municipal corporation. 3687

(B) The joint county public defender shall provide the legal 3688  
representation authorized by division (A) of this section at every 3689  
stage of the proceedings following arrest, detention, service of 3690

summons, or indictment. 3691

(C) The joint county public defender may request the Ohio public defender to prosecute any appeal or other remedy before or after conviction that the joint county public defender decides is in the interests of justice and may provide legal representation in parole and probation revocation matters. 3692  
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(D) The joint county public defender shall not be required to prosecute any appeal, postconviction remedy, or other proceeding, unless the joint county public defender is first satisfied that there is arguable merit to the proceeding. 3697  
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(E) Nothing in this section shall prevent a court from appointing counsel other than the joint county public defender or from allowing an indigent person to select the indigent person's own personal counsel to represent the indigent person. A court may also appoint counsel or allow an indigent person to select the indigent person's own personal counsel to assist the joint county public defender as co-counsel when the interests of justice so require. 3701  
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(F) Information as to the right to legal representation by the joint county public defender or assigned counsel shall be afforded to an accused person immediately upon arrest, when brought before a magistrate, or when formally charged, whichever occurs first. 3709  
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(G) If a court appoints the office of the joint county public defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the petitioner in the proceeding pursuant to the appointment, whether an assistant joint county defender or the joint county public defender, shall be certified under Rule 65 20 of the Rules of 3714  
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Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 3722  
indigent defendants charged with or convicted of an offense for 3723  
which the death penalty can be or has been imposed. 3724

**Sec. 120.33.** (A) In lieu of using a county public defender or 3725  
joint county public defender to represent indigent persons in the 3726  
proceedings set forth in division (A) of section 120.16 of the 3727  
Revised Code, the board of county commissioners of any county may 3728  
adopt a resolution to pay counsel who are either personally 3729  
selected by the indigent person or appointed by the court. The 3730  
resolution shall include those provisions the board of county 3731  
commissioners considers necessary to provide effective 3732  
representation of indigent persons in any proceeding for which 3733  
counsel is provided under this section. The resolution shall 3734  
include provisions for contracts with any municipal corporation 3735  
under which the municipal corporation shall reimburse the county 3736  
for counsel appointed to represent indigent persons charged with 3737  
violations of the ordinances of the municipal corporation. 3738

(1) In a county that adopts a resolution to pay counsel, an 3739  
indigent person shall have the right to do either of the 3740  
following: 3741

(a) To select the person's own personal counsel to represent 3742  
the person in any proceeding included within the provisions of the 3743  
resolution; 3744

(b) To request the court to appoint counsel to represent the 3745  
person in such a proceeding. 3746

(2) The court having jurisdiction over the proceeding in a 3747  
county that adopts a resolution to pay counsel shall, after 3748  
determining that the person is indigent and entitled to legal 3749  
representation under this section, do either of the following: 3750

(a) By signed journal entry recorded on its docket, enter the 3751  
name of the lawyer selected by the indigent person as counsel of 3752

record; 3753

(b) Appoint counsel for the indigent person if the person has 3754  
requested the court to appoint counsel and, by signed journal 3755  
entry recorded on its dockets, enter the name of the lawyer 3756  
appointed for the indigent person as counsel of record. 3757

(3) The board of county commissioners shall establish a 3758  
schedule of fees by case or on an hourly basis to be paid to 3759  
counsel for legal services provided pursuant to a resolution 3760  
adopted under this section. Prior to establishing the schedule, 3761  
the board of county commissioners shall request the bar 3762  
association or associations of the county to submit a proposed 3763  
schedule. The schedule submitted shall be subject to the review, 3764  
amendment, and approval of the board of county commissioners. 3765

(4) Counsel selected by the indigent person or appointed by 3766  
the court at the request of an indigent person in a county that 3767  
adopts a resolution to pay counsel, except for counsel appointed 3768  
to represent a person charged with any violation of an ordinance 3769  
of a municipal corporation that has not contracted with the county 3770  
commissioners for the payment of appointed counsel, shall be paid 3771  
by the county and shall receive the compensation and expenses the 3772  
court approves. Each request for payment shall be accompanied by a 3773  
financial disclosure form and an affidavit of indigency that are 3774  
completed by the indigent person on forms prescribed by the state 3775  
public defender. Compensation and expenses shall not exceed the 3776  
amounts fixed by the board of county commissioners in the schedule 3777  
adopted pursuant to division (A)(3) of this section. No court 3778  
shall approve compensation and expenses that exceed the amount 3779  
fixed pursuant to division (A)(3) of this section. 3780

The fees and expenses approved by the court shall not be 3781  
taxed as part of the costs and shall be paid by the county. 3782  
However, if the person represented has, or may reasonably be 3783  
expected to have, the means to meet some part of the cost of the 3784

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services rendered to the person, the person shall pay the county 3785  
an amount that the person reasonably can be expected to pay. 3786  
Pursuant to section 120.04 of the Revised Code, the county shall 3787  
pay to the state public defender a percentage of the payment 3788  
received from the person in an amount proportionate to the 3789  
percentage of the costs of the person's case that were paid to the 3790  
county by the state public defender pursuant to this section. The 3791  
money paid to the state public defender shall be credited to the 3792  
client payment fund created pursuant to division (B)(5) of section 3793  
120.04 of the Revised Code. 3794

The county auditor shall draw a warrant on the county 3795  
treasurer for the payment of counsel in the amount fixed by the 3796  
court, plus the expenses the court fixes and certifies to the 3797  
auditor. The county auditor shall report periodically, but not 3798  
less than annually, to the board of county commissioners and to 3799  
the Ohio public defender commission the amounts paid out pursuant 3800  
to the approval of the court. The board of county commissioners, 3801  
after review and approval of the auditor's report, may then 3802  
certify it to the state public defender for reimbursement. If a 3803  
request for reimbursement is not accompanied by a financial 3804  
disclosure form and an affidavit of indigency completed by the 3805  
indigent person on forms prescribed by the state public defender, 3806  
the state public defender shall not pay the requested 3807  
reimbursement. If a request for the reimbursement of the cost of 3808  
counsel in any case is not received by the state public defender 3809  
within ninety days after the end of the calendar month in which 3810  
the case is finally disposed of by the court, unless the county 3811  
has requested and the state public defender has granted an 3812  
extension of the ninety-day limit, the state public defender shall 3813  
not pay the requested reimbursement. The state public defender 3814  
shall also review the report and, in accordance with the 3815  
standards, guidelines, and maximums established pursuant to 3816

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divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3817  
prepare a voucher for fifty per cent of the total cost of each 3818  
county appointed counsel system in the period of time covered by 3819  
the certified report and a voucher for fifty per cent of the costs 3820  
and expenses that are reimbursable under section 120.35 of the 3821  
Revised Code, if any, or, if the amount of money appropriated by 3822  
the general assembly to reimburse counties for the operation of 3823  
county public defender offices, joint county public defender 3824  
offices, and county appointed counsel systems is not sufficient to 3825  
pay fifty per cent of the total cost of all of the offices and 3826  
systems other than costs and expenses that are reimbursable under 3827  
section 120.35 of the Revised Code, for the lesser amount required 3828  
by section 120.34 of the Revised Code. 3829

(5) If any county appointed counsel system fails to maintain 3830  
the standards for the conduct of the system established by the 3831  
rules of the Ohio public defender commission pursuant to divisions 3832  
(B) and (C) of section 120.03 or the standards established by the 3833  
state public defender pursuant to division (B)(7) of section 3834  
120.04 of the Revised Code, the Ohio public defender commission 3835  
shall notify the board of county commissioners of the county that 3836  
the county appointed counsel system has failed to comply with its 3837  
rules or the standards of the state public defender. Unless the 3838  
board of county commissioners corrects the conduct of its 3839  
appointed counsel system to comply with the rules and standards 3840  
within ninety days after the date of the notice, the state public 3841  
defender may deny all or part of the county's reimbursement from 3842  
the state provided for in division (A)(4) of this section. 3843

(B) In lieu of using a county public defender or joint county 3844  
public defender to represent indigent persons in the proceedings 3845  
set forth in division (A) of section 120.16 of the Revised Code, 3846  
and in lieu of adopting the resolution and following the procedure 3847  
described in division (A) of this section, the board of county 3848

commissioners of any county may contract with the state public  
defender for the state public defender's legal representation of  
indigent persons. A contract entered into pursuant to this  
division may provide for payment for the services provided on a  
per case, hourly, or fixed contract basis.

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

**Sec. 121.04.** Offices are created within the several  
departments as follows:

In the department of commerce:  
    Commissioner of securities;  
    Superintendent of real estate and professional  
    licensing;  
    Superintendent of financial institutions;  
    Fire marshal;  
    Superintendent of labor and worker safety;  
    Beginning on July 1, 1997,  
    Superintendent of liquor control;  
    Superintendent of industrial compliance.

In the department of administrative services:  
    State architect and engineer;  
    Equal employment opportunity coordinator.

In the department of agriculture:

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Chiefs of divisions as follows:	3879
Administration;	3880
Animal industry;	3881
Dairy;	3882
Food safety;	3883
Plant industry;	3884
Markets;	3885
Meat inspection;	3886
Consumer analytical laboratory;	3887
Amusement ride safety;	3888
Enforcement;	3889
Weights and measures.	3890
In the department of natural resources:	3891
Chiefs of divisions as follows:	3892
Water;	3893
Mineral resources management;	3894
Forestry;	3895
Natural areas and preserves;	3896
Wildlife;	3897
Geological survey;	3898
Parks and recreation;	3899
Watercraft;	3900
Recycling and litter prevention;	3901
Civilian conservation;	3902
Soil and water conservation;	3903
Real estate and land management;	3904
Engineering.	3905
In the department of insurance:	3906
Deputy superintendent of insurance;	3907
Assistant superintendent of insurance, technical;	3908
Assistant superintendent of insurance, administrative;	3909
Assistant superintendent of insurance, research.	3910

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

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

~~County councils departments of job and family services shall use the funds they receive through allocated for the wellness block grants program to fund community-based programs of prevention services that address issues of broad social concern, as determined by the cabinet council and the board, and to fund state-directed training, evaluation, and education programs pertaining to the issues being addressed. Each county council shall submit to the board a program and fiscal plan that outlines its proposal for expenditure of its block grant and shall, after consulting with the board of county commissioners, designate a~~

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~~fiscal agent to receive the block grant.~~ 3943

~~As requested by the board on behalf of the cabinet council,~~ 3944  
~~each county council shall submit program and fiscal accountings~~ 3945  
~~regarding the use of its block grant. The board and the cabinet~~ 3946  
~~council shall establish criteria for assessing a county council's~~ 3947  
~~department's progress in achieving the goals objectives of the~~ 3948  
~~wellness block grant program. If a county council department of~~ 3949  
~~job and family services does not operate in accordance with the~~ 3950  
~~program guidelines and criteria established by the board and the~~ 3951  
~~cabinet council, the board and the cabinet council may revise the~~ 3952  
~~allocation of funds that the county council department of job and~~ 3953  
~~family services receives.~~ 3954

~~The board shall prepare an annual report detailing the~~ 3955  
~~results of the program. The report shall be submitted to the~~ 3956  
~~governor, the president and minority leader of the senate, and the~~ 3957  
~~speaker and minority leader of the house of representatives.~~ 3958

**Sec. 121.40.** (A) There is hereby created the ~~governor's~~ Ohio 3959  
community service council consisting of twenty-one members 3960  
including the superintendent of public instruction or the 3961  
superintendent's designee, the chancellor of the Ohio board of 3962  
regents or the chancellor's designee, the director of natural 3963  
resources or the director's designee, the director of youth 3964  
services or the director's designee, the director of aging or the 3965  
director's designee, the director of job and family services or 3966  
the director's designee, the chairperson of the committee of the 3967  
house of representatives dealing with education or the 3968  
chairperson's designee, the chairperson of the committee of the 3969  
senate dealing with education or the chairperson's designee, and 3970  
thirteen members who shall be appointed by the governor with the 3971  
advice and consent of the senate and who shall serve terms of 3972  
office of three years. The appointees shall include educators, 3973  
including teachers and administrators; representatives of youth 3974

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organizations; students and parents; representatives of 3975  
organizations engaged in volunteer program development and 3976  
management throughout the state, including youth and conservation 3977  
programs; and representatives of business, government, nonprofit 3978  
organizations, social service agencies, veterans organizations, 3979  
religious organizations, or philanthropies that support or 3980  
encourage volunteerism within the state. Members of the council 3981  
shall receive no compensation, but shall be reimbursed for actual 3982  
and necessary expenses incurred in the performance of their 3983  
official duties. 3984

(B) The council shall appoint an executive director for the 3985  
council, who shall be in the unclassified civil service. The 3986  
executive director shall supervise the council's activities and 3987  
report to the council on the progress of those activities. The 3988  
executive director shall do all things necessary for the efficient 3989  
and effective implementation of the duties of the council. 3990

The responsibilities assigned to the executive director do 3991  
not relieve the members of the council from final responsibility 3992  
for the proper performance of the requirements of this ~~division~~ 3993  
section. 3994

(C) The council or its designee shall do all of the 3995  
following: 3996

(1) Employ, promote, supervise, and remove all employees as 3997  
needed in connection with the performance of its duties under this 3998  
section and may assign duties to those employees as necessary to 3999  
achieve the most efficient performance of its functions, and to 4000  
that end may establish, change, or abolish positions, and assign 4001  
and reassign duties and responsibilities of any employee of the 4002  
council. Personnel employed by the council who are subject to 4003  
Chapter 4117. of the Revised Code shall retain all of their rights 4004  
and benefits conferred pursuant to that chapter. Nothing in this 4005  
chapter shall be construed as eliminating or interfering with 4006

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Chapter 4117. of the Revised Code or the rights and benefits	4007
conferred under that chapter to public employees or to any	4008
bargaining unit.	4009
(2) Maintain its office in Columbus, and may hold sessions at	4010
any place within the state;	4011
(3) Acquire facilities, equipment, and supplies necessary to	4012
house the council, its employees, and files and records under its	4013
control, and to discharge any duty imposed upon it by law. The	4014
expense of these acquisitions shall be audited and paid for in the	4015
same manner as other state expenses. For that purpose, the council	4016
shall prepare and submit to the office of budget and management a	4017
budget for each biennium according to sections 101.532 and 107.03	4018
of the Revised Code. The budget submitted shall cover the costs of	4019
the council and its staff in the discharge of any duty imposed	4020
upon the council by law. The council shall not delegate any	4021
authority to obligate funds.	4022
(4) Pay its own payroll and other operating expenses from	4023
line items designated by the general assembly;	4024
(5) Retain its fiduciary responsibility as appointing	4025
authority. Any transaction instructions shall be certified by the	4026
appointing authority or its designee.	4027
(6) Establish the overall policy and management of the	4028
council in accordance with this chapter;	4029
(7) Assist in coordinating and preparing the state	4030
application for funds under sections 101 to 184 of the "National	4031
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	4032
U.S.C.A. 12411 to 12544, <del>and amendments thereto as amended</del> , assist	4033
in administering and overseeing the "National and Community	4034
Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the	4035
americorps program in this state, and assist in developing	4036
objectives for a comprehensive strategy to encourage and expand	4037

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- community service programs throughout the state; 4038
- (8) Assist the state board of education, school districts, 4039  
the board of regents, and institutions of higher education in 4040  
coordinating community service education programs through 4041  
cooperative efforts between institutions and organizations in the 4042  
public and private sectors; 4043
- (9) Assist the departments of natural resources, youth 4044  
services, aging, and job and family services in coordinating 4045  
community service programs through cooperative efforts between 4046  
institutions and organizations in the public and private sectors; 4047
- (10) Suggest individuals and organizations that are available 4048  
to assist school districts, institutions of higher education, and 4049  
the departments of natural resources, youth services, aging, and 4050  
job and family services in the establishment of community service 4051  
programs and assist in investigating sources of funding for 4052  
implementing ~~such~~ these programs; 4053
- (11) Assist in evaluating the state's efforts in providing 4054  
community service programs using standards and methods that are 4055  
consistent with any statewide objectives for ~~such~~ these programs 4056  
and provide information to the state board of education, school 4057  
districts, the board of regents, institutions of higher education, 4058  
and the departments of natural resources, youth services, aging, 4059  
and job and family services to guide them in making decisions 4060  
about these programs; 4061
- (12) Assist the state board of education in complying with 4062  
section 3301.70 of the Revised Code and the board of regents in 4063  
complying with division (B)(2) of section 3333.043 of the Revised 4064  
Code. 4065
- (D) The department of aging shall serve as the council's 4066  
fiscal agent. Beginning on July 1, 1997, whenever reference is 4067  
made in any law, contract, or document to the functions of the 4068

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department of youth services as fiscal agent to the council, the 4069  
reference shall be deemed to refer to the department of aging. The 4070  
department of aging shall have no responsibility for or obligation 4071  
to the council prior to July 1, 1997. Any validation, cure, right, 4072  
privilege, remedy, obligation, or liability shall be retained by 4073  
the council. 4074

As used in this section, "fiscal agent" means technical 4075  
support and includes the following technical support services: 4076

(1) Preparing and processing payroll and other personnel 4077  
documents that the council executes as the appointing authority. 4078  
The department of aging shall not approve any payroll or other 4079  
personnel-related documents. 4080

(2) Maintaining ledgers of accounts and reports of account 4081  
balances, and monitoring budgets and allotment plans in 4082  
consultation with the council. The department shall not approve 4083  
any biennial budget, grant, expenditure, audit, or fiscal-related 4084  
document. 4085

(3) Performing other routine support services that the 4086  
director of aging or the director's designee and the council or 4087  
its designee consider appropriate to achieve efficiency. 4088

(E) The council or its designee has the following authority 4089  
and responsibility relative to fiscal matters: 4090

(1) Sole authority to draw funds for any and all federal 4091  
programs in which the council is authorized to participate; 4092

(2) Sole authority to expend funds from their accounts for 4093  
programs and any other necessary expenses the council may incur 4094  
and its subgrantees may incur; 4095

(3) Responsibility to cooperate with and inform the 4096  
department of aging as fiscal agent to ensure that the department 4097  
is fully apprised of all financial transactions. 4098

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The council shall follow all state procurement requirements. 4099

The department of aging shall determine fees to be charged to 4100  
the council, which shall be in proportion to the services 4101  
performed for the council. 4102

The council shall pay fees owed to the department of aging 4103  
from a general revenue fund of the council or from any other fund 4104  
from which the operating expenses of the council are paid. Any 4105  
amounts set aside for a fiscal year for the payment of ~~such~~ these 4106  
fees shall be used only for the services performed for the council 4107  
by the department of aging in that fiscal year. 4108

**Sec. 121.63.** (A) Each executive agency lobbyist and each 4109  
employer shall file with the joint legislative ethics committee, 4110  
with the updated registration statement required by division (B) 4111  
of section 121.62 of the Revised Code, a statement of expenditures 4112  
as specified in divisions (B) and (C) of this section. An 4113  
executive agency lobbyist shall file a separate statement of 4114  
expenditures under this section for each employer that engages ~~him~~ 4115  
the executive agency lobbyist. 4116

(B)(1) In addition to the information required by divisions 4117  
(B)(2) and (3) of this section, a statement filed by an executive 4118  
agency lobbyist shall show the total amount of expenditures made 4119  
during the reporting period covered by the statement by the 4120  
executive agency lobbyist. 4121

(2) If, during a reporting period covered by a statement, an 4122  
employer or any executive agency lobbyist ~~he~~ the employer engaged 4123  
made, either separately or in combination with each other, 4124  
expenditures to, at the request of, for the benefit of, or on 4125  
behalf of a particular elected executive official, the director of 4126  
a department created under section 121.02 of the Revised Code, a 4127  
particular executive agency official, or a particular member of 4128  
the staff of any public officer listed in division (B)(2) of this 4129

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section, the employer or executive agency lobbyist also shall 4130  
state the name of the public officer or employee to whom, at whose 4131  
request, for whose benefit, or on whose behalf the expenditures 4132  
were made, the total amount of the expenditures made, a brief 4133  
description of the expenditures made, the approximate date the 4134  
expenditures were made, the executive agency decision, if any, 4135  
sought to be influenced, and the identity of the client on whose 4136  
behalf the expenditure was made. 4137

As used in division (B)(2) of this section, "expenditures" 4138  
does not include expenditures made by an executive agency lobbyist 4139  
as payment for meals and other food and beverages. 4140

(3) If, during a reporting period covered by a statement, an 4141  
executive agency lobbyist made expenditures as payment for meals 4142  
and other food and beverages, other than for meals and other food 4143  
and beverages provided at a meeting at which the person 4144  
participated in a panel, seminar, or speaking engagement or at a 4145  
meeting or convention of a national organization to which ~~either~~ 4146  
~~house of the general assembly, any legislative agency, or any~~ 4147  
~~other~~ state agency or any state institution of higher education as 4148  
defined in section 3345.031 of the Revised Code pays membership 4149  
dues, that, when added to the amount of previous payments made for 4150  
meals and other food and beverages by that executive agency 4151  
lobbyist during that same calendar year, exceeded a total of fifty 4152  
dollars to, at the request of, for the benefit of, or on behalf of 4153  
a particular elected executive official, the director of a 4154  
department created under section 121.02 of the Revised Code, a 4155  
particular executive agency official, or any particular member of 4156  
the staff of any of the public officers or employees listed in 4157  
division (B)(3) of this section, then the executive agency 4158  
lobbyist shall also state regarding those expenditures the name of 4159  
the public officer or employee to whom, at whose request, for 4160  
whose benefit, or on whose behalf the expenditures were made, the 4161

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total amount of the expenditures made, a brief description of the 4162  
expenditures made, the approximate date the expenditures were 4163  
made, the executive agency decision, if any, sought to be 4164  
influenced, and the identity of the client on whose behalf the 4165  
expenditure was made. 4166

(C) In addition to the information required by divisions 4167  
(B)(2) and (3) of this section, a statement filed by an employer 4168  
shall show the total amount of expenditures made by the employer 4169  
filing the statement during the period covered by the statement. 4170  
As used in this section, "expenditures" does not include the 4171  
expenses of maintaining office facilities, or the compensation 4172  
paid to executive agency lobbyists engaged to influence executive 4173  
agency decisions or conduct executive agency lobbying activity. 4174

No employer shall be required to show any expenditure on a 4175  
statement filed under this division if the expenditure is reported 4176  
on a statement filed under division (B)(1), (2), or (3) of this 4177  
section by an executive agency lobbyist engaged by the employer. 4178

(D) Any statement required to be filed under this section 4179  
shall be filed at the times specified in section 121.62 of the 4180  
Revised Code. Each statement shall cover expenditures made during 4181  
the four-calendar-month period that ended on the last day of the 4182  
month immediately preceding the month in which the statement is 4183  
required to be filed. 4184

(E) If it is impractical or impossible for an executive 4185  
agency lobbyist or employer to determine exact dollar amounts or 4186  
values of expenditures, reporting of good faith estimates, based 4187  
on reasonable accounting procedures, constitutes compliance with 4188  
this division. 4189

(F) Executive agency lobbyists and employers shall retain 4190  
receipts or maintain records for all expenditures that are 4191  
required to be reported pursuant to this section. These receipts 4192  
or records shall be maintained for a period ending on the 4193

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thirty-first day of December of the second calendar year after the 4194  
year in which the expenditure was made. 4195

(G)(1) At least ten days before the date on which the 4196  
statement is filed, each employer or executive agency lobbyist who 4197  
is required to file an expenditure statement under division (B)(2) 4198  
or (3) of this section shall deliver a copy of the statement, or 4199  
the portion showing the expenditure, to the public officer or 4200  
employee who is listed in the statement as having received the 4201  
expenditure or on whose behalf it was made. 4202

(2) If, during a reporting period covered by an expenditure 4203  
statement filed under division (B)(2) of this section, an employer 4204  
or any executive agency lobbyist ~~he~~ the employer engaged made, 4205  
either separately or in combination with each other, either 4206  
directly or indirectly, expenditures for an honorarium or for 4207  
transportation, lodging, or food and beverages purchased for 4208  
consumption on the premises in which the food and beverages were 4209  
sold to, at the request of, for the benefit or, or on behalf of 4210  
any of the public officers or employees described in division 4211  
(B)(2) of this section, the employer or executive agency lobbyist 4212  
shall deliver to the public officer or employee a statement that 4213  
contains all of the nondisputed information prescribed in division 4214  
(B)(2) of this section with respect to the expenditures described 4215  
in division (G)(2) of this section. The statement of expenditures 4216  
made under division (G)(2) of this section shall be delivered to 4217  
the public officer or employee to whom, at whose request, for 4218  
whose benefit, or on whose behalf those expenditures were made on 4219  
the same day in which a copy of the expenditure statement or of a 4220  
portion showing the expenditure is delivered to the public officer 4221  
or employee under division (G)(1) of this section. An employer is 4222  
not required to show any expenditure on a statement delivered 4223  
under division (G)(2) of this section if the expenditure is shown 4224  
on a statement delivered under division (G)(2) of this section by 4225

a legislative agent engaged by the employer. 4226

**Sec. 122.011.** (A) The department of development shall develop 4227  
and promote plans and programs designed to assure that state 4228  
resources are efficiently used, economic growth is properly 4229  
balanced, community growth is developed in an orderly manner, and 4230  
local governments are coordinated with each other and the state, 4231  
and for such purposes may do all of the following: 4232

(1) Serve as a clearinghouse for information, data, and other 4233  
materials that may be helpful or necessary to persons or local 4234  
governments, as provided in section 122.07 of the Revised Code; 4235  
4236

(2) Prepare and activate plans for the retention, 4237  
development, expansion, and use of the resources and commerce of 4238  
the state, as provided in section 122.04 of the Revised Code; 4239

(3) Assist and cooperate with federal, state, and local 4240  
governments and agencies of federal, state, and local governments 4241  
in the coordination of programs to carry out the functions and 4242  
duties of the department; 4243

(4) Encourage and foster research and development activities, 4244  
conduct studies related to the solution of community problems, and 4245  
develop recommendations for administrative or legislative actions, 4246  
as provided in section 122.03 of the Revised Code; 4247  
4248

(5) Serve as the economic and community development planning 4249  
agency, which shall prepare and recommend plans and programs for 4250  
the orderly growth and development of this state and which shall 4251  
provide planning assistance, as provided in section 122.06 of the 4252  
Revised Code; 4253

(6) Cooperate with and provide technical assistance to state 4254  
departments, political subdivisions, regional and local planning 4255

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commissions, tourist associations, councils of government,	4256
community development groups, community action agencies, and other	4257
appropriate organizations for carrying out the functions and	4258
duties of the department or for the solution of community	4259
problems;	4260
(7) Coordinate the activities of state agencies that have an	4261
impact on carrying out the functions and duties of the department;	4262
(8) Encourage and assist the efforts of and cooperate with	4263
local governments to develop mutual and cooperative solutions to	4264
their common problems that relate to carrying out the purposes of	4265
this section;	4266
(9) Study existing structure, operations, and financing of	4267
regional or local government and those state activities that	4268
involve significant relations with regional or local governmental	4269
units, recommend to the governor and to the general assembly such	4270
changes in these provisions and activities as will improve the	4271
operations of regional or local government, and conduct other	4272
studies of legal provisions that affect problems related to	4273
carrying out the purposes of this section;	4274
(10) Appoint, with the approval of the governor, technical	4275
and other advisory councils as it considers appropriate, as	4276
provided in section 122.09 of the Revised Code;	4277
(11) Create and operate a division of community development	4278
to develop and administer programs and activities that are	4279
authorized by federal statute or the Revised Code;	4280
<del>(12) Until July 1, 2001, review, analyze, and summarize</del>	4281
<del>applications and information regarding the family farm loan</del>	4282
<del>program forwarded to the department by a financial institution</del>	4283
<del>pursuant to section 901.81 of the Revised Code, and forward the</del>	4284
<del>applications, information, analyses, and summaries to the director</del>	4285
<del>of agriculture;</del>	4286

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~~(13)~~ Until July 1, ~~2001~~ 2003, establish fees and charges, in 4287  
consultation with the director of agriculture, for purchasing 4288  
loans from financial institutions and providing loan guarantees 4289  
under the family farm loan program created under sections 901.80 4290  
to 901.83 of the Revised Code; 4291

~~(14)~~(13) Provide loan servicing for the loans purchased and 4292  
loan guarantees provided under section 901.80 of the Revised Code 4293  
as that section existed prior to July 1, ~~2001~~ 2003; 4294

~~(15)~~(14) Until July 1, ~~2001~~ 2003, and upon approval by the 4295  
controlling board under division (A)(3) of section 901.82 of the 4296  
Revised Code of the release of money to be used for purchasing a 4297  
loan or providing a loan guarantee, request the release of that 4298  
money in accordance with division (B) of section 166.03 of the 4299  
Revised Code for use for the purposes of the fund created by 4300  
section 166.031 of the Revised Code. 4301

(B) The department, by rule, shall establish criteria 4302  
defining nonprofit corporations that are eligible for appointment 4303  
as qualified agents pursuant to sections 135.81 to 135.88 of the 4304  
Revised Code. The criteria shall require that a corporation be 4305  
organized pursuant to Chapter 1702. of the Revised Code and have 4306  
as its primary purpose the promotion of economic development or 4307  
the creation or retention of jobs and job opportunities. The 4308  
criteria may include a specification as to the professional 4309  
qualifications of the corporation employees, a minimum elapsed 4310  
period of time since the corporation was organized, current and 4311  
former activities of the corporation, and such other criteria 4312  
reasonably related to the foregoing that relate to the ability of 4313  
the corporation to act as a qualified agent for the purposes of 4314  
sections ~~135.51~~ 135.81 to 135.88 of the Revised Code. 4315

(C) The director of development may request the attorney 4316  
general to, and the attorney general, in accordance with section 4317  
109.02 of the Revised Code, shall bring a civil action in any 4318

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

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

(F) "Participating financial institution" means a financial

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institution that has a valid, current participation agreement with 4349  
the department. 4350

(G) "Participation agreement" means the agreement between a 4351  
financial institution and the department under which a financial 4352  
institution may participate in the program. 4353

(H) "Passive real estate ownership" means the ownership of 4354  
real estate for the sole purpose of deriving income from it by 4355  
speculation, trade, or rental. 4356

(I) "Program" means the capital access loan program created 4357  
under section 122.602 of the Revised Code. 4358

(J) "Program reserve account" means a dedicated account at 4359  
each participating financial institution that is the property of 4360  
the state and may be used by the participating financial 4361  
institution only for the purpose of recovering a claim under 4362  
section 122.604 of the Revised Code arising from a default on a 4363  
loan made by the participating financial institution under the 4364  
program. 4365

**Sec. 122.601.** There is hereby created in the state treasury 4366  
the capital access loan program fund. The fund shall consist of 4367  
money deposited into it from the facilities establishment fund 4368  
pursuant to section 166.03 of the Revised Code and all money 4369  
deposited into it pursuant to section 122.602 of the Revised Code. 4370  
The total amount of money deposited into the fund from the 4371  
facilities establishment fund shall not exceed three million 4372  
dollars during any particular fiscal year of the department. 4373

The department shall disburse money from the capital access 4374  
loan program fund only to pay the operating costs of the program 4375  
and only in keeping with the purposes specified in sections 122.60 4376  
to 122.605 of the Revised Code. 4377

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Sec. 122.602. (A) There is hereby created in the department 4378  
of development the capital access loan program to assist 4379  
participating financial institutions in making program loans to 4380  
eligible businesses that face barriers in accessing working 4381  
capital and obtaining fixed asset financing. In administering the 4382  
program, the director of development may do any of the following: 4383

(1) Receive and accept grants, gifts, and contributions of 4384  
money, property, labor, and other things of value to be held, 4385  
used, and applied only for the purpose for which the grants, gifts 4386  
and contributions are made, from individuals, private and public 4387  
corporations, the United States or any agency of the United 4388  
States, the state or any agency of the state, or any political 4389  
subdivision of the state; agree to repay any contribution of money 4390  
or return any property contributed or the value of that property 4391  
at the times, in the amounts, and on the terms and conditions, 4392  
excluding the payment of interest, that the director consents to 4393  
at the time a contribution is made; and evidence obligations by 4394  
notes, bonds, or other written instruments; 4395

(2) Adopt rules under Chapter 119. of the Revised Code to 4396  
carry out the purposes of the program specified in sections 122.60 4397  
to 122.605 of the Revised Code; 4398

(3) Engage in all other acts, and enter into contracts and 4399  
execute all instruments, necessary or appropriate to carry out the 4400  
purposes specified in sections 122.60 to 122.605 of the Revised 4401  
Code. 4402

(B) The director shall determine the eligibility of a 4403  
financial institution to participate in the program and may set a 4404  
limit on the number of financial institutions that may participate 4405  
in the program. 4406

(C) To be considered eligible by the director to participate 4407  
in the program, a financial institution shall enter into a 4408

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participation agreement with the department that sets out the 4409  
terms and conditions under which the department will deposit 4410  
moneys from the fund into the financial institution's program 4411  
reserve account, specifies the criteria for loan qualification 4412  
under the program, and contains any additional terms the director 4413  
considers necessary. 4414

(D) After receiving the certification required under division 4415  
(C) of section 122.603 of the Revised Code, the director shall 4416  
disburse moneys from the fund to a participating financial 4417  
institution for deposit in its program reserve account if the 4418  
director determines that the capital access loan involved meets 4419  
all of the following criteria: 4420

(1) It will be made to an eligible business. 4421

(2) It will be used by the eligible business for a project, 4422  
activity, or enterprise in the state that fosters economic 4423  
development. 4424

(3) It will not be made in order to enroll in the program 4425  
prior debt that is not covered under the program and that is owed 4426  
or was previously owed by an eligible business to the financial 4427  
institution. 4428

(4) It will not be utilized for a project or development 4429  
related to the on-site construction or purchase of residential 4430  
housing. 4431

(5) It will not be used to finance passive real estate 4432  
ownership. 4433

(6) It conforms to the requirements of divisions (E), (F), 4434  
(G), (H), and (I) of this section, and to the rules adopted by the 4435  
director under division (A)(2) of this section. 4436

(E) The director shall not approve a capital access loan to 4437  
an eligible business that exceeds two hundred fifty thousand 4438

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dollars for working capital or five hundred thousand dollars for 4439  
the purchase of fixed assets. An eligible business may apply for 4440  
the maximum amount for both working capital and the purchase of 4441  
fixed assets in the same capital access loan. 4442

(F) A financial institution may apply to the director for the 4443  
approval of a capital access loan to any business that is owned or 4444  
operated by a person that has previously defaulted under any state 4445  
financial assistance program. 4446

(G) Eligible businesses that apply for a capital access loan 4447  
shall comply with section 9.66 of the Revised Code. 4448

(H) A financial institution may apply to the director for the 4449  
approval of a capital access loan that refinances a nonprogram 4450  
loan made by another financial institution. 4451

(I) The director shall not approve a capital access loan that 4452  
refinances a nonprogram loan made by the same financial 4453  
institution, unless the amount of the refinanced loan exceeds the 4454  
existing debt, in which case only the amount exceeding the 4455  
existing debt is eligible for a loan under the program. 4456

**Sec. 122.603.** (A)(1) Upon approval by the director of 4457  
development and after entering into a participation agreement with 4458  
the department, a participating financial institution making a 4459  
capital access loan shall establish a program reserve account. The 4460  
account shall be an interest-bearing account and shall contain 4461  
only moneys deposited into it under the program and the interest 4462  
payable on the moneys in the account. 4463

(2) All interest payable on the moneys in the program reserve 4464  
account shall be added to the moneys and held as an additional 4465  
loss reserve. The director may require that a portion or all of 4466  
the accrued interest so held in the account be released to the 4467  
department. If the director causes a release of accrued interest, 4468

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the director shall deposit the released amount into the fund. The 4469  
director shall not require the release of accrued interest more 4470  
than twice in a fiscal year. 4471

(B) When a participating financial institution makes a 4472  
capital access loan, it shall require the eligible business to pay 4473  
to the participating financial institution a fee in an amount that 4474  
is not less than one and one-half per cent, and not more than 4475  
three per cent, of the principal amount of the loan. The 4476  
participating financial institution shall deposit the fee into its 4477  
program reserve account, and it also shall deposit into the 4478  
account an amount of its own funds equal to the amount of the fee. 4479  
The participating financial institution may recover from the 4480  
eligible business all or part of the amount that the participating 4481  
financial institution is required to deposit into the account 4482  
under this division in any manner agreed to by the participating 4483  
financial institution and the eligible business. 4484

(C) For each capital access loan made by a participating 4485  
financial institution, the participating financial institution 4486  
shall certify to the director, within a period specified by the 4487  
director, that the participating financial institution has made 4488  
the loan. The certification shall include the amount of the loan, 4489  
the amount of the fee received from the eligible business, the 4490  
amount of its own funds that the participating financial 4491  
institution deposited into its program reserve account to reflect 4492  
that fee, and any other information specified by the director. 4493

(D) On receipt of a certification made under division (C) of 4494  
this section and subject to section 122.602 of the Revised Code, 4495  
the director shall disburse to the participating financial 4496  
institution from the fund an amount equal to ten per cent of the 4497  
principal amount of the particular capital access loan for deposit 4498  
into the participating financial institution's program reserve 4499  
account. The disbursement of moneys from the fund to a 4500

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participating financial institution does not require approval from 4501  
the controlling board. 4502

(E) If the amount in a program reserve account exceeds an 4503  
amount equal to thirty-three per cent of a participating financial 4504  
institution's outstanding capital access loans, the department may 4505  
cause the withdrawal of the excess amount and the deposit of the 4506  
withdrawn amount into the fund. 4507

(F)(1) The department may cause the withdrawal of the total 4508  
amount in a participating financial institution's program reserve 4509  
account if any of the following applies: 4510

(a) The financial institution is no longer eligible to 4511  
participate in the program. 4512

(b) The participation agreement expires without renewal by 4513  
the department or the financial institution. 4514

(c) The financial institution has no outstanding capital 4515  
access loans. 4516

(d) The financial institution has not made a capital access 4517  
loan within the preceding twenty-four months. 4518

(2) If the department causes a withdrawal under division 4519  
(F)(1) of this section, the department shall deposit the withdrawn 4520  
amount into the fund. 4521

**Sec. 122.604.** (A) If a participating financial institution 4522  
determines that a portion or all of a capital access loan is 4523  
uncollectible, it may submit a claim to the department for 4524  
approval of the release of moneys from its program reserve 4525  
account. 4526

(B) The claim may include the amount of principal plus 4527  
accrued interest owed. The amount of principal included in the 4528  
claim may not exceed the principal amount covered by the program. 4529

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The amount of accrued interest included in the claim may not 4530  
exceed the accrued interest attributable to the covered principal 4531  
amount. 4532

(C) The participating financial institution shall determine 4533  
the timing and amount of delinquency on a capital access loan in a 4534  
manner consistent with the participating financial institution's 4535  
normal method for making these determinations on similar 4536  
nonprogram loans. 4537

(D) If the participating financial institution files two or 4538  
more claims at the same time or approximately the same time and 4539  
there are insufficient funds in its program reserve account at 4540  
that time to cover the entire amount of the claims, the 4541  
participating financial institution may specify an order of 4542  
priority in which the department shall approve the release of 4543  
funds from the account in relation to the claims. 4544

(E) If subsequent to the payment of a claim, a participating 4545  
financial institution recovers from an eligible business any 4546  
amount covered by the paid claim, the participating financial 4547  
institution shall promptly deposit the amount recovered into its 4548  
program reserve account, less any reasonable expenses incurred. 4549

**Sec. 122.605.** Each participating financial institution shall 4550  
submit an annual report to the department on or before the 4551  
thirty-first day of March of each year. The report shall include 4552  
or be accompanied by all of the following: 4553

(A) Information regarding the participating financial 4554  
institution's outstanding capital access loans, its capital access 4555  
loan losses, and other related matters that the department 4556  
considers appropriate; 4557

(B) A statement of the total amount of the participating 4558  
financial institution's capital access loans for which the 4559

department has made disbursements from the fund under the program; 4560

(C) A copy of the participating financial institution's most 4561  
recent financial statement. 4562

**Sec. 122.71.** As used in sections 122.71 to 122.83 of the 4563  
Revised Code: 4564

(A) "Financial institution" means any banking corporation, 4565  
trust company, insurance company, savings and loan association, 4566  
building and loan association, or corporation, partnership, 4567  
federal lending agency, foundation, or other institution engaged 4568  
in lending or investing funds for industrial or business purposes. 4569

(B) "Project" means any real or personal property connected 4570  
with or being a part of an industrial, distribution, commercial, 4571  
or research facility to be acquired, constructed, reconstructed, 4572  
enlarged, improved, furnished, or equipped, or any combination 4573  
thereof, with the aid provided under sections 122.71 to 122.83 of 4574  
the Revised Code, for industrial, commercial, distribution, and 4575  
research development of the state. 4576

(C) "Mortgage" means the lien imposed on a project by a 4577  
mortgage on real property, or by financing statements on personal 4578  
property, or a combination of a mortgage and financing statements 4579  
when a project consists of both real and personal property. 4580

(D) "Mortgagor" means the principal user of a project or the 4581  
person, corporation, partnership, or association unconditionally 4582  
guaranteeing performance by the principal user of its obligations 4583  
under the mortgage. 4584

(E)(1) "Minority business enterprise" means an individual who 4585  
is a United States citizen and owns and controls a business, or a 4586  
partnership, corporation, or joint venture of any kind that is 4587  
owned and controlled by United States citizens who, which citizen 4588  
or citizens are residents of this state ~~or nonresidents of this~~ 4589

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~~state who have a significant presence in this state, and who are~~ 4590  
members of one of the following economically disadvantaged groups: 4591  
Blacks, American Indians, Hispanics, and Orientals. 4592

(2) "Owned and controlled" means that at least fifty-one per 4593  
cent of the business, including corporate stock if a corporation, 4594  
is owned by persons who belong to one or more of the groups set 4595  
forth in division (E)(1) of this section, and that those owners 4596  
have control over the management and day-to-day operations of the 4597  
business and an interest in the capital, assets, and profits and 4598  
losses of the business proportionate to their percentage of 4599  
ownership. In order to qualify as a minority business enterprise, 4600  
a business shall have been owned and controlled by those persons 4601  
at least one year prior to being awarded a contract pursuant to 4602  
this section. 4603

(F) "Community improvement corporation" means a corporation 4604  
organized under Chapter 1724. of the Revised Code. 4605

(G) "Ohio development corporation" means a corporation 4606  
organized under Chapter 1726. of the Revised Code. 4607

(H) "Minority contractors business assistance organization" 4608  
means an entity engaged in the provision of management and 4609  
technical business assistance to minority business enterprise 4610  
entrepreneurs. 4611

(I) "Minority business supplier development council" means a 4612  
nonprofit organization established as an affiliate of the national 4613  
minority supplier development council. 4614

**Sec. 122.76.** (A) The director of development, with 4615  
controlling board approval, may lend funds to minority business 4616  
enterprises and to community improvement corporations ~~and~~, Ohio 4617  
development corporations, minority contractors business assistance 4618  
organizations, and minority business supplier development councils 4619  
for the purpose of loaning funds to minority business enterprises 4620

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and for the purpose of procuring or improving real or personal 4621  
property, or both, for the establishment, location, or expansion 4622  
of industrial, distribution, commercial, or research facilities in 4623  
the state, if the director determines, in the director's sole 4624  
discretion, that all of the following apply: 4625

(1) The project is economically sound and will benefit the 4626  
people of the state by increasing opportunities for employment, by 4627  
strengthening the economy of the state, or expanding minority 4628  
business enterprises~~+~~. 4629

(2) The proposed minority business enterprise borrower is 4630  
unable to finance the proposed project through ordinary financial 4631  
channels at comparable terms~~+~~. 4632

(3) The value of the project is~~+~~ or~~+~~ upon completion ~~thereof~~, 4633  
will be~~+~~ at least equal to the total amount of the money expended 4634  
in the procurement or improvement of the project, ~~and of which~~ 4635  
~~amount~~ one or more financial institutions or other governmental 4636  
entities have loaned not less than thirty per cent~~+~~ of that 4637  
amount. 4638

(4) The amount to be loaned by the director will not exceed 4639  
sixty per cent of the total amount expended in the procurement or 4640  
improvement of the project~~+~~. 4641

(5) The amount to be loaned by the director will be 4642  
adequately secured by a first or second mortgage upon the project~~+~~ 4643  
or by mortgages, leases, liens, assignments, or pledges on or of 4644  
other property or contracts as the director requires, ~~and that~~ 4645  
such mortgage will not be subordinate to any other liens or 4646  
mortgages except the liens securing loans or investments made by 4647  
financial institutions referred to in division (A)(3) of this 4648  
section, and the liens securing loans previously made by any 4649  
financial institution in connection with the procurement or 4650  
expansion of all or part of a project. 4651

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(B) Any proposed minority business enterprise borrower 4652  
submitting an application for assistance under this section shall 4653  
not have defaulted on a previous loan from the director, and no 4654  
full or limited partner, ~~or~~ major shareholder, or holder of an 4655  
equity interest of the proposed minority business enterprise 4656  
borrower shall have defaulted on a loan from the director~~.~~ 4657

(C) The proposed minority business enterprise borrower shall 4658  
demonstrate to the satisfaction of the director that it is able to 4659  
successfully compete in the private sector if it obtains the 4660  
necessary financial, technical, or managerial support and that 4661  
support is available through the director, the minority business 4662  
development office of the department of development, or other 4663  
identified and acceptable sources. In determining whether a 4664  
minority business enterprise borrower will be able to successfully 4665  
compete, the director may give consideration to such factors as 4666  
the successful completion of or participation in courses of study, 4667  
recognized by the board of regents as providing financial, 4668  
technical, or managerial skills related to the operation of the 4669  
business, by the economically disadvantaged individual, owner, or 4670  
partner, and the prior success of the individual, owner, or 4671  
partner in personal, career, or business activities, as well as to 4672  
other factors identified by the director. 4673

(D) The director shall not lend funds for the purpose of 4674  
procuring or improving motor vehicles, power-driven vehicles, 4675  
office equipment, raw materials, small tools, supplies, 4676  
inventories, or accounts receivable. 4677

**Sec. 122.92.** There is hereby created in the department of 4678  
development a minority business development division. The division 4679  
shall do all of the following: 4680

(A) Provide technical, managerial, and counseling services 4681  
and assistance to minority business enterprises; 4682

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(B) Provide procurement and bid packaging assistance to minority business enterprises;	4683 4684
(C) Provide bonding technical assistance to minority business enterprises;	4685 4686
(D) Participate with other state departments and agencies as appropriate in developing specific plans and specific program goals for programs to assist in the establishment and development of minority business enterprises and establish regular performance monitoring and reporting systems to ensure that those goals are being achieved;	4687 4688 4689 4690 4691 4692
(E) Implement state law and policy supporting minority business enterprise development, and assist in the coordination of plans, programs, and operations of state government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprises;	4693 4694 4695 4696 4697
(F) Assist in the coordination of activities and resources of state agencies and local governments, business and trade associations, universities, foundations, professional organizations, and volunteer and other groups, to promote the growth of minority business enterprises;	4698 4699 4700 4701 4702
(G) Establish a center for the development, collection, and dissemination of information that will be helpful to persons in establishing or expanding minority business enterprises in this state;	4703 4704 4705 4706
(H) Design, implement, and assist in experimental and demonstration projects designed to overcome the special problems of minority business enterprises;	4707 4708 4709
(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	4710 4711 4712 4713

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agencies;	4714
(J) Recommend appropriate legislative or executive actions to enhance minority business <u>enterprise</u> opportunities in the state;	4715 4716 4717
(K) Assist minority business enterprises in obtaining governmental or commercial financing for business expansion, establishment of new businesses, or industrial development projects;	4718 4719 4720 4721
(L) Assist minority business enterprises in contract procurement from government and commercial sources;	4722 4723
(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;	4724 4725 4726 4727
(N) Establish procedures to identify persons who have been economically disadvantaged;	4728 4729
(O) <u>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;</u>	4730 4731 4732 4733 4734 4735
<u>(P)</u> 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.	4736 4737 4738
<b>Sec. 124.24.</b> Notwithstanding sections 124.01 to 124.64 and Chapter 145. of the Revised Code, the examinations of applicants for the positions of deputy mine inspector, superintendent of rescue stations, assistant superintendent of rescue stations, electrical inspectors, gas storage well inspector, and mine	4739 4740 4741 4742 4743

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chemists in the division of mineral resources management, 4744  
department of natural resources, as provided in Chapters 1561., 4745  
1563., 1565., and 1567. of the Revised Code shall be provided for, 4746  
conducted, and administered by the ~~mine examining board created by~~ 4747  
~~section 1561.10 of the Revised Code~~ chief of the division of 4748  
mineral resources management. 4749

From the returns of the examinations the ~~mine examining board~~ 4750  
chief shall prepare eligible lists of the persons whose general 4751  
average standing upon examinations for such grade or class is not 4752  
less than the minimum fixed by ~~the rules of the board~~ adopted 4753  
under section 1561.05 of the Revised Code and who are otherwise 4754  
eligible. All appointments to a position shall be made from such 4755  
eligible list in the same manner as appointments are made from 4756  
eligible lists prepared by the director of administrative 4757  
services. Any person upon being appointed to fill one of the 4758  
positions provided for in this section, from any such eligible 4759  
list, shall have the same standing, rights, privileges, and status 4760  
as other state employees in the classified service. 4761

**Sec. 124.82.** (A) Except as provided in division (D) of this 4762  
section, the department of administrative services, in 4763  
consultation with the superintendent of insurance, shall, in 4764  
accordance with competitive selection procedures of Chapter 125. 4765  
of the Revised Code, contract with an insurance company or a 4766  
health plan in combination with an insurance company, authorized 4767  
to do business in this state, for the issuance of a policy or 4768  
contract of health, medical, hospital, dental, or surgical 4769  
benefits, or any combination ~~thereof~~ of those benefits, covering 4770  
state employees who are paid directly by warrant of the auditor of 4771  
state, including elected state officials. The department may 4772  
fulfill its obligation under this division by exercising its 4773  
authority under division (A)(2) of section 124.81 of the Revised 4774  
Code. 4775

## As Reported by the Senate Finance and Financial Institutions Committee

(B) The department may, in addition, in consultation with the 4776  
superintendent of insurance, negotiate and contract with health 4777  
insuring corporations holding a certificate of authority under 4778  
Chapter 1751. of the Revised Code, in their approved service areas 4779  
only, for issuance of a contract or contracts of health care 4780  
services, covering state employees who are paid directly by 4781  
warrant of the auditor of state, including elected state 4782  
officials. Except for health insuring corporations, no more than 4783  
one insurance carrier or health plan shall be contracted with to 4784  
provide the same plan of benefits, provided that: 4785

(1) The amount of the premium or cost for such coverage 4786  
contributed by the state, for an individual or for an individual 4787  
and the individual's family, does not exceed that same amount of 4788  
the premium or cost contributed by the state under division (A) of 4789  
this section; 4790

(2) The employee be permitted to exercise the option as to 4791  
which plan the employee will select under division (A) or (B) of 4792  
this section, at a time that shall be determined by the 4793  
department; 4794

(3) The health insuring corporations do not refuse to accept 4795  
the employee, or the employee and the employee's family, if the 4796  
employee exercises the option to select care provided by the 4797  
corporations; 4798

(4) The employee may choose participation in only one of the 4799  
plans sponsored by the department; 4800

(5) The director of health examines and certifies to the 4801  
department that the quality and adequacy of care rendered by the 4802  
health insuring corporations meet at least the standards of care 4803  
provided by hospitals and physicians in that employee's community, 4804  
who would be providing such care as would be covered by a contract 4805  
awarded under division (A) of this section. 4806

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(C) All or any portion of the cost, premium, or charge for 4807  
the coverage in divisions (A) and (B) of this section may be paid 4808  
in such manner or combination of manners as the department 4809  
determines and may include the proration of health care costs, 4810  
premiums, or charges for part-time employees. 4811

(D) Notwithstanding division (A) of this section, the 4812  
department may provide benefits equivalent to those that may be 4813  
paid under a policy or contract issued by an insurance company or 4814  
a health plan pursuant to division (A) of this section. 4815

(E) This section does not prohibit the state office of 4816  
collective bargaining from entering into an agreement with an 4817  
employee representative for the purposes of providing fringe 4818  
benefits, including, but not limited to, hospitalization, surgical 4819  
care, major medical care, disability, dental care, vision care, 4820  
medical care, hearing aids, prescription drugs, group life 4821  
insurance, sickness and accident insurance, group legal services 4822  
or other benefits, or any combination thereof, to employees paid 4823  
directly by warrant of the auditor of state through a jointly 4824  
administered trust fund. The employer's contribution for the cost 4825  
of the benefit care shall be mutually agreed to in the 4826  
collectively bargained agreement. The amount, type, and structure 4827  
of fringe benefits provided under this division is subject to the 4828  
determination of the board of trustees of the jointly administered 4829  
trust fund. Notwithstanding any other provision of the Revised 4830  
Code, competitive bidding does not apply to the purchase of fringe 4831  
benefits for employees under this division when such benefits are 4832  
provided through a jointly administered trust fund. 4833

(F) Members of state boards and commissions who are members 4834  
of the public employees retirement system may be covered by any 4835  
policy, contract, or plan of benefits or services described in 4836  
division (A) or (B) of this section if they pay the entire amount 4837  
of the premiums, costs, or charges for that coverage. 4838

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<b>Sec. 125.22.</b> (A) The department of administrative services	4839
shall establish the central service agency to perform routine	4840
support for the following boards and commissions:	4841
(1) State board of examiners of architects;	4842
(2) Barber board;	4843
(3) State chiropractic board;	4844
(4) State board of cosmetology;	4845
(5) Accountancy board;	4846
(6) State dental board;	4847
(7) State board of optometry;	4848
(8) Ohio occupational therapy, physical therapy, and athletic	4849
trainers board;	4850
(9) State board of registration for professional engineers	4851
and surveyors;	4852
(10) State board of sanitarian registration;	4853
(11) Board of embalmers and funeral directors;	4854
(12) State board of psychology;	4855
(13) Ohio optical dispensers board;	4856
(14) Board of speech pathology and audiology;	4857
(15) Counselor and social worker board;	4858
(16) State veterinary medical licensing board;	4859
(17) Ohio board of dietetics;	4860
(18) Commission on Hispanic-Latino affairs;	4861
(19) Ohio respiratory care board;	4862
<u>(20) Ohio commission on African-American males.</u>	4863
(B)(1) Notwithstanding any other section of the Revised Code,	4864

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the agency shall perform the following routine support services 4865  
for the boards and commissions named in division (A) of this 4866  
section unless the controlling board exempts a board or commission 4867  
from this requirement on the recommendation of the director of 4868  
administrative services: 4869

(a) Preparing and processing payroll and other personnel 4870  
documents; 4871

(b) Preparing and processing vouchers, purchase orders, 4872  
encumbrances, and other accounting documents; 4873

(c) Maintaining ledgers of accounts and balances; 4874

(d) Preparing and monitoring budgets and allotment plans in 4875  
consultation with the boards and commissions; 4876

(e) ~~Maintaining information required by section 3729.40 of~~ 4877  
~~the Revised Code;~~ 4878

~~(f)~~ Other routine support services that the director of 4879  
administrative services considers appropriate to achieve 4880  
efficiency. 4881

(2) The agency may perform other services which a board or 4882  
commission named in division (A) of this section delegates to the 4883  
agency and the agency accepts. 4884

(3) The agency may perform any service for any professional 4885  
or occupational licensing board not named in division (A) of this 4886  
section or any commission if the board or commission requests such 4887  
service and the agency accepts. 4888

(C) The director of administrative services shall be the 4889  
appointing authority for the agency. 4890

(D) The agency shall determine the fees to be charged to the 4891  
boards and commissions, which shall be in proportion to the 4892  
services performed for each board or commission. 4893

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

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

**Sec. 126.11.** (A)(1) The director of budget and management shall, upon consultation with the treasurer of state, coordinate and approve the scheduling of initial sales of publicly offered securities of the state and of publicly offered fractionalized interests in or securitized issues of public obligations of the state. The director shall from time to time develop and distribute to state issuers an approved sale schedule for each of the obligations covered by ~~this~~ division (A) or (B) of this section. ~~This division~~ Division (A) of this section applies only to those obligations on which the state or a state agency is the direct obligor or obligor on any backup security or related credit enhancement facility or source of money subject to state appropriations that is intended for payment of those obligations.

(2) The issuers of obligations pursuant to section 151.03, 151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code

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shall submit to the director:	4925
(a) For review and approval: the projected sale date, amount,	4926
and type of obligations proposed to be sold; their purpose,	4927
security, and source of payment; and the proposed structure and	4928
maturity schedule;	4929
(b) For review and comment: the authorizing order or	4930
resolution; preliminary and final offering documents; method of	4931
sale; preliminary and final pricing information; and any written	4932
reports or recommendations of financial advisors or consultants	4933
relating to those obligations;	4934
(c) Promptly after each sale of those obligations: final	4935
terms, including sale price, maturity schedule and yields, and	4936
sources and uses; names of the original purchasers or	4937
underwriters; a copy of the final offering document and of the	4938
transcript of proceedings; and any other pertinent information	4939
requested by the director.	4940
(3) The issuer of obligations pursuant to section 151.06 or	4941
151.08 or Chapter 154. <del>or 3318.</del> of the Revised Code shall submit	4942
to the director:	4943
(a) For review and mutual agreement: the projected sale date,	4944
amount, and type of obligations proposed to be sold; their	4945
purpose, security, and source of payment; and the proposed	4946
structure and maturity schedule;	4947
(b) For review and comment: the authorizing order or	4948
resolution; preliminary and final offering documents; method of	4949
sale; preliminary and final pricing information; and any written	4950
reports or recommendations of financial advisors or consultants	4951
relating to those obligations;	4952
(c) Promptly after each sale of those obligations: final	4953
terms, including sale price, maturity schedule and yields, and	4954
sources and uses; names of the original purchasers or	4955

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underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

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

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

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

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

(B) Issuers of obligations pursuant to section 3318.085 or Chapter 122., 166., 175., 3345., 3347., 3366., 3377., 3706., 3737., 5537., 6121., or 6123. of the Revised Code, ~~and issuers of securities issued pursuant to Chapter 165. of the Revised Code other than a county or municipal corporation,~~ shall submit to the director copies of the preliminary and final offering documents upon their availability if not previously submitted pursuant to division (A) of this section.

(C) Not later than the first day of January of each year,

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every state agency obligated to make payments on outstanding 4987  
public obligations with respect to which fractionalized interests 4988  
have been publicly issued, such as certificates of participation, 4989  
shall submit a report to the director of the amounts payable from 4990  
state appropriations under those public obligations during the 4991  
then current and next two fiscal years, identifying the 4992  
appropriation or intended appropriation from which payment is 4993  
expected to be made. 4994

(D)(1) Information relating generally to the historic, 4995  
current, or future demographics or economy or financial condition 4996  
or funds or general operations of the state, and descriptions of 4997  
any state contractual obligations relating to public obligations, 4998  
to be contained in any offering document, continuing disclosure 4999  
document, or written presentation prepared, approved, or provided, 5000  
or committed to be provided, by an issuer in connection with the 5001  
original issuance and sale of, or rating, remarketing, or credit 5002  
enhancement facilities relating to, public obligations referred to 5003  
in division (A) of this section shall be approved as to format and 5004  
accuracy by the director before being presented, published, or 5005  
disseminated in preliminary, draft, or final form, or publicly 5006  
filed in paper, electronic, or other format. 5007

(2) Except for information described in division (D)(1) of 5008  
this section that is to be contained in an offering document, 5009  
continuing disclosure document, or written presentation, division 5010  
(D)(1) of this section does not inhibit direct communication 5011  
between an issuer and a rating agency, remarketing agent, or 5012  
credit enhancement provider concerning an issuance of public 5013  
obligations referred to in division (A) of this section or matters 5014  
associated with that issuance. 5015

(3) The materials approved and provided pursuant to division 5016  
(D) of this section are the information relating to the particular 5017  
subjects provided by the state or state agencies that are required 5018

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or contemplated by any applicable state or federal securities laws 5019  
and any commitments by the state or state agencies made under 5020  
those laws. Reliance for the purpose should not be placed on any 5021  
other information publicly provided, in any format including 5022  
electronic, by any state agency for other purposes, including 5023  
general information provided to the public or to portions of the 5024  
public. A statement to that effect shall be included in those 5025  
materials so approved or provided. 5026

(E) Issuers of obligations referred to in division (A) of 5027  
this section may take steps, by formal agreement, covenants in the 5028  
proceedings, or otherwise, as may be necessary or appropriate to 5029  
comply or permit compliance with applicable lawful disclosure 5030  
requirements relating to those obligations, and may, subject to 5031  
division (D) of this section, provide, make available, or file 5032  
copies of any required disclosure materials as necessary or 5033  
appropriate. Any such formal agreement or covenant relating to 5034  
subjects referred to in division (D) of this section, and any 5035  
description of that agreement or covenant to be contained in any 5036  
offering document, shall be approved by the director before being 5037  
entered into or published or publicly disseminated in preliminary, 5038  
draft, or final form or publicly filed in paper, electronic, or 5039  
other format. The director shall be responsible for making all 5040  
filings in compliance with those requirements relating to direct 5041  
obligations of the state, including fractionalized interests in 5042  
those obligations. 5043

(F) No state agency or official shall, without the approval 5044  
of the director of budget and management, do either of the 5045  
following: 5046

(1) Enter into or commit to enter into a public obligation 5047  
under which fractionalized interests in the payments are to be 5048  
publicly offered, which payments are anticipated to be made from 5049  
money from any source appropriated or to be appropriated by the 5050

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general assembly or in which the provision stated in section 9.94 5051  
of the Revised Code is not included; 5052

(2) Except as otherwise expressly authorized for the purpose 5053  
by law, agree or commit to provide, from money from any source to 5054  
be appropriated in the future by the general assembly, financial 5055  
assistance to or participation in the costs of capital facilities, 5056  
or the payment of debt charges, directly or by way of a credit 5057  
enhancement facility, a reserve, rental payments, or otherwise, on 5058  
obligations issued to pay costs of capital facilities. 5059

(G) As used in this section, "credit enhancement facilities," 5060  
"debt charges," "fractionalized interests in public obligations," 5061  
"obligor," "public issuer," and "securities" have the same 5062  
meanings as in section 133.01 of the Revised Code; "public 5063  
obligation" has the same meaning as in division (GG)(2) of section 5064  
133.01 of the Revised Code; "obligations" means securities or 5065  
public obligations or fractionalized interests in them; "issuers" 5066  
means issuers of securities or state obligors on public 5067  
obligations; "offering document" means an official statement, 5068  
offering circular, private placement memorandum, or prospectus, or 5069  
similar document; and "director" means the director of budget and 5070  
management or the employee of the office of budget and management 5071  
designated by the director for the purpose. 5072

**Sec. 126.21.** (A) The director of budget and management shall 5073  
do all of the following: 5074

(1) Keep all necessary accounting records; 5075

(2) Prescribe and maintain the accounting system of the state 5076  
and establish appropriate accounting procedures and charts of 5077  
accounts; 5078

(3) Establish procedures for the use of written, electronic, 5079  
optical, or other communications media for approving payment 5080

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vouchers;	5081
(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.	5082 5083 5084 5085 5086 5087 5088 5089
(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;	5090 5091 5092
(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.	5093 5094 5095 5096 5097 5098 5099 5100
(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;	5101 5102
(8) Perform extensions, reviews, and compliance checks prior to approving a payment as the director considers necessary;	5103 5104
(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> prepared in accordance with generally accepted accounting principles and other information as the director provides. All state agencies, authorities, institutions, offices, retirement	5105 5106 5107 5108 5109 5110 5111

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systems, and other component units of the state reporting entity 5112  
as determined by the director shall furnish the director whatever 5113  
financial statements and other information the director requests 5114  
for the report, in the form, at the times, covering the periods, 5115  
and with the attestation the director prescribes. The information 5116  
for state institutions of higher education, as defined in section 5117  
3345.011 of the Revised Code, shall be submitted to the director 5118  
by the Ohio board of regents. The board shall establish a due date 5119  
by which each such institution shall submit the information to the 5120  
board, but no such date shall be later than one hundred twenty 5121  
days after the end of the state fiscal year unless a later date is 5122  
approved by the director. 5123

(B) In addition to the director's duties under division (A) 5124  
of this section, the director of budget and management may 5125  
establish and administer one or more state payment card programs 5126  
that permit or require state agencies to use a payment card to 5127  
purchase equipment, materials, supplies, or services in accordance 5128  
with guidelines issued by the director. The director may contract 5129  
with one or more vendors to provide the payment cards and payment 5130  
card services. State agencies may only participate in state 5131  
payment card programs that the director establishes pursuant to 5132  
this section. 5133

**Sec. 127.16.** (A) Upon the request of either a state agency or 5134  
the director of budget and management and after the controlling 5135  
board determines that an emergency or a sufficient economic reason 5136  
exists, the controlling board may approve the making of a purchase 5137  
without competitive selection as provided in division (B) of this 5138  
section. 5139

(B) Except as otherwise provided in this section, no state 5140  
agency, using money that has been appropriated to it directly, 5141  
shall: 5142

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(1) Make any purchase from a particular supplier, that would 5143  
amount to fifty thousand dollars or more when combined with both 5144  
the amount of all disbursements to the supplier during the fiscal 5145  
year for purchases made by the agency and the amount of all 5146  
outstanding encumbrances for purchases made by the agency from the 5147  
supplier, unless the purchase is made by competitive selection or 5148  
with the approval of the controlling board; 5149

(2) Lease real estate from a particular supplier, if the 5150  
lease would amount to seventy-five thousand dollars or more when 5151  
combined with both the amount of all disbursements to the supplier 5152  
during the fiscal year for real estate leases made by the agency 5153  
and the amount of all outstanding encumbrances for real estate 5154  
leases made by the agency from the supplier, unless the lease is 5155  
made by competitive selection or with the approval of the 5156  
controlling board. 5157

(C) Any person who authorizes a purchase in violation of 5158  
division (B) of this section shall be liable to the state for any 5159  
state funds spent on the purchase, and the attorney general shall 5160  
collect the amount from the person. 5161

(D) Nothing in division (B) of this section shall be 5162  
construed as: 5163

(1) A limitation upon the authority of the director of 5164  
transportation as granted in sections 5501.17, 5517.02, and 5165  
5525.14 of the Revised Code; 5166

(2) Applying to medicaid provider agreements under Chapter 5167  
5111. of the Revised Code or payments or provider agreements under 5168  
disability assistance medical assistance established under Chapter 5169  
5115. of the Revised Code; 5170

(3) Applying to the purchase of examinations from a sole 5171  
supplier by a state licensing board under Title XLVII of the 5172  
Revised Code; 5173

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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;
- (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;
- (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.
- (7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;
- (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 administration;
- (9) Applying to payments by the department of job and family

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services under section 5111.13 of the Revised Code for group	5205
health plan premiums, deductibles, coinsurance, and other	5206
cost-sharing expenses;	5207
(10) Applying to any agency of the legislative branch of the	5208
state government;	5209
(11) Applying to agreements or contracts entered into under	5210
section 5101.11, 5101.21, or 5101.211 of the Revised Code;	5211
(12) Applying to purchases of services by the adult parole	5212
authority under section 2967.14 of the Revised Code or by the	5213
department of youth services under section 5139.08 of the Revised	5214
Code;	5215
(13) Applying to dues or fees paid for membership in an	5216
organization or association;	5217
(14) Applying to purchases of utility services pursuant to	5218
section 9.30 of the Revised Code;	5219
(15) Applying to purchases made in accordance with rules	5220
adopted by the department of administrative services of motor	5221
vehicle, aviation, or watercraft fuel, or emergency repairs of	5222
such vehicles;	5223
(16) Applying to purchases of tickets for passenger air	5224
transportation;	5225
(17) Applying to purchases necessary to provide public	5226
notifications required by law or to provide notifications of job	5227
openings;	5228
(18) Applying to the judicial branch of state government;	5229
(19) Applying to purchases of liquor for resale by the	5230
division of liquor control;	5231
(20) Applying to purchases of motor courier and freight	5232
services made in accordance with department of administrative	5233

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services rules;	5234
(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;	5235 5236 5237 5238
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	5239 5240 5241
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	5242 5243
(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;	5244 5245 5246 5247
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	5248 5249
(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;	5250 5251 5252 5253 5254
(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;	5255 5256 5257
(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;	5258 5259 5260
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the	5261 5262 5263

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Revised Code. The director shall keep an itemized accounting of 5264  
 unclaimed funds collected by those persons and amounts paid to 5265  
 them for their services. 5266

(30) Applying to purchases made by a state institution of 5267  
 higher education in accordance with the terms of a contract 5268  
 between the vendor and an inter-university purchasing group 5269  
 comprised of purchasing officers of state institutions of higher 5270  
 education; 5271

(31) Applying to the department of job and family services' 5272  
 purchases of health assistance services under the children's 5273  
 health insurance program part I provided for under section 5101.50 5274  
 of the Revised Code or the children's health insurance program 5275  
 part II provided for under section 5101.51 of the Revised Code; 5276

(32) Applying to payments by the attorney general from the 5277  
reparations fund to hospitals and other emergency medical 5278  
facilities for performing medical examinations to collect physical 5279  
evidence pursuant to section 2907.28 of the Revised Code; 5280

(33) Applying to contracts with a contracting authority or 5281  
administrative receiver under division (G)(2) of section 5126.055 5282  
of the Revised Code. 5283

(E) Notwithstanding division (B)(1) of this section, the 5284  
 cumulative purchase threshold shall be seventy-five thousand 5285  
 dollars for the departments of mental retardation and 5286  
 developmental disabilities, mental health, rehabilitation and 5287  
 correction, and youth services. 5288

(F) When determining whether a state agency has reached the 5289  
 cumulative purchase thresholds established in divisions (B)(1), 5290  
 (B)(2), and (E) of this section, all of the following purchases by 5291  
 such agency shall not be considered: 5292

(1) Purchases made through competitive selection or with 5293  
 controlling board approval; 5294

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(2) Purchases listed in division (D) of this section;	5295
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	5296 5297
(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	5298 5299 5300
<b>Sec. 131.01.</b> As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting:	5301 5302 5303 5304
(A) <u>"Account"</u> means any record, element, or summary in which financial transactions are identified and recorded as debit or credit transactions in order to summarize items of a similar nature or classification.	5305 5306 5307 5308
(B) <u>"Accounting procedure"</u> means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control.	5309 5310 5311 5312
(C) <u>"Accounting system"</u> means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds, <del>balanced account groups,</del> and organizational components.	5313 5314 5315 5316 5317
(D) <u>"Allocation"</u> means a portion of an appropriation which is designated for expenditure by specific organizational units or for special purposes, activities, or objects that do not relate to a period of time.	5318 5319 5320 5321
(E) <u>"Allotment"</u> means all or part of an appropriation which may be encumbered or expended within a specific period of time.	5322 5323

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- (F) "Appropriation" means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes. 5324  
5325  
5326
- (G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value. 5327  
5328
- (H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them. 5329  
5330  
5331
- (I) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution. 5332  
5333  
5334
- (J) "Disbursement" means a payment made for any purpose. 5335
- (K) "Electronic benefit transfer" means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code. 5336  
5337  
5338  
5339
- (L) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer. 5340  
5341
- (M) "Encumbrancing document" means a document reserving all or part of an appropriation. 5342  
5343
- (N) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met. 5344  
5345
- (O) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations. 5346  
5347  
5348  
5349  
5350  
5351
- (P) "Lapse" means the automatic termination of an appropriation at the end of the fiscal period for which it was 5352  
5353

appropriated. 5354

(Q) "Reappropriation" means an appropriation of a previous 5355  
appropriation that is continued in force in a succeeding 5356  
appropriation period. "Reappropriation" shall be equated with and 5357  
incorporated in the term "appropriation." 5358

(R) "Voucher" means the document used to transmit a claim for 5359  
payment and evidentiary matter related to the claim. 5360

(S) "Warrant" means an order drawn upon the treasurer of 5361  
state by the auditor of state directing the treasurer of state to 5362  
pay a specified amount, including an order to make a lump-sum 5363  
payment to a financial institution for the transfer of funds by 5364  
direct deposit or the drawdown of funds by electronic benefit 5365  
transfer, and the resulting electronic transfer to or by the 5366  
ultimate payees. 5367

The terms defined in this section shall be used, on all 5368  
accounting forms, reports, formal rules, and budget requests 5369  
produced by a state agency, only as defined in this section. 5370

**Sec. 133.021.** The general assembly hereby finds and declares 5371  
that the "Tax Reform Act of 1986" (the "Act") establishes a 5372  
unified volume ceiling on the aggregate amount of private activity 5373  
bonds which can be issued in each state. The unified volume 5374  
ceiling is the product of seventy-five dollars multiplied by the 5375  
state population in 1987 and fifty dollars multiplied by the state 5376  
population in each succeeding calendar year. 5377

The general assembly further finds and declares that the Act 5378  
requires the state to allocate its volume ceiling according to a 5379  
specified formula unless a different procedure is established by 5380  
the governor or general assembly. 5381

The general assembly further finds and declares that pursuant 5382  
to authorization of state legislation the general assembly has, by 5383

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division (D)(3) of section 133.02 of the Revised Code, effective 5384  
October 30, 1989, provided for delegating such function to the 5385  
governor and for further delegation as therein provided, subject 5386  
to such prospectively effective actions as may subsequently be 5387  
taken by the general assembly. 5388

The general assembly further finds and declares that it 5389  
desires to by legislation provide for an efficient, effective, and 5390  
equitable procedure under which the state will allocate the 5391  
unified volume ceiling. 5392

The general assembly therefore finds and declares that it is 5393  
necessary to create the joint select committee on volume cap to 5394  
create a process for the allocation of the unified volume ceiling. 5395

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal 5396  
Revenue Code, which provides that a state may by law provide a 5397  
different formula for allocating the state ceiling, there is 5398  
hereby created the joint select committee on volume cap to provide 5399  
for the allocation and the reallocation of the unified volume 5400  
ceiling among the governmental units (or other authorities) in the 5401  
state having authority to issue tax exempt private activity bonds. 5402

(B) The committee shall consist of eight members. Two members 5403  
shall be from the house of representatives appointed by the 5404  
speaker of the house of representatives; two members shall be from 5405  
the senate appointed by the president of the senate; and four 5406  
members shall be appointed by the governor. Each member shall be 5407  
selected for ~~his or her~~ the member's knowledge and experience in 5408  
tax exempt private activity bonds. The members shall serve at the 5409  
pleasure of the appointing authority. A vacancy shall be filled in 5410  
the same manner as the original appointment. 5411

(C) The purpose of the committee shall be to maximize the 5412  
economic benefits of the unified volume ceiling to all citizens of 5413  
the state. To this end, the joint select committee on volume cap 5414

shall:	5415
(1) <del>Annually, survey the governmental units (or other</del>	5416
<del>authorities) in the state having authority to issue tax exempt</del>	5417
<del>private activity bonds concerning:</del>	5418
(a) <del>The amount of tax exempt private activity bonds issued</del>	5419
<del>for the previous calendar year; and</del>	5420
(b) <del>The amount requested for the calendar year allocation</del>	5421
<del>currently under consideration.</del>	5422
+2) Set forth procedures for making allocations, reallocation	5423
and carry forward of the state's unified volume ceiling in	5424
accordance with the Act;	5425
+3)+(2) Develop strategies for allocating and reallocating the	5426
unified volume ceiling which are designed to maximize the	5427
availability of tax exempt private activity bonds among competing	5428
sectors of the state.	5429
(D) To provide for the orderly and prompt issuance of private	5430
activity bonds, the committee is authorized to allocate the	5431
unified volume ceiling among those governmental units (or other	5432
authorities) in the state having authority to issue tax exempt	5433
private activity bonds. The committee shall reserve a portion of	5434
the unified volume ceiling to be allocated for multi-family rental	5435
housing projects. The committee in determination of unified volume	5436
ceiling allocations and reallocations shall consider the	5437
following:	5438
(1) The interest of the state with regard to long-term	5439
economic development, housing, education, redevelopment, and solid	5440
waste management;	5441
(2) The projected increase of jobs in the state;	5442
(3) The needs of political subdivisions.	5443
(E) The director of development shall adopt rules in	5444

accordance with Chapter 119. of the Revised Code to carry out the 5445  
purposes of this section. 5446

**Sec. 133.06.** (A) A school district shall not incur, without a 5447  
vote of the electors, net indebtedness that exceeds an amount 5448  
equal to one-tenth of one per cent of its tax valuation, except as 5449  
provided in divisions (G) and (H) of this section and in division 5450  
(C) of section 3313.372 of the Revised Code, or as prescribed in 5451  
section 3318.052 of the Revised Code. 5452

(B) Except as provided in divisions (E) ~~and~~, (F), and (I) of 5453  
this section, a school district shall not incur net indebtedness 5454  
that exceeds an amount equal to nine per cent of its tax 5455  
valuation. 5456

(C) A school district shall not submit to a vote of the 5457  
electors the question of the issuance of securities in an amount 5458  
that will make the district's net indebtedness after the issuance 5459  
of the securities exceed an amount equal to four per cent of its 5460  
tax valuation, unless the superintendent of public instruction, 5461  
acting under policies adopted by the state board of education, and 5462  
the tax commissioner, acting under written policies of the 5463  
commissioner, consent to the submission. A request for the 5464  
consents shall be made at least thirty days prior to the election 5465  
at which the question is to be submitted, except that the 5466  
superintendent of public instruction and the tax commissioner may 5467  
waive this thirty-day deadline or grant their consents after the 5468  
election if the school district shows good cause for such waiver 5469  
or consent after the election. 5470

(D) In calculating the net indebtedness of a school district, 5471  
none of the following shall be considered: 5472

(1) Securities issued to acquire school buses and other 5473  
equipment used in transporting pupils or issued pursuant to 5474  
division (D) of section 133.10 of the Revised Code; 5475

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(2) Securities issued under division (F) of this section,	5476
under section 133.301 of the Revised Code, and, to the extent in	5477
excess of the limitation stated in division (B) of this section,	5478
under division (E) of this section;	5479
(3) Indebtedness resulting from the dissolution of a joint	5480
vocational school district under section 3311.217 of the Revised	5481
Code, evidenced by outstanding securities of that joint vocational	5482
school district;	5483
(4) Loans, evidenced by any securities, received under	5484
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the	5485
Revised Code;	5486
(5) Debt incurred under section 3313.374 of the Revised Code;	5487
	5488
(6) Debt incurred pursuant to division (B)(5) of section	5489
3313.37 of the Revised Code to acquire computers and related	5490
hardware;	5491
<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	5492
	5493
(E) A school district may become a special needs district as	5494
to certain securities as provided in division (E) of this section.	5495
(1) A board of education, by resolution, may declare its	5496
school district to be a special needs district by determining both	5497
of the following:	5498
(a) The student population is not being adequately serviced	5499
by the existing permanent improvements of the district.	5500
(b) The district cannot obtain sufficient funds by the	5501
issuance of securities within the limitation of division (B) of	5502
this section to provide additional or improved needed permanent	5503
improvements in time to meet the needs.	5504
(2) The board of education shall certify a copy of that	5505

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resolution to the superintendent of public instruction with a	5506
statistical report showing all of the following:	5507
(a) A history of and a projection of the growth of the	5508
student population;	5509
(b) The history of and a projection of the growth of the tax	5510
valuation;	5511
(c) The projected needs;	5512
(d) The estimated cost of permanent improvements proposed to	5513
meet such projected needs.	5514
(3) The superintendent of public instruction shall certify	5515
the district as an approved special needs district if the	5516
superintendent finds both of the following:	5517
(a) The district does not have available sufficient	5518
additional funds from state or federal sources to meet the	5519
projected needs.	5520
(b) The projection of the potential average growth of tax	5521
valuation during the next five years, according to the information	5522
certified to the superintendent and any other information the	5523
superintendent obtains, indicates a likelihood of potential	5524
average growth of tax valuation of the district during the next	5525
five years of an average of not less than three per cent per year.	5526
The findings and certification of the superintendent shall be	5527
conclusive.	5528
(4) An approved special needs district may incur net	5529
indebtedness by the issuance of securities in accordance with the	5530
provisions of this chapter in an amount that does not exceed an	5531
amount equal to the greater of the following:	5532
(a) Nine per cent of the sum of its tax valuation plus an	5533
amount that is the product of multiplying that tax valuation by	5534
the percentage by which the tax valuation has increased over the	5535

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tax valuation on the first day of the sixtieth month preceding the 5536  
month in which its board determines to submit to the electors the 5537  
question of issuing the proposed securities; 5538

(b) Nine per cent of the sum of its tax valuation plus an 5539  
amount that is the product of multiplying that tax valuation by 5540  
the percentage, determined by the superintendent of public 5541  
instruction, by which that tax valuation is projected to increase 5542  
during the next ten years. 5543

(F) A school district may issue securities for emergency 5544  
purposes, in a principal amount that does not exceed an amount 5545  
equal to three per cent of its tax valuation, as provided in this 5546  
division. 5547

(1) A board of education, by resolution, may declare an 5548  
emergency if it determines both of the following: 5549

(a) School buildings or other necessary school facilities in 5550  
the district have been wholly or partially destroyed, or condemned 5551  
by a constituted public authority, or that such buildings or 5552  
facilities are partially constructed, or so constructed or planned 5553  
as to require additions and improvements to them before the 5554  
buildings or facilities are usable for their intended purpose, or 5555  
that corrections to permanent improvements are necessary to remove 5556  
or prevent health or safety hazards. 5557

(b) Existing fiscal and net indebtedness limitations make 5558  
adequate replacement, additions, or improvements impossible. 5559

(2) Upon the declaration of an emergency, the board of 5560  
education may, by resolution, submit to the electors of the 5561  
district pursuant to section 133.18 of the Revised Code the 5562  
question of issuing securities for the purpose of paying the cost, 5563  
in excess of any insurance or condemnation proceeds received by 5564  
the district, of permanent improvements to respond to the 5565  
emergency need. 5566

(3) The procedures for the election shall be as provided in 5567  
section 133.18 of the Revised Code, except that: 5568

(a) The form of the ballot shall describe the emergency 5569  
existing, refer to this division as the authority under which the 5570  
emergency is declared, and state that the amount of the proposed 5571  
securities exceeds the limitations prescribed by division (B) of 5572  
this section; 5573

(b) The resolution required by division (B) of section 133.18 5574  
of the Revised Code shall be certified to the county auditor and 5575  
the board of elections at least seventy-five days prior to the 5576  
election; 5577

(c) The county auditor shall advise and, not later than 5578  
sixty-five days before the election, confirm that advice by 5579  
certification to, the board of education of the information 5580  
required by division (C) of section 133.18 of the Revised Code; 5581

(d) The board of education shall then certify its resolution 5582  
and the information required by division (D) of section 133.18 of 5583  
the Revised Code to the board of elections not less than sixty 5584  
days prior to the election. 5585

(4) Notwithstanding division (B) of section 133.21 of the 5586  
Revised Code, the first principal payment of securities issued 5587  
under this division may be set at any date not later than sixty 5588  
months after the earliest possible principal payment otherwise 5589  
provided for in that division. 5590

(G) The board of education may contract with an architect, 5591  
professional engineer, or other person experienced in the design 5592  
and implementation of energy conservation measures for an analysis 5593  
and recommendations pertaining to installations, modifications of 5594  
installations, or remodeling that would significantly reduce 5595  
energy consumption in buildings owned by the district. The report 5596  
shall include estimates of all costs of such installations, 5597

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modifications, or remodeling, including costs of design, 5598  
engineering, installation, maintenance, repairs, and debt service, 5599  
and estimates of the amounts by which energy consumption and 5600  
resultant operational and maintenance costs, as defined by the 5601  
Ohio school facilities commission, would be reduced. 5602

If the board finds after receiving the report that the amount 5603  
of money the district would spend on such installations, 5604  
modifications, or remodeling is not likely to exceed the amount of 5605  
money it would save in energy and resultant operational and 5606  
maintenance costs over the ensuing fifteen years, the board may 5607  
submit to the commission a copy of its findings and a request for 5608  
approval to incur indebtedness to finance the making or 5609  
modification of installations or the remodeling of buildings for 5610  
the purpose of significantly reducing energy consumption. 5611

If the commission determines that the board's findings are 5612  
reasonable, it shall approve the board's request. Upon receipt of 5613  
the commission's approval, the district may issue securities 5614  
without a vote of the electors in a principal amount not to exceed 5615  
nine-tenths of one per cent of its tax valuation for the purpose 5616  
of making such installations, modifications, or remodeling, but 5617  
the total net indebtedness of the district without a vote of the 5618  
electors incurred under this and all other sections of the Revised 5619  
Code shall not exceed one per cent of the district's tax 5620  
valuation. 5621

So long as any securities issued under division (G) of this 5622  
section remain outstanding, the board of education shall monitor 5623  
the energy consumption and resultant operational and maintenance 5624  
costs of buildings in which installations or modifications have 5625  
been made or remodeling has been done pursuant to division (G) of 5626  
this section and shall maintain and annually update a report 5627  
documenting the reductions in energy consumption and resultant 5628  
operational and maintenance cost savings attributable to such 5629

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

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

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

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose

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upon acquisition or completion thereof, and the superintendent of  
public instruction approves the taxing authority's confirmation.

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

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

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

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

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

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

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

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

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(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	5692 5693 5694 5695
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	5696 5697
(1) Securities described in section 307.201 of the Revised Code;	5698 5699
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	5700 5701 5702
(a) Water systems or facilities;	5703
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	5704 5705 5706
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	5707 5708 5709
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	5710 5711 5712
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	5713 5714 5715
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	5716 5717
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	5718 5719
(h) Correctional and detention facilities and related	5720

rehabilitation facilities.	5721
(3) Securities issued for the purpose of purchasing,	5722
constructing, improving, or extending water or sanitary or surface	5723
and storm water sewerage systems or facilities, or a combination	5724
of those systems or facilities, to the extent that an agreement	5725
entered into with another subdivision requires the other	5726
subdivision to pay to the county amounts equivalent to debt	5727
charges on the securities;	5728
(4) Voted general obligation securities issued for the	5729
purpose of permanent improvements for sanitary sewerage or water	5730
systems or facilities to the extent that the total principal	5731
amount of voted securities outstanding for the purpose does not	5732
exceed an amount equal to two per cent of the county's tax	5733
valuation;	5734
(5) Securities issued for permanent improvements to house	5735
agencies, departments, boards, or commissions of the county or of	5736
any municipal corporation located, in whole or in part, in the	5737
county, to the extent that the revenues, other than revenues from	5738
unvoted county property taxes, derived from leases or other	5739
agreements between the county and those agencies, departments,	5740
boards, commissions, or municipal corporations relating to the use	5741
of the permanent improvements are sufficient to cover the cost of	5742
all operating expenses of the permanent improvements paid by the	5743
county and debt charges on the securities;	5744
(6) Securities issued pursuant to section 133.08 of the	5745
Revised Code;	5746
(7) Securities issued for the purpose of acquiring or	5747
constructing roads, highways, bridges, or viaducts, for the	5748
purpose of acquiring or making other highway permanent	5749
improvements, or for the purpose of procuring and maintaining	5750
computer systems for the office of the clerk of any	5751

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county-operated municipal court, for the office of the clerk of 5752  
the court of common pleas, or for the office of the clerk of the 5753  
probate, juvenile, or domestic relations division of the court of 5754  
common pleas to the extent that the legislation authorizing the 5755  
issuance of the securities includes a covenant to appropriate from 5756  
moneys distributed to the county pursuant to division (B) of 5757  
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 5758  
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 5759  
sufficient amount to cover debt charges on and financing costs 5760  
relating to the securities as they become due; 5761

(8) Securities issued for the purpose of acquiring, 5762  
constructing, improving, and equipping a county, multicounty, or 5763  
multicounty-municipal jail, workhouse, juvenile detention 5764  
facility, or correctional facility; 5765

(9) Securities issued for the acquisition, construction, 5766  
equipping, or repair of any permanent improvement or any class or 5767  
group of permanent improvements enumerated in a resolution adopted 5768  
pursuant to division (D) of section 5739.026 of the Revised Code 5769  
to the extent that the legislation authorizing the issuance of the 5770  
securities includes a covenant to appropriate from moneys received 5771  
from the taxes authorized under section 5739.023 and division 5772  
(A)(5) of section 5739.026 of the Revised Code an amount 5773  
sufficient to pay debt charges on the securities and those moneys 5774  
shall be pledged for that purpose; 5775

(10) Securities issued for county or joint county solid waste 5776  
or hazardous waste collection, transfer, or disposal facilities, 5777  
or resource recovery and solid or hazardous waste recycling 5778  
facilities, or any combination of those facilities; 5779

(11) Securities issued for the acquisition, construction, and 5780  
equipping of a port authority educational and cultural facility 5781  
under section 307.671 of the Revised Code; 5782

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(12) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(1) of section 307.672 of the Revised Code;	5783 5784 5785 5786
(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;	5787 5788
(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;	5789 5790 5791 5792
(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;	5793 5794 5795 5796 5797 5798 5799 5800
(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;	5801 5802 5803 5804 5805 5806 5807 5808 5809
(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	5810 5811 5812 5813

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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;  
(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. 135.80.** (A) The legislative authority of a municipal  
corporation, by ordinance, or the board of county commissioners,  
by resolution, may establish a linked deposit program authorizing  
the treasurer or governing board of the municipal corporation or  
the investing authority of the county as created or designated by  
the ordinance or resolution to place certificates of deposit at up  
to three per cent below market rates with an eligible lending  
institution applying for interim moneys as provided in section  
135.08 of the Revised Code or inactive moneys as provided in  
section 135.32 of the Revised Code, provided the institution  
agrees either to lend the value of such deposit to eligible  
borrowers at up to three per cent below the present borrowing rate  
applicable to each borrower, or to enter into an agreement with an  
eligible government, as defined in section 135.81 of the Revised  
Code, to provide that eligible government with a certificate of  
deposit, investment agreement, or other investment in the value of  
the linked deposit at an interest rate at up to three per cent  
above current market rates, as determined by the eligible  
government. The ordinance or resolution shall include such

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requirements and provisions as are necessary to establish the	5845
program, including, but not limited to:	5846
(1) Eligibility requirements for borrowers who may receive	5847
reduced rate loans under the program;	5848
(2) Application procedures for borrowers and institutions	5849
wishing to participate in the program;	5850
(3) Review procedures for applications and criteria for	5851
acceptance or rejection of applications for reduced rate loans;	5852
(4) Necessary agreements between the eligible institution and	5853
the treasurer or governing board of the municipal corporation or	5854
the investing authority of the county to carry out the purposes of	5855
the linked deposit program;	5856
(5) Annual reports regarding the operation of the program to	5857
be made by the treasurer or governing board to the legislative	5858
authority or the investing authority to the board of county	5859
commissioners.	5860
(B) The municipal corporation and the treasurer or governing	5861
board, and the county and the investing authority or the board of	5862
county commissioners, are not liable to any eligible lending	5863
institution in any manner for the payment of the principal or	5864
interest on any reduced rate loan made under the program, and any	5865
delay in payment or default on the part of any borrower does not	5866
in any manner affect the deposit agreement between the eligible	5867
lending institution and the treasurer or governing board or the	5868
investing authority or board of county commissioners.	5869
<b>Sec. 135.81.</b> As used in sections 135.81 to 135.88 of the	5870
Revised Code:	5871
(A) <u>"Above-market investment" means a certificate of deposit,</u>	5872
<u>investment agreement, or other investment bearing an interest rate</u>	5873
<u>at up to three per cent above current market rates as determined</u>	5874

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<u>and calculated by the treasurer of state.</u>	5875
<u>(B)</u> "Community improvement corporation" means a corporation organized under Chapter 1724. of the Revised Code.	5876 5877
<del>(B)</del> <u>(C)</u> "Depressed economic area linked deposit" means a certificate of deposit in any amount placed by the treasurer of state with an eligible lending institution at up to three per cent below current market rates as determined and calculated by the treasurer of state, provided the institution agrees <u>either</u> to lend the value of the deposit, according to the deposit agreement provided in division (C) of section 135.86 of the Revised Code to eligible businesses at <u>up to</u> three per cent below the present borrowing rate applicable to each specific business at the time of the deposit of state funds in the institution, <u>or to enter into an agreement with an eligible government to provide that eligible government with an above-market investment in the value of the depressed economic area linked deposit.</u>	5878 5879 5880 5881 5882 5883 5884 5885 5886 5887 5888 5889 5890
<del>(C)</del> <u>(D)</u> "Eligible business" means <u>an eligible steel company or</u> any person that possesses all of the following characteristics:	5891 5892
(1) Maintains or, because of the depressed economic area linked deposit loan, will maintain offices and operating facilities in an eligible county in this state and transacts business in the county;	5893 5894 5895 5896
(2) Is organized for profit.	5897
<del>(D)</del> <u>(E)</u> "Eligible county" means any county in this state with a rate of unemployment as determined by the director of job and family services that is at least one per cent higher than the statewide average rate of unemployment.	5898 5899 5900 5901
<del>(E)</del> <u>(F)</u> " <u>Eligible government" means the state or a county, municipal corporation, or other political subdivision of the state that has made or guaranteed a loan to a business that is an eligible steel company. For this purpose, the state or a county,</u>	5902 5903 5904 5905

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municipal corporation, or other political subdivision shall be 5906  
regarded as having guaranteed a loan to an eligible steel company 5907  
if the state, county, municipal corporation, or other political 5908  
subdivision has incurred a direct or contingent legal obligation 5909  
to repay all or any portion of a loan made to an eligible steel 5910  
company, any of the interest accrued on any such loan, or any 5911  
amount owed to any person with respect to any letter of credit, 5912  
guarantee, surety bond, insurance policy, or other form of credit 5913  
facility or credit enhancement provided by that person with 5914  
respect to any such loan. 5915

(G) "Eligible lending institution" means a financial 5916  
institution that: 5917

(1) Is eligible to make commercial loans; 5918

(2) Is a public depository of state funds under section 5919  
135.03 of the Revised Code; 5920

(3) Agrees to participate in the depressed economic area 5921  
linked deposit program. 5922

(F)(H) "Eligible steel company" means a corporation or other 5923  
person engaged within this state in the production and manufacture 5924  
of a product defined by the American iron and steel institute as a 5925  
basic steel mill product, including ingots, slab and billets, 5926  
plates, flat-rolled steel, sections and structural products, bars, 5927  
rail-type products, pipe and tube, and wire rod, or a company 5928  
engaged in business in this state that would otherwise be treated 5929  
under the Federal Steel Loan Act as a "qualified steel company," 5930  
provided that the corporation or other person is an "eligible 5931  
borrower" under the Federal Steel Loan Act. 5932

(I) "Federal Steel Loan Act" means the federal "Emergency 5933  
Steel Loan Guarantee Act of 1999," 113 Stat. 252, 15 U.S.C. 1841 5934  
(note), as amended, and the regulations thereunder. 5935

(J) "Qualified agent" means a: 5936

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(1) Community improvement corporation;	5937
(2) Corporation organized under Chapter 1702. of the Revised Code that the board of county commissioners of an eligible county determines meets the criteria established by the director of development pursuant to section 122.011 of the Revised Code.	5938 5939 5940 5941
<b>Sec. 135.82.</b> (A) The general assembly finds that several areas in the state are experiencing economic stagnation or decline because business activity in those areas is at a level that is too low to sustain an adequate level of prosperity and a decent standard of living for area residents. A major factor contributing to the low level of business activity is the inability of businesses to obtain needed financing at reasonable interest rates so as to sustain their operations or to expand operations. The depressed economic area linked deposit program provided for in sections 135.81 to 135.88 of the Revised Code is intended to provide a targeted availability of lower cost funds for lending purposes that will materially contribute to the economic revitalization of depressed economic areas in this state to allow the residents of those areas to enjoy the same level of prosperity and well being that other residents of the state are able to enjoy. Accordingly, it is declared to be the public policy of the state through the depressed economic area linked deposit program to create an availability of lower cost funds to inject needed capital into the business community, sustain or improve business profitability, preserve existing employment and create new job opportunities, and thereby enhance the economic prosperity of the affected areas.	5942 5943 5944 5945 5946 5947 5948 5949 5950 5951 5952 5953 5954 5955 5956 5957 5958 5959 5960 5961 5962 5963
(B) <u>The general assembly finds and declares it to be the public policy of this state, consistent with the purposes of the steel futures program created under section 122.37 of the Revised Code, to assist steel companies operating in this state by</u>	5964 5965 5966 5967

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expanding forms of assistance available under the depressed 5968  
economic area linked deposit program provided for in sections 5969  
135.81 to 135.88 of the Revised Code, as amended by the main 5970  
operating appropriations act for the 2001-2003 biennium. 5971

(C) The depressed economic area linked deposit program 5972  
 authorized pursuant to sections 135.81 to 135.88 of the Revised 5973  
 Code is in addition to and separate from the linked deposit 5974  
 program authorized pursuant to sections 135.61 to 135.67 of the 5975  
 Revised Code and the agricultural linked deposit program 5976  
 authorized pursuant to sections 135.71 to 135.76 of the Revised 5977  
 Code. 5978

**Sec. 135.83.** (A) The treasurer of state may invest in 5979  
 depressed economic area linked deposits, provided that at the time 5980  
 of placement of the linked deposit, not more than three per cent 5981  
 of the state's total investment portfolio is so invested and, in 5982  
the case of linked deposits with respect to which an above-market 5983  
investment will be provided to an eligible government or a reduced 5984  
rate loan will be made for the benefit of an eligible steel 5985  
company, the amount of the linked deposit does not exceed the 5986  
product of fifteen thousand dollars, multiplied by the number of 5987  
employees, as of the time of placement of the linked deposit, 5988  
whose employment was reasonably expected to be created or 5989  
preserved as a result of the financial assistance provided under 5990  
sections 135.81 to 135.88 of the Revised Code. 5991

(B) The amounts the treasurer is authorized to invest 5992  
 pursuant to division (A) of this section are in addition to the 5993  
 amounts the treasurer may invest pursuant to section 135.63 of the 5994  
 Revised Code. 5995

(C) The treasurer of state may not invest more than one 5996  
 million dollars in depressed economic area linked deposits per 5997  
 county in any two-year period, excluding deposits linked to 5998

above-market investments held by eligible governments. 5999

**Sec. 135.84.** (A) A board of county commissioners of an 6000  
eligible county may authorize the county's participation in the 6001  
depressed economic area linked deposit program established 6002  
pursuant to sections 135.81 to 135.88 of the Revised Code. For 6003  
that purpose, the board may: 6004

(1) Appoint a qualified agent to operate the program on 6005  
behalf of the board; 6006

(2) Secure eligible lending institutions to participate in 6007  
the program. The board shall make every effort to secure eligible 6008  
lending institutions located within the county. If no eligible 6009  
lending institution located within the county agrees to 6010  
participate in the program, the board may secure the participation 6011  
of the nearest available eligible lending institution. 6012

(3) Approve loan applications from eligible businesses prior 6013  
to the transmittal of depressed economic area linked deposit loan 6014  
to the treasurer of state; 6015

(4) Secure and encourage eligible businesses to make loan 6016  
applications; 6017

(5) Employ staff, develop forms, and procedures as will 6018  
effectuate the county's participation in the program; 6019

(6) Establish, with the approval of the treasurer of state, a 6020  
service charge to cover the costs to the board of the county's 6021  
participation in the depressed economic area linked deposit 6022  
program; 6023

(7) Fix the amount of a loan that is eligible for a reduced 6024  
rate based upon a depressed economic area linked deposit, which in 6025  
no event, may exceed fifty per cent of the total loan. 6026

(B) If the treasurer of state determines that an eligible 6027  
county ceases to be eligible to participate in the depressed 6028

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economic area linked deposit program, the treasurer shall notify  
the board of county commissioners together with all affected  
eligible lending institutions and any qualified agent. Effective  
with the first day of the month following the month in which  
notification is given, the board shall suspend participation of  
the county in the program and shall not approve any further loan  
applications pursuant to the program, except that this division  
shall not be construed to affect the review and approval or denial  
of loan applications that are pending on the date the suspension  
takes effect nor the repayment or servicing of loans already made.  
If the county subsequently again becomes eligible to participate  
in the program, the board may, with the approval of the treasurer  
of state, commence operation of the program in the county the  
first day of the month following the month in which the treasurer  
of state grants approval.

(C) The board of county commissioners may, with the approval  
of the treasurer of state, establish a service fee to be charged  
in connection with the application of an eligible business for  
that portion of a total loan which represents a depressed economic  
area linked deposit loan. The eligible business shall pay the  
service fee to the board. The board shall use the service fee  
solely to pay the costs incurred by the board or its qualified  
agent in effectuating the county's participation in the depressed  
economic area linked deposit program. The amount of the fee shall  
be no more than will recover to the county its costs and may not  
exceed an amount equal to one-half of one per cent of that portion  
of a loan that is based upon a depressed economic area linked  
deposit.

(D) The board of county commissioners, in lieu of directly  
operating the depressed economic area linked deposit loan program  
for the county, may appoint a qualified agent upon terms as are  
agreed to between the board and the agent. Where the board

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6061 appoints a community improvement corporation as its qualified  
6062 agent pursuant to sections 135.81 to 135.88 of the Revised Code,  
6063 the appointment does not constitute an appointment of the  
6064 corporation as the county agent for the purposes of section  
6065 1724.10 of the Revised Code, unless the board separately appoints  
6066 the corporation pursuant to that section, nor does appointment of  
6067 the corporation pursuant to section 1724.10 of the Revised Code  
6068 constitute appointment of the corporation for the purposes of  
6069 sections 135.81 to 135.88 of the Revised Code.

6070 (E) The board of county commissioners of any county that is  
6071 an eligible government, and the legislative authority of any  
6072 municipal corporation that is an eligible government, may  
6073 authorize that eligible government to participate with the  
6074 treasurer of state in the depressed economic area linked deposit  
6075 program established pursuant to sections 135.81 to 135.88 of the  
6076 Revised Code on such terms as may be agreed upon between the  
6077 eligible government and the treasurer of state.

6078 **Sec. 135.85.** (A) An eligible business desiring to receive a  
6079 loan from an eligible lending institution up to fifty per cent of  
6080 which is a depressed economic area linked deposit reduced rate  
6081 loan, shall make application to the institution upon such forms as  
6082 the institution requires. The business shall certify on its loan  
6083 application that the total loan will be used exclusively to  
6084 preserve existing jobs or employment opportunities or create new  
6085 jobs and will materially contribute to the preservation or  
6086 expansion of the business. Whoever knowingly makes a false  
6087 statement concerning such application is guilty of the offense of  
6088 falsification under section 2921.13 of the Revised Code. In making  
6089 its decision with respect to a loan application, the eligible  
6090 lending institution shall apply all usual lending institution  
6091 standards to determine the creditworthiness of each eligible  
6092 business.

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(B) The eligible lending institution shall forward completed loan applications the institution approves to the board of county commissioners or the qualified agent of the board. The board or agent shall approve or disapprove the loan within fourteen working days from receipt of the application from the eligible lending institution. In considering which loan applications to approve, the board of county commissioners or its qualified agent shall give priority to the immediacy of a business's financial need for the loan, the economic needs of the area in which the business is located, the number of jobs to be created or preserved by the receipt of the loan, and such other factors as the board or the agent consider appropriate to determine the relative financial need of the eligible business and the county as a whole. The eligible lending institution also shall forward to the board of county commissioners or its qualified agent those loan applications it rejects together with a statement of the reason for the rejection.

(C) The eligible lending institution shall forward to the treasurer of state a depressed economic area linked deposit package, based upon loans which the board of county commissioners or the qualified agent have approved, in the form and manner prescribed by the treasurer of state. The package shall include information regarding the amount of the loan requested by each eligible business and such other information regarding each business as the treasurer of state requires. The institution shall certify that each applicant is an eligible business, that the depressed economic area linked deposit for which the institution is making application represents no more than fifty per cent of the total loan for which the eligible business is applying, and shall, for each business, certify the present borrowing rate applicable to the depressed economic area linked deposit portion of the loan applicable to each specific eligible business.

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6125  
 6126 (D) An eligible lending institution and eligible government  
 6127 may forward to the treasurer of state, either separately or in  
 6128 conjunction with a depressed economic area linked deposit package,  
 6129 a proposal for the eligible lending institution to provide the  
 6130 eligible government with an above-market investment on such terms  
 6131 as may be agreed upon between the eligible lending institution and  
 6132 the eligible government.

6133 **Sec. 135.86.** (A) The treasurer of state may accept or reject 6133  
 6134 a depressed economic area linked deposit loan or loan package,  
 6135 including a proposal for an above-market investment to be held by  
 6136 an eligible government, or any portion of a loan package based on 6136  
 6137 the treasurer's evaluation of the eligible businesses or eligible  
 6138 governments included, the amount of individual loans involved, and 6138  
 6139 the amount of the total package. The treasurer of state may 6139  
 6140 consult with the director of development as the treasurer finds 6140  
 6141 necessary in making the decision. The treasurer shall give 6141  
 6142 priority to a business's or an eligible government's need for the 6142  
 6143 loan, the economic needs of the area where the business or  
 6144 eligible government is located, and the ratio of state funds to be 6144  
 6145 deposited with the eligible lending institution to the jobs 6145  
 6146 sustained or created. The treasurer also shall consider any 6146  
 6147 reports, statements, or plans applicable to the business or  
 6148 eligible government, the overall financial need of the business or  
 6149 eligible government, and such other factors as the treasurer 6149  
 6150 considers appropriate. Whenever the department of development 6150  
 6151 believes that the economic needs of a county or the state require 6151  
 6152 the suspension or redirection of depressed economic area linked 6152  
 6153 deposits with respect to a county or that a linked deposit loan 6153  
 6154 will be improperly made, it may make such recommendations to the 6154  
 6155 treasurer of state as the department considers appropriate to its 6155  
 6156 concerns. 6156

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(B) Upon acceptance of the depressed economic area loan package or any portion thereof, the treasurer of state may place certificates of deposit with the eligible lending institution at a rate of up to three per cent below current market rates as determined and calculated by the treasurer of state. When necessary, the treasurer may place certificates of deposit prior to acceptance of a depressed economic area linked deposit loan package.

(C) The eligible lending institution shall enter into a depressed economic area linked deposit agreement with the treasurer of state which shall include requirements necessary to carry out the purposes of sections 135.81 to 135.88 of the Revised Code. The requirements shall include an agreement by the eligible lending institution either to lend the value of the depressed economic area linked deposit to eligible businesses at a rate of up to three per cent below the present borrowing rate applicable to each specific business in the loan package, or to enter into an agreement with an eligible government to provide that eligible government with an above-market investment in the value of the depressed economic area linked deposit. The requirements also shall reflect the market conditions prevailing in the eligible lending institution's lending area. The agreement may include a specification of the period of time in which the lending institution is to lend funds or to provide an above-market investment upon the placement of the linked deposit and shall include provisions for the certificates of deposit to be placed for any maturity considered appropriate by the treasurer of state, not to exceed two years. Certificates of deposit may be renewed for additional periods not to exceed two years at the option of the treasurer of state. Interest shall be paid at the times determined by the treasurer of state.

(D) Notwithstanding any other provision of this chapter to

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the contrary, an above-market investment entered into by an 6189  
eligible government with an eligible lending institution in 6190  
compliance with the provisions of this chapter that refer 6191  
expressly to above-market investments shall be a legal and 6192  
authorized investment for the interim or inactive moneys of that 6193  
government. 6194

(E) Eligible lending institutions shall comply fully with 6195  
sections 135.81 to 135.88 of the Revised Code. 6196

**Sec. 135.87.** (A) Upon placement of a depressed economic area 6197  
linked deposit with an eligible lending institution, the 6198  
institution is required either to lend such funds to each approved 6199  
eligible business listed in the depressed economic area linked 6200  
deposit loan package required by division (C) of section 135.85 of 6201  
the Revised Code, or to enter in above-market investments with 6202  
eligible governments or eligible lending institutions in 6203  
accordance with the terms of the proposal submitted to the 6204  
treasurer of state under division (D) of section 135.85 of the 6205  
Revised Code, in each case in accordance with the deposit 6206  
agreement required by division (C) of section 135.86 of the 6207  
Revised Code. The loan shall be at a rate that is up to three per 6208  
cent below the present borrowing rate applicable to each business, 6209  
and any above-market investment shall bear interest at a rate that 6210  
is up to three per cent above current market rates as determined 6211  
by the treasurer of state. A certificate of compliance with this 6212  
section in the form and manner prescribed by the treasurer of 6213  
state shall be required of the eligible lending institution. 6214

(B) The treasurer of state shall take any and all steps 6215  
necessary to implement the depressed economic area linked deposit 6216  
program, including the development of guidelines as necessary, and 6217  
monitor compliance of eligible lending institutions and, eligible 6218  
businesses, and eligible governments. The treasurer of state and 6219  
the department of development shall notify each other at least 6220

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quarterly of the names of the eligible businesses and eligible governments receiving financial assistance from their respective programs. 6221 6222 6223

Annually, by the first day of February, the treasurer of state shall report on the depressed economic area linked deposit program for the preceding calendar year to the governor, the speaker of the house of representatives, the president of the senate, and to the ~~chairmen~~ chairpersons of the standing committees in each house that customarily consider economic development legislation. The report shall set forth the depressed economic area linked deposits made by the treasurer of state under the program during the prior calendar year and shall include information regarding the nature, terms, and amounts of the loans upon which the deposits were based and the eligible businesses and eligible governments to which ~~loans were made~~ financial assistance was provided. 6224 6225 6226 6227 6228 6229 6230 6231 6232 6233 6234 6235 6236

**Sec. 140.01.** As used in this chapter: 6237

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency. 6238 6239

(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. 6240 6241 6242 6243 6244 6245 6246 6247

(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 6248 6249 6250 6251

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hospital facility or provides or is to provide services to one or 6252  
more other hospital agencies. 6253

(D) "Governing body" means, in the case of a county, the 6254  
board of county commissioners or other legislative body; in the 6255  
case of a board of county hospital trustees, the board; in the 6256  
case of a county hospital commission, the commission; in the case 6257  
of a municipal corporation, the council or other legislative 6258  
authority; in the case of a new community authority, its board of 6259  
trustees; in the case of a joint township hospital district, the 6260  
joint township district hospital board; in the case of a state or 6261  
municipal university or college, its board of trustees or board of 6262  
directors; in the case of a nonprofit hospital agency, the board 6263  
of trustees or other body having general management ~~thereof~~ of the 6264  
agency; and, in the case of the state, the director of development 6265  
or the Ohio higher educational facility commission. 6266

(E) "Hospital facilities" means buildings, structures and 6267  
other improvements, additions thereto and extensions thereof, 6268  
furnishings, equipment, and real estate and interests in real 6269  
estate, used or to be used for or in connection with one or more 6270  
hospitals, emergency, intensive, intermediate, extended, 6271  
long-term, or self-care facilities, diagnostic and treatment and 6272  
out-patient facilities, facilities related to programs for home 6273  
health services, clinics, laboratories, public health centers, 6274  
research facilities, and rehabilitation facilities, for or 6275  
pertaining to diagnosis, treatment, care, or rehabilitation of 6276  
sick, ill, injured, infirm, impaired, disabled, or handicapped 6277  
persons, or the prevention, detection, and control of disease, and 6278  
also includes education, training, and food service facilities for 6279  
health professions personnel, housing facilities for such 6280  
personnel and their families, and parking and service facilities 6281  
in connection with any of the foregoing; and includes any one, 6282  
part of, or any combination of the foregoing; and further includes 6283

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site improvements, utilities, machinery, facilities, furnishings, 6284  
and any separate or connected buildings, structures, improvements, 6285  
sites, utilities, facilities, or equipment to be used in, or in 6286  
connection with the operation or maintenance of, or supplementing 6287  
or otherwise related to the services or facilities to be provided 6288  
by, any one or more of such hospital facilities. 6289

(F) "Costs of hospital facilities" means the costs of 6290  
acquiring or constructing hospital facilities, costs of improving 6291  
one or more hospital facilities, including reconstructing, 6292  
rehabilitating, remodeling, renovating, and enlarging, costs of 6293  
equipping and furnishing such facilities, and all financing costs 6294  
pertaining thereto, including, without limitation thereto, costs 6295  
of engineering, architectural, and other professional services, 6296  
designs, plans, specifications and surveys, and estimates of cost, 6297  
costs of tests and inspections, the costs of any indemnity or 6298  
surety bonds and premiums on insurance, all related direct or 6299  
allocable administrative expenses pertaining thereto, fees and 6300  
expenses of trustees, depositories, and paying agents for the 6301  
obligations, cost of issuance of the obligations and financing 6302  
charges and fees and expenses of financial advisors, attorneys, 6303  
accountants, consultants and rating services in connection 6304  
therewith, capitalized interest on the obligations, amounts 6305  
necessary to establish reserves as required by the bond 6306  
proceedings, the reimbursement of all moneys advanced or applied 6307  
by the hospital agency or others or borrowed from others for the 6308  
payment of any item or items of costs of such facilities, and all 6309  
other expenses necessary or incident to planning or determining 6310  
feasibility or practicability with respect to such facilities, and 6311  
such other expenses as may be necessary or incident to the 6312  
acquisition, construction, reconstruction, rehabilitation, 6313  
remodeling, renovation, enlargement, improvement, equipment, and 6314  
furnishing of such facilities, the financing thereof, and the 6315

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placing of the same in use and operation, including any one, part  
of, or combination of such classes of costs and expenses, and  
means the costs of refinancing obligations issued by, or  
reimbursement of money advanced by, nonprofit hospital agencies or  
others the proceeds of which were used for the payment of costs of  
hospital facilities, if the governing body of the public hospital  
agency determines that the refinancing or reimbursement advances  
the purposes of this chapter, whether or not the refinancing or  
reimbursement is in conjunction with the acquisition or  
construction of additional hospital facilities.

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

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

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

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

to, or providing for the security of, obligations and the 6348  
provisions contained in such obligations. 6349

(K) "Nursing home" has the same meaning as in division (A)(1) 6350  
of section 5701.13 of the Revised Code. 6351

(L) "Residential care facility" has the same meaning as in 6352  
division (A)(2) of section 5701.13 of the Revised Code. 6353

(M) "Adult care facility" has the same meaning as in division 6354  
(A)(3) of section 5701.13 of the Revised Code. 6355

(N) "Independent living facility" means any self-care 6356  
facility or other housing facility designed or used as a residence 6357  
for elderly persons. An "independent living facility" does not 6358  
include a residential facility, or that part of a residential 6359  
facility, that is any of the following: 6360

(1) A hospital required to be certified by section 3727.02 of 6361  
the Revised Code; 6362

(2) A nursing home or residential care facility; 6363

(3) An adult care facility; 6364

(4) A hospice licensed under section 3712.04 of the Revised 6365  
Code; 6366

(5) A habilitation center as defined in section 5123.041 of 6367  
the Revised Code; 6368

(6) A residential facility for the mentally ill licensed by 6369  
the department of mental health under section 5119.22 of the 6370  
Revised Code; 6371

(7) A facility licensed to provide methadone treatment under 6372  
section 3793.11 of the Revised Code; 6373

(8) A facility certified as an alcohol and drug addiction 6374  
program under section 3793.06 of the Revised Code; 6375

(9) A residential facility licensed under section 5123.19 of 6376

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the Revised Code or a facility providing services under a contract 6377  
with the department of mental retardation and developmental 6378  
disabilities under section 5123.18 of the Revised Code; 6379

(10) A residential facility used as part of a hospital to 6380  
provide housing for staff of the hospital or students pursuing a 6381  
course of study at the hospital. 6382

**Sec. 147.01.** (A) The ~~governor~~ secretary of state may appoint 6383  
and commission as notaries public as many persons who meet the 6384  
qualifications of division (B) of this section as ~~he~~ the secretary  
of state considers necessary. 6385  
6386

(B) In order for a person to qualify to be appointed and 6387  
commissioned as a notary public, the person must satisfy both of 6388  
the following: 6389

(1) The person has attained the age of eighteen years. 6390

(2) One of the following applies: 6391

(a) The person is a citizen of this state who is not an 6392  
attorney admitted to the practice of law. 6393

(b) The person is a citizen of this state who is an attorney 6394  
admitted to the practice of law in this state by the Ohio supreme 6395  
court. 6396

(c) The person is not a citizen of this state, is an attorney 6397  
admitted to the practice of law in this state by the Ohio supreme 6398  
court, and has ~~his~~ the person's principal place of business or ~~his~~  
the person's primary practice in this state. 6399  
6400

(C) A notary public shall be appointed and commissioned as a 6401  
notary public for the state. The ~~governor~~ secretary of state may 6402  
revoke a commission issued to a notary public upon presentation of 6403  
satisfactory evidence of official misconduct or incapacity. 6404

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Sec. 147.02. (A) Before the appointment of a notary public is made, the applicant shall produce to the ~~governor~~ secretary of state a signed oath of office as a notary public and a certificate from a judge or justice of the court of common pleas, court of appeals, or supreme court that contains the following:

(1) A statement that the applicant is of good moral character;

(2) If the applicant is not an attorney admitted to the practice of law in this state by the Ohio supreme court, a statement that ~~he~~ the applicant is a citizen of the county in which ~~he~~ the applicant resides;

(3) If the applicant is an attorney admitted to the practice of law in this state by the Ohio supreme court, a statement that ~~he~~ the applicant is possessed of sufficient qualifications and ability to discharge the duties of the office of notary public.

(B) No judge or justice shall issue a certificate required by division (A) of this section until ~~he~~ the judge or justice is satisfied from ~~his~~ personal knowledge that the applicant possesses the qualifications necessary to a proper discharge of the duties of the office or until the applicant has passed an examination under any rules that the judge or justice may prescribe.

(C) If the applicant is a citizen of this state who is an attorney admitted to the practice of law in this state by the Ohio supreme court, the judge or justice also shall certify this fact in the certification required by division (A) of this section.

(D) If the applicant is not a citizen of this state but is an attorney who is admitted to the practice of law in this state by the Ohio supreme court and whose principal place of business or primary practice is in this state, the judge or justice also shall certify these facts in the certification required by division (A) of this section.

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(E) For the purposes of sections 147.03, 147.04, 147.05, and 147.13 of the Revised Code, the county in which an attorney who is not a citizen of this state and who is a notary public has ~~his~~ the attorney's principal place of business or ~~his~~ the attorney's primary practice shall be deemed the county in which ~~he~~ the attorney resides.

**Sec. 147.03.** Each notary public, except an attorney admitted to the practice of law in this state by the Ohio supreme court, shall hold ~~his~~ office for the term of five years unless the commission is revoked. ~~Before entering upon the duties of his office, he shall take and subscribe an oath to be endorsed on his commission.~~ An

~~An~~ attorney admitted to the practice of law in this state by the Ohio supreme court shall hold ~~his~~ office as a notary public as long as ~~he~~ the attorney is a resident of this state or has ~~his~~ the attorney's principal place of business or primary practice in this state, ~~he~~ the attorney is in good standing before the Ohio supreme court, and the commission is not revoked. Before entering upon the duties of ~~his~~ office, ~~he~~ a notary public shall ~~deposit with the secretary of state the certificate provided for in section 147.02 of the Revised Code and shall~~ take and subscribe an oath to be endorsed on ~~his~~ the notary public's commission.

A notary public who violates the oath of office required by this section shall be removed from office by the court of common pleas of the county in which ~~he~~ the notary public resides, upon complaint filed and substantiated in the court, and the court, upon removing a notary public from office, shall certify the removal to the ~~governor~~ secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public.

~~Each person holding office as a notary public on October 24,~~

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1961, shall continue in that office until the expiration of his 6467  
 term, and, after the expiration of that office, he shall hold 6468  
 office pursuant to this section. 6469

~~Sec. 147.05. Before entering upon the duties of his office, a 6470  
 notary public shall leave his commission with the oath indorsed on 6471  
 the commission with the clerk of the court of common pleas of the 6472  
 county in which he resides. The commission shall be recorded by 6473  
 the clerk in a book kept for that purpose. The clerk secretary of 6474  
state shall indorse on the margin of the record and on the back of 6475  
 the commission the time he received it for record the commission 6476  
of each notary public appointed and commissioned under this 6477  
chapter by the secretary of state and make a proper index to all 6478  
 commissions so recorded by him. For recording and indexing the a 6479  
 commission, the fee of the clerk secretary of state shall be as 6480  
provided for in division (R) of section 2303.20 of the Revised 6481  
Code ten dollars. 6482~~

The governor's office shall transfer to the secretary of 6483  
 state's office, on or after the effective date of this amendment, 6484  
the record of notaries public formerly kept by the governor's 6485  
office under section 107.10 of the Revised Code. The secretary of 6486  
state's office shall maintain that record together with the record 6487  
and index of commissions of notaries public required by this 6488  
section. 6489

~~Sec. 147.06. Upon application, the clerk of the court of 6490  
 common pleas secretary of state shall make a certified copy of a 6491  
 notary public commission and the indorsements thereon on the 6492  
commission, under the seal of the court, which secretary of state. 6493  
The certified copy shall be prima-facie evidence of the matters 6494  
 and facts therein contained in it. For each certified copy of a 6495  
 notary public commission, the clerk secretary of state shall be 6496  
 entitled to receive a fee of two dollars. 6497~~

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**Sec. 147.13.** A notary public who charges or receives for an act or service done or rendered by ~~him~~ the notary public a fee greater than the amount prescribed by law, or who dishonestly or unfaithfully discharges any ~~of his~~ official duties as notary public, shall be removed from ~~his~~ office by the court of common pleas of the county in which ~~he~~ the notary public resides, upon complaint filed and substantiated in ~~such the court, and the~~ The court shall ~~thereupon~~ certify ~~such the~~ removal to the ~~governor~~ secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public.

**Sec. 147.14.** No notary public shall certify to the affidavit of a person without administering the appropriate oath or affirmation to ~~such the~~ person. A notary public who violates this section shall be removed from office by the court of common pleas of the county in which ~~the a~~ conviction ~~was~~ for a violation of this section is had. The court shall ~~thereupon~~ certify ~~such the~~ removal to the ~~governor~~ secretary of state. The person so removed shall be ineligible to reappointment for a period of three years.

**Sec. 147.37.** Each person receiving a commission as notary public, except an attorney admitted to the practice of law in this state by the Ohio supreme court, shall pay a fee of five dollars to the secretary of state. Each person receiving a commission as a notary public who is an attorney admitted to the practice of law in this state by the Ohio supreme court shall pay a fee of ten dollars to the secretary of state.

**Sec. 147.371.** Upon receipt of a fee of two dollars and an affidavit that the original commission of a notary public has been lost or destroyed, a duplicate commission as notary public shall be issued by the ~~governor~~ secretary of state.

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<b>Sec. 151.04.</b> This section applies to obligations as defined	6527
in this section.	6528
(A) As used in this section:	6529
(1) "Costs of capital facilities" include related direct	6530
administrative expenses and allocable portions of direct costs of	6531
the using institution.	6532
(2) "Obligations" means obligations as defined in section	6533
<del>154.30</del> <u>151.01</u> of the Revised Code issued to pay costs of capital	6534
facilities for state-supported or state-assisted institutions of	6535
higher education.	6536
(3) "State-supported or state-assisted institutions of higher	6537
education" means a state university or college, or community	6538
college district, technical college district, university branch	6539
district, or state community college, or other institution for	6540
education, including technical education, beyond the high school,	6541
receiving state support or assistance for its expenses of	6542
operation. "State university or college" means each of the state	6543
universities identified in section 3345.011 of the Revised Code,	6544
the northeastern Ohio universities college of medicine, and the	6545
medical college of Ohio at Toledo.	6546
(4) "Using institution" means the state-supported or	6547
state-assisted institution of higher education, or two or more	6548
institutions acting jointly, that are the ultimate users of	6549
capital facilities for state-supported and state-assisted	6550
institutions of higher education financed with net proceeds of	6551
obligations.	6552
(B) The issuing authority shall issue obligations to pay	6553
costs of capital facilities for state-supported and state-assisted	6554
institutions of higher education pursuant to Section 2n of Article	6555
VIII, Ohio Constitution, section 151.01 of the Revised Code, and	6556

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this section. 6557

(C) Net proceeds of obligations shall be deposited into the 6558  
higher education improvement fund created by division (F) of 6559  
section 154.21 of the Revised Code. 6560

(D) There is hereby created in the state treasury the "higher 6561  
education capital facilities bond service fund." All moneys 6562  
received by the state and required by the bond proceedings, 6563  
consistent with sections 151.01 and 151.04 of the Revised Code, to 6564  
be deposited, transferred, or credited to the bond service fund, 6565  
and all other moneys transferred or allocated to or received for 6566  
the purposes of that fund, shall be deposited and credited to the 6567  
bond service fund, subject to any applicable provisions of the 6568  
bond proceedings but without necessity for any act of 6569  
appropriation. During the period beginning with the date of the 6570  
first issuance of obligations and continuing during the time that 6571  
any obligations are outstanding in accordance with their terms, so 6572  
long as moneys in the bond service fund are insufficient to pay 6573  
debt service when due on those obligations payable from that fund 6574  
(except the principal amounts of bond anticipation notes payable 6575  
from the proceeds of renewal notes or bonds anticipated) and due 6576  
in the particular fiscal year, a sufficient amount of revenues of 6577  
the state is committed and, without necessity for further act of 6578  
appropriation, shall be paid to the bond service fund for the 6579  
purpose of paying that debt service when due. 6580

**Sec. 166.03.** (A) There is hereby created the facilities 6581  
establishment fund within the state treasury, consisting of 6582  
proceeds from the issuance of obligations as specified under 6583  
section 166.08 of the Revised Code; the moneys received by the 6584  
state from the sources specified in section 166.09 of the Revised 6585  
Code; service charges imposed under sections 166.06 and 166.07 of 6586  
the Revised Code; any grants, gifts, or contributions of moneys 6587

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received by the director of development to be used for loans made 6588  
under section 166.07 of the Revised Code or for the payment of the 6589  
allowable costs of project facilities; and all other moneys 6590  
appropriated or transferred to the fund. Moneys in the loan 6591  
guarantee fund in excess of four per cent of the unpaid principal 6592  
amount of loan repayments guaranteed under section 166.06 of the 6593  
Revised Code, but subject to the provisions and requirements of 6594  
any guarantee contracts, may be transferred to the facilities 6595  
establishment fund by the treasurer of state upon the order of the 6596  
director of development. Moneys received by the state under 6597  
Chapter 122. of the Revised Code, to the extent allocable to the 6598  
utilization of moneys derived from proceeds of the sale of 6599  
obligations pursuant to section 166.08 of the Revised Code, shall 6600  
be credited to the facilities establishment fund. 6601

(B) All moneys appropriated or transferred to the facilities 6602  
establishment fund may be released at the request of the director 6603  
of development for payment of allowable costs or the making of 6604  
loans under this chapter, for transfer to the loan guarantee fund 6605  
established in section 166.06 of the Revised Code, or for use for 6606  
the purpose of or transfer to the funds established by sections 6607  
122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, 122.601, 6608  
and 122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the 6609  
funds established by sections 122.26 and 166.031 of the Revised 6610  
Code, but only for such of those purposes as are within the 6611  
authorization of Section 13 of Article VIII, Ohio Constitution, in 6612  
all cases subject to the approval of the controlling board. 6613

(C) The department of development, in the administration of 6614  
the facilities establishment fund, is encouraged to utilize and 6615  
promote the utilization of, to the maximum practicable extent, the 6616  
other existing programs, business incentives, and tax incentives 6617  
that department is required or authorized to administer or 6618  
supervise. 6619

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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; 6649

(c) Any payment or credit received by a business association 6650  
from a business association for tangible goods sold, or services 6651  
performed, in the course of business, including, but not limited 6652  
to, checks or memoranda, overpayments, unidentified remittances, 6653  
nonrefunded overcharges, discounts, refunds, and rebates; 6654

(d) Any credit due a retail customer that is represented by a 6655  
gift certificate, gift card, merchandise credit, or merchandise 6656  
credit card, redeemable only for merchandise. 6657

For purposes of divisions (B)(2)(b) and (c) of this section, 6658  
"business association" means any corporation, joint venture, 6659  
business trust, limited liability company, partnership, 6660  
association, or other business entity composed of one or more 6661  
individuals, whether or not the entity is for profit. 6662

(C) "Owner" means any person, or the person's legal 6663  
representative, entitled to receive or having a legal or equitable 6664  
interest in or claim against moneys, rights to moneys, or other 6665  
intangible property, subject to this chapter. 6666

(D)(1) "Holder" means any person that has possession, 6667  
custody, or control of moneys, rights to moneys, or other 6668  
intangible property, or that is indebted to another, if any of the 6669  
following applies: 6670

(a) Such person resides in this state; 6671

(b) Such person is formed under the laws of this state; 6672

(c) Such person is formed under the laws of the United States 6673  
and has an office or principal place of business in this state; 6674  
6675

(d) The records of such person indicate that the last known 6676  
address of the owner of such moneys, rights to moneys, or other 6677  
intangible property is in this state; 6678

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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

Revised Code. 6711

(G) "Lawful claims" means any vested right a holder of 6712  
unclaimed funds has against the owner of such unclaimed funds. 6713

(H) "Public utility" means any entity defined as such by 6714  
division (A) of section 745.01 or by section 4905.02 of the 6715  
Revised Code. 6716

(I) "Deposit" means to place money in the custody of a 6717  
financial organization for the purpose of establishing an 6718  
income-bearing account by purchase or otherwise. 6719

(J) "Income-bearing account" means a time or savings account, 6720  
whether or not evidenced by a certificate of deposit, or an 6721  
investment account through which investments are made solely in 6722  
obligations of the United States or its agencies or 6723  
instrumentalities or guaranteed as to principal and interest by 6724  
the United States or its agencies or instrumentalities, debt 6725  
securities rated as investment grade by at least two nationally 6726  
recognized rating services, debt securities which the director of 6727  
commerce has determined to have been issued for the safety and 6728  
welfare of the residents of this state, and equity interests in 6729  
mutual funds that invest solely in some or all of the above-listed 6730  
securities and involve no general liability, without regard to 6731  
whether income earned on such accounts, securities, or interests 6732  
is paid periodically or at the end of a term. 6733

**Sec. 173.35.** (A) As used in this section, "PASSPORT 6734  
administrative agency" means an entity under contract with the 6735  
department of aging to provide administrative services regarding 6736  
the PASSPORT program created under section 173.40 of the Revised 6737  
Code. 6738

(B) The department of aging shall administer the residential 6739  
state supplement program under which the state supplements the 6740

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supplemental security income payments received by aged, blind, or  
 disabled adults under Title XVI of the "Social Security Act," 49  
 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state  
 supplement payments shall be used for the provision of  
 accommodations, supervision, and personal care services to  
 supplemental security income recipients who the department  
 determines are at risk of needing institutional care.

(C) For an individual to be eligible for residential state  
 supplement payments, all of the following must be the case:

(1) Except as provided by division (G) of this section, the  
 individual must reside in one of the following:

(a) An adult foster home certified under section 173.36 of  
 the Revised Code;

(b) A home or facility, other than a nursing home or nursing  
 home unit of a home for the aging, licensed by the department of  
 health under Chapter 3721. or 3722. of the Revised Code;

(c) A community alternative home licensed under section  
 3724.03 of the Revised Code;

(d) A residential facility as defined in division  
 (A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by  
 the department of mental health;

(e) An apartment or room used to provide community mental  
 health housing services certified by the department of mental  
 health under ~~division (M) of section 5119.61~~ 5119.611 of the  
 Revised Code and approved by a board of alcohol, drug addiction,  
 and mental health services under division (A)~~(13)~~(14) of section  
 340.03 of the Revised Code.

(2) Effective July 1, 2000, a PASSPORT administrative agency  
 must have determined that the environment in which the individual  
 will be living while receiving the payments is appropriate for the

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individual's needs. If the individual is eligible for supplemental 6771  
security income payments or social security disability insurance 6772  
benefits because of a mental disability, the PASSPORT 6773  
administrative agency shall refer the individual to a community 6774  
mental health agency for the community mental health agency to 6775  
issue in accordance with section 340.091 of the Revised Code a 6776  
recommendation on whether the PASSPORT administrative agency 6777  
should determine that the environment in which the individual will 6778  
be living while receiving the payments is appropriate for the 6779  
individual's needs. Division (C)(2) of this section does not apply 6780  
to an individual receiving residential state supplement payments 6781  
on June 30, 2000, until the individual's first eligibility 6782  
redetermination after that date. 6783

(3) The individual satisfies all eligibility requirements 6784  
established by rules adopted under division (D) of this section. 6785

(D) The directors of aging and job and family services shall 6786  
adopt rules in accordance with section 111.15 of the Revised Code 6787  
as necessary to implement the residential state supplement 6788  
program. 6789

To the extent permitted by Title XVI of the "Social Security 6790  
Act," and any other provision of federal law, the director of job 6791  
and family services shall adopt rules establishing standards for 6792  
adjusting the eligibility requirements concerning the level of 6793  
impairment a person must have so that the amount appropriated for 6794  
the program by the general assembly is adequate for the number of 6795  
eligible individuals. The rules shall not limit the eligibility of 6796  
disabled persons solely on a basis classifying disabilities as 6797  
physical or mental. The director of job and family services also 6798  
shall adopt rules that establish eligibility standards for aged, 6799  
blind, or disabled individuals who reside in one of the homes or 6800  
facilities specified in division (C)(1) of this section but who, 6801  
because of their income, do not receive supplemental security 6802

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income payments. The rules may provide that these individuals may  
include individuals who receive other types of benefits,  
including, social security disability insurance benefits provided  
under Title II of the "Social Security Act," 49 Stat. 620 (1935),  
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this  
section, such payments may be made if funds are available for  
them.

The director of aging shall adopt rules establishing the  
method to be used to determine the amount an eligible individual  
will receive under the program. The amount the general assembly  
appropriates for the program shall be a factor included in the  
method that department establishes.

(E) The county department of job and family services of the  
county in which an applicant for the residential state supplement  
program resides shall determine whether the applicant meets income  
and resource requirements for the program.

(F) The department of aging shall maintain a waiting list of  
any individuals eligible for payments under this section but not  
receiving them because moneys appropriated to the department for  
the purposes of this section are insufficient to make payments to  
all eligible individuals. An individual may apply to be placed on  
the waiting list even though the individual does not reside in one  
of the homes or facilities specified in division (C)(1) of this  
section at the time of application. The director of aging, by  
rules adopted in accordance with Chapter 119. of the Revised Code,  
shall specify procedures and requirements for placing an  
individual on the waiting list. Individuals on the waiting list  
who reside in a community setting not required to be licensed or  
certified shall have their eligibility for the payments assessed  
before other individuals on the waiting list.

(G) An individual in a licensed or certified living  
arrangement receiving state supplementation on November 15, 1990,

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under former section 5101.531 of the Revised Code shall not become  
ineligible for payments under this section solely by reason of the  
individual's living arrangement as long as the individual remains  
in the living arrangement in which the individual resided on  
November 15, 1990.

(H) The department of aging shall notify each person denied  
approval for payments under this section of the person's right to  
a hearing. On request, the hearing shall be provided by the  
department of job and family services in accordance with section  
5101.35 of the Revised Code.

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

**Sec. 173.46.** The department of aging shall develop and

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publish a guide to nursing facilities in this state for use by 6866  
individuals considering nursing facility placement and their 6867  
families, friends, and advisors. The guide shall be titled the 6868  
Ohio long-term care consumer guide. 6869

The consumer guide shall be published in computerized form 6870  
for distribution over the internet. The guide shall be made 6871  
available not later than ~~fourteen months after the effective date~~ 6872  
~~of this section~~ March 1, 2002, and shall be updated in accordance 6873  
with section 173.52 of the Revised Code. 6874

Every two years, the department shall publish an executive 6875  
summary of the consumer guide, and shall make the executive 6876  
summary available in both computerized and printed forms. 6877

**Sec. 173.47.** The department of aging may contract with any 6878  
person or government entity to perform any function related to the 6879  
publication of the Ohio long-term care consumer guide or the 6880  
collection and preparation of data and other material for the 6881  
guide, except that the department shall contract to have the 6882  
customer satisfaction surveys conducted under section 173.54 of 6883  
the Revised Code. ~~In awarding the contract to have the surveys~~ 6884  
~~conducted~~ To the extent possible, the department shall contract 6885  
with a person or government entity that has experience in 6886  
surveying the customer satisfaction of nursing facility residents 6887  
and their families. The department's contract shall permit the 6888  
person or government entity to subcontract with other persons or 6889  
government entities for purposes of conducting all or part of the 6890  
surveys. 6891

**Sec. 175.03.** (A)(1) The Ohio housing finance agency shall 6892  
consist of ~~nine~~ eleven members. ~~Seven~~ Nine of the members shall be 6893  
appointed by the governor with the advice and consent of the 6894  
senate. The director of commerce and the director of development, 6895  
or their respective designees, shall also be voting members of the 6896

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agency. Of the ~~seven~~ nine appointed members, at least one shall 6897  
have experience in residential housing construction; at least one 6898  
shall have experience in residential housing mortgage lending, 6899  
loan servicing, or brokering; at least one shall have experience 6900  
in the licensed residential housing brokerage business; at least 6901  
one shall have experience with the housing needs of senior 6902  
citizens; at least one shall be from a background in labor 6903  
representation in the construction industry; at least one shall 6904  
represent the interests of nonprofit multifamily housing 6905  
development organizations; at least one shall represent the 6906  
interests of for-profit multifamily housing development 6907  
corporations; and two shall be public members. No more than ~~five~~ 6908  
~~six~~ of the appointed members of the agency shall be of the same 6909  
political party. ~~Of the initial appointments made to the agency,~~ 6910  
~~two shall be for a term ending on January 31, 1984, two shall be~~ 6911  
~~for a term ending on January 31, 1985, one shall be for a term~~ 6912  
~~ending on January 31, 1986, one shall be for a term ending on~~ 6913  
~~January 31, 1987, and one shall be for a term ending on January~~ 6914  
~~31, 1988, the term for each member to be designated by the~~ 6915  
~~governor~~ Of the appointments made to the agency for the eighth and 6916  
ninth appointed members in accordance with this amendment, one 6917  
shall be for a term ending on January 31, 2005, and one shall be 6918  
for a term ending on January 31, 2006. Thereafter, each appointed 6919  
member shall serve for a term ending on the thirty-first day of 6920  
January which is six years following the date of termination of 6921  
the term which it succeeds. Each member shall hold office from the 6922  
date of the member's appointment until the end of the term for 6923  
which the member was appointed. Any member appointed to fill a 6924  
vacancy occurring prior to the expiration of the term for which 6925  
the member's predecessor was appointed shall hold office for the 6926  
remainder of such term. Any appointed member shall continue in 6927  
office subsequent to the expiration date of the member's term 6928  
until the member's successor takes office, or until a period of 6929

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sixty days has elapsed, whichever occurs first. Each appointed 6930  
member may be removed from office by the governor for misfeasance, 6931  
nonfeasance, malfeasance in office, or for failure to attend in 6932  
person three consecutive meetings of the agency. 6933

(2) The director of development or the director's designee 6934  
shall be the chairperson of the agency. The agency shall elect one 6935  
of its appointed members as vice-chairperson and such other 6936  
officers as it deems necessary, who need not be members of the 6937  
agency. Each appointed member of the agency shall receive 6938  
compensation at the rate of one hundred fifty dollars per agency 6939  
meeting attended in person, not to exceed a maximum of three 6940  
thousanddollars per year. All members shall be reimbursed for 6941  
their actual and necessary expenses incurred in the discharge of 6942  
their official duties. 6943

(3) ~~Five~~ six members of the agency constitute a quorum, and 6944  
the affirmative vote of ~~five~~ six members shall be necessary for 6945  
any action taken by the agency. No vacancy in membership of the 6946  
agency impairs the right of a quorum to exercise all the rights 6947  
and perform all the duties of the agency. Meetings of the agency 6948  
may be held at any place within the state. Meetings of the agency, 6949  
including notice of the place of meetings, shall comply with 6950  
section 121.22 of the Revised Code. 6951

(B) The appointed members of the agency are not subject to 6952  
section 102.02 of the Revised Code. Each such appointed member 6953  
shall file with the agency a signed written statement setting 6954  
forth the general nature of sales of goods, property or services 6955  
or of loans to the agency in which such member has a pecuniary 6956  
interest or in which any member of the member's immediate family, 6957  
as defined in section 102.01 of the Revised Code, or any 6958  
corporation, partnership or enterprise of which the member is an 6959  
officer, director, or partner, or of which the member or a member 6960  
of the member's immediate family, as so defined, owns more than a 6961

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five per cent interest, has a pecuniary interest, and of which  
sale, loan and interest such member has knowledge. The statement  
shall be supplemented from time to time to reflect changes in the  
general nature of any such sales or loans. No member shall  
participate in portions of agency meetings dealing with, or vote  
concerning, any such matter. The requirements of this section  
pertaining to disclosure and prohibition from participation and  
voting do not apply to agency loans to lending institutions or  
contracts between the agency and lending institutions for the  
purchase, administration, or servicing of loans notwithstanding  
that such lending institution has a director, officer, employee,  
or owner who is a member of the agency, and no such loans or  
contracts shall be deemed to be prohibited or otherwise regulated  
by reason of any other law or rule.

**Sec. 175.21.** (A) The low- and moderate-income housing trust  
fund is hereby created in the state treasury. The fund shall  
consist of all appropriations, grants, gifts, loan repayments, and  
contributions of money made from any source to the department of  
development for the fund. All investment earnings of the fund  
shall be credited to the fund. The director of development shall  
allocate a portion of the money in the fund to an account of the  
Ohio housing finance agency. The department shall administer the  
fund. The agency shall use money allocated to it in the fund for  
implementing and administering its programs and duties under  
sections 175.22 and 175.24 of the Revised Code, and the department  
shall use the remaining money in the fund for implementing and  
administering its programs and duties under sections 175.22 to  
175.25 of the Revised Code. Use of all money in the fund is  
subject to the following restrictions: forty-five per cent of the  
money in the fund amount of funds awarded during any one fiscal  
year shall be used to make grants and loans to nonprofit  
organizations under section 175.22 of the Revised Code, not less

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than ~~thirty-five~~ forty-five per cent of the money in the fund 6994  
amount of funds awarded during any one fiscal year shall be used 6995  
to make grants and loans for activities that will provide housing 6996  
and housing assistance to families and individuals in rural areas 6997  
and small cities that would not be eligible to participate in the 6998  
~~small cities program of the community development and block grant~~ 6999  
~~program under sections 570.420 to 570.438 of the Code of Federal~~ 7000  
Regulations as a participating jurisdiction under the "HOME 7001  
Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 7002  
12701 note, 12721, no more than ~~five~~ six per cent of the money in 7003  
the fund shall be used for administration, and no money in the 7004  
fund shall be used to pay for any legal services other than the 7005  
usual and customary legal services associated with the acquisition 7006  
of housing. Except as otherwise provided by the director under 7007  
division (B) of this section, money in the fund may be used as 7008  
matching money for federal funds received by the state, counties, 7009  
municipal corporations, and townships for the activities listed in 7010  
section 175.22 of the Revised Code. 7011

(B) If after the second quarter of any year it appears to the 7012  
director that the full amount of the money in the low- and 7013  
moderate-income housing trust fund designated in that year for 7014  
activities that will provide housing and housing assistance to 7015  
families and individuals in rural areas and small cities under 7016  
division (A) of this section will not be so used, the director may 7017  
reallocate all or a portion of that amount for other housing 7018  
activities. In determining whether or how to reallocate money 7019  
under this division, the director may consult with and shall 7020  
receive advice from the housing trust fund advisory committee. 7021

**Sec. 175.22.** (A) The department of development and the Ohio 7022  
housing finance agency shall each develop programs under which, in 7023  
accordance with rules adopted under this section, it may make 7024  
grants, loans, loan guarantees, and loan subsidies to counties, 7025

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municipal corporations, townships, local housing authorities, and 7026  
 nonprofit organizations and may make loans, loan guarantees, and 7027  
 loan subsidies to private developers and private lenders to assist 7028  
 them in activities that will provide housing and housing 7029  
 assistance for specifically targeted low- and moderate-income 7030  
 families and individuals. There shall be no minimum housing 7031  
project size for awards under this division for any project that 7032  
is being developed for a special needs population and that is 7033  
supported by a social service agency where the housing project 7034  
will be located. Activities for which grants, loans, loan 7035  
 guarantees, and loan subsidies may be made under this section 7036  
 include all of the following: 7037

(1) Acquiring, financing, constructing, leasing, 7038  
 rehabilitating, remodeling, improving, and equipping publicly or 7039  
 privately owned housing; 7040

(2) Providing supportive services related to housing and the 7041  
 homeless, including housing counseling<sup>+</sup>. Not more than twenty per 7042  
cent of the current year appropriation authority for the low- and 7043  
moderate-income housing trust fund shall be awarded in any fiscal 7044  
year for such supportive services. 7045

(3) Providing rental assistance payments or other project 7046  
 operating subsidies that lower tenant rents. 7047

(B) Grants, loans, loan guarantees, and loan subsidies may be 7048  
 made to counties, municipal corporations, townships, and nonprofit 7049  
 organizations for the additional purposes of providing technical 7050  
 assistance, design and finance services and consultation, and 7051  
 payment of pre-development and administrative costs related to any 7052  
 of the activities listed above. 7053

(C) In developing programs under this section, the department 7054  
 and the agency shall invite, accept, and consider public comment, 7055  
 and recommendations from the housing trust fund advisory committee 7056  
 created under section 175.25 of the Revised Code, on how the 7057

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programs should be designed to most effectively benefit low- and 7058  
moderate-income families and individuals. The programs developed 7059  
under this section shall respond collectively to housing and 7060  
housing assistance needs of low- and moderate-income families and 7061  
individuals statewide. 7062

(D) The department and the agency, in accordance with Chapter 7063  
119. of the Revised Code, shall each adopt rules under which it 7064  
shall administer programs developed by it under this section. The 7065  
rules shall prescribe procedures and forms whereby counties, 7066  
municipal corporations, townships, local housing authorities, and 7067  
nonprofit organizations may apply for grants, loans, loan 7068  
guarantees, and loan subsidies and private developers and private 7069  
lenders may apply for loans, loan guarantees, and loan subsidies; 7070  
eligibility criteria for the receipt of funds; procedures for 7071  
reviewing and granting or denying applications; procedures for 7072  
paying out funds; conditions on the use of funds; procedures for 7073  
monitoring the use of funds; and procedures under which a 7074  
recipient shall be required to repay funds that are improperly 7075  
used. The rules adopted by the department shall do both of the 7076  
following: 7077

(1) Require each recipient of a grant or loan made from the 7078  
low- and moderate-income housing trust fund for activities that 7079  
will provide, or assist in providing, a rental housing project, to 7080  
reasonably ensure that the rental housing project will be 7081  
affordable to those families and individuals targeted for the 7082  
rental housing project for the useful life of the rental housing 7083  
project or for thirty years, whichever is longer; 7084

(2) Require each recipient of a grant or loan made from the 7085  
low- and moderate-income housing trust fund for activities that 7086  
will provide, or assist in providing, a housing project to prepare 7087  
and implement a plan to reasonably assist any families and 7088  
individuals displaced by the housing project in obtaining decent 7089

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affordable housing. 7090

(E) In prescribing eligibility criteria and conditions for 7091  
the use of funds, neither the department nor agency is limited to 7092  
the criteria and conditions specified in this section and each may 7093  
prescribe additional eligibility criteria and conditions that 7094  
relate to the purposes for which grants, loans, loan guarantees, 7095  
and loan subsidies may be made. However, the department and agency 7096  
are limited by the following specifically targeted low- and 7097  
moderate-income guidelines: 7098

(1) Not less than seventy-five per cent of the money granted 7099  
and loaned under this section in any ~~biennium~~ fiscal year shall be 7100  
for activities that will provide affordable housing and housing 7101  
assistance to families and individuals in a county whose incomes 7102  
are equal to or less than fifty per cent of the median income for 7103  
that county, as determined by the department under section 175.23 7104  
of the Revised Code. 7105

(2) The remainder of the money granted and loaned under this 7106  
section in any ~~biennium~~ fiscal year shall be for activities that 7107  
will provide affordable housing and housing assistance to families 7108  
and individuals in a county whose incomes are equal to or less 7109  
than eighty per cent of the median income for that county, as 7110  
determined by the department under section 175.23 of the Revised 7111  
Code. 7112

(F) In making grants, loans, loan guarantees, and loan 7113  
subsidies under this section, the department and the agency shall 7114  
give preference to viable projects and activities that will 7115  
benefit those families and individuals in a county whose incomes 7116  
are equal to or less than thirty-five per cent of the median 7117  
income for that county, as determined by the department under 7118  
section 175.23 of the Revised Code. The department and the agency 7119  
shall monitor the programs developed under this section to ensure 7120  
that money granted and loaned under this section is not used in a 7121

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manner that violates division (H) of section 4112.02 of the Revised Code or discriminates against families with children.

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

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

**Sec. 179.02.** (A) There is hereby established the Ohio commission on dispute resolution and conflict management, consisting of twelve members, unless a vacancy exists in an appointment at any given time. The purpose of the commission is to provide, coordinate, fund, and evaluate dispute resolution and conflict management education, training, and research programs in this state, and to consult with, educate, train, provide resources for, and otherwise assist and facilitate other persons and public or private agencies, organizations, or entities that are engaged in activities related to dispute resolution and conflict management. Four members of the commission shall be appointed by the governor, four members shall be appointed by the chief justice of the supreme court, two members shall be appointed by the president of the senate, and two members shall be appointed by the speaker of the house of representatives.

Within thirty days after ~~the effective date of this section~~ June 30, 1995, the governor, the chief justice of the supreme court, the president of the senate, and the speaker of the house of representatives shall make initial appointments to the

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commission. Of the initial appointments made to the commission by 7153  
the governor and the chief justice, two each shall be for a term 7154  
ending two years after ~~the effective date of this section~~ June 30, 7155  
1995, and two each shall be for a term ending four years after 7156  
that date. Of the initial appointments made to the commission by 7157  
the president of the senate and the speaker of the house of 7158  
representatives, one each shall be for a term ending two years 7159  
after ~~the effective date of this section~~ June 30, 1995, and one 7160  
each shall be for a term ending four years after that date. 7161  
Thereafter, terms of office shall be for three years, with each 7162  
term ending on the same day of the same month of the year as the 7163  
term that it succeeds. Each member shall hold office from the date 7164  
of appointment until the end of the term for which appointed. 7165  
Members may be reappointed. ~~Vacancies~~ 7166

Vacancies shall be filled in the manner provided for original 7167  
appointments. Any member appointed to fill a vacancy occurring 7168  
prior to the expiration date of the term for which the member's 7169  
predecessor was appointed shall hold office as a member for the 7170  
remainder of that term. ~~A~~ 7171

A member shall continue in office subsequent to the 7172  
expiration date of the member's term until ~~a~~ the member's 7173  
successor takes office or until a period of sixty days has 7174  
elapsed, whichever occurs first. 7175

(B) The commission shall meet within two weeks after all of 7176  
its initial members have been appointed, at a time and place 7177  
determined by the governor. Thereafter, the commission shall meet 7178  
at least quarterly, or more often upon the call of the ~~chairman~~ 7179  
chairperson or at the request of the executive director of the 7180  
commission. ~~The~~ 7181

The commission shall organize by selecting from among its 7182  
members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, 7183  
and ~~such~~ other necessary officers ~~as are necessary~~. All officers 7184

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shall be elected annually by vote of the members of the 7185  
commission. ~~Each~~ 7186

Each member of the commission shall have one vote. ~~Seven~~ A 7187  
majority of the members constitute of the commission, as it exists 7188  
at any given time, constitutes a quorum, and the votes of a 7189  
majority of the members present at a meeting of the commission are 7190  
required to validate an action of the commission. 7191

(C) The members of the commission shall serve without 7192  
compensation, but each member shall be reimbursed for actual and 7193  
necessary expenses incurred in the performance of official duties, 7194  
and actual mileage for each mile necessarily traveled in the 7195  
performance of official duties. 7196

**Sec. 179.03.** (A) The Ohio commission on dispute resolution 7197  
and conflict management shall do all of the following: 7198

(1) Appoint and set the compensation of an executive 7199  
director, who shall serve at the pleasure of the commission; 7200

(2) Establish and maintain a central office; 7201

(3) Adopt rules to govern the application for, and the 7202  
awarding of, grants made available by the commission under 7203  
sections 179.01 to 179.04 of the Revised Code out of the dispute 7204  
resolution and conflict management commission gifts, grants, and 7205  
reimbursements fund established by division (C) of this section; 7206

(4) Seek, solicit, and apply for grants from any public or 7207  
private source to provide for the operation of dispute resolution 7208  
and conflict management programs in this state; 7209

(5) Adopt standards for the evaluation of dispute resolution 7210  
and conflict management programs funded pursuant to sections 7211  
179.01 to 179.04 of the Revised Code; 7212

(6) Provide technical aid and assistance to dispute 7213  
resolution and conflict management programs, to centers that 7214

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provide these programs, and to public and private agencies and	7215
organizations that provide these programs or engage in dispute	7216
resolution and conflict management <del>activities</del> <u>services</u> ;	7217
(7) Approve an annual operating budget;	7218
(8) Prepare an annual report on the operation of the	7219
commission and the office established by the commission, and	7220
provide the report to the governor, the supreme court, and the	7221
general assembly.	7222
(B) The commission may do any of the following:	7223
(1) Receive and accept donations, grants, awards, bequests,	7224
gifts, reimbursements, and similar funds from any lawful source;	7225
(2) Accept the services of volunteer workers and consultants	7226
at no compensation, other than reimbursement for actual and	7227
necessary expenses incurred in the performance of their official	7228
duties, and reimburse any volunteer workers or consultants for	7229
their actual and necessary expenses so incurred;	7230
(3) Prepare and publish statistical data and case studies and	7231
other data pertinent to the development, operation, and evaluation	7232
of dispute resolution and conflict management programs and centers	7233
that provide these programs or engage in dispute resolution and	7234
conflict management services;	7235
(4) Conduct programs that have a general objective of	7236
training and educating mediators and other persons engaged in	7237
providing dispute resolution and conflict management services;	7238
(5) Develop programs and curricula that are designed to	7239
provide dispute resolution and conflict management training and	7240
education for public and private education, as well as other	7241
appropriate education forums;	7242
(6) Enter into contracts for dispute resolution and conflict	7243
management services <u>or authorize the executive director to enter</u>	7244

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<u>into those contracts.</u>	7245
(C) There is hereby established in the state treasury the	7246
dispute resolution and conflict management commission gifts,	7247
grants, and reimbursements fund. All donations, grants, awards,	7248
bequests, gifts, <del>and</del> reimbursements, and similar funds received by	7249
the commission under this section shall be deposited in the fund.	7250
<b>Sec. 179.04.</b> (A) No person shall be appointed executive	7251
director of the Ohio commission on dispute resolution and conflict	7252
management unless the person is trained in law, public affairs,	7253
business administration, or social sciences and the person has	7254
experience in administering dispute resolution and conflict	7255
management programs or services. The executive director appointed	7256
by the commission shall serve at the pleasure of the commission.	7257
(B) The executive director shall do both of the following:	7258
(1) Appoint and set the compensation of personnel who are	7259
necessary for the efficient operation of the office established by	7260
the commission, with the approval of the commission;	7261
(2) Keep and maintain financial records pertaining to the	7262
awarding of grants and contracts authorized <del>pursuant to</del> <u>under</u>	7263
sections 179.01 to 179.04 of the Revised Code, and report	7264
periodically, but not less than annually, to the commission on all	7265
relevant data pertaining to the operations, costs, and projected	7266
needs of the office established by the commission and on	7267
recommendations for legislation or amendments to court rules that	7268
may be appropriate to improve dispute resolution and conflict	7269
management programs.	7270
(C) The executive director may do any of the following:	7271
(1) Make all necessary arrangements to coordinate the	7272
services of the office established by the commission with any	7273
federal, state, county, municipal, township, or private entity or	7274

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program established to provide dispute resolution and conflict	7275
management services and to obtain and provide all funds allowable	7276
from any such entity or under any such <del>programs</del> <u>program</u> ;	7277
(2) Consult and cooperate with professional groups concerned	7278
with the study, development, implementation, and evaluation of	7279
dispute resolution and conflict management programs and services	7280
and the operation of the <del>state dispute resolution and conflict</del>	7281
<del>management</del> office established by the commission;	7282
(3) Accept the services of volunteer workers and consultants	7283
at no compensation, other than reimbursement for actual and	7284
necessary expenses incurred in the performance of their official	7285
duties, and provide for the reimbursement of any volunteer workers	7286
or consultants for their actual and necessary expenses so	7287
incurred;	7288
(4) Prescribe any forms that are necessary for the uniform	7289
operation of sections 179.01 to 179.04 of the Revised Code;	7290
<u>(5) With the authorization of the commission, enter into</u>	7291
<u>contracts for dispute resolution and conflict management services.</u>	7292
<b>Sec. 181.51.</b> As used in sections 181.51 to 181.56 of the	7293
Revised Code:	7294
(A) "Federal criminal justice acts" means any federal law	7295
that authorizes financial assistance and other forms of assistance	7296
to be given by the federal government to the states to be used for	7297
the improvement of the criminal and juvenile justice systems of	7298
the states.	7299
(B)(1) "Criminal justice system" includes all of the	7300
functions of the following:	7301
(a) The state highway patrol, county sheriff offices,	7302
municipal and township police departments, and all other law	7303
enforcement agencies;	7304

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- (b) The courts of appeals, courts of common pleas, municipal courts, county courts, and mayor's courts, when dealing with criminal cases; 7305  
7306  
7307
- (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; 7308  
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- (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; 7313  
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- (e) Any public or private agency whose purposes include the prevention of crime or the diversion, adjudication, detention, or rehabilitation of criminal offenders; 7317  
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- (f) Any public or private agency, the purposes of which include assistance to crime victims or witnesses. 7320  
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- (2) The inclusion of any public or private agency, the purposes of which include assistance to crime victims or witnesses, as part of the criminal justice system pursuant to division (B)(1) of this section does not limit, and shall not be construed as limiting, the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs. 7322  
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- (C) "Juvenile justice system" includes all of the functions of the juvenile courts, the department of youth services, any public or private agency whose purposes include the prevention of delinquency or the diversion, adjudication, detention, or rehabilitation of delinquent children, and any of the functions of the criminal justice system that are applicable to children. 7329  
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- (D) "Comprehensive plan" means a document that coordinates, 7335

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evaluates, and otherwise assists, on an annual or multi-year 7336  
basis, ~~all~~ any of the functions of the criminal and juvenile 7337  
justice systems of the state or a specified area of the state, 7338  
that conforms to the priorities of the state with respect to 7339  
criminal and juvenile justice systems, and that conforms with the 7340  
requirements of all federal criminal justice acts. These functions 7341  
may include, but are not limited to, ~~all~~ any of the following: 7342  
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(1) Crime and delinquency prevention; 7344

(2) Identification, detection, apprehension, and detention of 7345  
persons charged with criminal offenses or delinquent acts; 7346

(3) Assistance to crime victims or witnesses, except that the 7347  
comprehensive plan does not include the functions of the attorney 7348  
general pursuant to sections 109.91 and 109.92 of the Revised 7349  
Code; 7350

(4) Adjudication or diversion of persons charged with 7351  
criminal offenses or delinquent acts; 7352

(5) Custodial treatment of criminal offenders ~~and~~, delinquent 7353  
children, or both; 7354

(6) Institutional and noninstitutional rehabilitation of 7355  
criminal offenders ~~and~~, delinquent children, or both. 7356

(E) "Metropolitan county criminal justice services agency" 7357  
means an agency that is established pursuant to division (A) of 7358  
section 181.54 of the Revised Code. 7359

(F) "Administrative planning district" means a district that 7360  
is established pursuant to division (A) or (B) of section 181.56 7361  
of the Revised Code. 7362

(G) "Criminal justice coordinating council" means a criminal 7363  
justice services agency that is established pursuant to division 7364  
~~(B)~~(D) of section 181.56 of the Revised Code. 7365

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(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.

(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.

**Sec. 181.52.** (A) There is hereby created an office of criminal justice services. The governor shall appoint a director of the office, and the director may appoint, within the office, any professional and technical personnel and other employees that 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 personnel employed within the office who are not public employees as defined in section 4117.01 of the Revised Code, shall be in the unclassified civil service, and all other persons employed within the office shall be in the classified civil service. The director may enter into any contracts, except contracts governed by Chapter 4117. of the Revised Code, that are necessary for the operation of the office.

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

(1) Serve as the state criminal justice services agency and perform criminal ~~and juvenile~~ justice system planning in the

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state, including any planning that is required by any federal law;	7397
(2) Collect, analyze, and correlate information and data	7398
concerning the criminal <del>and juvenile</del> justice <del>systems</del> <u>system</u> in the	7399
state;	7400
(3) Cooperate with and provide technical assistance to state	7401
departments, administrative planning districts, metropolitan	7402
county criminal justice services agencies, criminal justice	7403
coordinating councils, agencies, offices, and departments of the	7404
criminal <del>and juvenile</del> justice <del>systems</del> <u>system</u> in the state, and	7405
other appropriate organizations and persons;	7406
(4) Encourage and assist agencies, offices, and departments	7407
of the criminal <del>and juvenile</del> justice <del>systems</del> <u>system</u> in the state	7408
and other appropriate organizations and persons to solve problems	7409
that relate to the duties of the office;	7410
(5) Administer within the state any federal criminal justice	7411
acts <del>or juvenile justice acts</del> that the governor requires it to	7412
administer;	7413
(6) <u>Administer funds received under the "Family Violence</u>	7414
<u>Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A.</u>	7415
<u>10401, as amended, with all powers necessary for the adequate</u>	7416
<u>administration of those funds, including the authority to</u>	7417
<u>establish a family violence prevention and services program.</u>	7418
(7) Implement the state comprehensive plans;	7419
<del>(7)</del> (8) Audit grant activities of agencies, offices,	7420
organizations, and persons that are financed in whole or in part	7421
by funds granted through the office;	7422
<del>(8)</del> (9) Monitor or evaluate the performance of criminal <del>and</del>	7423
<del>juvenile</del> justice <del>systems</del> <u>system</u> projects and programs in the state	7424
that are financed in whole or in part by funds granted through the	7425
office;	7426

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<del>(9)</del> (10) Apply for, allocate, disburse, and account for grants	7427
that are made available pursuant to federal criminal justice acts	7428
<del>or juvenile justice acts</del> , or made available from other federal,	7429
state, or private sources, to improve the criminal <del>and juvenile</del>	7430
justice <del>systems</del> <u>system</u> in the state. All money from such federal	7431
grants shall, if the terms under which the money is received	7432
require that the money be deposited into an interest-bearing fund	7433
or account, be deposited in the state treasury to the credit of	7434
the federal program purposes fund, which is hereby created. All	7435
investment earnings of the fund shall be credited to the fund.	7436
	7437
<del>(10)</del> (11) Contract with federal, state, and local agencies,	7438
foundations, corporations, businesses, and persons when necessary	7439
to carry out the duties of the office;	7440
<del>(11)</del> (12) Oversee the activities of metropolitan county	7441
criminal justice services agencies, administrative planning	7442
districts, and criminal justice coordinating councils in the	7443
state;	7444
<del>(12)</del> (13) Advise the general assembly and governor on	7445
legislation and other significant matters that pertain to the	7446
improvement and reform of criminal and juvenile justice systems in	7447
the state;	7448
<del>(13)</del> (14) Prepare and recommend legislation to the general	7449
assembly and governor for the improvement of the criminal and	7450
juvenile justice systems in the state;	7451
<del>(14)</del> (15) Assist, advise, and make any reports that are	7452
requested or required by the governor, attorney general, or	7453
general assembly;	7454
<del>(15)</del> (16) Adopt rules pursuant to Chapter 119. of the Revised	7455
Code.	7456
(C) <u>Division Upon the request of the governor, the office of</u>	7457

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<u>criminal justice services may do any of the following:</u>	7458
<u>(1) Collect, analyze, or correlate information and data</u>	7459
<u>concerning the juvenile justice system in the state;</u>	7460
<u>(2) Cooperate with and provide technical assistance to state</u>	7461
<u>departments, administrative planning districts, metropolitan</u>	7462
<u>county criminal justice service agencies, criminal justice</u>	7463
<u>coordinating councils, agency offices, and the departments of the</u>	7464
<u>juvenile justice system in the state and other appropriate</u>	7465
<u>organizations and persons;</u>	7466
<u>(3) Encourage and assist agencies, offices, and departments</u>	7467
<u>of the juvenile justice system in the state and other appropriate</u>	7468
<u>organizations and persons to solve problems that relate to the</u>	7469
<u>duties of the office.</u>	7470
<u>(D) Divisions (B) and (C) of this section does do not limit</u>	7471
the discretion or authority of the attorney general with respect	7472
to crime victim assistance and criminal justice programs.	7473
<del>(D)</del> <u>(E)</u> Nothing in this section is intended to diminish or	7474
alter the status of the office of the attorney general as a	7475
criminal justice services agency.	7476
<b>Sec. 181.54.</b> (A) A county may enter into an agreement with	7477
the largest city within the county to establish a metropolitan	7478
county criminal justice services agency, if the population of the	7479
county exceeds five hundred thousand or the population of the city	7480
exceeds two hundred fifty thousand.	7481
(B) A metropolitan county criminal justice services agency	7482
shall do all of the following:	7483
(1) Accomplish criminal and juvenile justice systems planning	7484
within its services area;	7485
(2) Collect, analyze, and correlate information and data	7486
concerning the criminal and juvenile justice systems within its	7487

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services area;	7488
(3) Cooperate with and provide technical assistance to all	7489
criminal and juvenile justice agencies and systems and other	7490
appropriate organizations and persons within its services area;	7491
(4) Encourage and assist agencies of the criminal and	7492
juvenile justice systems and other appropriate organizations and	7493
persons to solve problems that relate to its duties;	7494
(5) Administer within its services area any federal criminal	7495
justice acts or juvenile justice acts that the office of criminal	7496
justice services <u>pursuant to section 5139.11 of the Revised Code</u>	7497
<u>or the department of youth services</u> administers within the state;	7498
(6) Implement the comprehensive plans for its services area;	7499
(7) Monitor or evaluate, within its services area, the	7500
performance of the criminal and juvenile justice systems projects	7501
and programs that are financed in whole or in part by funds	7502
granted through it;	7503
(8) Apply for, allocate, and disburse grants that are made	7504
available pursuant to any federal criminal justice acts, or	7505
pursuant to any other federal, state, or private sources for the	7506
purpose of improving the criminal and juvenile justice systems;	7507
(9) Contract with federal, state, and local agencies,	7508
foundations, corporations, and other businesses or persons to	7509
carry out the duties of the agency.	7510
<b>Sec. 181.55.</b> (A)(1) When funds are available for <del>this purpose</del>	7511
<u>criminal justice purposes pursuant to section 181.54 of the</u>	7512
<u>Revised Code</u> , the office of criminal justice services shall	7513
provide funds to metropolitan county criminal justice services	7514
agencies for the purpose of developing, coordinating, evaluating,	7515
and implementing comprehensive plans within their respective	7516
counties. The office of criminal justice services shall provide	7517

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funds to an agency only if it complies with the conditions of 7518  
division (B) of this section. 7519

(2) When funds are available for juvenile justice purposes 7520  
pursuant to section 181.54 of the Revised Code, the department of 7521  
youth services shall provide funds to metropolitan county criminal 7522  
justice services agencies for the purpose of developing, 7523  
coordinating, evaluating, and implementing comprehensive plans 7524  
within their respective counties. The department shall provide 7525  
funds to an agency only if it complies with the conditions of 7526  
division (B) of this section. 7527

(B) A metropolitan county criminal justice services agency 7528  
shall do all of the following: 7529

(1) Submit, in a form that is acceptable to the office of 7530  
criminal justice services or the department of youth services 7531  
pursuant to section 5139.01 of the Revised Code, a comprehensive 7532  
plan for the county; 7533

(2) Establish a metropolitan county criminal justice services 7534  
supervisory board whose members shall include a majority of the 7535  
local elected officials in the county and representatives from law 7536  
enforcement agencies, courts, prosecuting authorities, public 7537  
defender agencies, rehabilitation and correction agencies, 7538  
community organizations, juvenile justice services agencies, 7539  
professionals, and private citizens in the county, and that shall 7540  
have the authority set forth in division (C) of this section; 7541

(3) Organize in the manner provided in sections 167.01 to 7542  
167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, 7543  
unless the board created pursuant to division (B)(2) of this 7544  
section organizes pursuant to these sections. 7545

(C) A metropolitan county criminal justice services 7546  
supervisory board shall do all of the following: 7547

(1) Exercise leadership in improving the quality of the 7548

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- criminal and juvenile justice systems in the county; 7549
- (2) Review, approve, and maintain general oversight of the 7550  
comprehensive plans for the county and the implementation of the 7551  
plans; 7552
- (3) Review and comment on the overall needs and 7553  
accomplishments of the criminal and juvenile justice systems in 7554  
the county; 7555
- (4) Establish, as required to comply with this division, task 7556  
forces, ad hoc committees, and other committees, whose members 7557  
shall be appointed by the ~~chairman~~ chairperson of the board; 7558  
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- (5) Establish any rules that the board considers necessary 7560  
and that are consistent with the federal criminal justice acts and 7561  
section 181.52 of the Revised Code. 7562
- Sec. 181.56.** (A) In counties in which a metropolitan county 7563  
criminal justice services agency does not exist, the office of 7564  
criminal justice services shall discharge the office's duties that 7565  
the governor requires it to administer by establishing 7566  
administrative planning districts for criminal justice programs. 7567  
An administrative planning district shall contain a group of 7568  
contiguous counties in which no county has a metropolitan county 7569  
criminal justice services agency. 7570
- (B) In counties in which a metropolitan county criminal 7571  
justice services agency does not exist, the department of youth 7572  
services shall discharge pursuant to section 5139.11 of the 7573  
Revised Code the department's duty by establishing administrative 7574  
planning districts for juvenile justice programs. 7575
- (C) All administrative planning districts shall contain a 7576  
group of contiguous counties in which no county has a metropolitan 7577  
county criminal justice services agency. 7578

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(D) Any county or any combination of contiguous counties 7579  
 within an administrative planning district may form a criminal 7580  
 justice coordinating council or a juvenile justice coordinating 7581  
council for its respective programs, if the county or the group of 7582  
 counties has a total population in excess of two hundred fifty 7583  
 thousand. The council shall comply with the conditions set forth 7584  
 in divisions (B) and (C) of section 181.55 of the Revised Code, 7585  
 and exercise within its jurisdiction the powers and duties set 7586  
 forth in division (B) of section 181.54 of the Revised Code. 7587

**Sec. 183.09.** The fiscal year of the tobacco use prevention 7588  
 and control foundation shall be the same as the fiscal year of the 7589  
 state. 7590

Within ninety days after the end of each fiscal year, the 7591  
 foundation shall submit to the governor and the general assembly 7592  
 both of the following: 7593

(A) A report of the activities of the foundation during the 7594  
 preceding fiscal year and an independent and objective evaluation 7595  
 of the progress being made by the foundation in reducing tobacco 7596  
 use by Ohioans; 7597

(B) A financial report of the foundation for the preceding 7598  
 fiscal year, which shall include both: 7599

(1) Information on the amount and percentage of overhead and 7600  
 administrative expenditures compared to programmatic expenditures; 7601

(2) An independent auditor's report on the ~~general purpose~~ 7602  
basic financial statements and required supplementary information 7603  
 of the foundation. Such financial statements shall be prepared in 7604  
 conformity with generally accepted accounting principles 7605  
 prescribed for governmental entities. 7606

**Sec. 183.10.** The law enforcement improvements trust fund is 7607

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hereby created in the state treasury. Money credited to the fund 7608  
shall be used by the attorney general to maintain, upgrade, and 7609  
modernize the law enforcement training, law enforcement 7610  
technology, and laboratory ~~facilities~~ equipment of the office of 7611  
the attorney general. All investment earnings of the fund shall be 7612  
credited to the fund. 7613

**Sec. 183.17.** The fiscal year of the southern Ohio 7614  
agricultural and community development foundation shall be the 7615  
same as the fiscal year of the state. 7616

Within ninety days after the end of each fiscal year, the 7617  
foundation shall submit to the governor and the general assembly 7618  
both of the following: 7619

(A) A report of the activities of the foundation during the 7620  
preceding fiscal year. The report shall also contain an 7621  
independent evaluation of the progress being made by the 7622  
foundation in carrying out its duties. 7623

(B) A financial report of the foundation for the preceding 7624  
year, which shall include both: 7625

(1) Information on the amount and percentage of overhead and 7626  
administrative expenditures compared to programmatic expenditures; 7627

(2) An independent auditor's report on the ~~general purpose~~ 7628  
basic financial statements and required supplementary information 7629  
of the foundation. Such financial statements shall be prepared in 7630  
conformity with generally accepted accounting principles 7631  
prescribed for governmental entities. 7632

On or before July 1, 2010, the foundation shall report to the 7633  
governor and the general assembly on the progress that the 7634  
foundation has made in replacing the production of tobacco in 7635  
southern Ohio with the production of other agricultural products 7636  
and in mitigating the adverse economic impact of reduced tobacco 7637

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production in the region. ~~In~~ If the foundation concludes that a need for additional funding still exists, the foundation may request that provision be made for a portion of the payments credited to the tobacco master settlement agreement fund to continue to be transferred to the southern Ohio agricultural and community development trust fund.

**Sec. 183.28.** The education technology trust fund is hereby created in the state treasury. Money credited to the fund shall be used to pay costs of ~~new and innovative technology for primary and secondary education, including chartered nonpublic schools, and higher education, including state institutions of higher education and private nonprofit institutions of higher education holding certificates of authorization~~ the Ohio SchoolNet commission under section ~~1713.02~~ 3301.80 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

**Sec. 183.30.** (A) ~~No~~ Except as provided in division (D) of this section, no more than five per cent of the total expenditures of the tobacco use prevention and control foundation in a fiscal year shall be for administrative expenses of the foundation.

(B) ~~No~~ Except as provided in division (D) of this section, no more than five per cent of the total expenditures of the southern Ohio agricultural and community development foundation in a fiscal year shall be for administrative expenses of the foundation.

(C) ~~No~~ Except as provided in division (D) of this section, no more than five per cent of the total expenditures of the biomedical research and technology transfer commission in a fiscal year shall be for administrative expenses of the commission.

(D) This section's five per cent limitation on administrative expenses does not apply in fiscal years 2001 and 2002.

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Sec. 301.27. (A) As used in this section:	7668
(1) "Credit card" includes a gasoline credit card and a telephone credit card.	7669 7670
(2) "Officer" includes an individual who also is an appointing authority.	7671 7672
(3) "Gasoline and oil expenses," "minor motor vehicle maintenance expenses," and "emergency motor vehicle repair expenses" refer to only those expenses incurred for motor vehicles owned or leased by the county.	7673 7674 7675 7676
(B) A credit card held by a board of county commissioners or the office of any other county appointing authority shall be used only to pay work-related <del>food, transportation, gasoline</del> <u>expenses, limited to the following:</u>	7677 7678 7679 7680
<u>(1) Food expenses;</u>	7681
<u>(2) Transportation expenses;</u>	7682
<u>(3) Gasoline and oil, <del>minor</del> expenses;</u>	7683
<u>(4) Minor motor vehicle maintenance, <del>emergency</del>;</u>	7684
<u>(5) Emergency motor vehicle repair, <del>telephone, lodging, and internet</del> expenses;</u>	7685 7686
<u>(6) Telephone expenses;</u>	7687
<u>(7) Lodging expenses;</u>	7688
<u>(8) Internet service provider expenses;</u>	7689
<u>(9) In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living arrangement.</u>	7690 7691 7692 7693 7694 7695

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

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

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

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approved for use, and is free from previous and then-outstanding 7728  
obligations or certifications, the board shall authorize the 7729  
officer or employee to incur debt for such expenses against the 7730  
county's credit up to the authorized amount. 7731

(2) In lieu of following the procedure set forth in division 7732  
(E)(1) of this section, a board of county commissioners may adopt 7733  
a resolution authorizing an officer or employee of an appointing 7734  
authority to use a county credit card to pay for specific classes 7735  
of the work-related expenses listed in division (B) of this 7736  
section, or use a specific credit card for any of those 7737  
work-related expenses listed in division (B) of this section, 7738  
without submitting an estimate of those expenses to the board as 7739  
required by division (E)(1) of this section. Prior to adopting the 7740  
resolution, the board shall notify the county auditor. The 7741  
resolution shall specify whether the officer's or employee's 7742  
exemption extends to the use of a specific card, which card shall 7743  
be identified by its number, or to one or more specific 7744  
work-related uses from the classes of uses permitted under 7745  
division (B) of this section. Before any credit card exempted for 7746  
specific uses may be used to make purchases for uses other than 7747  
those specific uses listed in the resolution, the procedures 7748  
outlined in division (E)(1) of this section must be followed or 7749  
the use shall be considered an unauthorized use. Use of any credit 7750  
card under division (E)(2) of this section shall be limited to the 7751  
amount appropriated and encumbered in a specific appropriation 7752  
line item for the permitted use or uses designated in the 7753  
authorizing resolution, or, in the case of a resolution that 7754  
authorizes use of a specific credit card, for each of the 7755  
permitted uses listed in division (B) of this section, but only to 7756  
the extent the moneys in such appropriations are not otherwise 7757  
encumbered. 7758

(F)(1) Any time a county credit card approved for use for an 7759

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authorized amount under division (E)(1) of this section is used 7760  
for more than that authorized amount, the appointing authority may 7761  
request the board of county commissioners to authorize after the 7762  
fact the expenditure of any amount charged beyond the originally 7763  
authorized amount if, upon the board's request, the county auditor 7764  
certifies that sum of money is in the treasury or in the process 7765  
of collection to the credit of the appropriate appropriation line 7766  
item for which the credit card was used and is free from previous 7767  
and then-outstanding obligations or certifications. If the card is 7768  
used for more than the amount originally authorized and if for any 7769  
reason that amount is not authorized after the fact, then the 7770  
county treasury shall be reimbursed for any amount spent beyond 7771  
the originally authorized amount in the following manner: 7772

(a) If the card is issued in the name of a specific officer 7773  
or employee, then that officer or employee is liable in person and 7774  
upon any official bond the officer or employee has given to the 7775  
county to reimburse the county treasury for the amount charged to 7776  
the county beyond the originally authorized amount. 7777

(b) If the card was issued to the office of the appointing 7778  
authority, then the appointing authority is liable in person and 7779  
upon any official bond the appointing authority has given to the 7780  
county for the amount charged to the county beyond the originally 7781  
authorized amount. 7782

(2) Any time a county credit card authorized for use under 7783  
division (E)(2) of this section is used for more than the amount 7784  
appropriated under that division, the appointing authority may 7785  
request the board of county commissioners to issue a supplemental 7786  
appropriation or make a transfer to the proper line item account 7787  
as permitted in section 5705.40 of the Revised Code, to cover the 7788  
amount charged beyond the originally appropriated amount. If the 7789  
card is used for more than the amount originally appropriated and 7790  
if for any reason that amount is not appropriated or transferred 7791

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as permitted by this section, then the county treasury shall be 7792  
reimbursed for any amount spent beyond the originally appropriated 7793  
amount in the following manner: 7794

(a) If the card is issued in the name of a specific officer 7795  
or employee, then that officer or employee is liable in person and 7796  
upon any official bond the officer or employee has given to the 7797  
county for reimbursing the county treasury for any amount charged 7798  
on the card beyond the originally appropriated amount. 7799

(b) If the card is issued in the name of the office of the 7800  
appointing authority, then the appointing authority is liable in 7801  
person and upon any official bond the appointing authority has 7802  
given to the county for reimbursement for any amount charged on 7803  
the card beyond the originally appropriated amount. 7804

(3) Whenever any officer or employee authorized to use a 7805  
credit card held by the board or the office of any other county 7806  
appointing authority suspects the loss, theft, or possibility of 7807  
unauthorized use of the county credit card the officer or employee 7808  
is authorized to use, the officer or employee shall so notify the 7809  
officer's or employee's appointing authority or the board 7810  
immediately and in writing. 7811

(4) If the county auditor determines there has been a credit 7812  
card expenditure beyond the appropriated or authorized amount as 7813  
provided in division (E) of this section, the auditor immediately 7814  
shall notify the board of county commissioners of this fact. When 7815  
the board of county commissioners determines on its own or after 7816  
notification from the county auditor that the county treasury 7817  
should be reimbursed for credit card expenditures beyond the 7818  
appropriated or authorized amount as provided in divisions (F)(1) 7819  
and (2) of this section, it shall give written notice to the 7820  
officer or employee or appointing authority liable to the treasury 7821  
as provided in divisions (F)(1) and (2) of this section. If, 7822  
within thirty days after issuance of this written notice the 7823

county treasury is not reimbursed for the amount shown on the 7824  
written notice, the prosecuting attorney of the county shall 7825  
recover that amount from the officer or employee or appointing 7826  
authority who is liable under this section by civil action in any 7827  
court of appropriate jurisdiction. 7828

(G) Use of a county credit card for any use other than those 7829  
permitted under division (B) of this section is a violation of law 7830  
for the purposes of section 2913.21 of the Revised Code. 7831

**Sec. 307.86.** Anything to be purchased, leased, leased with an 7832  
option or agreement to purchase, or constructed, including, but 7833  
not limited to, any product, structure, construction, 7834  
reconstruction, improvement, maintenance, repair, or service, 7835  
except the services of an accountant, architect, attorney at law, 7836  
physician, professional engineer, construction project manager, 7837  
consultant, surveyor, or appraiser, by or on behalf of the county 7838  
or contracting authority, as defined in section 307.92 of the 7839  
Revised Code, at a cost in excess of fifteen thousand dollars, 7840  
except as otherwise provided in division (D) of section 713.23 and 7841  
in sections 125.04, 307.022, 307.041, 307.861, 339.05, 340.03, 7842  
340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01, 7843  
and 6137.05 of the Revised Code, shall be obtained through 7844  
competitive bidding. However, competitive bidding is not required 7845  
when any of the following applies: 7846

(A) The board of county commissioners, by a unanimous vote of 7847  
its members, makes a determination that a real and present 7848  
emergency exists, and that determination and the reasons for it 7849  
are entered in the minutes of the proceedings of the board, when 7850  
either of the following applies: 7851

(1) The estimated cost is less than fifty thousand dollars. 7852

(2) There is actual physical disaster to structures, radio 7853  
communications equipment, or computers. 7854

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For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than fifty thousand dollars, but the estimated cost is fifteen thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.

(C) The purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, township, or municipal corporation.

(D) Public family services or workforce development activities are purchased for provision by the county department of job and family services under section 329.04 of the Revised Code, or program services, such as direct and ancillary client services, child day-care, case management services, residential services, and family resource services, are purchased for provision by a county board of mental retardation and developmental disabilities under section 5126.05 of the Revised Code.

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(E) The purchase consists of criminal justice services, 7887  
social services programs, family services, or workforce 7888  
development activities by the board of county commissioners from 7889  
nonprofit corporations or associations under programs ~~that are~~ 7890  
funded ~~entirely~~ by the federal government or by state grants. 7891

(F) The purchase consists of any form of an insurance policy 7892  
or contract authorized to be issued under Title XXXIX of the 7893  
Revised Code or any form of health care plan authorized to be 7894  
issued under Chapter 1751. of the Revised Code, or any combination 7895  
of such policies, contracts, or plans that the contracting 7896  
authority is authorized to purchase, and the contracting authority 7897  
does all of the following: 7898

(1) Determines that compliance with the requirements of this 7899  
section would increase, rather than decrease, the cost of ~~such~~ the 7900  
purchase; 7901

(2) Employs a competent consultant to assist the contracting 7902  
authority in procuring appropriate coverages at the best and 7903  
lowest prices; 7904

(3) Requests issuers of ~~such~~ the policies, contracts, or 7905  
plans to submit proposals to the contracting authority, in a form 7906  
prescribed by the contracting authority, setting forth the 7907  
coverage and cost of ~~such~~ the policies, contracts, or plans as the 7908  
contracting authority desires to purchase; 7909

(4) Negotiates with ~~such~~ the issuers for the purpose of 7910  
purchasing ~~such~~ the policies, contracts, or plans at the best and 7911  
lowest price reasonably possible. 7912

(G) The purchase consists of computer hardware, software, or 7913  
consulting services that are necessary to implement a computerized 7914  
case management automation project administered by the Ohio 7915  
prosecuting attorneys association and funded by a grant from the 7916  
federal government. 7917

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(H) Child day-care services are purchased for provision to county employees.	7918 7919
(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:	7920 7921 7922
(a) The contracting authority is authorized by the Revised Code to lease the property.	7923 7924
(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.	7925 7926 7927 7928
(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.	7929 7930 7931 7932 7933
(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.	7934 7935 7936 7937 7938
(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.	7939 7940 7941 7942
(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day	7943 7944 7945 7946 7947 7948

## As Reported by the Senate Finance and Financial Institutions Committee

treatment, services to children in their home, or electronic 7949  
monitoring. 7950

(K) The purchase is made by a public children services agency 7951  
pursuant to section 307.92 or 5153.16 of the Revised Code and 7952  
consists of family services, programs, or ancillary services that 7953  
provide case management, prevention, or treatment services for 7954  
children at risk of being or alleged to be abused, neglected, or 7955  
dependent children. 7956

Any issuer of policies, contracts, or plans listed in 7957  
division (F) of this section and any prospective lessor under 7958  
division (I) of this section may have the issuer's or prospective 7959  
lessor's name and address, or the name and address of an agent, 7960  
placed on a special notification list to be kept by the 7961  
contracting authority, by sending the contracting authority ~~such~~ 7962  
that name and address. The contracting authority shall send notice 7963  
to all persons listed on the special notification list. Notices 7964  
shall state the deadline and place for submitting proposals. The 7965  
contracting authority shall mail the notices at least six weeks 7966  
prior to the deadline set by the contracting authority for 7967  
submitting proposals. Every five years the contracting authority 7968  
may review this list and remove any person from the list after 7969  
mailing the person notification of ~~such~~ that action. 7970

Any contracting authority that negotiates a contract under 7972  
division (F) of this section shall request proposals and 7973  
renegotiate with issuers in accordance with that division at least 7974  
every three years from the date of the signing of such a contract. 7975

Any consultant employed pursuant to division (F) of this 7976  
section and any real estate appraiser employed pursuant to 7977  
division (I) of this section shall disclose any fees or 7978  
compensation received from any source in connection with that 7979  
employment. 7980

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**Sec. 313.091.** In connection with the performance of duties 7981  
~~performed in accordance with~~ under this chapter, a coroner, deputy 7982  
coroner, or representative of a coroner or deputy coroner may 7983  
request, in writing, to inspect and receive a copy of the deceased 7984  
person's medical and psychiatric records. The person to whom the 7985  
request is delivered shall make such records in the person's 7986  
custody available during normal business hours to the coroner, 7987  
deputy coroner, or representative for purposes of inspection and 7988  
copying. A person who provides copies of medical or psychiatric 7989  
records pursuant to a request made under this section may request, 7990  
in writing, reimbursement in a specified amount for the necessary 7991  
and reasonable costs of copying the records, in which case the 7992  
coroner, deputy coroner, or representative shall remit that amount 7993  
to the person upon receipt of the copies. 7994

Any medical or psychiatric record provided to a coroner, 7995  
deputy coroner, or representative of a coroner or deputy coroner 7996  
under this section is not a public record subject to section 7997  
149.43 of the Revised Code. The release of a deceased person's 7998  
medical or psychiatric records to a coroner, deputy coroner, or 7999  
representative of a coroner or deputy coroner in accordance with 8000  
this section does not violate division (B)(4) of section 4731.22 8001  
or section 5122.31 of the Revised Code. 8002

As used in this section and section 313.10 of the Revised 8003  
Code, "medical record" has the same meaning as in division (A)(3) 8004  
of section 149.43 of the Revised Code. 8005

**Sec. 325.071.** There shall be allowed annually to the sheriff, 8006  
in addition to all salary and allowances otherwise provided by 8007  
law, an amount equal to one-half of the official salary allowed 8008  
under ~~sections~~ division (A) of section 325.06 and section 325.18 8009  
of the Revised Code, to provide for expenses that the sheriff 8010  
incurs in the performance of the sheriff's official duties and in 8011

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the furtherance of justice. Upon the order of the sheriff, the 8012  
county auditor shall draw the auditor's warrant on the county 8013  
treasurer, payable to the sheriff or any other person as the order 8014  
designates, for the amount the order requires. The amounts the 8015  
order requires, not exceeding the amount provided by this section, 8016  
shall be paid out of the general fund of the county. 8017

Nothing shall be paid under this section until the sheriff 8018  
gives bond to the state in an amount not less than the sheriff's 8019  
official salary, to be fixed by the court of common pleas or the 8020  
probate court, with sureties to be approved by either of those 8021  
courts. The bond shall be conditioned that the sheriff will 8022  
faithfully discharge all the duties enjoined upon the sheriff, and 8023  
pay over all moneys the sheriff receives in an official capacity. 8024  
The bond, with the approval of the court of common pleas or the 8025  
probate court of the amount of the bond and the sureties on the 8026  
bond, shall be deposited with the county treasurer. 8027

The sheriff annually, before the first Monday of January, 8028  
shall file with the county auditor an itemized statement, verified 8029  
by the sheriff, as to the manner in which the fund provided by 8030  
this section has been expended during the current year, and, if 8031  
any part of that fund remains in the sheriff's hands unexpended, 8032  
forthwith shall pay the remainder into the county treasury. 8033

**Sec. 329.042.** The county department of job and family 8034  
services shall certify public assistance and nonpublic assistance 8035  
households eligible under the "Food Stamp Act of 1964," 78 Stat. 8036  
703, 7 U.S.C.A. 2011, as amended, and federal and state 8037  
regulations adopted pursuant to such act, to enable low-income 8038  
households to participate in the food stamp program and thereby to 8039  
purchase foods having a greater monetary value than is possible 8040  
under public assistance standard allowances or other low-income 8041  
budgets. 8042

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The county department of job and family services shall 8043  
administer the distribution of food stamp ~~coupons~~ benefits under 8044  
the supervision of the department of job and family services. ~~Such~~ 8045  
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~ 8046  
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~ 8047  
~~Code, or by some alternative~~ a method approved by the department 8048  
of job and family services in accordance with the "Food Stamp Act 8049  
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 8050  
regulations issued thereunder. 8051

The document referred to as the "authorization-to-participate 8052  
card," which shows the face value of the ~~coupon allotment~~ benefits 8053  
an eligible household is entitled to receive on presentment of the 8054  
document, shall be issued, immediately upon certification, to a 8055  
household determined under division (C) of section 5101.54 of the 8056  
Revised Code to be in immediate need of food assistance by being 8057  
personally handed by a member of the staff of the county 8058  
department of job and family services to the member of the 8059  
household in whose name application was made for participation in 8060  
the program or the authorized representative of such member of the 8061  
household. 8062

**Sec. ~~5101.19~~ 329.19.** (A) Upon determining that a person or 8063  
persons are eligible for ~~aid payments~~ benefits or services under 8064  
~~Chapter 5107. or 5115. of the Revised Code~~ any assistance program 8065  
administered by the county department of job and family services, 8066  
the county department may issue an identification card ~~shall be~~ 8067  
~~issued to the individual designated to receive warrants for aid~~ 8068  
~~payments~~ person or persons. Such cards ~~may be made up and issued~~ 8069  
~~by the county department of job and family services, or the~~ 8070  
~~department of job and family services may enter into a contract~~ 8071  
~~with any person, corporation, or agency, public or private, to~~ 8072  
~~furnish cards to individuals certified by the county department.~~ 8073  
The county department of job and family services shall determine 8074

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the card's material, design, and informational content, which 8075  
shall may include a photograph, social security number, name, and 8076  
signature, and shall prescribe the procedure by which it is 8077  
issued. 8078

~~(B) Any county department of job and family services which on 8079  
July 7, 1972 is furnishing identification cards to individuals 8080  
designated to receive warrants for aid payments under Chapter 8081  
5107. of the Revised Code, may continue to issue such cards and 8082  
may issue identification cards to individuals designated to 8083  
receive warrants for aid payments under Chapter 5115. of the 8084  
Revised Code under procedures developed by the county, in lieu of 8085  
those established under division (A) of this section, provided:~~ 8086

~~(1) The information borne on the card is substantially the 8087  
same as that required in division (A) of this section:~~ 8088

~~(2) The county complies with any regulations adopted by the 8089  
director of job and family services which are applicable to such a 8090  
procedure. 8091~~

~~(C) The individual designated to receive warrants for aid 8092  
payments shall present the identification card issued under this 8093  
section as a condition for the acceptance and payment of the 8094  
warrants. 8095~~

In issuing identification cards under this section, the 8096  
county department shall comply with any state or federal laws 8097  
governing the issuance of the cards. All expenses incurred in 8098  
issuing the issuance of identification cards under this section 8099  
shall be paid from funds appropriated available to the county 8100  
department of job and family services for administrative expenses. 8101

**Sec. 339.05.** A board of county hospital trustees may adopt, 8102  
annually, bidding procedures and purchasing policies for services 8103  
provided through a joint purchasing arrangement sponsored by a 8104  
nonprofit organization, and for supplies and equipment, that are 8105

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routinely used in the operation of the hospital and that cost in excess of the amount specified in section 307.86 of the Revised Code as the amount above which purchases must be competitively bid. If a board of county hospital trustees adopts ~~such~~ those policies and procedures, and if the board of county commissioners approves them, the board of county hospital trustees may follow ~~these~~ those policies and procedures in lieu of following the competitive bidding procedures of sections 307.86 to 307.92 of the Revised Code.

**Sec. 340.02.** As used in this section, "mental health professional" means a person who is qualified to work with mentally ill persons, pursuant to ~~minimum~~ standards established by the director of mental health under section ~~5119.61~~ 5119.611 of the Revised Code.

For each alcohol, drug addiction, and mental health service district there shall be appointed a board of alcohol, drug addiction, and mental health services of eighteen members. Members shall be residents of the district and shall be interested in mental health programs and facilities or in alcohol or drug addiction programs.

The director of mental health shall appoint four members of the board, the director of alcohol and drug addiction services shall appoint four members, and the board of county commissioners shall appoint ten members. In a joint-county district the county commissioners of each participating county shall appoint members in as nearly as possible the same proportion as that county's population bears to the total population of the district, except that at least one member shall be appointed from each participating county.

The director of mental health shall ensure that at least one member of the board is a psychiatrist and one member of the board

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is a mental health professional. One member of the board may be a  
voting member of the citizen's advisory council of an institution  
under the control of the department of mental health which serves  
a hospital district in which one or more counties in the service  
district is located. If the appointment of a psychiatrist is not  
possible, as determined under rules adopted by the director, a  
licensed physician may be appointed in place of the psychiatrist.  
If the appointment of a licensed physician is not possible, the  
director of mental health may waive the requirement that the  
psychiatrist or licensed physician be a resident of the service  
district and appoint a psychiatrist or licensed physician from a  
contiguous county. The membership of the board shall, as nearly as  
possible, reflect the composition of the population of the service  
district as to race and sex. The director of mental health shall  
ensure that at least one member of the board is a person who has  
received or is receiving mental health services paid for by public  
funds and at least one member is a parent or other relative of  
such a person.

The director of alcohol and drug addiction services shall  
ensure that at least one member of the board is a professional in  
the field of alcohol or drug addiction services and one member of  
the board is an advocate for persons receiving treatment for  
alcohol or drug addiction. Of the members appointed by the  
director of alcohol and drug addiction services, at least one  
shall be a person who has received or is receiving services for  
alcohol or drug addiction and at least one member shall be a  
parent or other relative of such a person.

No member or employee of a board of alcohol, drug addiction,  
and mental health services shall serve as a member of the board of  
any agency with which the board of alcohol, drug addiction, and  
mental health services has entered into a contract for the  
provision of services or facilities. No member of a board of

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alcohol, drug addiction, and mental health services shall be an 8169  
employee of any agency with which the board has entered into a 8170  
contract for the provision of services or facilities. No person 8171  
shall be an employee of a board and such an agency unless the 8172  
board and agency both agree in writing. 8173

No person shall serve as a member of the board of alcohol, 8174  
drug addiction, and mental health services whose spouse, child, 8175  
parent, brother, sister, grandchild, stepparent, stepchild, 8176  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 8177  
daughter-in-law, brother-in-law, or sister-in-law serves as a 8178  
member of the board of any agency with which the board of alcohol, 8179  
drug addiction, and mental health services has entered into a 8180  
contract for the provision of services or facilities. No person 8181  
shall serve as a member or employee of the board whose spouse, 8182  
child, parent, brother, sister, stepparent, stepchild, 8183  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 8184  
daughter-in-law, brother-in-law, or sister-in-law serves as a 8185  
county commissioner of a county or counties in the alcohol, drug 8186  
addiction, and mental health service district. 8187

Each year each board member shall attend at least one 8188  
inservice training session provided or approved by the department 8189  
of mental health or the department of alcohol and drug addiction 8190  
services. Such training sessions shall not be considered to be 8191  
regularly scheduled meetings of the board. 8192

Each member shall be appointed for a term of four years, 8193  
commencing the first day of July, except that one-third of initial 8194  
appointments to a newly established board, and to the extent 8195  
possible to expanded boards, shall be for terms of two years, 8196  
one-third for terms of three years, and one-third for terms of 8197  
four years. No member shall serve more than two consecutive 8198  
four-year terms. A member may serve for three consecutive terms 8199  
only if one of the terms is for less than two years. A member who 8200

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has served two consecutive four-year terms or three consecutive  
terms totaling less than ten years is eligible for reappointment  
one year following the end of the second or third term,  
respectively.

When a vacancy occurs, appointment for the expired or  
unexpired term shall be made in the same manner as an original  
appointment. The appointing authority shall be notified by  
certified mail of any vacancy and shall fill the vacancy within  
sixty days following such notice.

Any member of the board may be removed from office by the  
appointing authority for neglect of duty, misconduct, or  
malfeasance in office, and shall be removed by the appointing  
authority if the member's spouse, child, parent, brother, sister,  
stepparent, stepchild, stepbrother, stepsister, father-in-law,  
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or  
sister-in-law serves as a county commissioner of a county or  
counties in the service district or serves as a member or employee  
of the board of an agency with which the board of alcohol, drug  
addiction, and mental health services has entered a contract for  
the provision of services or facilities. The member shall be  
informed in writing of the charges and afforded an opportunity for  
a hearing. Upon the absence of a member within one year from  
either four board meetings or from two board meetings without  
prior notice, the board shall notify the appointing authority,  
which may vacate the appointment and appoint another person to  
complete the member's term.

Members of the board shall serve without compensation, but  
shall be reimbursed for actual and necessary expenses incurred in  
the performance of their official duties, as defined by rules of  
the departments of mental health and alcohol and drug addiction  
services.

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**Sec. 340.03.** (A) Subject to rules issued by the director of 8232  
 mental health after consultation with relevant constituencies as 8233  
 required by division (A)(11) of section 5119.06 of the Revised 8234  
 Code, with regard to mental health services, the board of alcohol, 8235  
 drug addiction, and mental health services shall: 8236

(1) Serve as the community mental health planning agency for 8237  
 the county or counties under its jurisdiction, and in so doing it 8238  
 shall: 8239

(a) Evaluate the need for facilities and community mental 8240  
 health ~~programs and facilities~~ services; 8241

(b) ~~Assess~~ In cooperation with other local and regional 8242  
planning and funding bodies and with relevant ethnic 8243  
organizations, assess the community mental health needs, set 8244  
 priorities, and develop plans for the operation of facilities and 8245  
 community mental health services ~~and programs, and facilities for~~ 8246  
~~those services and programs, in cooperation with other local and~~ 8247  
~~regional planning and funding bodies and with relevant ethnic~~ 8248  
~~organizations;~~ 8249

(c) In accordance with guidelines issued by the director of 8250  
 mental health after consultation with board representatives, 8251  
 develop and submit to the department of mental health, no later 8252  
 than six months prior to the conclusion of the fiscal year in 8253  
 which the board's current plan is scheduled to expire, a community 8254  
 mental health plan listing community mental health needs, 8255  
 including the needs of all residents of the district now residing 8256  
 in state mental institutions and severely mentally disabled 8257  
 adults, children, and adolescents; all children subject to a 8258  
 determination made pursuant to section 121.38 of the Revised Code; 8259  
 and all the facilities and community mental health ~~programs and~~ 8260  
~~facilities~~ services that are or will be in operation or provided 8261  
 during the period for which the plan will be in operation in the 8262

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service district to meet such needs. 8263

The plan shall include, but not be limited to, a statement of 8264  
which of the services listed in section 340.09 of the Revised Code 8265  
the board intends to provide or purchase, an explanation of how 8266  
the board intends to make any payments that it may be required to 8267  
pay under section 5119.62 of the Revised Code, a statement of the 8268  
inpatient and community-based services the board proposes that the 8269  
department operate, an assessment of the number and types of 8270  
residential facilities needed, and such other information as the 8271  
department requests, and a budget for moneys the board expects to 8272  
receive. The board shall also submit an allocation request for 8273  
state and federal funds. Within sixty days after the department's 8274  
determination that the plan and allocation request are complete, 8275  
the department shall approve or disapprove the plan and request, 8276  
in whole or in part, according to the criteria developed pursuant 8277  
to section 5119.61 of the Revised Code. The department's statement 8278  
of approval or disapproval shall specify the inpatient and the 8279  
community-based services that the department will operate for the 8280  
board. Eligibility for financial support shall be contingent upon 8281  
an approved plan or relevant part of a plan. 8282

If the director disapproves all or part of any plan, the 8283  
director shall inform the board of the reasons for the disapproval 8284  
and of the criteria that must be met before the plan may be 8285  
approved. The director shall provide the board an opportunity to 8286  
present its case on behalf of the plan. The director shall give 8287  
the board a reasonable time in which to meet the criteria, and 8288  
shall offer the board technical assistance to help it meet the 8289  
criteria. 8290

If the approval of a plan remains in dispute thirty days 8291  
prior to the conclusion of the fiscal year in which the board's 8292  
current plan is scheduled to expire, the board or the director may 8293  
request that the dispute be submitted to a mutually agreed upon 8294

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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.

If a board determines that it is necessary to amend a plan or an allocation request that has been approved under division (A)(1)(c) of this section, the board shall submit a proposed amendment to the director. The director may approve or disapprove all or part of the amendment. If the director does not approve all or part of the amendment within thirty days after it is submitted, the amendment or part of it shall be considered to have been approved. The director shall inform the board of the reasons for disapproval of all or part of an amendment and of the criteria that must be met before the amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria, and shall offer the board technical assistance to help it meet the criteria.

The board shall implement the plan approved by the department.

(d) Receive, compile, and transmit to the department of mental health applications for state reimbursement;

(e) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies.

(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community mental health agency as defined in

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section 5122.01 of the Revised Code, or from a residential facility licensed under section 5119.22 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

(3) Review, For the purpose of section 5119.611 of the Revised Code, cooperate with the director of mental health in visiting and evaluating whether the services of a community mental health agency satisfy the certification standards established by rules adopted under that section;

(4) In accordance with criteria established under division (G) of section 5119.61 of the Revised Code, review and evaluate, and conduct program audits for the quality, effectiveness, and efficiency of services provided through its community mental health services, facilities, and agencies seeking federal, state, or board assistance, review licensure applications pursuant to section 5119.22 of the Revised Code, and determine if the services meet minimum standards established pursuant to division (G) of section 5119.01 of the Revised Code plan and submit its findings and recommendations to the department of mental health;

~~(4)~~(5) In accordance with section 5119.22 of the Revised Code, review applications for residential facility licenses and recommend to the department of mental health approval or disapproval of applications;

(6) Audit, in accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually all programs and services provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A copy of the fiscal audit report shall be provided to the director of mental health, the auditor of

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state, and the county auditor of each county in the board's 8358  
district. 8359

+5)(7) Recruit and promote local financial support for mental 8360  
health programs from private and public sources; 8361

+6)(8)(a) Enter into contracts with public and private 8362  
facilities for the operation of facility services included in the 8363  
board's community mental health plan and enter into contracts with 8364  
public and private community mental health agencies for the 8365  
provision of community mental health services and facilities 8366  
listed in section 340.09 of the Revised Code and included in the 8367  
board's community mental health plan. Contracts with community 8368  
mental health agencies are subject to section 5119.611 of the 8369  
Revised Code. Section 307.86 of the Revised Code does not apply to 8370  
contracts entered into under this division. In contracting with a 8371  
~~public or private~~ community mental health agency, a board shall 8372  
consider the cost effectiveness of services provided by that 8373  
agency and the quality and continuity of care, and may review cost 8374  
elements, including salary costs, of the services to be provided. 8375  
A utilization review process shall be established as part of the 8376  
contract for services entered into between a board and a ~~public or~~ 8377  
~~private~~ community mental health agency. The board may establish 8378  
this process in a way ~~which~~ that is most effective and efficient 8379  
in meeting local needs. In the case of a contract with a community 8380  
mental health facility described in division (B) of section 8381  
5111.022 of the Revised Code to provide services established by 8382  
division (A) of that section, the contract shall provide for the 8383  
facility to be paid in accordance with the contract entered into 8384  
between the departments of ~~human~~ job and family services and 8385  
mental health under division (E) of that section and any rules 8386  
adopted under division (A) of section 5119.61 of the Revised Code. 8387

8388

If either the board or a facility or community mental health 8389

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agency with which ~~it~~ the board contracts for mental health 8390  
~~services, programs, or facilities~~ under division (A)(8)(a) of this 8391  
section proposes not to renew the contract or proposes substantial 8392  
changes in contract terms, the other party shall be given written 8393  
notice at least one hundred twenty days before the expiration date 8394  
of the contract. During the first sixty days of this one hundred 8395  
twenty-day period, both parties shall attempt to resolve any 8396  
dispute through good faith collaboration and negotiation in order 8397  
to continue to provide services to persons in need. If the dispute 8398  
has not been resolved sixty days before the expiration date of the 8399  
contract, either party may notify the department of mental health 8400  
of the unresolved dispute. The director may require both parties 8401  
to submit the dispute to a third party with the cost to be shared 8402  
by the board and the facility or community mental health agency. 8403  
The third party shall issue to the board, the facility or agency, 8404  
and the department recommendations on how the dispute may be 8405  
resolved twenty days prior to the expiration date of the contract, 8406  
unless both parties agree to a time extension. The director shall 8407  
adopt rules establishing the procedures of this dispute resolution 8408  
process. 8409

(b) With the prior approval of the director of mental health, 8410  
a board may operate a facility or provide a community mental 8411  
health service, ~~program, or facility~~ as follows, if there is no 8412  
other qualified private or public facility or community mental 8413  
health agency that is immediately available and willing to operate 8414  
such a facility or provide the service, ~~program, or facility~~: 8415

(i) In an emergency situation, any board may operate a 8416  
facility or provide a community mental health service, ~~program, or~~ 8417  
~~facility~~ in order to provide essential services for the duration 8418  
of the emergency; 8419  
8420

(ii) In a service district with a population of at least one 8421

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hundred thousand but less than five hundred thousand, a board may  
 operate a facility or provide a community mental health service,  
~~program, or facility~~ for no longer than one year;

(iii) In a service district with a population of less than  
 one hundred thousand, a board may operate a facility or provide a  
community mental health service, ~~program, or facility~~ for no  
 longer than one year, except that such a board may operate a  
facility or provide a community mental health service, ~~program, or~~  
~~facility~~ for more than one year with the prior approval of the  
 director and the prior approval of the board of county  
 commissioners, or of a majority of the boards of county  
 commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a  
facility or provide a community mental health service, ~~program, or~~  
~~facility~~ under division (A)~~(6)~~(8)(b)(ii) or (iii) of this section  
 unless the director determines that it is not feasible to have the  
 department operate the facility or provide the service, ~~program,~~  
~~or facility~~.

The director shall not give a board approval to operate a  
facility or provide a community mental health service, ~~program, or~~  
~~facility~~ under division (A)~~(6)~~(8)(b)(iii) of this section unless  
 the director determines that the ~~board's service, program, or~~  
facility board will provide greater administrative efficiency and  
 more or better services than would be available if the board  
 contracted with a private or public facility or community mental  
health agency ~~for provision of the services~~.

The director shall not give a board approval to operate a  
~~mental health service, program, or facility~~ previously operated by  
 a ~~community mental health agency~~ person or other government entity  
 unless the board has established to the director's satisfaction  
 that the ~~agency~~ person or other government entity cannot  
 effectively ~~provide~~ operate the ~~service, program, or facility,~~ or

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that the ~~agency person or other government entity~~ has requested 8454  
the board to take over operation of the ~~service, program, or~~ 8455  
facility. The director shall not give a board approval to provide 8456  
a community mental health service previously provided by a 8457  
community mental health agency unless the board has established to 8458  
the director's satisfaction that the agency cannot effectively 8459  
provide the service or that the agency has requested the board 8460  
take over providing the service. 8461

The director shall review and evaluate ~~the a board's~~ 8462  
operation of ~~each a facility and provision of community~~ mental 8463  
health service, ~~program, or facility operated by a board~~ under 8464  
division (A)~~(6)~~(8)(b) of this section. 8465

Nothing in division (A)~~(6)~~(8)(b) of this section authorizes a 8466  
board to administer or direct the daily operation of any facility 8467  
or community mental health agency, but ~~an a facility or~~ agency may 8468  
contract with a board to receive administrative services or staff 8469  
direction from the board under the direction of the governing body 8470  
of the facility or agency. 8471

~~(7)~~(9) Approve fee schedules and related charges or adopt a 8472  
unit cost schedule or other methods of payment for contract 8473  
services provided by community mental health agencies in 8474  
accordance with guidelines issued by the department as necessary 8475  
to comply with state and federal laws pertaining to financial 8476  
assistance; 8477

~~(8)~~(10) Submit to the director and the county commissioners 8478  
of the county or counties served by the board, and make available 8479  
to the public, an annual report of the programs under the 8480  
jurisdiction of the board, including a fiscal accounting; 8481

~~(9)~~(11) Establish, to the extent resources are available, a 8482  
community support system, which provides for treatment, support, 8483  
and rehabilitation services and opportunities. The essential 8484  
elements of the system include, but are not limited to, the 8485

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following components in accordance with section 5119.06 of the	8486
Revised Code:	8487
(a) To locate persons in need of mental health services to	8488
inform them of available services and benefits mechanisms;	8489
(b) Assistance for clients to obtain services necessary to	8490
meet basic human needs for food, clothing, shelter, medical care,	8491
personal safety, and income;	8492
(c) Mental health care, including, but not limited to,	8493
outpatient, partial hospitalization, and, where appropriate,	8494
inpatient care;	8495
(d) Emergency services and crisis intervention;	8496
(e) Assistance for clients to obtain vocational services and	8497
opportunities for jobs;	8498
(f) The provision of services designed to develop social,	8499
community, and personal living skills;	8500
(g) Access to a wide range of housing and the provision of	8501
residential treatment and support;	8502
(h) Support, assistance, consultation, and education for	8503
families, friends, consumers of mental health services, and	8504
others;	8505
(i) Recognition and encouragement of families, friends,	8506
neighborhood networks, especially networks that include racial and	8507
ethnic minorities, churches, community organizations, and	8508
meaningful employment as natural supports for consumers of mental	8509
health services;	8510
(j) Grievance procedures and protection of the rights of	8511
consumers of mental health services;	8512
(k) Case management, which includes continual individualized	8513
assistance and advocacy to ensure that needed services are offered	8514
and procured.	8515

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~~(10)~~(12) Designate the treatment program, agency, or facility 8516  
for each person involuntarily committed to the board pursuant to 8517  
Chapter 5122. of the Revised Code and authorize payment for such 8518  
treatment. The board shall provide the least restrictive and most 8519  
appropriate alternative that is available for any person 8520  
involuntarily committed to it and shall assure that the services 8521  
listed in section 340.09 of the Revised Code are available to 8522  
severely mentally disabled persons residing within its service 8523  
district. The board shall establish the procedure for authorizing 8524  
payment for services, which may include prior authorization in 8525  
appropriate circumstances. The board may provide for services 8526  
directly to a severely mentally disabled person when life or 8527  
safety is endangered and when no community mental health agency is 8528  
available to provide the service. 8529

~~(11)~~(13) Establish a method for evaluating referrals for 8530  
involuntary commitment and affidavits filed pursuant to section 8531  
5122.11 of the Revised Code in order to assist the probate 8532  
division of the court of common pleas in determining whether there 8533  
is probable cause that a respondent is subject to involuntary 8534  
hospitalization and what alternative treatment is available and 8535  
appropriate, if any. 8536

~~(12)~~(14) Ensure that apartments or rooms built, subsidized, 8537  
renovated, rented, owned, or leased by the board or a community 8538  
mental health agency have been approved as meeting minimum fire 8539  
safety standards and that persons residing in the rooms or 8540  
apartments are receiving appropriate and necessary services, 8541  
including culturally relevant services, from a community mental 8542  
health agency. This division does not apply to residential 8543  
facilities licensed pursuant to section 5119.22 of the Revised 8544  
Code. 8545

~~(13)~~(15) Establish a mechanism for involvement of consumer 8546  
recommendation and advice on matters pertaining to mental health 8547

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services in the alcohol, drug addiction, and mental health service 8548  
district; 8549

~~(14)~~(16) Perform the duties under section 3722.18 of the 8550  
Revised Code required by rules adopted under section 5119.61 of 8551  
the Revised Code regarding referrals by the board or mental health 8552  
agencies under contract with the board of individuals with mental 8553  
illness or severe mental disability to adult care facilities and 8554  
effective arrangements for ongoing mental health services for the 8555  
individuals. The board is accountable in the manner specified in 8556  
the rules for ensuring that the ongoing mental health services are 8557  
effectively arranged for the individuals. 8558

(B) The board shall establish such rules, operating 8559  
procedures, standards, and bylaws, and perform such other duties 8560  
as may be necessary or proper to carry out the purposes of this 8561  
chapter. 8562

(C) A board of alcohol, drug addiction, and mental health 8563  
services may receive by gift, grant, devise, or bequest any 8564  
moneys, lands, or property for the benefit of the purposes for 8565  
which the board is established, and may hold and apply it 8566  
according to the terms of the gift, grant, or bequest. All money 8567  
received, including accrued interest, by gift, grant, or bequest 8568  
shall be deposited in the treasury of the county, the treasurer of 8569  
which is custodian of the alcohol, drug addiction, and mental 8570  
health services funds to the credit of the board and shall be 8571  
available for use by the board for purposes stated by the donor or 8572  
grantor. 8573

(D) No board member or employee of a board of alcohol, drug 8574  
addiction, and mental health services shall be liable for injury 8575  
or damages caused by any action or inaction taken within the scope 8576  
of the board member's official duties or the employee's 8577  
employment, whether or not such action or inaction is expressly 8578  
authorized by this section, section 340.033, or any other section 8579

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of the Revised Code, unless such action or inaction constitutes 8580  
willful or wanton misconduct. Chapter 2744. of the Revised Code 8581  
applies to any action or inaction by a board member or employee of 8582  
a board taken within the scope of the board member's official 8583  
duties or employee's employment. For the purposes of this 8584  
division, the conduct of a board member or employee shall not be 8585  
considered willful or wanton misconduct if the board member or 8586  
employee acted in good faith and in a manner that the board member 8587  
or employee reasonably believed was in or was not opposed to the 8588  
best interests of the board and, with respect to any criminal 8589  
action or proceeding, had no reasonable cause to believe the 8590  
conduct was unlawful. 8591

(E) The meetings held by any committee established by a board 8592  
of alcohol, drug addiction, and mental health services shall be 8593  
considered to be meetings of a public body subject to section 8594  
121.22 of the Revised Code. 8595

**Sec. 340.08.** The community mental health plan prepared 8596  
pursuant to division (A)~~(3)~~(1)(c) of section 340.03 of the Revised 8597  
Code constitutes an application for funds from the department of 8598  
mental health. The director of mental health shall distribute 8599  
funds to the board pursuant to section 5119.62 of the Revised 8600  
Code. The director shall review the budgets and expenditures of 8601  
the various facilities, and community mental health agencies,~~and~~ 8602  
~~programs~~ receiving funds periodically during the year. The 8603  
director may charge against the county or counties any overpayment 8604  
of state funds allocated to the program, and the county or 8605  
counties shall reimburse the treasurer of state the amount of the 8606  
overpayment if the overpayment exceeds the total moneys allocated 8607  
to but not yet received by the county or counties. 8608

**Sec. 340.091.** Each board of alcohol, drug addiction, and 8609  
mental health services shall contract with a community mental 8610

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health agency under division (A)~~(6)~~(8)(a) of section 340.03 of the Revised Code for the agency to do all of the following in accordance with rules adopted under section 5119.61 of the Revised Code for an individual referred to the agency under division (C)(2) of section 173.35 of the Revised Code:

(A) Assess the individual to determine whether to recommend that a PASSPORT administrative agency determine that the environment in which the individual will be living while receiving residential state supplement payments is appropriate for the individual's needs and, if it determines the environment is appropriate, issue the recommendation to the PASSPORT administrative agency;

(B) Provide ongoing monitoring to ensure that services provided under section 340.09 of the Revised Code are available to the individual;

(C) Provide discharge planning to ensure the individual's earliest possible transition to a less restrictive environment.

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.

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

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5111.022 of the Revised Code to children in the custody of public 8642  
children services agencies. The departments shall complete the 8643  
plan not later than ninety days after the effective date of this 8644  
section. 8645

**Sec. 349.01.** As used in this chapter: 8646

(A) "New community" means a community or an addition to an 8647  
existing community planned pursuant to this chapter so that it 8648  
includes facilities for the conduct of industrial, commercial, 8649  
residential, cultural, educational, and recreational activities, 8650  
and designed in accordance with planning concepts for the 8651  
placement of utility, open space, and other supportive facilities. 8652

(B) "New community development program" means a program for 8653  
the development of a new community characterized by well-balanced 8654  
and diversified land use patterns and which includes land 8655  
acquisition and land development, the acquisition, construction, 8656  
operation, and maintenance of community facilities, and the 8657  
provision of services authorized in ~~sections 349.01 to 349.16 of~~ 8658  
~~the Revised Code~~ this chapter. 8659

(C) "New community district" means the area of land described 8660  
by the developer in the petition as set forth in division (A) of 8661  
section 349.03 of the Revised Code for development as a new 8662  
community and any lands added to ~~such~~ the district by amendment of 8663  
the resolution establishing the community authority. 8664

(D) "New community authority" means a body corporate and 8665  
politic in this state, established pursuant to section 349.03 of 8666  
the Revised Code and governed by a board of trustees as provided 8667  
in section 349.04 of the Revised Code. 8668

(E) "Developer" means any person, organized for carrying out 8669  
a new community development program who owns or controls, through 8670  
leases of at least seventy-five years' duration, options, or 8671

contracts to purchase, the land within a new community district, 8672  
or any ~~municipality~~ municipal corporation, county, or port 8673  
authority that owns the land within a new community district, or 8674  
has the ability to acquire such land, either by voluntary 8675  
acquisition or condemnation in order to eliminate slum, blighted, 8676  
and deteriorated or deteriorating areas and to prevent the 8677  
recurrence thereof. 8678

(F) "Organizational board of commissioners" means, if the new 8679  
community district is located in only one county, the board of 8680  
county commissioners of such county; if located in more than one 8681  
county, a board consisting of the members of the board of county 8682  
commissioners of each of the counties in which the district is 8683  
located, provided that action of such board shall require a 8684  
majority vote of the members of each separate board of county 8685  
commissioners; or, if more than half of the new community district 8686  
is located within the boundaries of the most populous municipal 8687  
corporation of a county, the legislative authority of the 8688  
municipal corporation. 8689

(G) "Land acquisition" means the acquisition of real property 8690  
and interests in real property as part of a new community 8691  
development program. 8692

(H) "Land development" means the process of clearing and 8693  
grading land, making, installing, or constructing water 8694  
distribution systems, sewers, sewage collection systems, steam, 8695  
gas, and electric lines, roads, streets, curbs, gutters, 8696  
sidewalks, storm drainage facilities, and other installations or 8697  
work, whether within or without the new community district, and 8698  
the construction of community facilities. 8699

(I) "Community facilities" means all real property, 8700  
buildings, structures, or other facilities, including related 8701  
fixtures, equipment, and furnishings, to be owned, operated, 8702  
financed, constructed, and maintained under this chapter, 8703

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including public, community, village, neighborhood, or town 8704  
 buildings, centers and plazas, auditoriums, day care centers, 8705  
 recreation halls, educational facilities, hospital facilities as 8706  
defined in section 140.01 of the Revised Code, recreational 8707  
 facilities, natural resource facilities, including parks and other 8708  
 open space land, lakes and streams, cultural facilities, community 8709  
 streets, pathway and bikeway systems, pedestrian underpasses and 8710  
 overpasses, lighting facilities, design amenities, or other 8711  
 community facilities, and buildings needed in connection with 8712  
 water supply or sewage disposal installations or steam, gas, or 8713  
 electric lines or installation. 8714

(J) "Cost" as applied to a new community development program 8715  
 means all costs related to land acquisition and land development, 8716  
 the acquisition, construction, maintenance, and operation of 8717  
 community facilities and offices of the community authority, and 8718  
 of providing furnishings and equipment therefor, financing charges 8719  
 including interest prior to and during construction and for the 8720  
 duration of the new community development program, planning 8721  
 expenses, engineering expenses, administrative expenses including 8722  
 working capital, and all other expenses necessary and incident to 8723  
 the carrying forward of the new community development program. 8724

(K) "Income source" means any and all sources of income to 8725  
 the community authority, including community development charges 8726  
 of which the new community authority is the beneficiary as 8727  
 provided in section 349.07 of the Revised Code, rentals, user fees 8728  
 and other charges received by the new community authority, any 8729  
 gift or grant received, any moneys received from any funds 8730  
 invested by or on behalf of the new community authority, and 8731  
 proceeds from the sale or lease of land and community facilities. 8732

(L) "Community development charge" means a dollar amount 8733  
 which shall be determined on the basis of the assessed valuation 8734  
 of real property or interests in real property in a new community 8735

district sold, leased, or otherwise conveyed by the developer or 8736  
the new community authority, the income of the residents of such 8737  
property subject to such charge under section 349.07 of the 8738  
Revised Code, if such property is devoted to residential uses or 8739  
to the profits of any business, a uniform fee on each parcel of 8740  
such real property originally sold, leased, or otherwise conveyed 8741  
by the developer or new community authority, or any combination of 8742  
the foregoing bases. 8743

(M) "Proximate city" means any city that, as of the date of 8744  
filing of the petition under section 349.03 of the Revised Code, 8745  
is the most populous city of the county in which the proposed new 8746  
community district is located, is the most populous city of an 8747  
adjoining county if any portion of such city is within five miles 8748  
of any part of the boundaries of such district, or exercises 8749  
extraterritorial subdivision authority under section 711.09 of the 8750  
Revised Code with respect to any part of such district. 8751

**Sec. 503.162.** (A) After certification of a resolution as 8752  
provided in section 503.161 of the Revised Code, the board of 8753  
elections shall submit the question of whether the township's name 8754  
shall be changed to the electors of the unincorporated area of the 8755  
township in accordance with division (C) of that section, and the 8756  
ballot language shall be substantially as follows: 8757

"Shall the township of ..... (name) change its name to 8758  
..... (proposed name)? 8759

..... For name change 8760

..... Against name change" 8761

(B) At least forty-five days before the election on this 8762  
question, the board of township trustees shall provide notice of 8763  
the election and an explanation of the proposed name change in a 8764  
newspaper of general circulation in the township for three 8765

consecutive weeks and shall post the notice and explanation in 8766  
five conspicuous places in the unincorporated area of the 8767  
township. 8768

(C) If a majority of the votes cast on the proposition of 8769  
changing the township's name is in the affirmative, the name 8770  
change is adopted and becomes effective ninety days after the 8771  
board of elections certifies the election results to the clerk of 8772  
the township. Upon receipt of the certification of the election 8773  
results from the board of elections, the clerk of the township 8774  
shall send a copy of that certification to the secretary of state 8775  
~~and to the state and local government commission of Ohio.~~ 8776

(D) A change in the name of a township shall not alter the 8777  
rights or liabilities of the township as previously named. 8778

**Sec. 504.03.** (A)(1) If a limited home rule government is 8779  
adopted pursuant to section 504.02 of the Revised Code, it shall 8780  
remain in effect for at least three years except as otherwise 8781  
provided in division (B) of this section. At the end of that 8782  
period, if the board of township trustees determines that that 8783  
government is not in the best interests of the township, it may 8784  
adopt a resolution causing the board of elections to submit to the 8785  
electors of the unincorporated area of the township the question 8786  
of whether the township should continue the limited home rule 8787  
government. The question shall be voted upon at the next general 8788  
election occurring at least seventy-five days after the 8789  
certification of the resolution to the board of elections. After 8790  
certification of the resolution, the board of elections shall 8791  
submit the question to the electors of the unincorporated area of 8792  
the township, and the ballot language shall be substantially as 8793  
follows: 8794

"Shall the township of ..... (name) continue the 8795  
limited home rule government under which it is operating? 8796

..... For continuation of the limited home rule government 8797  
..... Against continuation of the limited home rule government" 8798

(2) At least forty-five days before the election on the 8799  
question of continuing the limited home rule government, the board 8800  
of township trustees shall have notice of the election published 8801  
in a newspaper of general circulation in the township for three 8802  
consecutive weeks and have the notice posted in five conspicuous 8803  
places in the unincorporated area of the township. 8804

(B) The electors of a township that has adopted a limited 8805  
home rule government may propose at any time by initiative 8806  
petition, in accordance with section 504.14 of the Revised Code, a 8807  
resolution submitting to the electors in the unincorporated area 8808  
of the township, in an election, the question set forth in 8809  
division (A)(1) of this section. 8810

(C) If a majority of the votes cast under division (A) or (B) 8811  
of this section on the proposition of continuing the limited home 8812  
rule government is in the negative, that government is terminated 8813  
effective on the first day of January immediately following the 8814  
election, and a limited home rule government shall not be adopted 8815  
in the unincorporated area of the township pursuant to section 8816  
504.02 of the Revised Code for at least three years after that 8817  
date. 8818

(D) If a limited home rule government is terminated ~~pursuant~~ 8819  
~~to~~ under this section, the board of township trustees immediately 8820  
shall adopt a resolution repealing all resolutions adopted 8821  
pursuant to this chapter that are not authorized by any other 8822  
section of the Revised Code outside this chapter, effective on the 8823  
first day of January immediately following the election described 8824  
in division (A) or (B) of this section. However, no resolution 8825  
adopted under this division shall affect or impair the obligations 8826  
of the township under any security issued or contracts entered 8827  
into by the township in connection with the financing of any water 8828

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supply facility or sewer improvement under sections 504.18 to 8829  
 504.20 of the Revised Code or the authority of the township to 8830  
 collect or enforce any assessments or other revenues constituting 8831  
 security for or source of payments of debt service charges of 8832  
 those securities. 8833

(E) Upon the termination of a limited home rule government 8834  
under this section, if the township had converted its board of 8835  
township trustees to a five-member board under section 504.21 of 8836  
the Revised Code, the current board member who received the lowest 8837  
number of votes of the current board members who were elected at 8838  
the most recent election for township trustees, and the current 8839  
board member who received the lowest number of votes of the 8840  
current board members who were elected at the second most recent 8841  
election for township trustees, shall cease to be township 8842  
trustees on the date that the limited home rule government 8843  
terminates. Their offices likewise shall cease to exist at that 8844  
time, and the board shall continue as a three-member board as 8845  
provided in section 505.01 of the Revised Code. 8846

**Sec. 504.04.** (A) A township that adopts a limited home rule 8847  
 government may do all of the following by resolution, provided 8848  
 that any of these resolutions, other than a resolution to supply 8849  
 water or sewer services in accordance with sections 504.18 to 8850  
 504.20 of the Revised Code, may be enforced only by the imposition 8851  
 of civil fines as authorized in this chapter: 8852

(1) Exercise all powers of local self-government within the 8853  
 unincorporated area of the township, other than powers that are in 8854  
 conflict with general laws, except that the township shall comply 8855  
 with the requirements and prohibitions of this chapter, and shall 8856  
 enact no taxes other than those authorized by general law, and 8857  
 except that no resolution adopted pursuant to this chapter shall 8858  
 encroach upon the powers, duties, and privileges of elected 8859  
 township officers or change, alter, combine, eliminate, or 8860

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otherwise modify the form or structure of the township government	8861
unless the change is required <u>or permitted</u> by this chapter;	8862
(2) Adopt and enforce within the unincorporated area of the	8863
township local police, sanitary, and other similar regulations	8864
that are not in conflict with general laws or otherwise prohibited	8865
by division (B) of this section;	8866
(3) Supply water and sewer services to users within the	8867
unincorporated area of the township in accordance with sections	8868
504.18 to 504.20 of the Revised Code.	8869
(B) No resolution adopted pursuant to this chapter shall do	8870
any of the following:	8871
(1) Create a criminal offense or impose criminal penalties,	8872
except as authorized by division (A) of this section;	8873
(2) Impose civil fines other than as authorized by this	8874
chapter;	8875
(3) Establish or revise subdivision regulations, road	8876
construction standards, urban sediment rules, or storm water and	8877
drainage regulations;	8878
(4) Establish or revise building standards, building codes,	8879
and other standard codes except as provided in section 504.13 of	8880
the Revised Code;	8881
(5) Increase, decrease, or otherwise alter the powers or	8882
duties of a township under any other chapter of the Revised Code	8883
pertaining to agriculture or the conservation or development of	8884
natural resources;	8885
(6) Establish regulations affecting hunting, trapping,	8886
fishing, or the possession, use, or sale of firearms;	8887
(7) Establish or revise water or sewer regulations, except in	8888
accordance with sections 504.18 and 504.19 of the Revised Code.	8889

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Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section.

(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that section 504.21 of the Revised Code also shall apply if a five-member board of township trustees is approved for the township.

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

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

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

elected for four-year terms of office. 8921

(C) If a board of township trustees is converted to a 8922  
five-member board, the board members shall be elected by 8923  
determining which individuals receive the highest number of votes 8924  
from a slate of candidates running for the office of township 8925  
trustee. If the first election after a township converts its board 8926  
of township trustees to a five-member board is an election for 8927  
three four-year term members and one two-year term member, the 8928  
three candidates who receive the highest number of votes from the 8929  
slate of candidates for township trustee shall serve a four-year 8930  
term and the candidate who receives the fourth highest number of 8931  
votes from that slate of candidates shall serve a two-year term. 8932

**Sec. 505.24.** Each township trustee is entitled to 8933  
compensation as follows: 8934

(A) Except as otherwise provided in division (B) of this 8935  
section, an amount for each day of service in the business of the 8936  
township, to be paid from the township treasury as follows: 8937

(1) In townships having a budget of fifty thousand dollars or 8938  
less, twenty dollars per day for not more than two hundred days; 8939  
8940

(2) In townships having a budget of more than fifty thousand 8941  
but not more than one hundred thousand dollars, twenty-four 8942  
dollars per day for not more than two hundred days; 8943

(3) In townships having a budget of more than one hundred 8944  
thousand but not more than two hundred fifty thousand dollars, 8945  
twenty-eight dollars and fifty cents per day for not more than two 8946  
hundred days; 8947

(4) In townships having a budget of more than two hundred 8948  
fifty thousand but not more than five hundred thousand dollars, 8949  
thirty-three dollars per day for not more than two hundred days; 8950

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(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars,	8951
thirty-five dollars per day for not more than two hundred days;	8952
	8953
(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, forty dollars per day for not more than two hundred days;	8954
	8955
	8956
(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, forty-four dollars per day for not more than two hundred days;	8957
	8958
	8959
	8960
(8) In townships having a budget of more than three million five hundred thousand dollars but not more than six million dollars, forty-eight dollars per day for not more than two hundred days;	8961
	8962
	8963
	8964
(9) In townships having a budget of more than six million dollars, fifty-two dollars per day for not more than two hundred days.	8965
	8966
	8967
(B) Beginning in calendar year 1999, the amounts paid as specified in division (A) of this section shall be replaced by the following amounts:	8968
	8969
	8970
(1) In calendar year 1999, the amounts specified in division (A) of this section increased by three per cent;	8971
	8972
(2) In calendar year 2000, the amounts determined under division (B)(1) of this section increased by three per cent;	8973
	8974
(3) In calendar year 2001, the amounts determined under division (B)(2) of this section increased by three per cent;	8975
	8976
(4) In calendar year 2002, <u>except in townships having a budget of more than six million dollars,</u> the amounts determined under division (B)(3) of this section increased by three per cent;	8977
	8978
<u>in townships having a budget of more than six million but not more</u>	8979
	8980

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than ten million dollars, seventy dollars per day for not more 8981  
than two hundred days; and in townships having a budget of more 8982  
than ten million dollars, ninety dollars per day for not more than 8983  
two hundred days; 8984

(5) In calendar years 2003 through 2008, the amounts 8985  
determined under division (B) of this section for the immediately 8986  
preceding calendar year increased by the lesser of the following: 8987

(a) Three per cent; 8988

(b) The percentage increase, if any, in the consumer price 8989  
index over the twelve-month period that ends on the thirtieth day 8990  
of September of the immediately preceding calendar year, rounded 8991  
to the nearest one-tenth of one per cent; 8992

(6) In calendar year 2009 and thereafter, the amount 8993  
determined under division (B) of this section for calendar year 8994  
2008. 8995

As used in division (B) of this section, "consumer price 8996  
index" has the same meaning as in section 325.18 of the Revised 8997  
Code. 8998

(C) Whenever members of a board of township trustees are 8999  
compensated per diem and not by annual salary, the board shall 9000  
establish, by resolution, a method by which each member of the 9001  
board shall periodically notify the township clerk of the number 9002  
of days spent in the service of the township and the kinds of 9003  
services rendered on those days. The per diem compensation shall 9004  
be paid from the township general fund or from other township 9005  
funds in such proportions as the kinds of services performed may 9006  
require. The notice shall be filed with the township clerk and 9007  
preserved for inspection by any persons interested. 9008

By unanimous vote, a board of township trustees may adopt a 9009  
method of compensation consisting of an annual salary to be paid 9010  
in equal monthly payments. If the office of trustee is held by 9011

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more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the office. The amount of the annual salary approved by the board shall be no more than the maximum amount that could be received annually by a trustee if the trustee were paid on a per diem basis as specified in this division, and shall be paid from the township general fund or from other township funds in such proportions as the board may specify by resolution. A board of township trustees that has adopted a salary method of compensation may return to a method of compensation on a per diem basis as specified in this division by a majority vote. Any change in the method of compensation shall be effective on the first day of January of the year following the year during which the board has voted to change the method of compensation.

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

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

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

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

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

(5) In townships having a budget of more than five hundred

thousand but not more than seven hundred fifty thousand dollars, 9042  
eleven thousand dollars; 9043

(6) In townships having a budget of more than seven hundred 9044  
fifty thousand but not more than one million five hundred thousand 9045  
dollars, thirteen thousand two hundred dollars; 9046

(7) In townships having a budget of more than one million 9047  
five hundred thousand but not more than three million five hundred 9048  
thousand dollars, fifteen thousand four hundred dollars; 9049

(8) In townships having a budget of more than three million 9050  
five hundred thousand dollars but not more than six million 9051  
dollars, sixteen thousand five hundred dollars; 9052

(9) In townships having a budget of more than six million 9053  
dollars, seventeen thousand six hundred dollars. 9054

(B) Any township clerk may elect to receive less than the 9055  
compensation the clerk is entitled to under division (A) of this 9056  
section. Any clerk electing to do this shall so notify the board 9057  
of township trustees in writing, and the board shall include this 9058  
notice in the minutes of its next board meeting. 9059

(C) The compensation of the township clerk shall be paid in 9060  
equal monthly payments. If the office of clerk is held by more 9061  
than one person during any calendar year, each person holding the 9062  
office shall receive payments for only those months, and any 9063  
fractions of those months, during which the person holds the 9064  
office. 9065

(D) Beginning in calendar year 1999, the township clerk shall 9066  
be entitled to compensation as follows: 9067

(1) In calendar year 1999, the compensation specified in 9068  
division (A) of this section increased by three per cent; 9069

(2) In calendar year 2000, the compensation determined under 9070  
division (D)(1) of this section increased by three per cent; 9071

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(3) In calendar year 2001, the compensation determined under division (D)(2) of this section increased by three per cent;	9072 9073
(4) In calendar year 2002, <u>except in townships having a budget of more than six million dollars</u> , the compensation determined under division (D)(3) of this section increased by three per cent; <u>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;</u>	9074 9075 9076 9077 9078 9079 9080 9081
(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:	9082 9083 9084
(a) Three per cent;	9085
(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;	9086 9087 9088 9089
(6) In calendar year 2009 and thereafter, the amount determined under division (D) of this section for calendar year 2008.	9090 9091 9092
As used in this division, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.	9093 9094
<b>Sec. 737.03.</b> The director of public safety shall manage, and make all contracts with reference to the police stations, fire houses, reform schools, infirmaries, hospitals, workhouses, farms, pesthouses, and all other charitable and reformatory institutions. In the control and supervision of <del>such</del> <u>those</u> institutions, the director shall be governed by <u>the provisions of</u> Title VII of the Revised Code relating to <del>such</del> <u>those</u> institutions.	9095 9096 9097 9098 9099 9100 9101

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Such ~~The~~ director may make all contracts and expenditures of 9102  
money for acquiring lands for the erection or repairing of station 9103  
houses, police stations, fire department buildings, fire cisterns, 9104  
and plugs, that are required, for the purchase of engines, 9105  
apparatus, and all other supplies necessary for the police and 9106  
fire departments, and for other undertakings and departments under 9107  
~~his~~ the director's supervision, but no obligation involving an 9108  
expenditure of more than ~~ten~~ fifteen thousand dollars shall be 9109  
created unless first authorized and directed by ordinance. In 9110  
making, altering, or modifying ~~such~~ those contracts, the director 9111  
shall be governed by sections 735.05 to 735.09 of the Revised 9112  
Code, except that all bids shall be filed with and opened by ~~such~~ 9113  
the director. ~~He~~ The director shall make no sale or disposition of 9114  
any property belonging to the city without first being authorized 9115  
by resolution or ordinance of the city legislative authority. 9116

**Sec. 901.43.** (A) The director of agriculture may authorize 9117  
any department of agriculture laboratory to perform a laboratory 9118  
service for any person, organization, political subdivision, state 9119  
agency, federal agency, or other entity, whether public or 9120  
private. The director shall adopt and enforce rules to provide for 9121  
the rendering of a laboratory service. 9122

(B) The director may charge a reasonable fee for the 9123  
performance of a laboratory service, except when the service is 9124  
performed on an official sample taken by the director acting 9125  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 9126  
Revised Code; by a board of health acting as the licensor of 9127  
retail food establishments or food service operations under 9128  
Chapter 3717. of the Revised Code; or by the director of health 9129  
acting as the licensor of food service operations under Chapter 9130  
3717. of the Revised Code. The director of agriculture shall adopt 9131  
rules specifying what constitutes an official sample. 9132

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The director shall publish a list of laboratory services 9133  
offered, together with the fee for each service. 9134

(C) The director may enter into a contract with any person, 9135  
organization, political subdivision, state agency, federal agency, 9136  
or other entity for the provision of a laboratory service. 9137

(D)(1) The director may adopt rules establishing standards 9138  
for accreditation of laboratories and laboratory services and in 9139  
doing so may adopt by reference existing or recognized standards 9140  
or practices. 9141

(2) The director may inspect and accredit laboratories and 9142  
laboratory services, and may charge a reasonable fee for the 9143  
inspections and accreditation. 9144

(E)(1) All moneys collected by the director under this 9145  
section that are from fees generated by a laboratory service 9146  
performed by the department and related to the diseases of 9147  
animals, and all moneys so collected that are from fees generated 9148  
for the inspection and accreditation of laboratories and 9149  
laboratory services related to the diseases of animals, shall be 9150  
deposited in the animal industry laboratory fund, which is hereby 9151  
created in the state treasury. The director shall use the moneys 9152  
in the animal industry laboratory fund to pay the expenses 9153  
necessary to operate the animal industry laboratory, including the 9154  
purchase of supplies and equipment ~~for the laboratory that~~ 9155  
~~provides laboratory services related to the diseases of animals.~~ 9156

(2) All moneys collected by the director under this section 9157  
that are from fees generated by a laboratory service performed by 9158  
the consumer analytical laboratory, and all moneys so collected 9159  
that are from fees generated for the inspection and accreditation 9160  
of laboratories and laboratory services not related to weights and 9161  
measures or the diseases of animals, shall be deposited in the 9162  
laboratory services fund, which is hereby created in the state 9163

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treasury. The moneys held in the fund may be used to pay the 9164  
expenses necessary to operate the consumer analytical laboratory, 9165  
including the purchase of supplies and equipment. 9166

(3) All moneys collected by the director under this section 9167  
that are from fees generated by a laboratory service performed by 9168  
the weights and measures laboratory, and all moneys so collected 9169  
that are from fees generated for the inspection and accreditation 9170  
of laboratories and laboratory services related to weights and 9171  
measures, shall be deposited in the weights and measures 9172  
laboratory fund, which is hereby created in the state treasury. 9173  
The moneys held in the fund may be used to pay the expenses 9174  
necessary to operate the division of weights and measures, 9175  
including the purchase of supplies and equipment. 9176

**Sec. 901.63.** (A) The agricultural financing commission shall 9177  
do both of the following until July 1, ~~2001~~ 2003: 9178

(1) Make recommendations to the director of agriculture about 9179  
financial assistance applications made pursuant to sections 901.80 9180  
to 901.83 of the Revised Code. In making its recommendations, the 9181  
commission shall utilize criteria established by rules adopted 9182  
under division (A)(8)(b) of section 901.82 of the Revised Code. 9183

(2) Advise the director in the administration of sections 9185  
901.80 to 901.83 of the Revised Code. 9186

With respect to sections 901.80 to 901.83 of the Revised 9187  
Code, the role of the commission is solely advisory. No officer, 9188  
member, or employee of the commission is liable for damages in a 9189  
civil action for any injury, death, or loss to person or property 9190  
that allegedly arises out of purchasing any loan or providing a 9191  
loan guarantee, failure to purchase a loan or provide a loan 9192  
guarantee, or failure to take action under sections 901.80 to 9193  
901.83 of the Revised Code, or that allegedly arises out of any 9194

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act or omission of the department of agriculture that involves	9195
those sections.	9196
(B) The commission may:	9197
(1) Adopt bylaws for the conduct of its business;	9198
(2) Exercise all rights, powers, and duties conferred on the	9199
commission as an issuer under Chapter 902. of the Revised Code;	9200
(3) Contract with, retain, or designate financial	9201
consultants, accountants, and such other consultants and	9202
independent contractors as the commission may determine to be	9203
necessary or appropriate to carry out the purposes of this chapter	9204
and to fix the terms of those contracts;	9205
(4) Undertake and carry out or authorize the completion of	9206
studies and analyses of agricultural conditions and needs within	9207
the state relevant to the purpose of this chapter to the extent	9208
not otherwise undertaken by other departments or agencies of the	9209
state satisfactory for <del>such</del> <u>that</u> purpose;	9210
(5) Acquire by gift, purchase, foreclosure, or other means,	9211
and hold, assign, pledge, lease, transfer, or otherwise dispose	9212
of, real and personal property, or any interest in that real and	9213
personal property, in the exercise of its powers and the	9214
performance of its duties under this chapter and Chapter 902. of	9215
the Revised Code;	9216
(6) Receive and accept gifts, grants, loans, or any other	9217
financial or other form of aid from any federal, state, local, or	9218
private agency or fund and enter into any contract with any such	9219
agency or fund in connection therewith, and receive and accept aid	9220
or contributions from any other source of money, property, labor,	9221
or things of value, to be held, used, and applied only for the	9222
purposes for which <del>such</del> <u>the</u> grants and contributions are made, all	9223
within the purposes of this chapter and Chapter 902. of the	9224
Revised Code;	9225

(7) Sue and be sued in its own name with respect to its 9226  
contracts or to enforce this chapter or its obligations or 9227  
covenants made under this chapter and Chapter 902. of the Revised 9228  
Code; 9229

(8) Make and enter into all contracts, commitments, and 9230  
agreements, and execute all instruments necessary or incidental to 9231  
the performance of its duties and the execution of its powers 9232  
under this chapter and Chapter 902. of the Revised Code; 9233

(9) Adopt an official seal; 9234

(10) Do any and all things necessary or appropriate to carry 9235  
out the public purposes and exercise the powers granted to the 9236  
commission in this chapter and Chapter 902. of the Revised Code 9237  
and the public purposes of Section 13 of Article VIII, Ohio 9238  
Constitution. 9239

Any instrument by which real property is acquired pursuant to 9240  
this section shall identify the agency of the state that has the 9241  
use and benefit of the real property as specified in section 9242  
5301.012 of the Revised Code. 9243

**Sec. 901.81.** (A) As used in this section and sections 901.82 9244  
and 901.83 of the Revised Code: 9245

(1) "Financial institution" means any banking corporation; 9246  
trust company; savings and loan association; building and loan 9247  
association; or corporation, partnership, or other institution 9248  
that is engaged in lending or investing funds for agricultural or 9249  
other business purposes and that is eligible to become a 9250  
depository for public moneys under section 135.03 of the Revised 9251  
Code. 9252

(2) "Eligible applicant" means a person who has made all of 9253  
the demonstrations enumerated in division (B) of section 901.82 of 9254  
the Revised Code. 9255

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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.

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

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

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

(1) Receive, review, analyze, and summarize applications for financial assistance forwarded to the director by ~~the department of development~~, a financial institution under section 901.81 of the Revised Code and, after processing, forward them to the

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agricultural financing commission together with necessary	9287
supporting information;	9288
(2) Receive the recommendations of the commission made under	9289
division (A)(1) of section 901.63 of the Revised Code and make a	9290
final determination whether to approve <del>the</del> <u>an</u> application for	9291
financial assistance;	9292
(3) Transmit the director's determinations to approve	9293
assistance to the controlling board together with any information	9294
the controlling board requires for its review and its decision	9295
whether to approve the release of money for the financial	9296
assistance;	9297
(4) Work in conjunction with financial institutions and other	9298
private and public financing sources to purchase loans from	9299
financial institutions or provide loan guarantees to eligible	9300
applicants;	9301
(5) Require each applicant to provide a farm business plan,	9302
including an overview of the type of agricultural operation the	9303
applicant anticipates conducting, and a management strategy for	9304
the project;	9305
(6) Inform agricultural organizations and others in the state	9306
of the existence of the program established under section 901.80	9307
of the Revised Code and of the financial assistance available	9308
under the program;	9309
(7) Report to the governor, president of the senate, speaker	9310
of the house of representatives, and minority leaders of the	9311
senate and the house of representatives by the thirtieth day of	9312
June of each year on the activities carried out under the program	9313
during the preceding calendar year. The report shall include the	9314
number of loans purchased or loan guarantees made that year, the	9315
amount of each such loan or loan guarantee, the county in which	9316
the loan recipient's farm is located, and whatever other	9317

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information the director determines is relevant to include.	9318
(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following with regard to the program:	9319
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	9321
(a) Forms and procedures by which eligible applicants may apply for financial assistance;	9322
	9323
(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;	9324
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	9326
(c) Reporting requirements and monitoring procedures;	9327
(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;	9328
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	9332
(e) Criteria for determining whether the location at which the applicant proposes to use financial assistance provided under the program is in an area in which agriculture is the primary land use at the time the application is made and whether the land at that location reasonably may not be expected to be converted to a nonagricultural use during the period of time that the applicant's obligation to repay the loan remains outstanding;	9333
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(f) Any other rules necessary to implement and administer the program.	9340
	9341
(B) In order to be eligible for financial assistance under section 901.80 of the Revised Code, an applicant shall demonstrate all of the following:	9342
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	9344
(1) That the applicant is domiciled in this state;	9345
(2) That the applicant is unable to obtain sufficient financing from commercial or agricultural lending sources;	9346
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(3) That the applicant has the ability to repay the loan, 9348  
 primarily from the cash flow of the proposed farming operation, 9349  
 and that there is adequate security for the loan; 9350

(4) That the applicant has sufficient education, training, or 9351  
 experience in the type of farming for which the applicant requests 9352  
 the financial assistance; 9353

(5) That there are no zoning restrictions, environmental 9354  
 regulations, or other impairments to the use of the land for the 9355  
 purpose intended; 9356

(6) That the location at which the applicant proposes to use 9357  
 the financial assistance is in an area in which agriculture is the 9358  
 primary land use at the time the application is made and that the 9359  
 land at that location reasonably may not be expected to be 9360  
 converted to a nonagricultural use during the period of time that 9361  
 the applicant's obligation to repay the financial assistance 9362  
 remains outstanding. In demonstrating the information required 9363  
 under division (B)(5)(6) of this section, the applicant shall 9364  
 utilize criteria established in rules adopted under division 9365  
 (A)(8)(e) of this section. 9366

**Sec. 917.07.** The dairy industry fund is hereby created in the 9367  
 state treasury. All inspection fees and license fees collected 9368  
 under this chapter shall be deposited into the fund- 9369

~~The dairy fund is hereby created in the state treasury. All 9370  
 together with all fine moneys received by the treasurer of state 9371  
 pursuant to division (E)(F) of section 917.99 of the Revised Code 9372  
 and any other moneys collected under this chapter, except for 9373  
 inspection fees and license fees, shall be deposited into the 9374  
 fund. 9375~~

Moneys credited to the dairy industry fund and the dairy fund 9376  
 shall be used to operate and pay expenses of the division of dairy 9377

in the department of agriculture. 9378

**Sec. 917.99.** (A) Whoever violates division (C) of section 9379  
917.09 of the Revised Code is guilty of a misdemeanor of the 9380  
second degree on a first offense and a misdemeanor of the first 9381  
degree on each subsequent offense. 9382

(B) Whoever violates section 917.13 or 917.14 of the Revised 9383  
Code is guilty of a misdemeanor of the first degree on a first 9384  
offense, a felony of the fifth degree on a second offense, and a 9385  
felony of the fourth degree on each subsequent offense. 9386

(C) Whoever violates division (A), (B), (C), (D), or (G) of 9387  
section 917.05 of the Revised Code is guilty of a misdemeanor of 9388  
the fourth degree. 9389

(D) Whoever violates division (E) or (F) of section 917.05 of 9390  
the Revised Code is guilty of a misdemeanor of the second degree 9391  
on a first offense and a misdemeanor of the first degree on each 9392  
subsequent offense. 9393

(E) Each day of violation of a provision described in 9394  
divisions (A) to (D) of this section constitutes a separate 9395  
offense. 9396

(F) The court imposing a fine under divisions (A) to (D) of 9397  
this section shall order that not less than fifty per cent of the 9398  
fine be disbursed to the treasurer of state for deposit into the 9399  
dairy industry fund created in section 917.07 of the Revised Code. 9400  
Subject to that minimum percentage, the court's order shall 9401  
specify the percentage of the fine that the clerk of the court 9402  
shall disburse to the treasurer of state. The clerk of the court 9403  
shall disburse the remainder of the fine to the county treasurer. 9404

**Sec. 1309.40.** (A) Presentation for filing of a financing 9405  
statement, tender of the filing fee, and acceptance of the 9406  
statement by the filing officer constitute filing under sections 9407

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1309.01 to 1309.50 of the Revised Code. 9408

(B)(1) Except as provided in divisions (B)(2) and (F) of this 9409  
section, a filed financing statement is effective for a period of 9410  
five years from the date of filing. The effectiveness of a filed 9411  
financing statement lapses on the expiration of the five-year 9412  
period unless a continuation statement is filed prior to the 9413  
lapse. If a security interest perfected by filing exists at the 9414  
time insolvency proceedings are commenced by or against the 9415  
debtor, the security interest remains perfected until termination 9416  
of the insolvency proceedings and thereafter for a period of sixty 9417  
days or until expiration of the five-year period, whichever occurs 9418  
later. Upon lapse the security interest becomes unperfected, 9419  
unless it is perfected without filing. If the security interest 9420  
becomes unperfected upon lapse, it is deemed to have been 9421  
unperfected as against a person who became a purchaser or lien 9422  
creditor before lapse. 9423

(2) A filed financing statement that states that it relates 9424  
to an obligation secured by both (a) a mortgage upon real estate 9425  
filed for record within this state and (b) a security interest in 9426  
collateral, whether or not such collateral includes or consists of 9427  
goods which are or are to become fixtures situated upon such real 9428  
estate, shall, if such financing statement states a maturity date 9429  
of such obligation, or the final installment thereof, of more than 9430  
five years, be fully effective until the maturity date set forth 9431  
therein. Such financing statement shall also contain a reference 9432  
to the recorder's file number of the mortgage upon real estate or 9433  
to the volume and page of the mortgage record in which such 9434  
mortgage is recorded. 9435

(C) A continuation statement may be filed by the secured 9436  
party within six months prior to the expiration of the five-year 9437  
period specified in division (B)(1) of this section, or within six 9438  
months prior to the stated maturity date referred to in division 9439

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(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 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

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photographic or digitized copy thereof for public inspection. In 9472  
addition, the filing officer shall index the statements according 9473  
to the name of the debtor and shall note in the index the file 9474  
number, the date and hour of filing, and the address of the debtor 9475  
given in the statement. In addition to the indexing required in 9476  
the previous sentence, statements covering crops growing or to be 9477  
grown or timber to be cut or minerals or the like, including oil 9478  
and gas, or accounts subject to division (E) of section 1309.03 of 9479  
the Revised Code, or a financing statement filed as a fixture 9480  
filing pursuant to section 1309.32 of the Revised Code shall also 9481  
be indexed in the real estate mortgage records by the filing 9482  
officer according to the name of the debtor or, if the financing 9483  
statement shows the record owner or record lessee to be other than 9484  
the debtor, then according to the name of the record owner or 9485  
record lessee given in the statement. The fee to be charged for 9486  
indexing financing statements in the real estate mortgage records 9487  
shall be two dollars for each record owner or lessee listed in the 9488  
statement, as provided in division (E) of section 317.32 of the 9489  
Revised Code. 9490

(E) The fee for filing, indexing, and furnishing filing data 9491  
for an original, amended, or a continuation statement on a form 9492  
that is prescribed by the secretary of state shall be ~~nine~~ twelve 9493  
dollars. The fee for filing, indexing, and furnishing filing data 9494  
for an original, amended, or a continuation statement on a form 9495  
that is not prescribed by the secretary of state and that is filed 9496  
in the office of the county recorder shall be eleven dollars. 9497

(F) If the debtor is a transmitting utility and a filed 9498  
financing statement so states, it is effective until a termination 9499  
statement is filed. A real estate mortgage that is effective as a 9500  
fixture filing under division (E) of section 1309.39 of the 9501  
Revised Code remains effective as a fixture filing until the 9502  
mortgage is released or satisfied of record or its effectiveness 9503

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otherwise terminates as to the real estate. 9504

(G) If the person filing any original or amended financing 9505  
statement, termination statement, statement of assignment, or 9506  
statement of release requests a copy thereof, the filing officer 9507  
shall note upon the copy the file number and date and hour of the 9508  
filing of the original and deliver or send the copy to such 9509  
person. 9510

(H)(1) Upon request of any person, the filing officer shall 9511  
issue a certificate showing whether there is on file on the date 9512  
and hour stated ~~therein in the certificate~~, any presently 9513  
effective financing statement naming a particular debtor, owner, 9514  
~~or lessee~~, and any statement of assignment ~~thereof of the~~ 9515  
~~financing statement~~, and, if there is, giving the date and hour of 9516  
filing of each such statement and the names and addresses of each 9517  
secured party ~~therein in each such statement~~. The fee for such a 9518  
certificate shall be ~~nine twenty~~ dollars ~~plus one dollar for each~~ 9519  
~~financing statement and for each statement of assignment reported~~ 9520  
~~therein. Upon~~ 9521

~~(2) Upon request, the a county recorder who is a filing~~ 9522  
~~officer shall furnish to any person a copy of any filed financing~~ 9523  
~~statement or naming a particular debtor, owner, or lessee and any~~ 9524  
~~filed statement of assignment of the financing statement. When~~ 9525  
~~such a request for copies is made in the office of the county~~ 9526  
~~recorder, the county recorder shall charge a fee of one dollar per~~ 9527  
~~page. When a request for copies is made in the office of the~~ 9528  
~~secretary of state, the fee shall not exceed one dollar per page.~~ 9529

~~(3) Any person may request from the secretary of state a copy~~ 9530  
~~of any financing statement naming a particular debtor, owner, or~~ 9531  
~~lessee, and of any statement of assignment of the financing~~ 9532  
~~statement, that is on file with the secretary of state. The~~ 9533  
~~request shall be made in writing to the secretary of state, and~~ 9534  
~~the secretary of state shall charge and collect a fee of five~~ 9535

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dollars for each copy requested.

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

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(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.

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~~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~~

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(A) of section 111.23 of the Revised Code plus the fee the 9567  
secretary of state is otherwise required to collect for the filing 9568  
under this chapter. 9569

**Sec. 1309.42.** (A) A financing statement may disclose an 9570  
assignment of a security interest in the collateral described in 9571  
the financing statement by indication in the financing statement 9572  
of the name and address of the assignee or by an assignment itself 9573  
or a copy thereof on the face or back of the statement. On 9574  
presentation to the filing officer of such a financing statement, 9575  
the filing officer shall proceed as provided in division (D) of 9576  
section 1309.40 of the Revised Code. The fee for filing, indexing, 9577  
and furnishing filing data for a financing statement so indicating 9578  
an assignment shall be ~~nine~~ twelve dollars. 9579

(B) A secured party may assign of record all or a part of the 9580  
secured party's rights under a financing statement by the filing 9581  
in the place where the original financing statement was filed of a 9582  
separate written statement of assignment. The statement of 9583  
assignment shall be on a form prescribed by the secretary of 9584  
state, shall be signed by the secured party of record, shall set 9585  
forth the name of the secured party of record and the debtor, the 9586  
file number and the date of filing of the financing statement, and 9587  
the name and address of the assignee, and shall contain a 9588  
description of the collateral assigned. A statement of assignment 9589  
filed in the office of the county recorder shall also comply with 9590  
Chapter 317. of the Revised Code. On presentation to the filing 9591  
officer of a separate statement of assignment, the filing officer 9592  
shall mark the separate statement with the date and hour of 9593  
filing. The filing officer shall note the assignment on the index 9594  
of the financing statement, or in the case of a fixture filing, or 9595  
a filing covering crops growing or to be grown or timber to be 9596  
cut, or covering minerals or the like, including oil and gas, or 9597  
accounts subject to division (E) of section 1309.03 of the Revised 9598

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Code, the filing officer shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, the filing officer shall index the assignment of the financing statement under the name of the assignee. The fee for filing, indexing, and furnishing filing data about such a separate statement of assignment shall be ~~nine~~ twelve dollars if on a form prescribed by the secretary of state. The fee for filing, indexing, and furnishing filing data about such a separate statement of assignment on a form that is not prescribed by the secretary of state and that is filed in the office of the county recorder shall be eleven dollars. Notwithstanding the provisions of this division, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing pursuant to division (E) of section 1309.39 of the Revised Code may be made only by an assignment of the mortgage in the manner provided by the law of this state other than sections 1309.01 to 1309.50 of the Revised Code.

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

Sec. 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.

(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:

(1) Twenty dollars if the request is communicated in writing;

(2) Twenty dollars if the request is communicated by another medium authorized by the filing office rule.

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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.

(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.

**Sec. 1329.01.** (A) As used in sections 1329.01 to 1329.10 of the Revised Code:

(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.

(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.

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(3) "Person" includes any individual, general partnership, 9662  
limited partnership, limited liability partnership, corporation, 9663  
association, professional association, limited liability company, 9664  
society, foundation, federation, or organization formed under the 9665  
laws of this state or any other state. 9666

(B) Subject to sections 1329.01 to 1329.10 of the Revised 9667  
Code, any person may register with the secretary of state, on a 9668  
form prescribed by the secretary of state, any trade name under 9669  
which the person is operating, setting forth all of the following: 9670

(1) The name and business address of the applicant for 9671  
registration and any of the following that is applicable: 9672

(a) If the applicant is a general partnership, the names and 9673  
residence addresses of all of the partners; 9674

(b) If the applicant is a limited partnership existing prior 9675  
to July 1, 1994, that has not registered with the secretary of 9676  
state pursuant to Chapter 1782. of the Revised Code, the name of 9677  
the Ohio county in which its certificate of limited partnership or 9678  
application for registration as a foreign limited partnership is 9679  
filed; 9680

(c) If the applicant is a limited partnership to which 9681  
division (B)(1)(b) of this section does not apply or is a 9682  
corporation, professional association, limited liability company, 9683  
or other entity, the form of the entity and the state under the 9684  
laws of which it was formed. 9685

(2) The trade name to be registered; 9686

(3) The general nature of the business conducted by the 9687  
applicant; 9688

(4) The length of time during which the trade name has been 9689  
used by the applicant in business operations in this state. 9690

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

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

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

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

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

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

(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;

(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.

(2) The fictitious name being used;

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

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(E) The report of use of a fictitious name shall be signed by 9722  
the user or by any authorized representative of the user. 9723

A single fictitious name may be registered upon each 9724  
fictitious name report submitted under sections 1329.01 to 1329.10 9725  
of the Revised Code. 9726

The fictitious name report shall be accompanied by a filing 9727  
fee of ~~ten~~ fifty dollars, payable to the secretary of state. 9728

A report under this division shall be made within thirty days 9729  
after the date of the first use of the fictitious name. 9730

**Sec. 1329.04.** Registration of a trade name or report of a 9731  
fictitious name, under sections 1329.01 to 1329.10 of the Revised 9732  
Code, shall be effective for a term of five years from the date of 9733  
registration or report. Upon application filed within six months 9734  
prior to the expiration of such term, on a form furnished by the 9735  
secretary of state, the registration or report may be renewed at 9736  
the end of each five-year period for a like term, provided that a 9737  
general partnership shall renew its registration or report 9738  
whenever there has been a change in the listing of partners on its 9739  
registration or report and a limited partnership shall renew its 9740  
registration or report when a change occurs in the listing of its 9741  
general partners on its registration or report. Such a renewal 9742  
shall extend the registration or report for five years, unless 9743  
further changes occur in the interim. A The renewal fee specified 9744  
in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised 9745  
Code, payable to the secretary of state, shall accompany the 9746  
application for renewal of the registration or report. 9747

The secretary of state shall notify persons who have 9748  
registered trade names or reported fictitious names, within the 9749  
six months next preceding the expiration of the five years from 9750  
the date of registration or report, of the necessity of renewal by 9751

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writing to the last known address of such persons. 9752

**Sec. 1329.06.** Any trade name or fictitious name and its 9753  
registration or report shall be assignable by an instrument in 9754  
writing duly executed and may be recorded with the secretary of 9755  
state upon the payment of ~~a~~ the fee specified in division (S)(4) 9756  
~~of ten dollars~~ section 111.16 of the Revised Code, payable to the 9757  
secretary of state, who, recording the assignment, shall issue in 9758  
the name of the assignee a new certificate for the remainder of 9759  
the term of the registration or report or the last renewal 9760  
thereof. The instrument shall be on a form prescribed by the 9761  
secretary of state. 9762

**Sec. 1329.07.** The registrant of any trade name or a person 9763  
who reports a fictitious name shall record all changes of the 9764  
registrant's business address by filing with the secretary of 9765  
state a statement in writing, on a form prescribed by the 9766  
secretary of state, setting forth the name previously registered 9767  
or reported, the date of the registration or report, and the new 9768  
address of the applicant. ~~A~~ The filing fee specified in division 9769  
(S)(4) of three dollars section 111.16 of the Revised Code shall 9770  
accompany ~~such~~ the statement. 9771

**Sec. 1329.42.** A person who uses in this state a name, mark, 9772  
or device to indicate ownership of articles or supplies may file 9773  
in the office of the secretary of state, on a form to be 9774  
prescribed by the secretary of state, a verified statement setting 9775  
forth, but not limited to, the following information: 9776

(A) The name and business address of the person filing the 9777  
statement; and, if a corporation, the state of incorporation; 9778

(B) The nature of the business of the applicant; 9779

(C) The type of articles or supplies in connection with which 9780

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the name, mark, or device is used. 9781

The statement shall include or be accompanied by a specimen 9782  
evidencing actual use of the name, mark, or device, together with 9783  
a the filing fee specified in division (U)(1) of ~~twenty dollars~~ 9784  
section 111.16 of the Revised Code. The registration of a name, 9785  
mark, or device pursuant to this section is effective for a 9786  
ten-year period beginning on the date of registration. If an 9787  
application for renewal is filed within six months prior to the 9788  
expiration of the ten-year period on a form prescribed by the 9789  
secretary of state, the registration may be renewed at the end of 9790  
each ten-year period for an additional ten-year period. ~~A~~ The 9791  
renewal fee specified in division (U)(2) of ~~ten dollars~~ section 9792  
111.16 of the Revised Code shall accompany the application for 9793  
renewal. The secretary of state shall notify a registrant within 9794  
the six months next preceding the expiration of ten years from the 9795  
date of registration of the necessity of renewal by writing to the 9796  
last known address of the registrant. 9797

**Sec. 1329.421.** The registrant of a name, mark, or device used 9798  
to indicate ownership shall record all changes of the registrant's 9799  
business address by filing with the secretary of state a written 9800  
statement, on a form prescribed by the secretary of state, of the 9801  
new address. ~~A~~ The filing fee of ~~three dollars~~ specified in 9802  
division (U)(2) of section 111.16 of the Revised Code shall 9803  
accompany the statement. 9804

**Sec. 1329.45.** The certificate of the filing of any name, 9805  
mark, or device under sections 1329.41 to 1329.53 of the Revised 9806  
Code and the benefits obtained ~~thereunder~~ under it shall be 9807  
assignable with the sale of the articles or supplies on which the 9808  
same are produced and used. Assignments shall be by instruments in 9809  
writing duly executed and may be recorded upon the payment of a 9810  
the fee specified in division (U)(2) of ~~ten dollars~~ section 111.16 9811

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of the Revised Code, payable to the secretary of state, who, after 9812  
recording the assignment, upon request of the assignee, may issue 9813  
in the assignee's name a new certificate. The instrument shall be 9814  
on a form prescribed by the secretary of state. 9815

**Sec. 1329.56.** (A) Subject to the limitations set forth in 9816  
sections 1329.54 to 1329.67 of the Revised Code, any person who 9817  
adopts and uses a trademark or service mark in this state may file 9818  
in the office of the secretary of state, on a form to be 9819  
prescribed by the secretary of state, an application for 9820  
registration of that trademark or service mark that sets forth, 9821  
but is not limited to, the following information: 9822

(1) The name and business address of the person applying for 9823  
the registration; if the person is a corporation, the state of its 9824  
incorporation; if the person is a partnership or limited liability 9825  
partnership, the state in which the partnership is organized and 9826  
the names of the general partners; and, if the person is a limited 9827  
liability company, the state of its organization; 9828

(2) The goods or services on or in connection with which the 9829  
mark is used, the mode or manner in which the mark is used on or 9830  
in connection with the goods or services, and the class in which 9831  
the goods or services fall; 9832

(3) The date when the mark was first used anywhere and the 9833  
date when it was first used in this state by the applicant or the 9834  
applicant's predecessor in interest; 9835

(4) A statement that the applicant is the owner of the mark, 9836  
that the mark is in use, and that, to the knowledge of the person 9837  
verifying the application, no other person has the right to use 9838  
the mark in the state either in the identical form of the mark, or 9839  
in near resemblance to the mark, as to be likely, when used on or 9840  
in connection with the goods or services of another person, to 9841  
cause confusion or mistake or to deceive; 9842

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(5) A statement that, to the knowledge of the person 9843  
verifying the application, no other person has a registration or a 9844  
pending intent to use application of the same or a confusingly 9845  
similar mark in the United States patent and trademark office for 9846  
the same or similar goods or services or a statement that the 9847  
applicant is the owner of a concurrent registration in the United 9848  
States patent and trademark office of the applicant's mark 9849  
covering an area including this state. 9850

(B) The application shall be signed and verified by the 9851  
applicant, by an authorized representative, or by an officer of 9852  
the firm, limited liability company, limited liability 9853  
partnership, general partnership, or limited partnership, 9854  
corporation, union, association, or other organization that is the 9855  
applicant. 9856

(C) The application shall be accompanied by a specimen of the 9857  
mark as actually used and shall contain a brief description of the 9858  
mark as it appears on the specimen. 9859

(D) The application shall be accompanied by a ~~the~~ filing fee 9860  
specified in division (U)(1) of twenty dollars that is section 9861  
111.16 of the Revised Code, payable to the secretary of state. 9862

**Sec. 1329.58.** Registration of a trademark or service mark 9863  
under sections 1329.54 to 1329.67 of the Revised Code shall be 9864  
effective for a term of ten years from the date of registration. 9865  
Upon the filing of an application within six months prior to the 9866  
expiration of that term on a form furnished by the secretary of 9867  
state, the registrant may renew the registration at the end of 9868  
each ten-year period for a similar term. ~~A~~ The renewal fee 9869  
specified in division (U)(2) of ten dollars that is section 111.16 9870  
of the Revised Code, payable to the secretary of state, shall 9871  
accompany the renewal application. The renewal application shall 9872  
require the applicant to state that the mark still is in use in 9873

this state. 9874

**Sec. 1329.60.** Any trademark or service mark and its 9875  
registration shall be assignable with the good will of the 9876  
business in which the trademark or service mark is used, or with 9877  
that part of the good will of the business connected with the use 9878  
of and symbolized by the trademark or service mark. Assignment 9879  
shall be by instruments in writing duly executed and may be 9880  
recorded with the secretary of state upon the payment of ~~a~~ the fee 9881  
specified in division (U)(2) of ten dollars section 111.16 of the 9882  
Revised Code, payable to the secretary of state, who, after 9883  
recording the assignment, shall issue in the name of the assignee 9884  
a new certificate for the remainder of the term of the 9885  
registration or of the last renewal thereof. The instrument shall 9886  
be on a form prescribed by the secretary of state. An assignment 9887  
of any registration shall be void as against any subsequent 9888  
purchaser for valuable consideration without notice unless it is 9889  
recorded with the secretary of state within three months after the 9890  
date thereof or prior to such subsequent purchase. 9891

**Sec. 1329.601.** The registrant of a trademark or service mark 9892  
shall record all changes of the registrant's business address by 9893  
filing a written statement, on a form prescribed by the secretary 9894  
of state, of the new address with the secretary of state. ~~A~~ The 9895  
filing fee ~~of three dollars~~ specified in division (U)(2) of 9896  
section 111.16 of the Revised Code shall accompany the statement. 9897

**Sec. 1345.21.** As used in sections 1345.21 to 1345.28 of the 9898  
Revised Code: 9899

(A) "Home solicitation sale" means a sale of consumer goods 9900  
or services in which the seller or a person acting for the seller 9901  
engages in a personal solicitation of the sale at a residence of 9902  
the buyer, including solicitations in response to or following an 9903

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invitation by the buyer, and the buyer's agreement or offer to  
purchase is there given to the seller or a person acting for the  
seller, or in which the buyer's agreement or offer to purchase is  
made at a place other than the seller's place of business. It does  
not include a transaction or transactions in which:

(1) The total purchase price to be paid by the buyer, whether  
under single or multiple contracts, is less than twenty-five  
dollars;

(2) The transaction was conducted and consummated entirely by  
mail or by telephone if initiated by the buyer, and without any  
other contact between the seller or the seller's representative  
prior to the delivery of goods or performance of the service;

(3) The final agreement is made pursuant to prior  
negotiations in the course of a visit by the buyer to a retail  
business establishment having a fixed permanent location where the  
goods are exhibited or the services are offered for sale on a  
continuing basis;

(4) The buyer initiates the contact between the parties for  
the purpose of negotiating a purchase and the seller has a  
business establishment at a fixed location in this state where the  
goods or services involved in the transaction are regularly  
offered or exhibited for sale.

Advertisements by such a seller in newspapers, magazines,  
catalogues, radio, or television do not constitute the seller  
initiation of the contact.

(5) The buyer initiates the contact between the parties, the  
goods or services are needed to meet a bona fide immediate  
personal emergency of the buyer which will jeopardize the welfare,  
health, or safety of natural persons, or endanger property which  
the buyer owns or for which the buyer is responsible, and the  
buyer furnishes the seller with a separate, dated, and signed

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statement in the buyer's handwriting describing the situation	9935
requiring immediate remedy and expressly acknowledging and waiving	9936
the right to cancel the sale within three business days;	9937
(6) The buyer has initiated the contact between the parties	9938
and specifically requested the seller to visit the buyer's home	9939
for the purpose of repairing or performing maintenance upon the	9940
buyer's personal property. If, in the course of such a visit, the	9941
seller sells the buyer additional services or goods other than	9942
replacement parts necessarily used in performing the maintenance	9943
or in making the repairs, the sale of those additional goods or	9944
services does not fall within this exclusion.	9945
(7) The buyer is accorded the right of rescission by the	9946
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C.	9947
1635, or regulations adopted pursuant to it.	9948
(B) "Sale" includes a lease or rental.	9949
(C) "Seller" includes a lessor or anyone offering goods for	9950
rent.	9951
(D) "Buyer" includes a lessee or anyone who gives a	9952
consideration for the privilege of using goods.	9953
(E) "Consumer goods or services" means goods or services	9954
purchased, leased, or rented primarily for personal, family, or	9955
household purposes, including courses or instruction or training	9956
regardless of the purpose for which they are taken.	9957
(F) "Consumer goods or services" does not include goods or	9958
services pertaining to any of the following:	9959
(1) Sales or rentals of real property by a real estate broker	9960
or salesperson, or by a foreign real estate dealer or salesperson,	9961
who is licensed by the Ohio real estate commission under Chapter	9962
4735. of the Revised Code;	9963
(2) The sale of securities or commodities by a broker-dealer	9964

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registered with the securities and exchange commission;	9965
(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;	9966 9967 9968
(4) The sale of insurance by a person licensed by the superintendent of insurance;	9969 9970
(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;	9971 9972 9973
(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.	9974 9975 9976
(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.	9977 9978 9979
(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.	9980 9981
(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.	9982 9983 9984 9985
<b>Sec. 1501.01.</b> 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.	9986 9987 9988 9989 9990 9991 9992 9993 9994

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The director shall correlate and coordinate the work and 9995  
activities of the divisions in the department to eliminate 9996  
unnecessary duplications of effort and overlapping of functions. 9997  
The chiefs of the various divisions of the department shall meet 9998  
with the director at least once each month at a time and place 9999  
designated by the director. 10000

The director may create advisory boards to any of those 10001  
divisions in conformity with section 121.13 of the Revised Code. 10002

The director may accept and expend gifts, devises, and 10003  
bequests of money, lands, and other properties on behalf of the 10004  
department or any division thereof under the terms set forth in 10005  
section 9.20 of the Revised Code. Any political subdivision of 10006  
this state may make contributions to the department for the use of 10007  
the department or any division therein according to the terms of 10008  
the contribution. 10009

The director may publish and sell or otherwise distribute 10010  
data, reports, and information. 10011

The director shall adopt rules in accordance with Chapter 10012  
119. of the Revised Code to permit the department to accept by 10013  
means of a credit card the payment of fees, charges, and rentals 10014  
at those facilities described in section 1501.07 of the Revised 10015  
Code that are operated by the department, for any data, reports, 10016  
or information sold by the department, and for any other goods or 10017  
services provided by the department. 10018

Whenever authorized by the governor to do so, the director 10019  
may appropriate property for the uses and purposes authorized to 10020  
be performed by the department and on behalf of any division 10021  
within the department. This authority shall be exercised in the 10022  
manner provided in sections 163.01 to 163.22 of the Revised Code 10023  
for the appropriation of property by the director of 10024  
administrative services. This authority to appropriate property is 10025

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in addition to the authority provided by law for the appropriation 10026  
 of property by divisions of the department. The director of 10027  
 natural resources also may acquire by purchase, lease, or 10028  
 otherwise such real and personal property rights or privileges in 10029  
 the name of the state as are necessary for the purposes of the 10030  
 department or any division therein. The director, with the 10031  
 approval of the governor and the attorney general, may sell, 10032  
 lease, or exchange portions of lands or property, real or 10033  
 personal, of any division of the department or grant easements or 10034  
 licenses for the use thereof, or enter into agreements for the 10035  
 sale of water from lands and waters under the administration or 10036  
 care of the department or any of its divisions, when the sale, 10037  
 lease, exchange, easement, agreement, or license for use is 10038  
 advantageous to the state, provided that such approval is not 10039  
 required for leases and contracts made under ~~section 1507.12, if~~ 10040  
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of 10041  
 the Revised Code. Water may be sold from a reservoir only to the 10042  
 extent that the reservoir was designed to yield a supply of water 10043  
 for a purpose other than recreation or wildlife, and the water 10044  
 sold is in excess of that needed to maintain the reservoir for 10045  
 purposes of recreation or wildlife. 10046

Money received from such sales, leases, easements, exchanges, 10047  
 agreements, or licenses for use, except revenues required to be 10048  
 set aside or paid into depositories or trust funds for the payment 10049  
 of bonds issued under sections 1501.12 to 1501.15 of the Revised 10050  
 Code, and to maintain the required reserves therefor as provided 10051  
 in the orders authorizing the issuance of such bonds or the trust 10052  
 agreements securing such bonds, revenues required to be paid and 10053  
 credited pursuant to the bond proceeding applicable to obligations 10054  
 issued pursuant to section 154.22, and revenues generated under 10055  
 section 1520.05 of the Revised Code, shall be deposited in the 10056  
 state treasury to the credit of the fund of the division of the 10057

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department having prior jurisdiction over the lands or property. 10058  
If no such fund exists, the money shall be credited to the general 10059  
revenue fund. All such money received from lands or properties 10060  
administered by the division of wildlife shall be credited to the 10061  
wildlife fund. 10062

The director shall provide for the custody, safekeeping, and 10063  
deposit of all moneys, checks, and drafts received by the 10064  
department or its employees prior to paying them to the treasurer 10065  
of state under section 113.08 of the Revised Code. 10066

The director shall cooperate with the nature conservancy, 10067  
other nonprofit organizations, and the United States fish and 10068  
wildlife service in order to secure protection of islands in the 10069  
Ohio river and the wildlife and wildlife habitat of those islands. 10070

Any instrument by which real property is acquired pursuant to 10071  
this section shall identify the agency of the state that has the 10072  
use and benefit of the real property as specified in section 10073  
5301.012 of the Revised Code. 10074

**Sec. 1501.04.** There is hereby created in the department of 10075  
natural resources a recreation and resources commission composed 10076  
of the ~~chairman~~ chairperson of the wildlife council created under 10077  
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 10078  
the parks and recreation council created under section 1541.40 of 10079  
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 10080  
council created under section 1547.73 of the Revised Code, the 10081  
~~chairman~~ chairperson of the technical advisory council on oil and 10082  
gas created under section 1509.38 of the Revised Code, the 10083  
chairman of the forestry advisory council created under section 10084  
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 10085  
soil and water conservation commission created under section 10086  
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 10087  
natural areas council created under section 1517.03 of the Revised 10088

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Code, the ~~chairman~~ chairperson of the Ohio water advisory council 10089  
created under section 1521.031 of the Revised Code, the 10090  
chairperson of the recycling and litter prevention advisory 10091  
council created under section 1502.04 of the Revised Code, the 10092  
chairperson of the civilian conservation advisory council created 10093  
under section 1553.10 of the Revised Code, the ~~chairman~~ 10094  
chairperson of the Ohio geology advisory council created under 10095  
section 1505.11 of the Revised Code, and five members appointed by 10096  
the governor with the advice and consent of the senate, not more 10097  
than three of whom shall belong to the same political party. The 10098  
director of natural resources shall be an ex officio member of the 10099  
commission, with a voice in its deliberations, but without the 10100  
power to vote. 10101

Terms of office of members of the commission appointed by the 10102  
governor shall be for five years, commencing on the second day of 10103  
February and ending on the first day of February. Each member 10104  
shall hold office from the date of ~~his~~ appointment until the end 10105  
of the term for which ~~he~~ the member was appointed. 10106

In the event of the death, removal, resignation, or 10107  
incapacity of a member of the commission, the governor, with the 10108  
advice and consent of the senate, shall appoint a successor who 10109  
shall hold office for the remainder of the term for which ~~his~~ the 10110  
member's predecessor was appointed. Any member shall continue in 10111  
office subsequent to the expiration date of ~~his~~ the member's term 10112  
until ~~his~~ the member's successor takes office, or until a period 10113  
of sixty days has elapsed, whichever occurs first. 10114

The governor may remove any appointed member of the 10115  
commission for misfeasance, nonfeasance, or malfeasance in office. 10116

The commission shall exercise no administrative function, but 10117  
may: 10118

(A) Advise with and recommend to the director of natural 10119  
resources as to plans and programs for the management, 10120

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development, utilization, and conservation of the natural resources of the state; 10121  
10122

(B) Advise with and recommend to the director as to methods of coordinating the work of the divisions of the department; 10123  
10124

(C) Consider and make recommendations upon any matter which the director may submit to it; 10125  
10126

(D) Submit to the governor biennially recommendations for amendments to the conservation laws of the state. 10127  
10128

~~Before~~ Each member of the commission, before entering upon the discharge of ~~his~~ the member's duties, ~~each member of the commission~~ shall take and subscribe to an oath of office, which oath, in writing, shall be filed in the office of the secretary of state. 10129  
10130  
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The members of the commission shall serve without compensation, but shall be entitled to receive their actual and necessary expenses incurred in the performance of their official duties. 10134  
10135  
10136  
10137

The commission, by a majority vote of all its members, shall adopt and amend bylaws. 10138  
10139

To be eligible for appointment, a person shall be a citizen of the United States and an elector of the state and shall possess a knowledge of and have an interest in the natural resources of this state. 10140  
10141  
10142  
10143

The commission shall hold at least four regular quarterly meetings each year. Special meetings shall be held at such times as the bylaws of the commission provide. Notices of all meetings shall be given in such manner as the bylaws provide. The commission shall choose annually from among its members a ~~chairman~~ chairperson to preside over its meetings and a secretary to keep a record of its proceedings. A majority of the members of the 10144  
10145  
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10150

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commission constitutes a quorum. No advice shall be given or 10151  
recommendation made without a majority of the members of the 10152  
commission concurring therein. 10153

**Sec. 1501.23.** The department of natural resources may utilize 10154  
the services of volunteers to implement clean-up and 10155  
beautification programs or any other programs that accomplish any 10156  
of the purposes of the department. The director of natural 10157  
resources shall approve all volunteer programs and may recruit, 10158  
train, and supervise the services of community volunteers or 10159  
volunteer groups for volunteer programs. The director may 10160  
designate volunteers in a volunteer program as state employees for 10161  
the purpose of motor vehicle accident liability insurance under 10162  
section 9.83 of the Revised Code, for the purpose of immunity 10163  
under section 9.86 of the Revised Code, and for the purpose of 10164  
indemnification from liability incurred in the performance of 10165  
their duties under section 9.87 of the Revised Code. 10166

**Sec. 1501.40.** The department of natural resources is the 10167  
designated state agency responsible for the coordination and 10168  
administration of sections 120 to 136 of the "National and 10169  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 10170  
12401 to 12456, ~~and amendments thereto as amended.~~ With the 10171  
assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 10172  
council created in section 121.40 of the Revised Code, the 10173  
director of natural resources shall coordinate with other state 10174  
agencies to apply for funding under the act when appropriate and 10175  
shall administer any federal funds the state receives under 10176  
sections 120 to 136 of the act. 10177

**Sec. 1502.12.** (A) There is hereby created in the state 10178  
treasury the scrap tire grant fund, consisting of moneys 10179  
transferred to the fund under section 3734.82 of the Revised Code. 10180

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The chief of the division of recycling and litter prevention, with the approval of the director of natural resources, may make grants from the fund for the purpose of supporting market development activities for scrap tires. The grants may be awarded to individuals, businesses, and entities certified under division (B) of section 1502.04 of the Revised Code.

(B) Projects and activities that are eligible for grants under this section shall be evaluated for funding using, at a minimum, the following criteria:

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;

(2) The degree of local financial support for a proposed project;

(3) The technical merit and quality of a proposed project.

**Sec. 1503.011.** The chief of the division of forestry shall be responsible for the conservation and development of forests within this state. He ~~He~~ The chief shall be concerned with silvicultural practices, including the proper planting, growing, protecting, harvesting, and managing of trees for such purposes as watershed and soil protection, timber production and utilization, recreation, aesthetics, wildlife habitat development, and urban enhancement and for all benefits that forests provide.

The chief may do any or all of the following:

(A) Provide rural forestry assistance to nonindustrial private forest landowners, including advice in tree planting, forest improvement, harvesting, and all aspects of conservation;

(B) Provide urban forestry assistance to individuals, nonprofit organizations, and political subdivisions to manage their urban forest resource and develop comprehensive tree care

programs;	10210
(C) Provide wood utilization, marketing, and rural forestry development assistance to forest industries, political subdivisions and agencies thereof, and state and federal agencies for the purpose of establishing and maintaining a viable, economically sound wood-based industry while expanding the forest resource of this state;	10211 10212 10213 10214 10215 10216
(D) Provide forest pest protection assistance to forest landowners, political subdivisions and agencies thereof, and state and federal agencies on assessing and evaluating the health and vigor of the forest resource;	10217 10218 10219 10220
(E) Provide technical assistance to landowners in developing forest windbreaks, filter strips, and other forest management practices that provide conservation benefits;	10221 10222 10223
(F) Provide awareness of and education concerning the programs provided for under divisions (A) to (E) of this section;	10224 10225
(G) Enter into agreements with political subdivisions and agencies thereof, state and federal agencies, firefighting agencies and private fire companies, as those terms are defined in section 9.60 of the Revised Code, nonprofit organizations, and individuals to meet the needs of forestry assistance in this state and, in accordance with <del>sections</del> <u>section</u> 1503.01 and <del>1503.35</del> of the Revised Code, develop and administer grant programs for any of those entities requesting assistance. The chief shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing such requirements and procedures as are necessary to implement this division.	10226 10227 10228 10229 10230 10231 10232 10233 10234 10235 10236
As used in this section, "nonprofit organization" has the same meaning as in section 4141.01 of the Revised Code.	10237 10238
<b>Sec. 1507.01.</b> There is hereby created in the department of	10239

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natural resources the division of engineering to be administered 10240  
 by the chief engineer of the department, who shall be a 10241  
 professional engineer registered under Chapter 4733. of the 10242  
 Revised Code. The chief engineer shall do all of the following: 10243

(A) Administer this chapter; 10244

(B) Provide engineering, architectural, land surveying, and 10245  
 related administrative and maintenance support services to the 10246  
 other divisions in the department; 10247

(C) Upon request of the director of natural resources, 10248  
 implement the department's capital improvement program and 10249  
 facility maintenance projects, including all associated 10250  
 engineering, architectural, design, contracting, surveying, 10251  
 inspection, and management responsibilities and requirements; 10252

(D) With the approval of the director, act as contracting 10253  
 officer in departmental engineering, architectural, surveying, and 10254  
 construction matters regarding capital improvements except for 10255  
 those matters otherwise specifically provided for in law; 10256

~~(E) As long as the state retains ownership of the Burr Oak 10257  
 water system, administer, operate, and maintain the Burr Oak water 10258  
 system and, with the approval of the director, act as contracting 10259  
 agent in matters concerning that system; 10260~~

~~(F)~~ Provide engineering support for the coastal management 10261  
 program established under Chapter 1506. of the Revised Code; 10262

~~(G)~~(F) Coordinate the department's roadway maintenance 10263  
 program with the department of transportation pursuant to section 10264  
 5511.05 of the Revised Code and maintain the roadway inventory of 10265  
 the department of natural resources; 10266

~~(H) Coordinate the department's emergency response activities 10267  
 with the emergency management agency created in section 5502.22 of 10268  
 the Revised Code; 10269~~

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~~(I)~~(G) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers;

~~(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.

**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 applicable:

(A) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

(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.

(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;

(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;

(E) Designation of the well by name and number;

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(F) The geological formation to be tested or used and the proposed total depth of the well;	10300 10301
(G) The type of drilling equipment to be used;	10302
(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;	10303 10304 10305
(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;	10306 10307 10308 10309 10310 10311 10312 10313
(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 of the Revised Code and any rules adopted by the chief pertaining to that restoration.	10314 10315 10316 10317 10318
(K) A description by name or number of the county, township, and municipal corporation roads, streets, and highways that the applicant anticipates will be used for access to and egress from the well site;	10319 10320 10321 10322
(L) Such other relevant information as the chief prescribes by rule.	10323 10324
Each application shall be accompanied by a map, on a scale not smaller than four hundred feet to the inch, prepared by an Ohio registered surveyor, showing the location of the well and containing such other data as may be prescribed by the chief. If the well is or is to be located within the excavations and workings of a mine, the map also shall include the location of the	10325 10326 10327 10328 10329 10330

mine, the name of the mine, and the name of the person operating  
the mine. 10331  
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The chief shall cause a copy of the weekly circular prepared  
by the division to be provided to the county engineer of each  
county that contains active or proposed drilling activity. The  
weekly circular shall contain, in the manner prescribed by the  
chief, the names of all applicants for permits, the location of  
each well or proposed well, the information required by division  
(K) of this section, and any additional information the chief  
prescribes. 10333  
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The chief shall not issue a permit for at least ten days  
after the date of filing of the application for the permit unless,  
upon reasonable cause shown, the chief waives that period or a  
request for expedited review is filed under this section. However,  
the chief shall issue a permit within twenty-one days of the  
filing of the application unless the chief denies the application  
by order. 10341  
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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. 10348  
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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 10356  
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application and the request for expedited review by telephone or 10363  
other means that in the judgment of the chief will provide timely 10364  
notice of the application and request. The chief shall issue a 10365  
permit within seven days of the filing of the request unless the 10366  
chief denies the application by order. Notwithstanding the 10367  
provisions of this section governing expedited review of permit 10368  
applications, the chief may refuse to accept requests for 10369  
expedited review if, in the chief's judgment, the acceptance of 10370  
the requests would prevent the issuance, within twenty-one days of 10371  
their filing, of permits for which applications are pending. 10372

A well shall be drilled and operated in accordance with the 10373  
plans, sworn statements, and other information submitted in the 10374  
approved application. 10375

The chief shall issue an order denying a permit if the chief 10376  
finds that there is a substantial risk that the operation will 10377  
result in violations of this chapter or rules adopted under it 10378  
that will present an imminent danger to public health or safety or 10379  
damage to the environment, provided that where the chief finds 10380  
that terms or conditions to the permit can reasonably be expected 10381  
to prevent such violations, the chief shall issue the permit 10382  
subject to those terms or conditions. 10383

Each application for a permit required by section 1509.05 of 10384  
the Revised Code, except an application for a well drilled or 10385  
reopened for purposes of section 1509.22 of the Revised Code, also 10386  
shall be accompanied by a nonrefundable fee of two hundred fifty 10387  
dollars. 10388

The chief may order the immediate suspension of drilling, 10389  
operating, or plugging activities after finding that any person is 10390  
causing, engaging in, or maintaining a condition or activity that 10391  
in the chief's judgment presents an imminent danger to public 10392  
health or safety or results in or is likely to result in immediate 10393  
substantial damage to natural resources or for nonpayment of the 10394

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fee required by this section. The chief may order the immediate  
 suspension of the drilling or reopening of a well in a coal  
 bearing township after determining that the drilling or reopening  
 activities present an imminent and substantial threat to public  
 health or safety or to miners' health or safety. Before issuing  
 any such order, the chief shall notify the owner in such manner as  
 in the chief's judgment would provide reasonable notification that  
 the chief intends to issue a suspension order. The chief may issue  
 such an order without prior notification if reasonable attempts to  
 notify the owner have failed, but in such an event notification  
 shall be given as soon thereafter as practical. Within five  
 calendar days after the issuance of the order, the chief shall  
 provide the owner an opportunity to be heard and to present  
 evidence that the condition or activity is not likely to result in  
 immediate substantial damage to natural resources or does not  
 present an imminent danger to public health or safety or to  
 miners' health or safety, if applicable. In the case of activities  
 in a coal bearing township, if the chief, after considering  
 evidence presented by the owner, determines that the activities do  
 not present such a threat, the chief shall revoke the suspension  
 order. Notwithstanding any provision of this chapter, the owner  
 may appeal a suspension order directly to the court of common  
 pleas of the county in which the activity is located or, if in a  
 coal bearing township, to the ~~mine-examining board~~ reclamation  
commission under section 1513.13 of the Revised Code.

**Sec. 1509.071.** (A) When the chief of the division of mineral  
 resources management finds that an owner has failed to comply with  
 the restoration requirements of section 1509.072, plugging  
 requirements of section 1509.12, or permit provisions of section  
 1509.13 of the Revised Code, or rules and orders relating thereto,  
 the chief shall make a finding of that fact and declare any surety

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bond filed to ensure compliance with those sections and rules 10427  
forfeited in the amount set by rule of the chief. The chief 10428  
thereupon shall certify the total forfeiture to the attorney 10429  
general, who shall proceed to collect the amount of the 10430  
forfeiture. 10431

In lieu of total forfeiture, the surety, at its option, may 10432  
cause the well to be properly plugged and abandoned and the area 10433  
properly restored or pay to the treasurer of state the cost of 10434  
plugging and abandonment. 10435

(B) All moneys collected because of forfeitures of bonds as 10436  
provided in this section shall be deposited in the state treasury 10437  
to the credit of the oil and gas well fund created in section 10438  
1509.02 of the Revised Code. The fund shall be expended by the 10439  
chief for the following purposes in addition to the other purposes 10440  
specified in that section: 10441

(1) In accordance with division (D) of this section, to plug 10442  
wells or to restore the land surface properly as required in 10443  
section 1509.072 of the Revised Code for which the bonds have been 10444  
forfeited, for abandoned wells for which no funds are available to 10445  
plug the wells in accordance with this chapter, or to use 10446  
abandoned wells for the injection of oil or gas production wastes; 10447

(2) In accordance with division (E) of this section, to 10448  
correct conditions that the chief reasonably has determined are 10449  
causing imminent health or safety risks. 10450

Expenditures from the fund shall be made only for lawful 10451  
purposes. 10452

(C)(1) Upon determining that the owner of a well has failed 10453  
to properly plug and abandon it or to properly restore the land 10454  
surface at the well site in compliance with the applicable 10455  
requirements of this chapter and applicable rules adopted and 10456  
orders issued under it or that a well is an abandoned well for 10457

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which no funds are available to plug the well in accordance with 10458  
this chapter, the chief shall do all of the following: 10459

(a) Determine from the records in the office of the county 10460  
recorder of the county in which the well is located the identity 10461  
of the owner of the land on which the well is located, the 10462  
identity of the owner of the oil or gas lease under which the well 10463  
was drilled or the identity of each person owning an interest in 10464  
the lease, and the identities of the persons having legal title 10465  
to, or a lien upon, any of the equipment appurtenant to the well; 10466

(b) Mail notice to the owner of the land on which the well is 10467  
located informing the landowner that the well is to be plugged. If 10468  
the owner of the oil or gas lease under which the well was drilled 10469  
is different from the owner of the well or if any persons other 10470  
than the owner of the well own interests in the lease, the chief 10471  
also shall mail notice that the well is to be plugged to the owner 10472  
of the lease or to each person owning an interest in the lease, as 10473  
appropriate. 10474

(c) Mail notice to each person having legal title to, or a 10475  
lien upon, any equipment appurtenant to the well, informing the 10476  
person that the well is to be plugged and offering the person the 10477  
opportunity to plug the well and restore the land surface at the 10478  
well site at the person's own expense in order to avoid forfeiture 10479  
of the equipment to this state. 10480

(2) If none of the persons described in division (C)(1)(c) of 10481  
this section plugs the well within sixty days after the mailing of 10482  
the notice required by that division, all equipment appurtenant to 10483  
the well is hereby declared to be forfeited to this state without 10484  
compensation and without the necessity for any action by the state 10485  
for use to defray the cost of plugging and abandoning the well and 10486  
restoring the land surface at the well site. 10487

(D) Expenditures from the fund for the purpose of division 10488

(B)(1) of this section shall be made in accordance with either of 10489  
the following: 10490

(1) The expenditures may be made pursuant to contracts 10491  
entered into by the chief with persons who agree to furnish all of 10492  
the materials, equipment, work, and labor as specified and 10493  
provided in such a contract. Agents or employees of persons 10494  
contracting with the chief for the restoration, plugging, and 10495  
injection projects may enter upon any land, public or private, for 10496  
~~which a project has been approved by the controlling board and on~~ 10497  
which the well is located, for the purpose of performing the work. 10498  
Prior to such entry, the chief shall give to the following persons 10499  
written notice of the existence of a contract for a project to 10500  
restore, plug, or inject oil or gas production wastes into a well, 10501  
the names of the persons with whom the contract is made, and the 10502  
date that the project will commence: the owner of the well, the 10503  
owner of the land upon which the well is located, the owner or 10504  
agents of adjoining land, and, if the well is located in the same 10505  
township as or in a township adjacent to the excavations and 10506  
workings of a mine and the owner or lessee of that mine has 10507  
provided written notice identifying those townships to the chief 10508  
at any time during the immediately preceding three years, the 10509  
owner or lessee of the mine. 10510

~~The chief periodically shall submit project proposals under 10511  
division (D)(1) of this section to the controlling board, together 10512  
with benefit and cost data and other pertinent information. 10513  
Expenditures from the fund for the purpose of division (D)(1) of 10514  
this section may be made only for restoration, plugging, or 10515  
injection projects that are approved by the controlling board, and 10516  
expenditures for a particular project may not exceed any limits 10517  
set by the board. 10518~~

(2)(a) The owner of the land on which a well is located who 10519  
has received notice under division (C)(1)(b) of this section may 10520

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plug the well and be reimbursed by the division for the reasonable  
cost of plugging the well. In order to plug the well, the  
landowner shall submit an application to the chief on a form  
prescribed by the chief and approved by the technical advisory  
council on oil and gas created in section 1509.38 of the Revised  
Code. The application, at a minimum, shall require the landowner  
to provide the same information as is required to be included in  
the application for a permit to plug and abandon under section  
1509.13 of the Revised Code. The application shall be accompanied  
by a copy of a proposed contract to plug the well prepared by a  
contractor regularly engaged in the business of plugging oil and  
gas wells. The proposed contract shall require the contractor to  
furnish all of the materials, equipment, work, and labor necessary  
to plug the well properly and shall specify the price for doing  
the work, including a credit for the equipment appurtenant to the  
well that was forfeited to the state through the operation of  
division (C)(2) of this section. The application also shall be  
accompanied by the permit fee required by section 1509.13 of the  
Revised Code unless the chief, in the chief's discretion, waives  
payment of the permit fee. The application constitutes an  
application for a permit to plug and abandon the well for the  
purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and  
accompanying proposed contract under division (D)(2)(a) of this  
section, the chief shall determine whether the plugging would  
comply with the applicable requirements of this chapter and  
applicable rules adopted and orders issued under it and whether  
the cost of the plugging under the proposed contract is  
reasonable. If the chief determines that the proposed plugging  
would comply with those requirements and that the proposed cost of  
the plugging is reasonable, the chief shall notify the landowner  
of that determination and issue to the landowner a permit to plug

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and abandon the well under section 1509.13 of the Revised Code. 10553  
Upon approval of the application and proposed contract, the chief 10554  
shall transfer ownership of the equipment appurtenant to the well 10555  
to the landowner. The chief may disapprove an application 10556  
submitted under division (D)(2)(a) of this section if the chief 10557  
determines that the proposed plugging would not comply with the 10558  
applicable requirements of this chapter and applicable rules 10559  
adopted and orders issued under it, that the cost of the plugging 10560  
under the proposed contract is unreasonable, or that the proposed 10561  
contract is not a bona fide, arms length contract. 10562

(c) After receiving the chief's notice of the approval of the 10563  
application and permit to plug and abandon a well under division 10564  
(D)(2)(b) of this section, the landowner shall enter into the 10565  
proposed contract to plug the well. The plugging shall be 10566  
completed within one hundred eight days after the landowner 10567  
receives the notice of approval and permit. 10568

(d) Upon determining that the plugging has been completed 10569  
within the time required by division (D)(2)(c) of this section and 10570  
has been completed in compliance with the applicable requirements 10571  
of this chapter and applicable rules adopted and orders issued 10572  
under it, the chief shall reimburse the landowner for the cost of 10573  
the plugging as set forth in the proposed contract approved by the 10574  
chief. The reimbursement shall be paid from the oil and gas well 10575  
fund. If the chief determines that the plugging was not completed 10576  
within the required time or was not completed in accordance with 10577  
the applicable requirements, the chief shall not reimburse the 10578  
landowner for the cost of the plugging, and the landowner or the 10579  
contractor, as applicable, promptly shall transfer back to this 10580  
state title to and possession of the equipment appurtenant to the 10581  
well that previously was transferred to the landowner under 10582  
division (D)(2)(b) of this section. If any such equipment was 10583  
removed from the well during the plugging and sold, the landowner 10584

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shall pay to the chief the proceeds from the sale of the  
equipment, and the chief promptly shall pay the moneys so received  
to the treasurer of state for deposit into the oil and gas well  
fund.

The chief may establish an annual limit on the number of  
wells that may be plugged under division (D)(2) of this section or  
an annual limit on the expenditures to be made under that  
division.

As used in division (D)(2) of this section, "plug" and  
"plugging" include the plugging of the well and the restoration of  
the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the  
purpose of division (B)(2) of this section may be made pursuant to  
contracts entered into by the chief with persons who agree to  
furnish all of the materials, equipment, work, and labor as  
specified and provided in such a contract. The competitive bidding  
requirements of Chapter 153. of the Revised Code do not apply if  
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

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received notice under division (C)(1)(b) of this section, in lieu 10616  
of plugging the well in accordance with division (D)(2) of this 10617  
section, may cause ownership of the well to be transferred to an 10618  
owner who is lawfully doing business in this state and who has met 10619  
the financial responsibility requirements established under 10620  
section 1509.07 of the Revised Code, subject to the approval of 10621  
the chief. The transfer of ownership also shall be subject to the 10622  
landowner's filing the appropriate forms required under this 10623  
chapter and providing to the chief sufficient information to 10624  
demonstrate the landowner's or owner's right to produce a 10625  
formation or formations. That information may include a deed, a 10626  
lease, or other documentation of ownership or property rights. 10627

The chief shall approve or disapprove the transfer of 10628  
ownership of the well. If the chief approves the transfer, the 10629  
owner is responsible for operating the well in accordance with 10630  
this chapter and rules adopted under it, including, without 10631  
limitation, all of the following: 10632

(1) Filing an application with the chief under section 10633  
1509.06 of the Revised Code if the owner intends to drill deeper 10634  
or produce a formation that is not listed in the records of the 10635  
division for that well; 10636

(2) Taking title to and possession of the equipment 10637  
appurtenant to the well that has been identified by the chief as 10638  
having been abandoned by the former owner; 10639

(3) Complying with all applicable requirements that are 10640  
necessary to drill deeper, plug the well, or plug back the well. 10641

**Sec. 1509.08.** Upon receipt of an application for a permit 10642  
required by section 1509.05 of the Revised Code, or upon receipt 10643  
of an application for a permit to plug and abandon under section 10644  
1509.13 of the Revised Code, the chief of the division of mineral 10645  
resources management shall determine whether the well is or is to 10646

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be located in a coal bearing township. 10647

Whether or not the well is or is to be located in a coal 10648  
bearing township, the chief, by order, may refuse to issue a 10649  
permit required by section 1509.05 of the Revised Code to any 10650  
applicant who at the time of applying for the permit is in 10651  
material or substantial violation of this chapter or rules adopted 10652  
or orders issued under it. The chief shall refuse to issue a 10653  
permit to any applicant who at the time of applying for the permit 10654  
has been found liable by a final nonappealable order of a court of 10655  
competent jurisdiction for damage to streets, roads, highways, 10656  
bridges, culverts, or drainways pursuant to section 4513.34 or 10657  
5577.12 of the Revised Code until the applicant provides the chief 10658  
with evidence of compliance with the order. No applicant shall 10659  
attempt to circumvent this provision by applying for a permit 10660  
under a different name or business organization name, by 10661  
transferring responsibility to another person or entity, by 10662  
abandoning the well or lease, or by any other similar act. 10663

If the well is not or is not to be located in a coal bearing 10664  
township, or if it is to be located in a coal bearing township, 10665  
but the landowner submits an affidavit attesting to ownership of 10666  
the property in fee simple, including the coal, and has no 10667  
objection to the well, the chief shall issue the permit. 10668

If the application to drill, reopen, or convert concerns a 10669  
well that is or is to be located in a coal bearing township, the 10670  
chief immediately shall notify the owner or lessee of any affected 10671  
mine that the application has been filed and send to the owner or 10672  
lessee two copies of the map accompanying the application setting 10673  
forth the location of the well. 10674

If the owner or lessee objects to the location of the well or 10675  
objects to any location within fifty feet of the original location 10676  
as a possible site for relocation of the well, the owner or lessee 10677  
shall notify the chief of the objection, giving the reasons for 10678

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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  
application and issue the permit if the provisions of this chapter  
pertaining to the issuance of such a permit have been complied  
with.

If the chief receives an objection from the owner or lessee  
of the mine as to the location of the well within ten days after  
receipt of the notice by the owner or lessee, and if in the  
opinion of the chief the objection is well founded, the chief  
shall disapprove the application and suggest a new location for  
the well, provided that the suggested new location shall not be a  
location within fifty feet of the original location to which the  
owner or lessee has objected as a site for possible relocation of  
the well if the chief has determined that the objection is well  
founded. The chief immediately shall notify the applicant for the  
permit of the disapproval and any suggestion as to a new location  
for the well. The applicant may withdraw the application or amend

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the application to drill the well at the location suggested by the chief, or the applicant may appeal the disapproval of the application by the chief to the ~~mine-examining board~~ reclamation commission.

If the chief receives no objection from the owner or lessee of a mine as to the location of the well, but does receive an objection from the owner or lessee as to one or more locations within fifty feet of the original location as possible sites for relocation of the well within ten days after receipt of the notice by the owner or lessee, and if in the opinion of the chief the objection is well founded, the chief nevertheless shall approve the application and issue a permit if the provisions of this chapter pertaining to the issuance of such a permit have been complied with, incorporating as a term or condition of the permit that the applicant is prohibited from commencing drilling at any location within fifty feet of the original location that has been disapproved by the chief. The applicant may appeal to the ~~mine examining board~~ reclamation commission the terms and conditions of the permit prohibiting the commencement of drilling at any such location disapproved by the chief.

Any such appeal shall be filed within fifteen days, notwithstanding provisions in division (A)(1) of section 1513.13 of the Revised Code to the contrary, from the date the applicant receives notice of the disapproval of the application, any other location within fifty feet of the original location, or terms or conditions of the permit, or the owner or lessee receives notice of the chief's decision. No approval or disapproval of an application shall be delayed by the chief for more than fifteen days from the date of sending the notice of the application to the mine owner or lessee as required by this section.

All appeals provided for in this section shall be treated as expedited appeals. The ~~mine-examining board~~ reclamation commission

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shall hear any such appeal in accordance with section ~~1561.53~~ 10743  
~~1513.13~~ of the Revised Code and ~~render~~ issue a decision within 10744  
 thirty days of the filing of the notice of appeal. 10745

The chief shall not issue a permit to drill a new well or 10746  
 reopen a well that is or is to be located within three hundred 10747  
 feet of any opening of any mine used as a means of ingress, 10748  
 egress, or ventilation for persons employed in the mine, nor 10749  
 within one hundred feet of any building or inflammable structure 10750  
 connected with the mine and actually used as a part of the 10751  
 operating equipment of the mine, unless the chief determines that 10752  
 life or property will not be endangered by drilling and operating 10753  
 the well in that location. 10754

**Sec. 1509.11.** The owner of any well producing or capable of 10755  
 producing oil or gas shall file with the chief of the division of 10756  
 mineral resources management, on or before the ~~fifteenth~~ first day 10757  
 of ~~April~~ March, a statement of production of oil, gas, and brine 10758  
 for the last preceding calendar year in such form as the chief may 10759  
 prescribe. The chief shall include on the form, at the minimum, a 10760  
request for the submittal of the information that a person who is 10761  
regulated under this chapter is required to submit under the 10762  
"Emergency Planning and Community Right-To-Know Act of 1986," 100 10763  
Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it, 10764  
and that the division does not obtain through other reporting 10765  
mechanisms. 10766

**Sec. 1509.23. (A)** Rules of the chief of the division of 10767  
 mineral resources management may specify practices to be followed 10768  
 in the drilling of wells and production of oil and gas for 10769  
 protection of public health or safety or to prevent damage to 10770  
 natural resources, including specification of devices, minimum 10771  
 distances that wells and other excavations, structures, and 10772  
 equipment shall be located from water wells, streets, roads, 10773

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highways, railroad tracks, and buildings, other methods of 10774  
operation, and procedures, methods, and equipment and other 10775  
requirements for equipment to prevent and contain discharges of 10776  
oil from oil production facilities and oil drilling and workover 10777  
facilities consistent with and equivalent in scope, content, and 10778  
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 10779  
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 10780  
as amended, and regulations adopted under it. 10781

(B) The chief, in consultation with the emergency response 10782  
commission created in section 3750.02 of the Revised Code, shall 10783  
adopt rules in accordance with Chapter 119. of the Revised Code 10784  
that specify the information that shall be included in an 10785  
electronic database that the chief shall create and host. The 10786  
information shall be that which the chief considers to be 10787  
appropriate for the purpose of responding to emergency situations 10788  
that pose a threat to public health or safety or the environment. 10789  
At the minimum, the information shall include that which a person 10790  
who is regulated under this chapter is required to submit under 10791  
the "Emergency Planning and Community Right-To-Know Act of 1986," 10792  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 10793  
it. 10794

In addition, the rules shall specify whether and to what 10795  
extent the database and the information that it contains will be 10796  
made accessible to the public. The rules shall ensure that the 10797  
database will be made available via the internet or a system of 10798  
computer disks to the emergency response commission and to every 10799  
local emergency planning committee and fire department in this 10800  
state. 10801

**Sec. 1513.05.** There is hereby created a reclamation 10802  
commission consisting of seven members appointed by the governor 10803  
with the advice and consent of the senate. For the purposes of 10804  
hearing appeals under section 1513.13 of the Revised Code that 10805

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involve mine safety issues, the reclamation commission shall 10806  
consist of two additional members appointed specifically for that 10807  
function by the governor with the advice and consent of the 10808  
senate. All terms of office shall be for five years, commencing on 10809  
the twenty-ninth day of June and ending on the twenty-eighth day 10810  
of June. Each member shall hold office from the date of 10811  
appointment until the end of the term for which the appointment 10812  
was made. Each vacancy occurring on the commission shall be filled 10813  
by appointment within sixty days after the vacancy occurs. Any 10814  
member appointed to fill a vacancy occurring prior to the 10815  
expiration of the term for which the member's predecessor was 10816  
appointed shall hold office for the remainder of such term. Any 10817  
member shall continue in office subsequent to the expiration date 10818  
of the member's term until the member's successor takes office, or 10819  
until a period of sixty days has elapsed, whichever occurs first. 10820  
~~Two~~ 10821

Two of the appointees to the commission shall be persons who, 10822  
at the time of their appointment, own and operate a farm or are 10823  
retired farmers. Notwithstanding section 1513.04 of the Revised 10824  
Code, one of the appointees to the commission shall be a person 10825  
who, at the time of appointment, is the representative of an 10826  
operator of a coal mine. One of the appointees to the commission 10827  
shall be a person who, by reason of the person's previous 10828  
vocation, employment, or affiliations, can be classed as a 10829  
representative of the public. One of the appointees to the 10830  
commission shall be a person who, by reason of previous training 10831  
and experience, can be classed as one learned and experienced in 10832  
modern forestry practices. One of the appointees to the commission 10833  
shall be a person who, by reason of previous training and 10834  
experience, can be classed as one learned and experienced in 10835  
agronomy. One of the appointees to the commission shall be either 10836  
a person who, by reason of previous training and experience, can 10837  
be classed as one capable and experienced in earth-grading 10838

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problems, or a civil engineer. Not more than four members shall be 10839  
members of the same political party. 10840

The two additional members of the commission who are 10841  
appointed specifically to hear appeals that involve mine safety 10842  
issues shall be individuals who, because of previous vocation, 10843  
employment, or affiliation, can be classified as representatives 10844  
of employees currently engaged in mining operations. One shall be 10845  
a representative of coal miners, and one shall be a representative 10846  
of aggregates miners. Prior to making the appointment, the 10847  
governor shall request the highest ranking officer in the major 10848  
employee organization representing coal miners in this state to 10849  
submit to the governor the names and qualifications of three 10850  
nominees and shall request the highest ranking officer in the 10851  
major employee organization representing aggregates miners in this 10852  
state to do the same. The governor shall appoint one person 10853  
nominated by each organization to the commission. The nominees 10854  
shall have not less than five years of practical experience in 10855  
dealing with mine health and safety issues and at the time of the 10856  
nomination shall be employed in positions that involve the 10857  
protection of the health and safety of miners. The major employee 10858  
organization representing coal miners and the major employee 10859  
organization representing aggregates miners shall represent a 10860  
membership consisting of the largest number of coal miners and 10861  
aggregates miners, respectively, in this state compared to other 10862  
employee organizations in the year prior to the year in which the 10863  
appointments are made. 10864

When the commission hears an appeal that involves a coal 10865  
mining safety issue, one of the commission members who owns and 10866  
operates a farm or is a retired farmer shall be replaced by the 10867  
additional member who is a representative of coal miners. When the 10868  
commission hears an appeal that involves an aggregates mining 10869  
safety issue, one of the commission members who owns and operates 10870

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a farm or is a retired farmer shall be replaced by the additional member who is a representative of aggregates miners. Neither of the additional members who are appointed specifically to hear appeals that involve mine safety issues shall be considered to be members of the commission for any other purpose, and they shall not participate in any other matters that come before the commission.

The commission may appoint a secretary to hold office at its pleasure. A commission member may serve as secretary. The secretary shall perform such duties as the commission prescribes, and shall receive such compensation as the commission fixes in accordance with such schedules as are provided by law for the compensation of state employees.

The commission shall appoint one or more hearing officers who shall be attorneys at law admitted to practice in this state to conduct hearings under this chapter.

Four members constitute a quorum, and no action of the commission shall be valid unless it has the concurrence of at least four members. The commission shall keep a record of its proceedings.

Each member shall be paid as compensation for work as a member one hundred fifty dollars per day when actually engaged in the performance of work as a member and when engaged in travel necessary in connection with such work. In addition to such compensation each member shall be reimbursed for all traveling, hotel, and other expenses, in accordance with the current travel rules of the office of budget and management, necessarily incurred in the performance of the member's work as a member.

Annually one member shall be elected as chairperson and another member shall be elected as vice-chairperson for terms of one year.

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The governor may remove any member of the commission from office for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance, after delivering to the member the charges against the member in writing with at least ten days' written notice of the time and place at which the governor will publicly hear the member, either in person or by counsel, in defense of the charges against the member. If the member is removed from office, the governor shall file in the office of the secretary of state a complete statement of the charges made against the member and a complete report of the proceedings. The action of the governor removing a member from office is final.

The commission shall adopt rules governing procedure of appeals under section 1513.13 of the Revised Code and may, for its own internal management, adopt rules ~~which~~ that do not affect private rights.

**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

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fund the amount that is needed to keep the balance of the fund at 10933  
forty thousand dollars. The remainder of the fees collected under 10934  
section 1513.07 of the Revised Code shall be deposited with the 10935  
treasurer of state to the credit of the coal mining administration 10936  
and reclamation reserve fund created in section 1513.181 of the 10937  
Revised Code. 10938

**Sec. 1513.13.** (A)(1) ~~A person having an interest that is or~~ 10939  
~~may be adversely affected by a finding or determination of the~~ 10940  
~~chief of the division of mineral resources management made under~~ 10941  
~~section 1509.08, 1561.35, 1561.351, 1563.13, or 6111.044 of the~~ 10942  
~~Revised Code or an investigation made by the chief under section~~ 10943  
~~1561.51 of the Revised Code may appeal to the mine examining board~~ 10944  
~~in accordance with those sections. Any other person having an~~ 10945  
~~interest that is or may be adversely affected by a notice of~~ 10946  
~~violation, order, or decision of the chief of the division of~~ 10947  
~~mineral resources management, other than a show cause order or an~~ 10948  
~~order that adopts a rule, or by any modification, vacation, or~~ 10949  
~~termination of such a notice, order, or decision, may appeal by~~ 10950  
~~filing a notice of appeal with the reclamation commission for~~ 10951  
~~review of the notice, order, or decision within thirty days after~~ 10952  
~~the notice, order, or decision is served upon the person or within~~ 10953  
~~thirty days after its modification, vacation, or termination and~~ 10954  
~~by filing a copy of the notice of appeal with the chief within~~ 10955  
~~three days after filing the notice of appeal with the commission.~~ 10956  
~~The notice of appeal shall contain a copy of the notice of~~ 10957  
~~violation, order, or decision complained of and the grounds upon~~ 10958  
~~which the appeal is based. The commission has exclusive original~~ 10959  
~~jurisdiction to hear and decide such appeals. The filing of a~~ 10960  
~~notice of appeal under division (A)(1) of this section does not~~ 10961  
~~operate as a stay of any order, notice of violation, or decision~~ 10962  
~~of the chief.~~ 10963

(2) The permittee, the chief, and other interested persons 10964

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shall be given written notice of the time and place of the hearing 10965  
at least five days prior thereto. The hearing shall be of record. 10966

(3) Any person authorized under this section to appeal to the 10967  
commission may request an informal review by the chief or the 10968  
chief's designee by filing a written request with the chief within 10969  
thirty days after a notice, order, decision, modification, 10970  
vacation, or termination is served upon the person. Filing of the 10971  
written request shall toll the time for appeal before the 10972  
commission, but shall not operate as a stay of any order, notice 10973  
of violation, or decision of the chief. The chief's determination 10974  
of an informal review is appealable to the commission under this 10975  
section. 10976

(B) The commission shall affirm the notice of violation, 10977  
order, or decision of the chief unless the commission determines 10978  
that it is arbitrary, capricious, or otherwise inconsistent with 10979  
law; in that case the commission may modify the notice of 10980  
violation, order, or decision or vacate it and remand it to the 10981  
chief for further proceedings that the commission may direct. 10982

The commission shall conduct hearings and render decisions in 10983  
a timely fashion, except that all of the following apply: 10984

(1) When the appeal concerns an order for the cessation of 10985  
coal mining and reclamation operations issued pursuant to division 10986  
(D)(1) or (2) of section 1513.02 of the Revised Code, the 10987  
commission shall issue its written decision within thirty days 10988  
after the receipt of the appeal unless temporary relief has been 10989  
granted by the chairperson pursuant to division (C) of this 10990  
section. 10991

(2) When the appeal concerns an application for a permit 10992  
under division (I) of section 1513.07 of the Revised Code, the 10993  
commission shall hold a hearing within thirty days after receipt 10994  
of the notice of appeal and issue its decision within thirty days 10995

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after the hearing. 10996

(3) When the appeal concerns a decision of the chief 10997  
 regarding release of bond under division (F) of section 1513.16 of 10998  
 the Revised Code, the commission shall hold a hearing within 10999  
 thirty days after receipt of the notice of appeal and issue its 11000  
 decision within sixty days after the hearing. 11001

(4) When the appeal concerns a decision of the chief 11002  
regarding the location of a well in a coal bearing township under 11003  
section 1509.08 of the Revised Code, the commission shall hold a 11004  
hearing and issue its decision within thirty days after receipt of 11005  
the notice of appeal. 11006

(C) The chairperson of the commission, under conditions the 11007  
 chairperson prescribes, may grant temporary relief the chairperson 11008  
 considers appropriate pending final determination of an appeal if 11009  
 all of the following conditions are met: 11010

(1) All parties to the appeal have been notified and given an 11011  
 opportunity for a hearing to be held in the locality of the 11012  
 subject site on the request for temporary relief and the 11013  
 opportunity to be heard on the request. 11014

(2) The person requesting relief shows that there is a 11015  
 substantial likelihood that the person will prevail on the merits. 11016

(3) The relief will not adversely affect public health or 11017  
 safety or cause significant imminent environmental harm to land, 11018  
 air, or water resources. 11019

The chairperson shall issue a decision expeditiously, except 11020  
 that when the applicant requests relief from an order for the 11021  
 cessation of coal mining and reclamation operations issued 11022  
 pursuant to division (D)(1) or (2) of section 1513.02 of the 11023  
 Revised Code, the decision shall be issued within five days after 11024  
 its receipt. 11025

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Any party to an appeal filed with the commission who is 11026  
aggrieved or adversely affected by a decision of the chairperson 11027  
to grant or deny temporary relief under this section may appeal 11028  
that decision to the commission. The commission may confine its 11029  
review to the record developed at the hearing before the 11030  
chairperson. 11031

The appeal shall be filed with the commission within thirty 11032  
days after the chairperson issues the decision on the request for 11033  
temporary relief. The commission shall issue a decision as 11034  
expeditiously as possible, except that when the appellant requests 11035  
relief from an order for the cessation of coal mining and 11036  
reclamation operations issued pursuant to division (D)(1) or (2) 11037  
of section 1513.02 of the Revised Code, the decision of the 11038  
commission shall be issued within five days after receipt of the 11039  
notice of appeal. 11040

The commission shall affirm the decision of the chairperson 11041  
granting or denying temporary relief unless it determines that the 11042  
decision is arbitrary, capricious, or otherwise inconsistent with 11043  
law. 11044

(D) Following the issuance of an order to show cause as to 11045  
why a permit should not be suspended or revoked pursuant to 11046  
division (D)(3) of section 1513.02 of the Revised Code, the chief 11047  
or a representative of the chief shall hold a public adjudicatory 11048  
hearing after giving written notice of the time, place, and date 11049  
thereof. The hearing shall be of record. 11050

Within sixty days following the public hearing, the chief 11051  
shall issue and furnish to the permittee and all other parties to 11052  
the hearing a written decision, and the reasons therefor, 11053  
concerning suspension or revocation of the permit. If the chief 11054  
revokes the permit, the permittee immediately shall cease coal 11055  
mining operations on the permit area and shall complete 11056  
reclamation within a period specified by the chief, or the chief 11057

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shall declare as forfeited the performance bonds for the 11058  
operation. 11059

(E)(1) Whenever an enforcement order or permit decision is 11060  
appealed under this section or any action is filed under division 11061  
(B) of section 1513.15 or 1513.39 of the Revised Code, at the 11062  
request of a prevailing party, a sum equal to the aggregate amount 11063  
of all costs and expenses, including attorney's fees, as 11064  
determined to have been necessary and reasonably incurred by the 11065  
prevailing party for or in connection with participation in the 11066  
enforcement proceedings before the commission, the court under 11067  
section 1513.15 of the Revised Code, or the chief under section 11068  
1513.39 of the Revised Code, may be awarded, as considered proper, 11069  
in accordance with divisions (E)(1)(a) to (c) of this section. In 11070  
no event shall attorney's fees awarded under this section exceed, 11071  
for the kind and quality of services, the prevailing market rates 11072  
at the time the services were furnished under division (A) of this 11073  
section. A party may be entitled to costs and expenses related 11074  
solely to the preparation, defense, and appeal of a petition for 11075  
costs and expenses, provided that the costs and expenses are 11076  
limited and proportionate to costs and expenses otherwise allowed 11077  
under division (E) of this section. 11078

(a) A party, other than the permittee or the division of 11079  
mineral resources management, shall file a petition, if any, for 11080  
an award of costs and expenses, including attorney's fees, with 11081  
the chief, who shall review the petition. If the chief finds that 11082  
the party, other than the permittee or the division, prevailed in 11083  
whole or in part, made a substantial contribution to a full and 11084  
fair determination of the issues, and made a contribution separate 11085  
and distinct from the contribution made by any other party, the 11086  
chief may award to that party the party's costs and expenses, 11087  
including attorney's fees that were necessary and reasonably 11088  
incurred by the party for, or in connection with, participation in 11089

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the proceeding before the commission. 11090

(b) If a permittee who made a request under division (E)(1) 11091  
of this section demonstrates that a party other than a permittee 11092  
who initiated an appeal under this section or participated in such 11093  
an appeal initiated or participated in the appeal in bad faith and 11094  
for the purpose of harassing or embarrassing the permittee, the 11095  
permittee may file a petition with the chief. The chief may award 11096  
to the permittee the costs and expenses reasonably incurred by the 11097  
permittee in connection with participation in the appeal and 11098  
assess those costs and expenses against the party who initiated 11099  
the appeal. 11100

(c) The division may file, with the commission, a request for 11101  
an award to the division of the costs and expenses reasonably 11102  
incurred by the division in connection with an appeal initiated 11103  
under this section. The commission may assess those costs and 11104  
expenses against the party who initiated the appeal if the 11105  
division demonstrates that the party initiated or participated in 11106  
the appeal in bad faith and for the purpose of harassing or 11107  
embarrassing the division. 11108

(2) Whenever an order issued under this section or as a 11109  
result of any administrative proceeding under this chapter is the 11110  
subject of judicial review, at the request of any party, a sum 11111  
equal to the aggregate amount of all costs and expenses, including 11112  
attorney's fees, as determined by the court to have been necessary 11113  
and reasonably incurred by the party for or in connection with 11114  
participation in the proceedings, may be awarded to either party, 11115  
in accordance with division (E)(1) of this section, as the court, 11116  
on the basis of judicial review, considers proper. 11117

**Sec. 1513.14.** (A) Any party aggrieved or adversely affected 11118  
by a decision of the reclamation commission may appeal to the 11119  
court of appeals for the county in which the activity addressed by 11120

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the decision of the commission occurred, is occurring, or will occur, which court has exclusive jurisdiction over the appeal. The appeal shall be filed within thirty days of issuance of the decision of the commission. The court shall confine its review to the record certified by the commission. The court may, upon motion, grant such temporary relief as it ~~deems~~ considers appropriate pending final disposition of the appeal if all of the following apply:

(1) All parties to the appeal have been notified and given an opportunity to be heard on a request for temporary relief~~+~~.

(2) The person requesting the relief shows that there is a substantial likelihood that the person will prevail on the merits~~+~~ and.

(3) The relief will not adversely affect public health or safety or the health or safety of miners or cause significant imminent environmental harm to land, air, or water resources.

The court shall affirm the decision of the commission unless the court determines that it is arbitrary, capricious, or otherwise inconsistent with law, in which case the court shall vacate the decision and remand to the commission for such further proceedings as it may direct.

(B) Any order of the chief of the division of mineral resources management adopting a rule shall be subject to judicial review in the Franklin county court of appeals, which court has exclusive original jurisdiction to review the order. A petition for review of the order shall be filed within thirty days from the date of such order. The petition may be made by any person who participated in the rule-making proceedings and who is aggrieved by the order. The court shall confine its review to the record of the rule-making proceedings. The order shall be affirmed unless the court concludes that the order is arbitrary, capricious, or otherwise inconsistent with law, in which case the court shall

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vacate the order or portion thereof and remand to the chief for 11153  
such further proceedings as it may direct. 11154

**Sec. 1514.11.** In addition to the purposes authorized in 11155  
section 1514.06 of the Revised Code, the chief of the division of 11156  
mineral resources management may use moneys in the surface mining 11157  
fund created under that section for the administration and 11158  
enforcement of this chapter, for the reclamation of land affected 11159  
by surface mining under a permit issued under this chapter that 11160  
the operator failed to reclaim and for which the performance bond 11161  
filed by the operator is insufficient to complete the reclamation, 11162  
~~and~~ for the reclamation of land affected by surface mining that 11163  
was abandoned and left unreclaimed and for which no permit was 11164  
issued or bond filed under this chapter, and for the mine safety 11165  
and first aid classes provided under division (C) of section 11166  
1561.26 of the Revised Code. The chief, with the approval of the 11167  
director of natural resources, annually shall determine the 11168  
amounts to be expended for the mine safety and first aid classes. 11169  
For purposes of this section, the chief shall expend moneys in the 11170  
fund in accordance with the procedures and requirements 11171  
established in section 1514.06 of the Revised Code and may enter 11172  
into contracts and perform work in accordance with that section. 11173

Fees collected under sections 1514.02 and 1514.03 of the 11174  
Revised Code, one-half of the moneys collected from the severance 11175  
taxes levied under divisions (A)(3) and (4) of section 5749.02 of 11176  
the Revised Code, and all of the moneys collected from the 11177  
severance tax levied under division (A)(7) of section 5749.02 of 11178  
the Revised Code shall be credited to the fund in accordance with 11179  
those sections. Notwithstanding any section of the Revised Code 11180  
relating to the distribution or crediting of fines for violations 11181  
of the Revised Code, all fines imposed under section 1514.99 of 11182  
the Revised Code shall be credited to the fund. 11183

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**Sec. 1517.05.** The department of natural resources, for and on 11184  
behalf of the state, shall acquire a system of nature preserves 11185  
for the following uses and purposes: 11186

(A) For scientific research in such fields as ecology, 11187  
taxonomy, genetics, forestry, pharmacology, agriculture, soil 11188  
science, geology, paleontology, conservation, and similar fields; 11189

(B) For the teaching of biology, natural history, ecology, 11190  
geology, conservation, and other subjects; 11191

(C) As habitats for plant and animal species and communities 11192  
and other natural objects; 11193

(D) As reservoirs of natural materials; 11194

(E) As places of natural interest and beauty; 11195

(F) For visitation whereby persons may observe and experience 11196  
natural biotic and environmental systems of the earth and their 11197  
processes; 11198

(G) To promote understanding and appreciation of the 11199  
aesthetic, cultural, scientific, and spiritual values of such 11200  
areas by the people of the state; 11201

(H) For the preservation and protection of nature preserves 11202  
against modification or encroachment resulting from occupation, 11203  
development, or other use ~~which~~ that would destroy their natural 11204  
or aesthetic conditions. 11205

The director of natural resources, upon the advice and 11206  
concurrence of the Ohio natural areas council, shall accept 11207  
natural areas by articles of dedication or gift, provided that 11208  
funds and services are available for their preservation and 11209  
protection. 11210

A nature preserve is established when articles of dedication 11211  
have been filed by or at the direction of the owner of land, or a 11212

governmental agency having ownership or control thereof, in the 11213  
office of the county recorder of the county in which the land is 11214  
located. 11215

Articles of dedication shall be executed by the owner of the 11216  
land in the same manner and with the same effect as a conveyance 11217  
of an interest in land and shall be irrevocable except as provided 11218  
in this section. The county recorder may not accept articles of 11219  
dedication for recording unless they have been accepted by the 11220  
director of natural resources. The director may not accept 11221  
articles of dedication unless they contain terms restricting the 11222  
use of the land ~~which~~ that adequately provide for its preservation 11223  
and protection against modification or encroachment resulting from 11224  
occupation, development, or other use ~~which~~ that would destroy its 11225  
natural or aesthetic conditions for one or more of the uses and 11226  
purposes set forth in this section. Wherever possible and 11227  
consistent with such preservation and protection of the land, the 11228  
articles shall provide for public access in order that the maximum 11229  
benefit be obtained for the uses and purposes stated in this 11230  
section. 11231

Articles of dedication may contain provisions for the 11232  
management, custody, and transfer of land, provisions defining the 11233  
rights of the owner or operating agency, and the department, and 11234  
such other provisions as may be necessary or advisable to carry 11235  
out the uses and purposes for which the land is dedicated. They 11236  
may contain conditions under which the owner and the director of 11237  
natural resources may agree to rescind the articles. 11238

The attorney general, upon request of the director of natural 11239  
resources, may bring an action for injunction in any court of 11240  
competent jurisdiction to enforce the terms of articles of 11241  
dedication. 11242

The department may make or accept amendments of any articles 11243  
of dedication upon terms and conditions that the director of 11244

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natural resources determines will not destroy the natural or 11245  
aesthetic conditions of a preserve, including amendments that 11246  
provide for the relocation of an existing easement or other 11247  
encumbrance within the boundaries of a preserve. The relocation of 11248  
an existing easement or encumbrance does not constitute the 11249  
destruction of the natural or aesthetic conditions of a preserve. 11250  
If the fee simple interest in the area or preserve is not held by 11251  
the state, no amendments shall be made without the written consent 11252  
of the owner. Each amendment shall be recorded in the same manner 11253  
as the articles of dedication. 11254

**Sec. 1517.06.** (A) Nature preserves dedicated under section 11255  
1517.05 of the Revised Code are to be held in trust, for the uses 11256  
and purposes set forth in that section ~~1517.05 of the Revised~~ 11257  
~~Code~~, for the benefit of the people of the state of present and 11258  
future generations. They shall be managed and protected in the 11259  
manner approved by, and subject to rules established by the chief 11260  
of the division of natural areas and preserves. They shall not be 11261  
taken for any other use except another public use after a finding 11262  
by the department of natural resources of the existence of an 11263  
imperative and unavoidable public necessity for such other public 11264  
use and with the approval of the governor. Except as may otherwise 11265  
be provided in the articles of dedication, the department may 11266  
grant, upon such terms and conditions as it may determine, an 11267  
estate, interest, or right in, or dispose of, a nature preserve, 11268  
but only after a finding by the department of the existence of an 11269  
imperative and unavoidable public necessity for ~~such~~ the grant or 11270  
disposition and with the approval of the governor. 11271

(B) For purposes of this section, the relocation of an 11273  
existing easement or other encumbrance within the boundaries of a 11274  
preserve does not constitute the taking of land for another use. 11275  
In addition, the relocation does not require a finding of the 11276

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existence of an imperative and unavoidable public necessity by the department and does not require the approval of the governor. 11277  
11278

**Sec. 1517.07.** Before (A) Except as provided in division (B) of this section, before the department of natural resources makes any finding of the existence of an imperative and unavoidable public necessity, or grants any estate, interest, or right in a nature preserve or disposes of a nature preserve or of any estate, interest, or right therein as provided in section 1517.06 of the Revised Code, it shall give notice of ~~such~~ the proposed action and an opportunity for any person to be heard at a public hearing in the county in which the preserve is located. In the event the preserve is located in more than one county, the public hearing shall be held in the most populous county. ~~Such~~ The notice shall be published at least once in a newspaper with a general circulation in the county in which the nature preserve is located. The notice shall set forth the substance of the proposed action and describe, with or without legal description, the nature preserve affected, and shall specify a place and time not less than thirty days after ~~such~~ the publication for a public hearing before the department on ~~such~~ the proposed action. All persons desiring to be heard shall have a reasonable opportunity to be heard prior to action by the department on ~~such~~ the proposal. 11279  
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(B) A public hearing under this section is not required for the relocation of an existing easement or encumbrance within the boundaries of a preserve. 11299  
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**Sec. 1521.04.** The chief of the division of water, with the approval of the director of natural resources, may make loans and grants from the water management fund created in section 1501.32 of the Revised Code to governmental agencies for water management, water supply improvements, and planning and may administer grants from the federal government and from other public or private 11302  
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sources for carrying out those functions and for the performance 11308  
of any acts that may be required by the United States or by any 11309  
agency or department thereof as a condition for the participation 11310  
by any governmental agency in any federal financial or technical 11311  
assistance program. Direct and indirect costs of administration 11312  
may be paid from the water management fund. 11313

The chief may use the water management fund to acquire, 11314  
construct, reconstruct, improve, equip, maintain, operate, and 11315  
dispose of water management improvements. The chief may fix, 11316  
alter, charge, and collect rates, fees, rentals, and other charges 11317  
to be paid into the water management fund by governmental agencies 11318  
and persons who are supplied with water by facilities constructed 11319  
or operated by the department of natural resources in order to 11320  
amortize and defray the cost of the construction, maintenance, and 11321  
operation of those facilities. ~~This section does not apply to the~~ 11322  
~~Burr Oak water system administered by the chief engineer of the~~ 11323  
~~department of natural resources under sections 1507.01 and 1507.12~~ 11324  
~~of the Revised Code.~~ 11325

Sec. 1521.19. (A) There is hereby created the Ohio water 11326  
resources council consisting of the directors of agriculture, 11327  
development, environmental protection, health, natural resources, 11328  
transportation, and the Ohio public works commission, the 11329  
chairperson of the public utilities commission of Ohio, the 11330  
executive directors of the state and local government commission 11331  
of Ohio and the Ohio water development authority, and an executive 11332  
assistant in the office of the governor appointed by the governor. 11333  
The governor shall appoint one of the members of the council to 11334  
serve as its chairperson. The council may adopt bylaws that are 11335  
necessary for the implementation of this section. The council 11336  
shall provide a forum for policy development, collaboration and 11337  
coordination among state agencies, and strategic direction with 11338  
respect to state water resource programs. The council shall be 11339

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assisted in its functions by a state agency coordinating group and 11340  
an advisory group as provided in this section. 11341

(B) The state agency coordinating group shall consist of the 11342  
executive director of the Ohio Lake Erie commission and a member 11343  
or members from each state agency, commission, and authority 11344  
represented on the council, to be appointed by the applicable 11345  
director, chairperson, or executive director. However, the 11346  
environmental protection agency shall be represented on the group 11347  
by the chiefs of the divisions within that agency having 11348  
responsibility for surface water programs and drinking and ground 11349  
water programs, and the department of natural resources shall be 11350  
represented on the group by the chief of the division of water and 11351  
the chief of the division of soil and water conservation. The 11352  
chairperson of the council shall appoint a leader of the state 11353  
agency coordinating group. The group shall provide assistance to 11354  
and perform duties on behalf of the council as directed by the 11355  
council. 11356

(C) The advisory group shall consist of not more than twenty 11357  
members, each representing an organization or entity with an 11358  
interest in water resource issues. The council shall appoint the 11359  
members of the advisory group. Of the initial appointments, not 11360  
more than ten members shall be appointed for one-year terms, and 11361  
not more than ten members shall be appointed for two-year terms. 11362  
Thereafter, all advisory group members shall serve two-year terms. 11363  
Members may be reappointed. Each member shall hold office from the 11364  
date of the member's appointment until the end of the member's 11365  
term. A member shall continue in office subsequent to the 11366  
expiration date of the member's term until the member's successor 11367  
takes office or until a period of sixty days has elapsed, 11368  
whichever occurs first. The council may remove a member for 11369  
misfeasance, nonfeasance, or malfeasance in office. The council 11370  
shall appoint members to fill any vacancies on the group. A member 11371

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appointed to fill a vacancy shall hold office for the remainder of 11372  
the term for which that member was appointed. 11373

The chairperson of the council shall appoint a chairperson of 11374  
the advisory group. The advisory group shall advise the council on 11375  
water resources issues addressed by the council. 11376

(D) There is hereby created in the state treasury the Ohio 11377  
water resources council fund. The department of natural resources 11378  
shall serve as the fiscal agent for the fund. The departments of 11379  
agriculture, development, environmental protection, health, 11380  
natural resources, and transportation shall transfer moneys to the 11381  
fund in equal amounts via intrastate transfer voucher. The public 11382  
utilities commission of Ohio, Ohio public works commission, state 11383  
and local government commission of Ohio, and Ohio water 11384  
development authority may transfer moneys to the fund. If a 11385  
voluntary transfer of moneys is made to the fund, the portion that 11386  
is required to be transferred by the departments of agriculture, 11387  
development, environmental protection, health, natural resources, 11388  
and transportation may be equally reduced. Moneys in the fund 11389  
shall be used to pay the operating expenses of the Ohio water 11390  
resources council, including those specified in division (E) of 11391  
this section. 11392

(E) The Ohio water resources council may hire staff to 11393  
support its activities. The council may enter into contracts and 11394  
agreements with state agencies, political subdivisions, and 11395  
private entities to assist in accomplishing its objectives. 11396  
Advisory group members shall be reimbursed for expenses 11397  
necessarily incurred in the performance of their duties pursuant 11398  
to section 126.31 of the Revised Code and any applicable rules 11399  
pertaining to travel reimbursement adopted by the office of budget 11400  
and management. 11401

**Sec. 1531.35.** The wildlife boater angler fund is hereby 11402

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created in the state treasury. The fund shall consist of money 11403  
 credited to the fund pursuant to section 5735.051 of the Revised 11404  
 Code and other money contributed to the division of wildlife for 11405  
 the purposes of the fund. The fund ~~may~~ shall be used for boating 11406  
~~access construction, capital improvements, grant programs for~~ 11407  
~~boating and fishing access, maintenance, and development on lakes~~ 11408  
on which the operation of gasoline-powered watercraft is 11409  
permissible. 11410

**Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat 11411  
 stamps, deer and wild turkey permits, and fur taker permits shall 11412  
 be issued by the clerk of the court of common pleas, village and 11413  
 township clerks, and other authorized agents designated by the 11414  
 chief of the division of wildlife. When required by the chief, a 11415  
 clerk or agent shall give bond in the manner provided by the 11416  
 chief. All bonds, reports, except records prescribed by the 11417  
 auditor of state, and moneys received by those persons shall be 11418  
 handled under rules adopted by the director of natural resources. 11419

The premium of ~~any fidelity bond prescribed under section~~ 11420  
~~9.832 of the Revised Code~~ or of any bond prescribed by the chief 11421  
 under this section may be paid by the chief. Any person who is 11422  
 designated and authorized by the chief to issue licenses, stamps, 11423  
 and permits as provided in this section, except the clerk of the 11424  
 court of common pleas and the village and township clerks, shall 11425  
 pay to the chief a premium in an amount that represents the 11426  
 person's portion of the premium paid by the chief under this 11427  
 section, which amount shall be established by the chief and 11428  
 approved by the wildlife council created under section 1531.03 of 11429  
 the Revised Code. The chief shall pay all moneys that the chief 11430  
 receives as premiums under this section into the state treasury to 11431  
 the credit of the wildlife fund created under section 1531.17 of 11432  
 the Revised Code. 11433

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Every authorized agent, for the purpose of issuing hunting 11434  
and fishing licenses, deer and wild turkey permits, and fur taker 11435  
permits, may administer oaths to and take affidavits from 11436  
applicants for the licenses or permits when required. An 11437  
authorized agent may appoint deputies to perform any acts that the 11438  
agent is authorized to perform, consistent with division rules. 11439

Every applicant for a hunting or fishing license, deer or 11440  
wild turkey permit, or fur taker permit, unless otherwise provided 11441  
by division rule, shall make and subscribe an affidavit setting 11442  
forth the applicant's name, age, weight, height, occupation, place 11443  
of residence, personal description, and citizenship. The clerk or 11444  
other agent authorized to issue licenses and permits shall charge 11445  
each applicant a fee of one dollar for taking the affidavit and 11446  
issuing the license or permit. The application, license, permit, 11447  
and other blanks required by this section shall be prepared and 11448  
furnished by the chief, in such form as the chief provides, to the 11449  
clerk or other agent authorized to issue them. The licenses and 11450  
permits shall be issued to applicants by the clerk or other agent. 11451  
The record of licenses and permits kept by the clerk and other 11452  
authorized agents shall be uniform throughout the state and in 11453  
such form or manner as the auditor of state prescribes and shall 11454  
be open at all reasonable hours to the inspection of any person. 11455  
Unless otherwise provided by division rule, each hunting license, 11456  
deer or wild turkey permit, and fur taker permit issued shall 11457  
remain in force until midnight of the thirty-first day of August 11458  
next ensuing. Application for any such license or permit may be 11459  
made and a license or permit issued prior to the date upon which 11460  
it becomes effective. 11461

The chief may require an applicant who wishes to purchase a 11462  
license, stamp, or permit by mail or telephone to pay a nominal 11463  
fee for postage and handling. 11464

The court before whom a violator of any laws or division 11465

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rules for the protection of wild animals is tried, as a part of 11466  
the punishment, shall revoke the license, stamp, or permit of any 11467  
person convicted. The license, stamp, or permit fee paid by that 11468  
person shall not be returned to the person. The person shall not 11469  
procure or use any other license, stamp, or permit or engage in 11470  
hunting wild animals or trapping fur-bearing animals during the 11471  
period of revocation as ordered by the court. 11472

No person under sixteen years of age shall engage in hunting 11473  
unless accompanied by the person's parent or another adult person. 11474

**Sec. 1547.67.** The division of watercraft, with the approval 11475  
of the director of natural resources, may expend, for the purpose 11476  
of assisting political subdivisions, conservancy districts, and 11477  
state departments to establish or maintain and operate a marine 11478  
patrol for the purpose of enforcing this chapter and Chapter 1548. 11479  
of the Revised Code and rules adopted under them and to provide 11480  
emergency response to boating accidents on the water, such funds 11481  
as are appropriated by the general assembly for that purpose and, 11482  
in addition, such moneys from the waterways safety fund 11483  
established in section 1547.75 of the Revised Code as determined 11484  
to be necessary by the division not to exceed ten per cent of all 11485  
moneys accruing to the fund. In no case shall the grant to a 11486  
political subdivision, conservancy district, or state department, 11487  
not including the department of natural resources, total more than 11488  
thirty thirty-five thousand dollars in a calendar year. Moneys so 11489  
allocated may be used for the purchase, maintenance, and operation 11490  
of vessels and marine equipment, educational materials, and 11491  
personnel salaries that are necessary for enforcement of this 11492  
chapter and Chapter 1548. of the Revised Code and rules adopted 11493  
under them and to provide emergency response to boating accidents 11494  
on the water. 11495

The division shall disburse the moneys as provided in this 11496

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section in accordance with its determination of need in the 11497  
 enforcement of this chapter and Chapter 1548. of the Revised Code 11498  
 and rules adopted under them and shall disburse those moneys only 11499  
 on a cost share basis to supplement funds allocated by a political 11500  
 subdivision, conservancy district, or state department for that 11501  
 purpose. A grantee shall provide at least twenty-five per cent of 11502  
 the total program cost. 11503

**Sec. 1561.05.** The laws relating to mines and mining and 11504  
 duties and functions of the division of mineral resources 11505  
 management shall be administered by the chief of the division of 11506  
 mineral resources management, and through and by deputy mine 11507  
 inspectors. If a vacancy occurs in the office of a deputy mine 11508  
 inspector, it may be filled by the chief, who shall select a 11509  
~~qualified person from the eligible list certified to the chief by~~ 11510  
~~the mine examining board for deputy mine inspectors that is~~ 11511  
~~prepared under section 124.24 of the Revised Code.~~ 11512

The chief shall adopt, in accordance with Chapter 119. of the 11513  
Revised Code, all necessary rules for conducting examinations and 11514  
for governing all other matters requisite to the exercise of the 11515  
chief's powers and the performance of the chief's duties under 11516  
this chapter and Chapters 1509., 1563., 1565., and 1567. of the 11517  
Revised Code relating to mines and mining. 11518

**Sec. 1561.07.** The mining laws of this state shall extend to 11519  
 and govern the operation of clay mines and clay stripping pits in 11520  
 so far as such laws are applicable thereto. The chief of the 11521  
 division of mineral resources management shall adopt, publish, and 11522  
 enforce specific rules particularly applicable to clay mining 11523  
 operations to safeguard life and property in the clay mining 11524  
 industry and to secure safe and sanitary working conditions in 11525  
 such clay mines and clay stripping pits. 11526

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- Such rules adopted by the chief shall provide that: 11527
- (A) Distances between break-throughs in clay mines shall not 11528  
exceed one hundred feet, unless permission in special cases is 11529  
granted by the chief, after maps have been filed with the chief 11530  
showing the method of working and ventilating the same, if such 11531  
distances would add to increased safety. 11532
- (B) When, in the opinion of the mine foreperson or deputy 11533  
mine inspector, line brattices or other approved methods of 11534  
circulation are necessary to deliver sufficient air to the working 11535  
face, they shall be provided by the owner, operator, or lessee. 11536
- (C) Not more than a two days' supply of explosives shall be 11537  
stored in a clay mine at any one time, and not more than one 11538  
hundred pounds of explosives shall be stored in any one place at 11539  
any one time. 11540
- (D) Charges of explosives shall be made up at least one 11541  
hundred feet away from any storage place for explosives. 11542
- (E) There shall be no less than two persons in each working 11543  
place when shots are being lighted. 11544
- (F) Misfired shots in clay mines shall be posted on the 11545  
bulletin board or other conspicuous place available for 11546  
examination by the workers when shots are fired by other than the 11547  
loaders. 11548
- (G) The use of electric blasting caps shall be encouraged as 11549  
a safety measure. 11550
- The chief, in assigning deputy mine inspectors, shall 11551  
designate inspectors who have had experience and are especially 11552  
qualified in clay mining operations, to examine and inspect clay 11553  
mining operations and enforce the law relating to such operations. 11554
- The ~~mine examining board~~ chief, in conducting examinations 11555  
and issuing certificates for mine forepersons, shall ~~in its rules~~ 11556

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provide by rules adopted under section 1561.05 of the Revised Code 11557  
 for the examination of applicants for certificates as mine 11558  
 forepersons in a clay mine or clay stripping pits to test the 11559  
 applicant on experience and fitness on the problems and duties 11560  
 peculiar to the clay mining industry. An applicant for a 11561  
 certificate as a clay mine foreperson shall have at least three 11562  
 years' experience in mining operations. 11563

**Sec. 1561.11.** The ~~mine examining board~~ chief of the division 11564  
of mineral resources management, for the purpose of conducting the 11565  
 examinations for mine ~~foremen~~ forepersons and fire bosses, may 11566  
 designate one or more examining boards of three members, selected 11567  
 from among the deputy mine inspectors, superintendent and 11568  
 assistant superintendents of rescue stations, and electrical 11569  
 inspectors. The examinations shall be conducted in the district of 11570  
 the applicant's residence or as near thereto as practicable. 11571  
 Grading and issuance of certificates shall be done by the ~~board~~ 11572  
chief. 11573

**Sec. 1561.12.** An applicant for any examination or certificate 11574  
 under this section shall, before being examined, register ~~his~~ the 11575  
applicant's name with the ~~mine examining board~~ chief of the 11576  
division of mineral resources management and file with the ~~board~~ 11577  
chief an affidavit as to all matters of fact establishing ~~his~~ the 11578  
applicant's right to receive the examination, a certificate of 11579  
 good character and temperate habits signed by at least three 11580  
 reputable citizens of the community in which ~~he~~ the applicant 11581  
 resides, and a certificate from a reputable and disinterested 11582  
 physician as to the physical condition of such applicant showing 11583  
 that ~~he~~ the applicant is physically capable of performing the 11584  
 duties of the office or position. 11585

Each applicant for examination for any of the following 11586  
 positions shall present evidence satisfactory to the ~~board~~ chief 11587

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that ~~he~~ the applicant has been a resident and citizen of this 11588  
state for two years next preceding the date of application: 11589

(A) An applicant for the position of deputy mine inspector of 11590  
underground mines shall have had actual practical experience of 11591  
not less than six years, at least two of which shall have been in 11592  
the underground workings of ~~coal~~ mines in this state. In the case 11593  
of an applicant who would inspect underground coal mines, the two 11594  
years shall consist of actual practical experience in underground 11595  
coal mines. In the case of an applicant who would inspect noncoal 11596  
mines, the two years shall consist of actual practical experience 11597  
in noncoal mines. In lieu of two years of the actual practical 11598  
experience required, the ~~board~~ chief may accept as the equivalent 11599  
thereof a certificate evidencing graduation from an accredited 11600  
school of mines or mining, after a four-year course of study, but 11601  
such credit shall not apply as to the two years' actual practical 11602  
experience required in the ~~coal~~ mines in this state. 11603

~~He~~ The applicant shall pass an examination as to ~~his~~ the 11604  
applicant's practical and technological knowledge of mine 11605  
surveying, mining machinery, and appliances; the proper 11606  
development and operation of mines; the best methods of working 11607  
and ventilating mines; the nature, properties, and powers of 11608  
noxious, poisonous, and explosive gases, particularly methane; the 11609  
best means and methods of detecting, preventing, and removing the 11610  
accumulation of such gases; the use and operation of gas detecting 11611  
devices and appliances; first aid to the injured; and the uses and 11612  
dangers of electricity as applied and used in, at, and around 11613  
mines. Such applicant shall also hold a certificate for ~~foreman~~ 11614  
foreperson of gaseous mines issued by the ~~mine-examining board~~ 11615  
chief. 11616

(B) An applicant for the position of deputy mine inspector of 11617  
surface mines shall have had actual practical mining experience of 11618  
not less than six years, at least two of which shall have been in 11619

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surface coal mines in this state. In lieu of two years of the  
actual practical experience required, the ~~board~~ chief may accept  
as the equivalent thereof a certificate evidencing graduation from  
an accredited school of mines or mining, after a four-year course  
of study, but that credit shall not apply as to the two years'  
actual practical experience required in the coal mines in this  
state. The applicant shall pass an examination as to ~~his~~ the  
applicant's practical and technological knowledge of surface mine  
surveying, machinery, and appliances; the proper development and  
operations of surface mines; first aid to the injured; and the use  
and dangers of explosives and electricity as applied and used in,  
at, and around surface mines. The applicant shall also hold a  
surface mine ~~foreman~~ foreperson certificate issued by the ~~mine~~  
~~examining board~~ chief.

(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

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classes in first aid, safety, and rescue work. 11652

~~He~~ The applicant shall pass the examination required for 11653  
deputy mine inspectors and shall be tested as to ~~his~~ the 11654  
applicant's practical and technological experience and training in 11655  
first aid, safety, and mine rescue work. 11656

(E) An applicant for the position of mine chemist shall have 11657  
such educational training as is represented by the degree MS in 11658  
chemistry from a university of recognized standing, and at least 11659  
five years of actual practical experience in research work in 11660  
chemistry or as an assistant chemist. The ~~board~~ chief may provide 11661  
that an equivalent combination of education and experience 11662  
together with a wide knowledge of the methods of and skill in 11663  
chemical analysis and research may be accepted in lieu of the 11664  
above qualifications. It is preferred that such chemist shall have 11665  
had actual experience in mineralogy and metallurgy. 11666

(F) An applicant for the position of gas storage well 11667  
inspector shall possess the same qualifications as an applicant 11668  
for the position of deputy mine inspector and shall have a 11669  
practical knowledge and experience of and in the operation, 11670  
location, drilling, maintenance, and abandonment of oil and gas 11671  
wells, especially in coal or mineral bearing townships, and shall 11672  
have a thorough knowledge of the latest and best method of 11673  
plugging and sealing abandoned oil and gas wells. 11674

Such applicant for gas storage well inspector shall pass an 11675  
examination conducted by the ~~board~~ chief to determine ~~his~~ the 11676  
applicant's fitness to act as a gas storage well inspector before 11677  
being eligible for appointment. 11678

**Sec. 1561.13.** The ~~mine examining board~~ chief of the division 11679  
of mineral resources management shall conduct examinations for 11680  
offices and positions in the division of mineral resources 11681  
management, and for mine forepersons, mine electricians, shot 11682

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firers, surface mine blasters, and fire bosses, as follows:	11683
(A) Division of mineral resources management:	11684
(1) Deputy mine inspectors of underground mines;	11685
(2) Deputy mine inspectors of surface mines;	11686
(3) Electrical inspectors;	11687
(4) Superintendent of rescue stations;	11688
(5) Assistant superintendents of rescue stations;	11689
(6) Mine chemists at a division laboratory if the chief of	11690
<del>the division of mineral resources management</del> chooses to operate a	11691
laboratory;	11692
(7) Gas storage well inspector.	11693
(B) Mine forepersons:	11694
(1) Mine foreperson of gaseous mines;	11695
(2) Mine foreperson of nongaseous mines;	11696
(3) Mine foreperson of surface mines.	11697
(C) Forepersons:	11698
(1) Foreperson of gaseous mines;	11699
(2) Foreperson of nongaseous mines;	11700
(3) Foreperson of surface maintenance facilities at	11701
underground or surface mines;	11702
(4) Foreperson of surface mines.	11703
(D) Fire bosses.	11704
(E) Mine electricians.	11705
(F) Surface mine blasters.	11706
(G) Shot firers.	11707
<del>The board shall hold such meetings as are necessary for the</del>	11708

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~~proper discharge of its duties.~~ 11709

The ~~board chief annually~~ shall ~~meet annually at the capitol,~~ 11710  
~~as prescribed by its rules,~~ provide for the examination of 11711  
candidates for appointment or promotion as deputy mine inspectors 11712  
and such other positions and offices set forth in division (A) of 11713  
this section as are necessary. Special examinations may be held 11714  
whenever it becomes necessary to make appointments to any of those 11715  
positions. 11716

~~For~~ The chief shall provide for the examination of persons 11717  
seeking certificates of competency as mine forepersons, 11718  
forepersons, mine electricians, shot firers, surface mine 11719  
blasters, and fire bosses, ~~the board shall hold meetings,~~ 11720  
quarterly or more often as required, at such times and places 11721  
within the state as shall, in the judgment of the ~~members~~ chief, 11722  
afford the best facilities to the greatest number of applicants. 11723  
Public notice shall be given through the press or otherwise, not 11724  
less than ten days in advance, announcing the time and place at 11725  
which examinations under this section are to be held. 11726

The examinations provided for in this section shall be 11727  
conducted under rules adopted under section 1561.05 of the Revised 11728  
Code and conditions prescribed by the ~~board~~ chief. ~~Such rules~~ 11729  
~~shall be made a part of the permanent record of the board, and~~ 11730  
~~such of them as~~ Any rules that relate to particular candidates 11731  
shall, upon application of any candidate, be furnished to the 11732  
candidate by the ~~board~~ chief; they shall also be of uniform 11733  
application to all candidates in the several groups. 11734

**Sec. 1561.14.** A person who applies for a certificate as a 11735  
mine electrician shall be able to read and write the English 11736  
language, and prior to the date of the application for examination 11737  
either shall have had at least one year's experience in performing 11738  
electrical work underground in a coal mine, in the surface work 11739

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area of an underground coal mine, in a surface coal mine, or in a 11740  
 noncoal mine, or shall have had such experience as the ~~mine~~ 11741  
~~examining board chief of the division of mineral resources~~ 11742  
~~management~~ determines to be equivalent. Each applicant for 11743  
 examination shall pay a fee of ten dollars to the ~~board~~ chief on 11744  
 the first day of the examination. Any moneys collected under this 11745  
 section shall be paid into the state treasury to the credit of the 11746  
 mining regulation fund created in section 1561.48 of the Revised 11747  
 Code. 11748

**Sec. 1561.15.** An applicant for a certificate as mine ~~foreman~~ 11749  
~~foreperson~~, ~~foreman~~ foreperson, mine electrician, shot firer, 11750  
 surface mine blaster, or fire boss shall apply to the ~~mine~~ 11751  
~~examining board chief of the division of mineral resources~~ 11752  
~~management~~ for examination and shall be examined by the ~~board~~ 11753  
chief. This shall be a practical examination, a substantial part 11754  
 of which shall be oral, to determine the competency of the 11755  
 applicant, based on experience and practical knowledge of the 11756  
 dangers incident to coal mining, and not upon technical education, 11757  
 but consideration shall be given such technical education as the 11758  
 applicant possesses. This examination shall be held as soon after 11759  
 application is made as practicable in the district from which the 11760  
 applicant makes application. 11761

**Sec. 1561.16.** (A) As used in this section and sections 11762  
 1561.17 to 1561.21 of the Revised Code, "actual practical 11763  
 experience" means previous employment that involved a person's 11764  
 regular presence in the type of mining operation in which the 11765  
 experience is required to exist; participation in functions 11766  
 relating to the hazards involved in and the utilization of 11767  
 equipment, tools, and work crews and individuals for that type of 11768  
 mining; and regular exposure to the methods, procedures, and 11769  
 safety laws applicable to that type of mining. Credit of up to one 11770

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year for a portion of the required experience time may be given 11771  
upon documentation to the ~~mine examining board~~ chief of the 11772  
division of mineral resources management of an educational degree 11773  
in a field related to mining. Credit of up to two years of the 11774  
required experience time may be given upon presentation to the 11775  
~~mine examining board~~ chief of proof of graduation from an 11776  
accredited school of mines or mining after a four-year course of 11777  
study with employment in the mining industry during interim breaks 11778  
during the school years. 11779

(B) A person who applies for a certificate as a mine ~~foreman~~ 11780  
foreperson of gaseous mines shall be able to read and write the 11781  
English language; shall have had at least five years' actual 11782  
practical experience in the underground workings of a gaseous mine 11783  
or the equivalent thereof in the judgment of the ~~mine examining~~ 11784  
~~board~~ chief; and shall have had practical experience obtained by 11785  
actual contact with gas in mines and have knowledge of the dangers 11786  
and nature of noxious and explosive gases and ventilation of 11787  
gaseous mines. An applicant for a certificate as a ~~foreman~~ 11788  
foreperson of gaseous mines shall meet the same requirements, 11789  
except that the applicant shall have had at least three years' 11790  
actual practical experience in the underground workings of a 11791  
gaseous mine or the equivalent thereof in the judgment of the ~~mine~~ 11792  
~~examining board~~ chief. Each applicant for examination shall pay a 11793  
fee of ten dollars to the ~~board~~ chief on the first day of such 11794  
examination. Any moneys collected under this section shall be paid 11795  
into the state treasury to the credit of the mining regulation 11796  
fund created in section 1561.48 of the Revised Code. 11797

**Sec. 1561.17.** A person who applies for a certificate as mine 11798  
~~foreman~~ foreperson or ~~foreman~~ foreperson of nongaseous mines shall 11799  
be able to read and write the English language; shall have had at 11800  
least three years' actual practical experience in mines, or the 11801  
equivalent thereof in the judgment of the ~~mine examining board~~ 11802

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chief of the division of mineral resources management; and shall 11803  
have knowledge of the dangers and nature of noxious gases. Each 11804  
applicant for examination shall pay a fee of ten dollars to the 11805  
~~board~~ chief on the first day of the examination. Any moneys 11806  
collected under this section shall be paid into the state treasury 11807  
to the credit of the mining regulation fund created in section 11808  
1561.48 of the Revised Code. 11809

**Sec. 1561.18.** A person who applies for a certificate as a 11810  
~~foreman~~ foreperson of surface maintenance facilities at 11811  
underground or surface mines shall be able to read and write the 11812  
English language and shall have had at least three years' actual 11813  
practical experience in or around the surface maintenance 11814  
facilities of underground or surface mines or the equivalent 11815  
thereof in the judgment of the ~~mine-examining board~~ chief of the 11816  
division of mineral resources management. Each applicant for 11817  
examination shall pay a fee of ten dollars to the ~~board~~ chief on 11818  
the first day of the examination. Any moneys collected under this 11819  
section shall be paid into the state treasury to the credit of the 11820  
mining regulation fund created in section 1561.48 of the Revised 11821  
Code. 11822

**Sec. 1561.19.** A person who applies for a certificate as a 11823  
mine ~~foreman~~ foreperson of surface mines shall be able to read and 11824  
write the English language and shall have had at least five years' 11825  
actual practical experience in surface mines. An applicant for a 11826  
certificate as a ~~foreman~~ foreperson of surface mines shall meet 11827  
the same requirements, except that the applicant shall have had at 11828  
least three years' actual practical experience in surface mines or 11829  
the equivalent thereof in the judgment of the ~~mine-examining board~~ 11830  
chief of the division of mineral resources management. Each 11831  
applicant for examination shall pay a fee of ten dollars to the 11832  
~~board~~ chief on the first day of the examination. Any moneys 11833

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collected under this section shall be paid into the state treasury 11834  
to the credit of the mining regulation fund created in section 11835  
1561.48 of the Revised Code. 11836

**Sec. 1561.20.** A person who applies for a certificate as a 11837  
surface mine blaster shall be able to read and write the English 11838  
language; shall have had at least one year's actual practical 11839  
experience in surface mines or the equivalent thereof in the 11840  
judgment of the ~~mine-examining board~~ chief of the division of 11841  
mineral resources management; shall have knowledge of the dangers 11842  
and nature of the use of explosives, related equipment, and 11843  
blasting techniques; and shall have knowledge of safety laws and 11844  
rules, including those related to the storage, use, and 11845  
transportation of explosives. Each applicant for examination shall 11846  
pay a fee of ten dollars to the ~~board~~ chief on the first day of 11847  
the examination. Any moneys collected under this section shall be 11848  
paid into the state treasury to the credit of the mining 11849  
regulation fund created in section 1561.48 of the Revised Code. 11850

**Sec. 1561.21.** A person who applies for a certificate as a 11851  
shot firer shall be able to read and write the English language; 11852  
shall have had at least one year's actual practical experience in 11853  
the underground workings of mines or the equivalent thereof in the 11854  
judgment of the ~~mine-examining board~~ chief of the division of 11855  
mineral resources management; shall have knowledge of the dangers 11856  
and nature of noxious and explosive gases; shall have knowledge of 11857  
the dangers and nature of the use of explosives, related 11858  
equipment, and blasting techniques; and shall have knowledge of 11859  
safety laws and rules, including those related to the underground 11860  
storage, use, and transportation of explosives. Each applicant for 11861  
examination shall pay a fee of ten dollars to the ~~board~~ chief on 11862  
the first day of the examination. Any moneys collected under this 11863  
section shall be paid into the state treasury to the credit of the 11864

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mining regulation fund created in section 1561.48 of the Revised Code. 11865  
11866

Any person who possesses a mine ~~foreman~~ foreperson or ~~foreman~~ foreperson certificate issued by the ~~mine-examining board~~ chief shall be considered certified as a shot firer. 11867  
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**Sec. 1561.22.** A person who applies for a certificate as fire boss shall be able to read and write the English language; shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the ~~mine-examining board~~ chief of the division of mineral resources management; and shall have knowledge of the dangers and nature of noxious and explosive gases gained by actual contact with gas in mines and ventilation of gaseous mines. Each applicant for examination shall pay a fee of ten dollars to the ~~board~~ chief on the first day of the examination. Any moneys collected under this section shall be paid into the state treasury to the credit of the mining regulation fund created in section 1561.48 of the Revised Code. 11870  
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**Sec. 1561.23.** The ~~mine-examining board~~ chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination: 11883  
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(A) Certificates for mine ~~foremen~~ forepersons of gaseous mines; 11886  
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(B) Certificates for mine ~~foremen~~ forepersons of nongaseous mines; 11888  
11889

(C) Certificates for ~~foremen~~ forepersons of gaseous mines; 11890

(D) Certificates for ~~foremen~~ forepersons of nongaseous mines; 11891  
11892

(E) Certificates for ~~foremen~~ forepersons of surface 11893

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maintenance facilities of underground or surface mines;	11894
(F) Certificates for mine <del>foremen</del> <u>forepersons</u> of surface mines;	11895
	11896
(G) Certificates for <del>foremen</del> <u>forepersons</u> of surface mines;	11897
(H) Certificates for fire bosses;	11898
(I) Certificates for mine electricians;	11899
(J) Certificates for surface mine blasters;	11900
(K) Certificates for shot firers.	11901
Applicants for certificates shall make application to the	11902
<del>board chief</del> , on a form provided by <del>it</del> <u>the chief</u> , for examination.	11903
All applicants shall be able to read and write the English	11904
language intelligently, and shall furnish the <del>board chief</del> with a	11905
certificate as to their character, length and description of their	11906
practical experience, and satisfactory evidence of their ability	11907
to perform the duties of the position for which they make	11908
application for examination.	11909
Any certificate issued by the <u>former</u> mine examining board	11910
prior to <del>the effective date of this amendment</del> <u>October 29, 1995</u> ,	11911
shall remain in effect notwithstanding the new classifications of	11912
certificates established by this <del>amendment</del> <u>section</u> .	11913
<b>Sec. 1561.26.</b> (A) As used in this section, "EMT-basic,"	11914
"EMT-I," and "paramedic" have the same meanings as in section	11915
4765.01 of the Revised Code.	11916
(B) The superintendent of rescue stations, with the approval	11917
of the chief of the division of mineral resources management,	11918
shall, at each rescue station provided for in section 1561.25 of	11919
the Revised Code, train and employ rescue crews of six members	11920
each, one of whom shall hold a mine foreperson or fire boss	11921
certificate and be designated captain, and train and employ any	11922

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number of such rescue crews as the superintendent believes 11923  
necessary. One member of a rescue crew shall be certified as an 11924  
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall 11925  
devote the time specified by the chief each month for training 11926  
purposes and shall be available at all times to assist in rescue 11927  
work at explosions, mine fires, and other emergencies. 11928

A captain of mine rescue crews shall receive for service as 11929  
captain the sum of twenty-four dollars per month, and each member 11930  
shall receive the sum of twenty dollars per month, all payable on 11931  
requisition approved by the chief. When engaged in rescue work at 11932  
explosions, mine fires, or other emergencies away from their 11933  
station, the members of the rescue crews and captains of the same 11934  
shall be paid the sum of six dollars per hour for work on the 11935  
surface, which includes the time consumed by ~~such~~ those members in 11936  
traveling to and from the scene of ~~such~~ the emergency when ~~such~~ 11937  
the scene is away from the station of ~~such~~ the members, and the 11938  
sum of seven dollars per hour for all work underground at ~~such~~ the 11939  
emergency, and in addition thereto, the necessary living expenses 11940  
of ~~such~~ the members when ~~such~~ the emergency is away from their 11941  
home station, all payable on requisition approved by the chief. 11942

Each member of a mine rescue crew shall undergo an annual 11943  
medical examination by a doctor designated by the chief. In 11944  
designating ~~such~~ the doctor, the chief shall choose one near the 11945  
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor 11946  
shall report the doctor's findings to the chief and if, in the 11947  
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the 11948  
member is physically unfit for further services, the chief shall 11949  
relieve the member from further duty. The fee charged by ~~such~~ the 11950  
doctor for ~~such~~ the examination shall be paid in the same manner 11951  
as fees are paid to doctors employed by the industrial commission 11952  
for special medical examinations. 11953

The chief may remove any member of a rescue crew for any 11954

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reason. Such crews shall be subject to the orders of the chief, 11955  
the superintendent, and the deputy mine inspectors when engaged in 11956  
actual mine rescue work. Mine rescue crews shall, in case of death 11957  
or injury when engaged in rescue work, wherever the same may 11958  
occur, be paid compensation, or their dependents shall be paid 11959  
death benefits, from the workers' compensation fund, in the same 11960  
manner as other employees of the state. 11961

(C) In addition to the training of rescue crews, each 11962  
assistant superintendent of rescue stations, with the approval of 11963  
the superintendent, shall provide for and conduct safety, first 11964  
aid, and rescue classes at any mine or for any group of miners who 11965  
make application for the conducting of such classes. The chief may 11966  
assess a fee for safety and first aid classes for the purpose of 11967  
covering the costs associated with providing those classes. The 11968  
chief shall establish a fee schedule for safety and first aid 11969  
classes by rule adopted in accordance with Chapter 119. of the 11970  
Revised Code. Fees collected under this section shall be deposited 11971  
in the surface mining fund created in section 1514.06 of the 11972  
Revised Code. 11973

The superintendent shall prescribe and provide for a uniform 11974  
schedule of conducting such safety and rescue classes as will 11975  
provide a competent knowledge of modern safety and rescue methods 11976  
in, at, and about mines. 11977

**Sec. 1561.35.** If the deputy mine inspector finds that any 11978  
matter, thing, or practice connected with any mine and not 11979  
prohibited specifically by law is dangerous or hazardous, or that 11980  
from a rigid enforcement of this chapter and Chapters 1509., 11981  
1563., 1565., and 1567. of the Revised Code, the matter, thing, or 11982  
practice would become dangerous and hazardous so as to tend to the 11983  
bodily injury of any person, the deputy mine inspector forthwith 11984  
shall give notice in writing to the owner, lessee, or agent of the 11985

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mine of the particulars in which the deputy mine inspector 11986  
 considers the mine or any matter, thing, or practice connected 11987  
 therewith is dangerous or hazardous and recommend changes that the 11988  
 conditions require, and forthwith shall mail a copy of the report 11989  
 and the deputy mine inspector's recommendations to the chief of 11990  
 the division of mineral resources management. Upon receipt of the 11991  
 report and recommendations, the chief forthwith shall make a 11992  
 finding thereon and mail a copy to the owner, operator, lessee, or 11993  
 agent of the mine, and to the deputy mine inspector; a copy of the 11994  
 finding of the chief shall be posted upon the bulletin board of 11995  
 the mine. Where the miners have a mine safety committee, one 11996  
 additional copy shall be posted on the bulletin board for the use 11997  
 and possession of the committee. 11998

The owner, operator, lessee, or agent of the mine, or the 11999  
 authorized representative of the workers of the mine, within ten 12000  
 days may appeal to the ~~mine examining board~~ reclamation commission 12001  
 for a review and redetermination of the finding of the chief in 12002  
 the matter in accordance with section ~~1561.53~~ 1513.13 of the 12003  
 Revised Code, notwithstanding division (A)(1) of that section, 12004  
which provides for appeals within thirty days. A copy of the 12005  
 decision of the ~~board~~ commission shall be mailed as required by 12006  
 this section for the mailing of the finding by the chief on the 12007  
 deputy mine inspector's report. 12008

**Sec. 1561.351.** A deputy mine inspector who makes a finding 12009  
 concerning a violation of this chapter or Chapter 1563., 1565., or 12010  
 1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 12011  
 1509.17, or 1509.18 of the Revised Code that involves mining 12012  
 safety shall notify the chief of the division of mineral resources 12013  
 management of the finding. The chief shall review the inspector's 12014  
 finding, make a written determination regarding it, and provide a 12015  
 copy of the written determination to the owner, operator, lessee, 12016  
 or agent of the mine involved. The chief shall provide a copy of 12017

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the written determination to any other interested party upon 12018  
request. 12019

A person, such as an owner, operator, lessee, or agent of the 12020  
mine or the authorized representative of the workers of the mine, 12021  
who has an interest that is or may be adversely affected by the 12022  
chief's determination may appeal the determination, not later than 12023  
ten days after receiving notice of the determination, to the ~~mine~~ 12024  
~~examining board~~ reclamation commission by filing a copy of the 12025  
chief's written determination with the ~~board~~ commission, 12026  
notwithstanding division (A)(1) of section 1513.13 of the Revised 12027  
Code, which provides for appeals within thirty days. The ~~board~~ 12028  
commission shall hear the appeal in accordance with section 12029  
~~1561.53~~ 1513.13 of the Revised Code. 12030

**Sec. 1561.46.** Fees received by the ~~mine-examining board~~ chief 12031  
of the division of mineral resources management under sections 12032  
1561.16 to 1561.22 of the Revised Code shall be paid by the 12033  
~~secretary of the board~~ chief into the state treasury to the credit 12034  
of the mining regulation fund created in section 1561.48 of the 12035  
Revised Code. 12036

**Sec. 1561.51.** When written charges of neglect of duty, 12037  
incompetency, or malfeasance in office against the deputy mine 12038  
inspector are filed with the chief of the division of mineral 12039  
resources management, signed by not less than fifteen employees, 12040  
or otherwise as provided in section 1561.50 of the Revised Code, 12041  
or the owner, lessee, or agent of a mine, and the signers of the 12042  
charges are dissatisfied with the result of the investigation made 12043  
by the chief, they may appeal to the ~~mine-examining board~~ 12044  
reclamation commission by filing the same charges against the 12045  
deputy mine inspector and a copy of the report of the 12046  
investigation made by the chief in the matter with the ~~board~~ 12047  
commission, and the ~~board~~ commission shall hear the appeal in 12048

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accordance with section ~~1561.53~~ 1513.13 of the Revised Code. The 12049  
board commission shall mail a copy of its decision to the 12050  
complainant whose name appears first in the charges. 12051

**Sec. 1561.52.** On receipt of a notice pursuant to section 12052  
3123.43 of the Revised Code, the ~~mine examining board~~ chief of the 12053  
division of mineral resources management shall comply with 12054  
sections 3123.41 to 3123.50 of the Revised Code and any applicable 12055  
rules adopted under section 3123.63 of the Revised Code with 12056  
respect to a certificate issued pursuant to this chapter. 12057

**Sec. 1563.13.** When a deputy mine inspector considers that the 12058  
ways and means of egress in any underground mine from the interior 12059  
working places to the surface are inadequate as a safe and ready 12060  
means of escape in case of emergency, from danger of fire at any 12061  
point, or any other cause that may result in the entombment of 12062  
persons working in the mine, the deputy mine inspector shall give 12063  
notice in writing to the owner, lessee, or agent of the mine of 12064  
the particular in which the deputy mine inspector considers the 12065  
conditions dangerous, recommending any changes that the conditions 12066  
require, and forthwith shall mail a copy of the deputy mine 12067  
inspector's recommendations to the chief of the division of 12068  
mineral resources management. Upon receipt of the recommendations, 12069  
the chief forthwith shall make a finding concerning them and mail 12070  
a copy to the operator of the mine and to the deputy mine 12071  
inspector. A copy of the finding of the chief shall be posted upon 12072  
the bulletin board at the time. 12073

The operator of the mine, or the authorized representative of 12074  
the workers of the mine, within ten days may appeal to the ~~mine~~ 12075  
~~examining board~~ reclamation commission for a review and 12076  
redetermination of the finding of the chief in the matter in 12077  
accordance with section ~~1561.53~~ 1513.13 of the Revised Code, 12078  
notwithstanding division (A)(1) of that section, which provides 12079

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for appeals within thirty days. A copy of the decision of the 12080  
board commission shall be mailed as required by this section for 12081  
the mailing of the finding by the chief on the deputy mine 12082  
inspector's report. 12083

No operator of a mine shall refuse or neglect to comply with 12084  
this section. 12085

**Sec. 1565.04.** The operator of each mine who is an employer as 12086  
defined in section 4123.01 of the Revised Code, or any mine 12087  
working with three or more men workers, shall employ a certified 12088  
mine foreman foreperson. In gaseous mines, only a holder of a mine 12089  
~~foreman foreperson~~ of gaseous mines certificate ~~which that~~ 12090  
contains a notation by the ~~mine examining board~~ chief of the 12091  
division of mineral resources management showing the holder to be 12092  
at least twenty-three years of age and have at least five years' 12093  
actual practical experience in gaseous mines shall be employed as 12094  
the mine ~~foreman~~ foreperson. In other mines, the mine ~~foreman~~ 12095  
foreperson shall be a holder of a mine ~~foreman~~ foreperson of 12096  
nongaseous mines certificate ~~which that~~ contains a notation by the 12097  
~~mine examining board~~ chief showing the holder to be at least 12098  
twenty-one years of age and have at least three years' actual 12099  
practical experience in mines. All such mines shall have at least 12100  
one certified ~~foreman~~ foreperson on duty at all times when men 12101  
workers are employed in the loading or mining of coal. 12102

No operator of a mine shall refuse or neglect to comply with 12103  
this section. 12104

**Sec. 1565.06.** (A) In emergencies arising at a mine because of 12105  
accident, death, illness, or any other cause, an operator may 12106  
appoint noncertificate persons as forepersons and fire bosses to 12107  
act until certified forepersons and fire bosses satisfactory to 12108  
the operator can be secured. Such appointee may not serve in such 12109  
capacity for a period longer than six months or until such time 12110

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thereafter as an examination is held for such certified persons 12111  
under section 1561.13 of the Revised Code. The employer of such 12112  
noncertificate person shall, upon appointment of such 12113  
noncertificate person in this capacity, forward the name of such 12114  
noncertificate person to the chief of the division of mineral 12115  
resources management. 12116

(B) An operator may appoint as a temporary foreperson or fire 12117  
boss a noncertificate person who is within six months of 12118  
possessing the necessary actual practical experience to qualify to 12119  
take the examination for certification for the position to which 12120  
the person is temporarily appointed. Upon appointment of a 12121  
noncertificate person, the operator shall forward the name, social 12122  
security number, and brief summary of the person's actual 12123  
practical experience to the ~~mine-examining board~~ chief, and the 12124  
~~board~~ chief shall issue the person a temporary certificate for the 12125  
position to which the person has been temporarily appointed. A 12126  
temporary certificate issued under this division is valid for six 12127  
months or until such time thereafter as an examination is held 12128  
under section 1561.13 of the Revised Code for the position to 12129  
which the person has been temporarily appointed. 12130

(C) A person who possesses a valid certificate issued by 12131  
another state for a position for which the ~~mine-examining board~~ 12132  
chief issues a certificate shall be eligible for a temporary 12133  
certificate from the ~~board~~ chief upon presentation to the ~~board~~ 12134  
chief of a copy of the certificate from that other state. A 12135  
temporary certificate issued under this division shall be valid 12136  
for six months. 12137

No operator of a mine shall violate or fail to comply with 12138  
this section. 12139

**Sec. 1565.07.** The superintendent in charge of a mine shall 12140  
direct the mine foreperson in such manner as is necessary to 12141

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secure compliance with this chapter and Chapters 1561., 1563., and 12142  
1567. and sections 1509.18 and 1509.19 of the Revised Code. The 12143  
superintendent may act as mine foreperson, but if the 12144  
superintendent does so act regularly, the superintendent shall 12145  
obtain a certificate from the ~~mine examining board~~ chief of the 12146  
division of mineral resources management in the same manner as the 12147  
certification of mine foreperson is obtained. 12148

A person designated as a superintendent of an underground 12149  
coal mine after January 1, 1977, shall, within six months after 12150  
being so designated, demonstrate to the chief ~~of the division of~~ 12151  
~~mineral resources management~~ that the person has knowledge of the 12152  
mining laws of this state governing the operation of underground 12153  
coal mines either by presenting evidence that the person has 12154  
passed a mine foreperson examination given by the ~~mine examining~~ 12155  
~~board~~ chief or an examination given by the chief concerning the 12156  
laws of this state governing the operation of underground coal 12157  
mines. 12158

No person shall refuse or neglect to comply with this 12159  
section. 12160

**Sec. 1565.08.** If a person certified by the ~~mine examining~~ 12161  
~~board~~ chief of the division of mineral resources management 12162  
purposely violates the mining laws, the person's certificate may 12163  
be revoked by the chief after investigation and a hearing in 12164  
accordance with Chapter 119. of the Revised Code, ~~by the chief of~~ 12165  
~~the division of mineral resources management, with the approval of~~ 12166  
~~the mine examining board.~~ 12167

No person whose license, certificate, or similar authority to 12168  
perform any certifiable mining duties in another state is 12169  
suspended or revoked by that state shall be certified for an 12170  
equivalent mining certificate in this state during the period of 12171  
the suspension or revocation in the other state. 12172

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**Sec. 1565.25.** On receipt of a notice pursuant to section 12173  
3123.43 of the Revised Code, the ~~mine examining board~~ chief of the 12174  
division of mineral resources management shall comply with 12175  
sections 3123.41 to 3123.50 of the Revised Code and any applicable 12176  
rules adopted under section 3123.63 of the Revised Code with 12177  
respect to a certificate issued pursuant to this chapter. 12178

**Sec. 1701.05.** (A) Except as provided in this section, and in 12179  
sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which 12180  
sections relate to the reorganization, merger, and consolidation 12181  
of corporations, the corporate name of a domestic corporation 12182  
shall comply with all of the following: 12183

(1) It shall end with or include the word or abbreviation 12184  
"company," "co.," "corporation," "corp.," "incorporated," or 12185  
"inc." 12186

(2) It shall be distinguishable upon the records in the 12187  
office of the secretary of state from all of the following: 12188

(a) The name of any other corporation, whether nonprofit or 12189  
for profit and whether that of a domestic or of a foreign 12190  
corporation authorized to do business in this state; 12191

(b) The name of any limited liability company registered in 12192  
the office of the secretary of state pursuant to Chapter 1705. of 12193  
the Revised Code, whether domestic or foreign; 12194

(c) The name of any limited liability partnership registered 12195  
in the office of the secretary of state pursuant to Chapter 1775. 12196  
of the Revised Code, whether domestic or foreign; 12197

(d) The name of any limited partnership registered in the 12198  
office of the secretary of state pursuant to Chapter 1782. of the 12199  
Revised Code, whether domestic or foreign; 12200

(e) Any trade name the exclusive right to which is at the 12201

time in question registered in the office of the secretary of 12202  
state pursuant to Chapter 1329. of the Revised Code. 12203

(3) It shall not contain any language that indicates or 12204  
implies that the corporation is connected with a government agency 12205  
of this state, another state, or the United States. 12206

(B) The secretary of state shall determine for purposes of 12207  
this section whether a name is "distinguishable" from another name 12208  
upon the secretary of state's records. Without excluding other 12209  
names that may not constitute distinguishable names in this state, 12210  
a name is not considered distinguishable from another name for 12211  
purposes of this section solely because it differs from the other 12212  
name in only one or more of the following manners: 12213

(1) The use of the word "corporation," "company," 12214  
"incorporated," "limited," or any abbreviation of any of those 12215  
words; 12216

(2) The use of any article, conjunction, contraction, 12217  
abbreviation, or punctuation; 12218

(3) The use of a different tense or number of the same word. 12219

(C) A corporation may apply to the secretary of state for 12220  
authorization to use a name that is not distinguishable upon the 12221  
secretary of state's records from the name of any other 12222  
corporation, limited liability company, limited liability 12223  
partnership, or limited partnership, or from a registered trade 12224  
name, if there also is filed in the office of the secretary of 12225  
state, on a form prescribed by the secretary of state, the consent 12226  
of the other entity or, in the case of a registered trade name, 12227  
the person in whose name is registered the exclusive right to use 12228  
the name, which consent is evidenced in a writing signed by any 12229  
authorized officer or any authorized representative of the other 12230  
entity or person. 12231

(D) In case of judicial sale or judicial transfer, by sale or 12232

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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.

(E) Any person who wishes to reserve a name for a proposed  
new corporation, or any corporation intending to change its name,  
may submit to the secretary of state a written application, on a  
form prescribed by the secretary of state, for the exclusive right  
to use a specified name as the name of a corporation. If the  
secretary of state finds that, under this section, the specified  
name is available for such use, the secretary of state shall file  
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.~~

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Sec. 1701.07. (A) Every corporation shall have and maintain 12264  
an agent, sometimes referred to as the "statutory agent," upon 12265  
whom any process, notice, or demand required or permitted by 12266  
statute to be served upon a corporation may be served. The agent 12267  
may be a natural person who is a resident of this state or may be 12268  
a domestic corporation or a foreign corporation holding a license 12269  
as such under the laws of this state, that is authorized by its 12270  
articles of incorporation to act as such agent and that has a 12271  
business address in this state. 12272

(B) The secretary of state shall not accept original articles 12273  
for filing unless there is filed with the articles a written 12274  
appointment of an agent that is signed by the incorporators of the 12275  
corporation or a majority of them and a written acceptance of the 12276  
appointment that is signed by the agent. In all other cases, the 12277  
corporation shall appoint the agent and shall file in the office 12278  
of the secretary of state a written appointment of the agent that 12279  
is signed by any authorized officer of the corporation and a 12280  
written acceptance of the appointment that is either the original 12281  
acceptance signed by the agent or a photocopy, facsimile, or 12282  
similar reproduction of the original acceptance signed by the 12283  
agent. 12284

(C) The written appointment of an agent shall set forth the 12285  
name and address in this state of the agent, including the street 12286  
and number or other particular description, and shall otherwise be 12287  
in such form as the secretary of state prescribes. The secretary 12288  
of state shall keep a record of the names of corporations, and the 12289  
names and addresses of their respective agents. 12290

(D) If any agent dies, removes from the state, or resigns, 12291  
the corporation shall forthwith appoint another agent and file 12292  
with the secretary of state, on a form prescribed by the secretary 12293  
of state, a written appointment of the agent. 12294

(E) Unless the change is reported on the annual report filed 12295

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with the department of taxation, if the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the corporation or the agent shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address.

(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the corporation at the current or last known address of its principal office on or prior to the date the notice is filed with the secretary of state. The notice shall set forth the name of the corporation, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the corporation's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the corporation within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate.

(G) A corporation may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by statute to be served upon a corporation may be served upon the corporation by delivering a copy of it to its agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as the address appears upon the record in the office of the secretary of state. If (1) the agent cannot be found, or (2) the agent no longer has that address, or (3) the corporation has failed to maintain an agent as required by this

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section, and if in any such case the party desiring that the  
process, notice, or demand be served, or the agent or  
representative of the party, shall have filed with the secretary  
of state an affidavit stating that one of the foregoing conditions  
exists and stating the most recent address of the corporation that  
the party after diligent search has been able to ascertain, then  
service of process, notice, or demand upon the secretary of state,  
as the agent of the corporation, may be initiated by delivering to  
the secretary of state or at the secretary of state's office  
quadruplicate copies of such process, notice, or demand and by  
paying to the secretary of state a fee of five dollars. The  
secretary of state shall forthwith give notice of the delivery to  
the corporation at its principal office as shown upon the record  
in the secretary of state's office and at any different address  
shown on its last franchise tax report filed in this state, or to  
the corporation at any different address set forth in the above  
mentioned affidavit, and shall forward to the corporation at said  
addresses, by certified mail, with request for return receipt, a  
copy of the process, notice, or demand; and thereupon service upon  
the corporation shall be deemed to have been made.

(I) The secretary of state shall keep a record of each  
process, notice, and demand delivered to the secretary of state or  
at the secretary of state's office under this section or any other  
law of this state that authorizes service upon the secretary of  
state, and shall record the time of the delivery and the 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) Every corporation shall state in each annual report filed  
by it with the department of taxation the name and address of its  
statutory agent.

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(L) 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.

(M) 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.

(N) Upon the failure of a corporation to appoint another agent or to file a statement of change of address of an agent, the secretary of state shall give notice thereof by certified mail to the corporation at the address set forth in the notice of resignation or on the last franchise tax return filed in this state by the corporation. Unless the default is cured within thirty days after the mailing by the secretary of state of the notice or within any further period of time that the secretary of state grants, upon the expiration of that period of time from the date of the mailing, the articles of the corporation shall be canceled without further notice or action by the secretary of state. The secretary of state shall make a notation of the cancellation on the secretary of state's records.

A corporation whose articles have been canceled may be reinstated by filing, on a form prescribed by the secretary of state, an application for reinstatement and the required appointment of agent or required statement, and by paying ~~a the filing fee specified in division (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 1701.922 of the Revised Code. The secretary of state shall

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furnish the tax commissioner a monthly list of all corporations 12392  
canceled and reinstated under this division. 12393

(O) This section does not apply to banks, trust companies, 12394  
insurance companies, or any corporation defined under the laws of 12395  
this state as a public utility for taxation purposes. 12396

**Sec. 1701.81.** (A) Upon adoption by each constituent entity of 12397  
an agreement of merger or consolidation pursuant to section 12398  
1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the 12399  
Revised Code, a certificate of merger or consolidation shall be 12400  
filed with the secretary of state that is signed by any authorized 12401  
representative of each constituent corporation, partnership, or 12402  
other entity. The certificate shall be on a form prescribed by the 12403  
secretary of state and shall set forth only the information 12404  
required by this section. 12405

(B)(1) The certificate of merger or consolidation shall set 12406  
forth all of the following: 12407

(a) The name and the form of entity of each constituent 12408  
entity and the state under the laws of which each constituent 12409  
entity exists; 12410

(b) A statement that each constituent entity has complied 12411  
with all of the laws under which it exists and that the laws 12412  
permit the merger or consolidation; 12413

(c) The name and mailing address of the person or entity that 12414  
is to provide, in response to any written request made by a 12415  
shareholder, partner, or other equity holder of a constituent 12416  
entity, a copy of the agreement of merger or consolidation; 12417

(d) The effective date of the merger or consolidation, which 12418  
date may be on or after the date of the filing of the certificate; 12419

(e) The signature of each representative authorized to sign 12420  
the certificate on behalf of each constituent entity and the 12421

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office held or the capacity in which the representative is acting;	12422
(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;	12423 12424 12425 12426
(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;	12427 12428 12429 12430 12431
(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;	12432 12433 12434 12435
(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.	12436 12437 12438
(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.	12439 12440 12441 12442 12443
(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.	12444 12445 12446 12447 12448 12449
(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,	12450 12451 12452

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the certificate of merger or consolidation shall be accompanied by 12453  
the information required by division (B)(8), (9), or (10) of 12454  
section 1701.791 of the Revised Code. 12455

(5) If a foreign or domestic corporation licensed to transact 12456  
business in this state is a constituent entity and the surviving 12457  
or new entity resulting from the merger or consolidation is not a 12458  
foreign or domestic corporation that is to be licensed to transact 12459  
business in this state, the certificate of merger or consolidation 12460  
shall be accompanied by the affidavits, receipts, certificates, or 12461  
other evidence required by division (H) of section 1701.86 of the 12462  
Revised Code, with respect to each domestic constituent 12463  
corporation, and by the affidavits, receipts, certificates, or 12464  
other evidence required by division (C) or (D) of section 1703.17 12465  
of the Revised Code, with respect to each foreign constituent 12466  
corporation licensed to transact business in this state. 12467

(C) If any constituent entity in a merger or consolidation is 12469  
organized or formed under the laws of a state other than this 12470  
state or under any chapter of the Revised Code other than this 12471  
chapter, there also shall be filed in the proper office all 12472  
documents that are required to be filed in connection with the 12473  
merger or consolidation by the laws of that state or by that 12474  
chapter. 12475

(D) Upon the filing of a certificate of merger or 12476  
consolidation and other filings as described in division (C) of 12477  
this section or at such later date as the certificate of merger or 12478  
consolidation specifies, the merger or consolidation is effective. 12479

(E) The secretary of state shall furnish, upon request and 12480  
payment of ~~a~~ the fee specified in division (D) of ten dollars 12481  
section 111.16 of the Revised Code, the secretary of state's 12482  
certificate setting forth the name and the form of entity of each 12483  
constituent entity and the states under the laws of which each 12484

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constituent entity existed prior to the merger or consolidation, 12485  
the name and the form of entity of the surviving or new entity and 12486  
the state under the laws of which the surviving entity exists or 12487  
the new entity is to exist, the date of filing of the certificate 12488  
of merger or consolidation with the secretary of state, and the 12489  
effective date of the merger or consolidation. The certificate of 12490  
the secretary of state, or a copy of the certificate of merger or 12491  
consolidation certified by the secretary of state, may be filed 12492  
for record in the office of the recorder of any county in this 12493  
state and, if filed, shall be recorded in the records of deeds for 12494  
that county. For that recording, the county recorder shall charge 12495  
and collect the same fee as in the case of deeds. 12496

**Sec. 1702.05.** (A) Except as provided in this section and in 12497  
sections 1702.41 and 1702.45 of the Revised Code, the secretary of 12498  
state shall not accept for filing in the secretary of state's 12499  
office any articles if the corporate name set forth in the 12500  
articles is not distinguishable upon the secretary of state's 12501  
records from any of the following: 12502

(1) The name of any other corporation, whether a nonprofit 12503  
corporation or a business corporation and whether that of a 12504  
domestic or of a foreign corporation authorized to do business in 12505  
this state; 12506

(2) The name of any limited liability company registered in 12507  
the office of the secretary of state pursuant to Chapter 1705. of 12508  
the Revised Code, whether domestic or foreign; 12509

(3) The name of any limited liability partnership registered 12510  
in the office of the secretary of state pursuant to Chapter 1775. 12511  
of the Revised Code, whether domestic or foreign; 12512

(4) The name of any limited partnership registered in the 12513  
office of the secretary of state pursuant to Chapter 1782. of the 12514  
Revised Code, whether domestic or foreign; 12515

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(5) Any trade name, the exclusive right to which is at the 12516  
time in question registered in the office of the secretary of 12517  
state pursuant to Chapter 1329. of the Revised Code. 12518

(B) The secretary of state shall determine for purposes of 12519  
this section whether a name is "distinguishable" from another name 12520  
upon the secretary of state's records. Without excluding other 12521  
names that may not constitute distinguishable names in this state, 12522  
a name is not considered distinguishable from another name for 12523  
purposes of this section solely because it differs from the other 12524  
name in only one or more of the following manners: 12525

(1) The use of the word "corporation," "company," 12526  
"incorporated," "limited," or any abbreviation of any of those 12527  
words; 12528

(2) The use of any article, conjunction, contraction, 12529  
abbreviation, or punctuation; 12530

(3) The use of a different tense or number of the same word. 12531

(C) A corporation may apply to the secretary of state for 12532  
authorization to use a name that is not distinguishable upon the 12533  
secretary of state's records from the name of any other 12534  
corporation, any limited liability company, limited liability 12535  
partnership, or limited partnership, or from a registered trade 12536  
name, if there also is filed in the office of the secretary of 12537  
state, on a form prescribed by the secretary of state, the consent 12538  
of the other entity, or, in the case of a registered trade name, 12539  
the person in whose name is registered the exclusive right to use 12540  
the name, which consent is evidenced in a writing signed by any 12541  
authorized officer or authorized representative of the other 12542  
entity or person. 12543

(D) In case of judicial sale or judicial transfer, by sale or 12544  
transfer of good will or otherwise, of the right to use the name 12545  
of a nonprofit corporation or business corporation, whether that 12546

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of a domestic corporation or of a foreign corporation authorized 12547  
to exercise its corporate privileges in this state or to do 12548  
business in this state, the secretary of state, at the instance of 12549  
the purchaser or transferee of such right, shall accept for filing 12550  
articles of a corporation with a name the same as or similar to 12551  
the name of such other corporation, if there also is filed in the 12552  
office of the secretary of state a certified copy of the decree or 12553  
order of court confirming or otherwise evidencing the purchase or 12554  
transfer. 12555

(E) Any person who wishes to reserve a name for a proposed 12556  
new corporation, or any corporation intending to change its name, 12557  
may submit to the secretary of state a written application, on a 12558  
form prescribed by the secretary of state, for the exclusive right 12559  
to use a specified name as the name of a corporation. If the 12560  
secretary of state finds that, under this section, the specified 12561  
name is available for such use, the secretary of state shall file 12562  
such application, and, from the date of such filing, such 12563  
applicant shall have the exclusive right for sixty one hundred 12564  
eighty days to use the specified name as the name of a 12565  
corporation, counting the date of such filing as the first of the 12566  
sixty one hundred eighty days. The right so obtained may be 12567  
transferred by the applicant or other holder of the right by the 12568  
filing in the office of the secretary of state of a written 12569  
transfer, on a form prescribed by the secretary of state, stating 12570  
the name and address of the transferee. 12571

~~(F) For filing under this section any application or other 12572  
document, other than articles or a consent to the use of a name, 12573  
the secretary of state shall charge and collect a fee of five 12574  
dollars. 12575~~

**Sec. 1702.06.** (A) Every corporation shall have and maintain 12576  
an agent, sometimes referred to as the "statutory agent," upon 12577

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whom any process, notice, or demand required or permitted by 12578  
statute to be served upon a corporation may be served. The agent 12579  
may be a natural person who is a resident of this state, or may be 12580  
a domestic or foreign business corporation holding a license as 12581  
such under the laws of this state that is authorized by its 12582  
articles of incorporation to act as such agent, and that has a 12583  
business address in this state. 12584

(B) The secretary of state shall not accept original articles 12585  
for filing unless there is filed with the articles a written 12586  
appointment of an agent signed by the incorporators of the 12587  
corporation or a majority of them and a written acceptance of the 12588  
appointment signed by the agent. In all other cases, the 12589  
corporation shall appoint the agent and shall file in the office 12590  
of the secretary of state a written appointment of the agent that 12591  
is signed by any authorized officer of the corporation and a 12592  
written acceptance of the appointment that is either the original 12593  
acceptance signed by the agent or a photocopy, facsimile, or 12594  
similar reproduction of the original acceptance signed by the 12595  
agent. 12596

(C) The written appointment of an agent shall set forth the 12597  
name and address in this state of the agent, including the street 12598  
and number or other particular description, and shall otherwise be 12599  
in such form as the secretary of state prescribes. The secretary 12600  
of state shall keep a record of the names of corporations and the 12601  
names and addresses of their respective agents. 12602

(D) If any agent dies, removes from the state, or resigns, 12603  
the corporation shall forthwith appoint another agent and file 12604  
with the secretary of state, on a form prescribed by the secretary 12605  
of state, a written appointment of that agent. 12606

(E) If the agent changes the agent's address from that 12607  
appearing upon the record in the office of the secretary of state, 12608  
the corporation or the agent shall forthwith file with the 12609

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secretary of state, on a form prescribed by the secretary of 12610  
state, a written statement setting forth the new address. 12611

(F) An agent may resign by filing with the secretary of 12612  
state, on a form prescribed by the secretary of state, a written 12613  
notice to that effect that is signed by the agent and by sending a 12614  
copy of the notice to the corporation at the current or last known 12615  
address of its principal office on or prior to the date that 12616  
notice is filed with the secretary of state. The notice shall set 12617  
forth the name of the corporation, the name and current address of 12618  
the agent, the current or last known address, including the street 12619  
and number or other particular description, of the corporation's 12620  
principal office, the resignation of the agent, and a statement 12621  
that a copy of the notice has been sent to the corporation within 12622  
the time and in the manner prescribed by this division. Upon the 12623  
expiration of sixty days after such filing, the authority of the 12624  
agent shall terminate. 12625

(G) A corporation may revoke the appointment of an agent by 12626  
filing with the secretary of state, on a form prescribed by the 12627  
secretary of state, a written appointment of another agent and a 12628  
statement that the appointment of the former agent is revoked. 12629

(H) Any process, notice, or demand required or permitted by 12630  
statute to be served upon a corporation may be served upon the 12631  
corporation by delivering a copy of it to its agent, if a natural 12632  
person, or by delivering a copy of it at the address of its agent 12633  
in this state, as such address appears upon the record in the 12634  
office of the secretary of state. If (1) the agent cannot be 12635  
found, or (2) the agent no longer has that address, or (3) the 12636  
corporation has failed to maintain an agent as required by this 12637  
section, and if in any such case the party desiring that such 12638  
process, notice, or demand be served, or the agent or 12639  
representative of the party, shall have filed with the secretary 12640  
of state an affidavit stating that one of the foregoing conditions 12641

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exists and stating the most recent address of the corporation that 12642  
the party after diligent search has been able to ascertain, then 12643  
service of process, notice, or demand upon the secretary of state, 12644  
as the agent of the corporation, may be initiated by delivering to 12645  
the secretary of state or at the secretary of state's office 12646  
triplicate copies of such process, notice, or demand and by paying 12647  
to the secretary of state a fee of five dollars. The secretary of 12648  
state shall forthwith give notice of such delivery to the 12649  
corporation at its principal office as shown upon the record in 12650  
the secretary of state's office and also to the corporation at any 12651  
different address set forth in the above mentioned affidavit, and 12652  
shall forward to the corporation at each of those addresses, by 12653  
certified mail, with request for return receipt, a copy of such 12654  
process, notice, or demand; and thereupon service upon the 12655  
corporation shall be deemed to have been made. 12656

(I) The secretary of state shall keep a record of each 12657  
process, notice, and demand delivered to the secretary of state or 12658  
at the secretary of state's office under this section or any other 12659  
law of this state that authorizes service upon the secretary of 12660  
state, and shall record the time of such delivery and the 12661  
secretary of state's action thereafter with respect thereto. 12662

(J) This section does not limit or affect the right to serve 12663  
any process, notice, or demand upon a corporation in any other 12664  
manner permitted by law. 12665

(K) Except when an original appointment of an agent is filed 12666  
with the original articles, a written appointment of an agent or a 12667  
written statement filed by a corporation with the secretary of 12668  
state shall be signed by any authorized officer of the corporation 12669  
or by the incorporators of the corporation or a majority of them 12670  
if no directors have been elected. 12671

(L) For filing a written appointment of an agent other than 12672  
one filed with original articles, and for filing a statement of 12673

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change of address of an agent, the secretary of state shall charge 12674  
and collect ~~a~~ the fee specified in division (R) of three dollars 12675  
section 111.16 of the Revised Code. 12676

(M) Upon the failure of any corporation to appoint another 12677  
agent or to file a statement of change of address of an agent, the 12678  
secretary of state shall give notice thereof by certified mail to 12679  
the corporation at the address set forth in the notice of 12680  
resignation or on the most recent statement of continued existence 12681  
filed in this state by the corporation. Unless the failure is 12682  
cured within thirty days after the mailing by the secretary of 12683  
state of the notice or within any further period the secretary of 12684  
state grants, upon the expiration of that period, the articles of 12685  
the corporation shall be canceled without further notice or action 12686  
by the secretary of state. The secretary of state shall make a 12687  
notation of the cancellation on the secretary of state's records. 12688  
A corporation whose articles have been canceled may be reinstated 12689  
by filing, on a form prescribed by the secretary of state, an 12690  
application for reinstatement and the required appointment of 12691  
agent or required statement, and by paying ~~a~~ the filing fee 12692  
specified in division (Q) of ten dollars section 111.16 of the 12693  
Revised Code. The rights, privileges, and franchises of a 12694  
corporation whose articles have been reinstated are subject to 12695  
section 1702.60 of the Revised Code. The secretary of state shall 12696  
furnish the tax commissioner a monthly list of all corporations 12697  
canceled and reinstated under this division. 12698

(N) This section does not apply to banks, trust companies, 12699  
insurance companies, or any corporation defined under the laws of 12700  
this state as a public utility for taxation purposes. 12701

**Sec. 1702.43.** (A) Upon adoption by each constituent 12702  
corporation of an agreement of merger or consolidation pursuant to 12703  
section 1702.42 or 1702.45 of the Revised Code, a certificate of 12704

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merger or consolidation, signed by any authorized representative 12705  
of each constituent corporation, shall be filed with the secretary 12706  
of state. The certificate shall be on a form prescribed by the 12707  
secretary of state and shall set forth only the information 12708  
required by this section. 12709

(1) The certificate of merger or consolidation shall set 12710  
forth all of the following: 12711

(a) The name of each constituent entity and the state under 12712  
whose laws each constituent entity exists; 12713

(b) A statement that each constituent entity has complied 12714  
with all of the laws under which it exists and that the laws 12715  
permit the merger or consolidation; 12716

(c) The name and mailing address of the person or entity that 12717  
is to provide, in response to any written request made by a member 12718  
or other person, a copy of the agreement of merger or 12719  
consolidation; 12720

(d) The effective date of the merger or consolidation, which 12721  
date may be on or after the date of the filing of the certificate; 12722

(e) The signature of each representative authorized to sign 12723  
the certificate on behalf of each constituent entity and the 12724  
office each representative authorized to sign holds or the 12725  
capacity in which the representative is acting; 12726

(f) A statement that the agreement of merger or consolidation 12727  
is authorized on behalf of each constituent entity and that each 12728  
person who signed the certificate on behalf of each entity is 12729  
authorized to do so; 12730

(g) In the case of a merger, a statement that one or more 12731  
specified constituent entities will be merged into a specified 12732  
surviving entity or, in the case of a consolidation, a statement 12733  
that the constituent entities will be consolidated into a new 12734  
entity; 12735

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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;
- (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, the certificate of consolidation shall be accompanied by a copy of the articles of incorporation of the new domestic corporation.
- (3) In the case of a merger into a domestic corporation, the certificate of merger shall be accompanied by a copy of any amendments to the articles of incorporation of the surviving domestic corporation.
- (4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, the certificate of merger or consolidation shall contain a statement to that effect and a statement with respect to the appointment of the statutory agent and with respect to the consent to service of any process, notice, or demand upon that statutory agent or the secretary of state, as required when a foreign corporation applies for a certificate authorizing it to transact business in this state.
- (5) If a domestic or foreign corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a domestic or foreign corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (G) of section 1702.47 of the

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Revised Code, with respect to each domestic corporation, and by 12767  
the affidavits, receipts, certificates, or other evidence required 12768  
by division (C) or (D) of section 1703.17 of the Revised Code, 12769  
with respect to each foreign constituent corporation licensed to 12770  
transact business in this state. 12771

(B) If any constituent entity in a merger or consolidation is 12772  
organized or formed under the laws of a state other than this 12773  
state or under any chapter of the Revised Code other than this 12774  
chapter, there also shall be filed in the proper office all 12775  
documents that are required to be filed in connection with the 12776  
merger or consolidation by the laws of that state or by that 12777  
chapter. 12778

(C) Upon the filing of a certificate of merger or 12779  
consolidation and other filings as described in division (B) of 12780  
this section, or at such later date as the certificate of merger 12781  
or consolidation specifies, the merger or consolidation shall 12782  
become effective. 12783

(D) The secretary of state shall furnish, upon request and 12784  
payment of a the fee specified in division (D) of ~~ten dollars~~ 12785  
section 111.16 of the Revised Code, a certificate setting forth 12786  
the name of each constituent entity and the state under whose laws 12787  
each constituent entity existed prior to the merger or 12788  
consolidation, the name of the surviving or new entity and the 12789  
state under whose laws the surviving entity exists or the new 12790  
entity is to exist, the date of filing of the certificate of 12791  
merger or consolidation with the secretary of state, and the 12792  
effective date of the merger or consolidation. The certificate of 12793  
the secretary of state or a copy of the merger or consolidation 12794  
certified by the secretary of state may be filed for record in the 12795  
office of the recorder of any county in this state and, if filed, 12796  
shall be recorded in the records of deeds for that county. For 12797  
that recording, the county recorder shall charge and collect the 12798

same fee as in the case of deeds. 12799

**Sec. 1702.59.** (A) Every nonprofit corporation, incorporated 12800  
under the general corporation laws of this state, or previous 12801  
laws, or under special provisions of the Revised Code, or created 12802  
before September 1, 1851, which corporation has expressly or 12803  
impliedly elected to be governed by the laws passed since that 12804  
date, and whose articles or other documents are filed with the 12805  
secretary of state, shall file with the secretary of state a 12806  
verified statement of continued existence, signed by a director, 12807  
officer, or three members in good standing, setting forth the 12808  
corporate name, the place where the principal office of the 12809  
corporation is located, the date of incorporation, the fact that 12810  
the corporation is still actively engaged in exercising its 12811  
corporate privileges, and the name and address of its agent 12812  
appointed pursuant to section 1702.06 of the Revised Code. 12813

(B) Each corporation required to file a statement of 12814  
continued existence shall file it with the secretary of state 12815  
within each five years after the date of incorporation or of the 12816  
last corporate filing. ~~For filing such statements of continued 12817  
existence, the secretary of state shall charge and collect a fee 12818  
of five dollars.~~ 12819

(C) Corporations specifically exempted by division (N) of 12820  
section 1702.06 of the Revised Code, or whose activities are 12821  
regulated or supervised by another state official, agency, bureau, 12822  
department, or commission are exempted from this section. 12823

(D) The secretary of state shall give notice in writing and 12824  
provide a form for compliance with this section to each 12825  
corporation required by this section to file the statement of 12826  
continued existence, such notice and form to be mailed to the last 12827  
known address of the corporation as it appears on the records of 12828  
the secretary of state or which the secretary of state may 12829

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ascertain upon a reasonable search.	12830
(E) <del>In the event</del> <u>If</u> any nonprofit corporation required by	12831
this section to file a statement of continued existence fails to	12832
file the statement required every fifth year, then the secretary	12833
of state shall cancel the articles of such corporation, make a	12834
notation of the cancellation on the records, and mail to the	12835
corporation a certificate of the action so taken.	12836
(F) A corporation whose articles have been canceled may be	12837
reinstated by filing an application for reinstatement and paying	12838
to the secretary of state <del>a</del> <u>the fee specified in division (O) of</u>	12839
<del>ten dollars</del> <u>section 111.16 of the Revised Code</u> . The name of a	12840
corporation whose articles have been canceled shall be reserved	12841
for a period of one year after the date of cancellation. If the	12842
reinstatement is not made within one year from the date of the	12843
cancellation of its articles of incorporation and it appears that	12844
a corporate name, limited liability company name, limited	12845
liability partnership name, limited partnership name, or trade	12846
name has been filed, the name of which is not distinguishable upon	12847
the record as provided in section 1702.06 of the Revised Code, the	12848
applicant for reinstatement shall be required by the secretary of	12849
state, as a condition prerequisite to such reinstatement, to amend	12850
its articles by changing its name. A certificate of reinstatement	12851
may be filed in the recorder's office of any county in the state,	12852
for which the recorder shall charge and collect a fee of one	12853
dollar. The rights, privileges, and franchises of a corporation	12854
whose articles have been reinstated are subject to section 1702.60	12855
of the Revised Code.	12856
(G) The secretary of state shall furnish the tax commissioner	12857
a list of all corporations failing to file the required statement	12858
of continued existence.	12859
<b>Sec. 1703.04.</b> (A) To procure a license to transact business	12860

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in this state, a foreign corporation for profit shall file with 12861  
the secretary of state a certificate of good standing or 12862  
subsistence, dated not earlier than ninety days prior to the 12863  
filing of the application, under the seal of the secretary of 12864  
state, or other proper official, of the state under the laws of 12865  
which said corporation was incorporated, setting forth: 12866

- (1) The exact corporate title; 12867
- (2) The date of incorporation; 12868
- (3) The fact that the corporation is in good standing or is a 12869  
subsisting corporation. 12870

(B) To procure such a license, such corporation also shall 12871  
file with the secretary of state an application in such form as 12872  
the secretary of state prescribes, verified by the oath of any 12873  
authorized officer of such corporation, setting forth, but not 12874  
limited to: 12875

- (1) The name of the corporation and, if its corporate name is 12876  
not available, the trade name under which it will do business in 12877  
this state; 12878
- (2) The name of the state under the laws of which it was 12879  
incorporated; 12880
- (3) The location and complete address of its principal 12881  
office; 12882
- (4) The name of the county and the municipal corporation or 12883  
township in which its principal office within this state, if any, 12884  
is to be located; 12885
- (5) The appointment of a designated agent and the complete 12886  
address of such agent; 12887
- (6) The irrevocable consent of such corporation to service of 12888  
process on such agent so long as the authority of such agent 12889  
continues and to service of process upon the secretary of state in 12890

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the events provided for in section 1703.19 of the Revised Code;	12891
(7) A brief summary of the corporate purposes to be exercised within this state.	12892 12893
<del>(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.</del>	12894 12895 12896 12897
<del>(D)</del> (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 pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign, 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, 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, or a trade name to which the exclusive right at the time in question is registered in the manner provided in Chapter 1329. of the Revised Code, unless there also is filed with the secretary of state, on a form prescribed by the secretary of state, the consent of the other entity or person to the use of the name, evidenced in a writing signed by any authorized officer of the other entity or authorized representative of the other person owning the exclusive right to the registered trade name.	12898 12899 12900 12901 12902 12903 12904 12905 12906 12907 12908 12909 12910 12911 12912 12913 12914 12915 12916 12917 12918 12919
(2) Notwithstanding division <del>(D)</del> (C)(1) of this section, if an application for a license is not acceptable for filing solely because the name of the foreign corporation is not distinguishable	12920 12921 12922

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from the name of another entity or registered trade name, the 12923  
foreign corporation may be authorized to transact business in this 12924  
state by filing with the secretary of state, in addition to those 12925  
items otherwise prescribed by this section, a statement signed by 12926  
an authorized officer directing the foreign corporation to make 12927  
application for a license to transact business in this state under 12928  
an assumed business name or names that comply with the 12929  
requirements of this division and stating that the foreign 12930  
corporation will transact business in this state only under the 12931  
assumed name or names. The application for a license shall be on a 12932  
form prescribed by the secretary of state. 12933

**Sec. 1703.041.** (A) Every foreign corporation for profit that 12934  
is licensed to transact business in this state, and every foreign 12935  
nonprofit corporation that is licensed to exercise its corporate 12936  
privileges in this state, shall have and maintain an agent, 12937  
sometimes referred to as the "designated agent," upon whom process 12938  
against the corporation may be served within this state. The agent 12939  
may be a natural person who is a resident of this state, or may be 12940  
a domestic corporation for profit or a foreign corporation for 12941  
profit holding a license under the laws of this state that is 12942  
authorized by its articles of incorporation to act as an agent and 12943  
that has a business address in this state. 12944

(B) The written appointment of a designated agent shall set 12945  
forth the name and address of the agent, including the street and 12946  
number or other particular description, and shall otherwise be in 12947  
such form as the secretary of state prescribes. The secretary of 12948  
state shall keep a record of the names of such foreign 12949  
corporations and the names and addresses of their respective 12950  
agents. 12951

(C) If the designated agent dies, removes from the state, or 12952  
resigns, the foreign corporation shall forthwith appoint another 12953  
agent and file in the office of the secretary of state an 12954

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~~amendment to the corporation's application for a foreign license~~ 12955  
~~indicating the name and address, on a form prescribed by the~~ 12956  
~~secretary of state, a written appointment of the new agent.~~ 12957

(D) If the designated agent changes the agent's address from 12958  
that appearing upon the record in the office of the secretary of 12959  
state, the foreign corporation or the designated agent in its 12960  
behalf shall forthwith file with the secretary of state ~~an~~ 12961  
~~amendment to the corporation's application for a foreign license~~ 12962  
~~setting forth the new address unless the change is reported on the~~ 12963  
~~annual report filed with the department of taxation, on a form~~ 12964  
~~prescribed by the secretary of state, a written statement setting~~ 12965  
~~forth the agent's new address.~~ 12966

(E) A designated agent may resign by filing with the 12967  
secretary of state, on a form prescribed by the secretary of 12968  
state, a signed statement to that effect. The secretary of state 12969  
shall forthwith mail a copy of ~~such~~ the statement to the foreign 12970  
corporation at its principal office as shown by the record in the 12971  
secretary of state's office. Upon the expiration of sixty days 12972  
after the filing, the authority of the agent shall terminate. 12973

(F) A foreign corporation may revoke the appointment of a 12974  
designated agent by filing with the secretary of state ~~an~~ 12975  
~~amendment to its application for a foreign license appointing~~ 12976  
~~another agent that includes, on a form prescribed by the secretary~~ 12977  
~~of state, a written appointment of another agent and~~ a statement 12978  
that the appointment of the former agent is revoked. 12979

(G) Process may be served upon a foreign corporation by 12980  
delivering a copy of it to its designated agent, if a natural 12981  
person, or by delivering a copy of it at the address of its agent 12982  
in this state, as the address appears upon the record in the 12983  
office of the secretary of state. 12984

(H) This section does not limit or affect the right to serve 12985  
process upon a foreign corporation in any other manner permitted 12986

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by law. 12987

(I) Every foreign corporation for profit shall state in each 12988  
annual report filed by it with the department of taxation the name 12989  
and address of its designated agent in this state. 12990

**Sec. 1703.15.** No foreign corporation shall transact in this 12991  
state any business that could not be lawfully transacted by a 12992  
domestic corporation. Whenever the secretary of state finds that a 12993  
foreign corporation licensed to transact business in this state is 12994  
transacting in this state a business that a domestic corporation 12995  
could not lawfully transact, is transacting business in this state 12996  
in a corporate name that is not readily distinguishable from the 12997  
name of every other corporation, limited liability company, 12998  
limited liability partnership, or limited partnership, domestic or 12999  
foreign, or every trade name, registered in the office of the 13000  
secretary of state, theretofore authorized to transact business in 13001  
this state, without the consent of the other corporation, limited 13002  
liability company, limited liability partnership, limited 13003  
partnership, or trade name registrant, evidenced in writing filed 13004  
with the secretary of state pursuant to section 1703.04 of the 13005  
Revised Code, or has failed, after the death or resignation of its 13006  
designated agent or the designated agent's removal from this 13007  
state, to designate another agent as required by section 1703.041 13008  
of the Revised Code, the secretary of state shall give notice 13009  
thereof by certified mail to the corporation. Unless that failure 13010  
is cured within thirty days after the mailing by the secretary of 13011  
state of the notice or within such further period as the secretary 13012  
of state grants, the secretary of state, upon the expiration of 13013  
such period, shall cancel the license of the foreign corporation 13014  
to transact business in this state, give notice of the 13015  
cancellation to the corporation by mail, and make a notation of 13016  
the cancellation on the secretary of state's records. 13017  
13018

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A foreign corporation whose license has been canceled may be reinstated upon its filing with the secretary of state, on a form prescribed by the secretary of state, an application for reinstatement accompanied by ~~a~~ the fee specified in division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. If the application for reinstatement is submitted in a tax year or calendar year other than that in which the cancellation occurred, the application also shall be accompanied by a certificate of reinstatement issued by the department of taxation. The name of a corporation whose license has been canceled pursuant to this section shall be reserved for a period of one year after the date of cancellation. If the reinstatement is not made within one year after the date of cancellation of the foreign license and it appears that 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 division (D) of section 1703.04 of the Revised Code, the secretary of state shall require the applicant for the reinstatement, as a condition prerequisite to such reinstatement, to apply for authorization to transact business in this state under an assumed name.

**Sec. 1703.17.** (A) A foreign corporation may surrender its license to transact business in this state in the manner provided in this section.

(B) A certificate of surrender signed by any authorized officer, or by the receiver, trustee in bankruptcy, or other liquidator of such corporation, shall be filed with the secretary of state, on a form prescribed by the secretary of state, setting forth:

(1) The name of the corporation and of the state under the laws of which it is incorporated;

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(2) That it surrenders its license;	13050
(3) The address to which the secretary of state may mail any process against such corporation that may be served upon the secretary of state, and may mail any other notices, certificates, or statements.	13051 13052 13053 13054
(C) A certificate of surrender, filed with the secretary of state, on a form prescribed by the secretary of state, shall be accompanied by:	13055 13056 13057
(1) A receipt, certificate, or other evidence showing the payment of all franchise, sales, use, and highway use taxes accruing up to the date of such filing, or that such payment has been adequately guaranteed;	13058 13059 13060 13061
(2) A receipt, certificate, or other evidence showing the payment of all personal property taxes accruing up to the date of such filing;	13062 13063 13064
(3) A receipt, certificate, or other evidence from the director of job and family services showing that all contributions due from the corporation as an employer have been paid, or that such payment has been adequately guaranteed, or that the corporation is not subject to such contributions;	13065 13066 13067 13068 13069
(4) An affidavit of the officer, or other person permitted by law, executing the certificate of surrender, containing a statement of the counties, if any, in this state in which the corporation has personal property or a statement that the corporation is of a type required to pay personal property taxes to state authorities only.	13070 13071 13072 13073 13074 13075
(D) In lieu of the receipt, certificate, or other evidence described in divisions (C)(1), (2), and (3) of this section, a certificate of surrender may be accompanied by an affidavit of the person executing the certificate of surrender, or of an officer of the corporation, that contains a statement of the date upon which	13076 13077 13078 13079 13080

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the particular department, agency, or authority was advised in writing of the scheduled date of filing the certificate of surrender and was advised in writing of the acknowledgement by the corporation that the surrender of its license does not relieve it of liability, if any, for payment of the taxes and contributions described in divisions (C)(1), (2), and (3) of this section.

(E) In lieu of filing such certificate of surrender there may be filed a certificate of the secretary of state, or other proper official, of the state under the laws of which the corporation is incorporated, certifying that said corporation has been dissolved or its corporate existence otherwise terminated, or a certified copy of an order of court terminating the existence of such corporation; but such certificate or certified copy shall be accompanied by the information required by division (B)(3) of this section.

(F) ~~For~~ After the payment of the fee specified in division (N)(2) of section 111.16 of the Revised Code and the filing of any such certificate or certified copy under this section, there shall be paid to the secretary of state a filing fee of twenty-five dollars. The the secretary of state shall ~~thereupon~~ cancel the license of such corporation, make a notation of such cancellation upon the secretary of state's records, and mail to the corporation a certificate of the action so taken.

(G) The mere retirement from business of a foreign corporation without filing a certificate of surrender shall not exempt such corporation from the requirements of filing the reports and paying the fees required by sections 1703.01 to 1703.31 of the Revised Code, or from making reports and paying excise or franchise fees or taxes.

**Sec. 1703.27.** No foreign nonprofit corporation shall exercise its corporate privileges in this state in a continual course of

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transactions until it has first procured from the secretary of state a certificate authorizing it to do so. 13112  
13113

Before issuing such certificate, the secretary of state shall require such foreign corporation to file in the secretary of state's office a certificate of good standing or subsistence, setting forth the exact corporate title, the date of incorporation, and the fact that the corporation is in good standing or is a subsisting corporation, certified by the secretary of state, or other proper official, of the state under the laws of which the corporation was incorporated, and a statement, on a form prescribed by the secretary of state, verified by the oath of one of its officers, setting forth, but not limited to, the following: 13114  
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(A) The name of the corporation; 13125

(B) The state under the laws of which it is incorporated; 13126

(C) The location of its principal office; 13127

(D) The corporate privileges it proposes to exercise in this state; 13128  
13129

(E) The location of its principal office in this state; 13130

(F) The appointment of a designated agent and the complete address of such agent; 13131  
13132

(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. 13133  
13134  
13135  
13136

For the filing of ~~such that~~ statement, the secretary of state shall charge and collect ~~a~~ the fee specified in division (I)(1) of thirty-five dollars section 111.16 of the Revised Code. 13137  
13138  
13139

A foreign nonprofit corporation shall file an amendment with the secretary of state if there is a modification of any of the 13140  
13141

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information required to be included in its statement, except for 13142  
changes in information required by division (F) of this section, 13143  
which shall be corrected in the same manner as described in 13144  
section 1702.06 of the Revised Code. For the filing of ~~such~~ 13145  
~~amendment~~ those amendments and corrections, the secretary of state 13146  
shall charge and collect ~~a~~ the fee specified in division (B) or 13147  
(R) of fifty dollars section 111.16 of the Revised Code. 13148

Sections 1703.01 to 1703.31 of the Revised Code, governing 13149  
foreign corporations for profit in respect to exemption from 13150  
attachment, change of location of principal office, change of its 13151  
designated agent or of the designated agent's address, service on 13152  
the secretary of state, license certificate as prima-facie 13153  
evidence, proof of due incorporation, filing of amendments 13154  
evidencing changes of corporate name, merger, or consolidation, 13155  
filing of certificate of surrender, service on retired 13156  
corporation, and penalties or forfeitures for transacting business 13157  
without license, for false reports, and for failure to comply with 13158  
other applicable provisions of such sections, shall also apply to 13159  
foreign nonprofit corporations. 13160

The secretary of state may require further reports, 13161  
certificates, or information from a foreign nonprofit corporation, 13162  
including verification of the continued existence of the 13163  
corporation. Upon the failure of any corporation to provide the 13164  
information, the secretary of state shall give notice of the 13165  
failure by certified mail and, if the report is not filed within 13166  
thirty days after the mailing of the notice, the license of the 13167  
corporation to exercise its corporate privileges in this state 13168  
shall expire and the secretary of state shall make a notation to 13169  
that effect on the secretary of state's records. 13170

**Sec. 1703.31.** (A) Any foreign corporation may register its 13171  
corporate name, if its corporate name is available for use under 13172

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division (D) of section 1703.04 of the Revised Code, by filing in	13173
the office of the secretary of state an application, on a form	13174
prescribed by the secretary of state, that contains the following	13175
information:	13176
(1) The exact corporate name to be registered;	13177
(2) The complete address of the principal office of the	13178
corporation;	13179
(3) The jurisdiction of its incorporation;	13180
(4) The date of its incorporation;	13181
(5) A statement that it is carrying on or doing business;	13182
(6) The general nature of the business in which it is	13183
engaged;	13184
(7) Any other information required by the secretary of state.	13185
	13186
The application shall be signed and verified by an officer of	13187
the applicant.	13188
The application shall be accompanied by a certificate stating	13189
that the corporation is in good standing under the laws of the	13190
jurisdiction of its incorporation, which certificate shall be	13191
executed by the official of the jurisdiction having custody of the	13192
records pertaining to corporations and dated not earlier than	13193
sixty days prior to the filing of the application.	13194
A <u>The filing fee specified in division (S)(1) of twenty-five</u>	13195
<u>dollars, payable to the secretary of state, section 111.16 of the</u>	13196
<u>Revised Code</u> shall accompany the application.	13197
(B) Registration of a corporate name under this section is	13198
effective for a term of one year from the date of registration.	13199
Upon application, on a form prescribed by the secretary of state,	13200
filed with the secretary of state prior to the expiration of each	13201
one-year term, the registration may be renewed for an additional	13202

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term. The renewal application shall set forth the facts required 13203  
to be set forth in the original application for registration, 13204  
together with a certificate of good standing as required for the 13205  
initial registration. 13206

The secretary of state shall notify registrants within the 13207  
three months before the expiration of one year from the date of 13208  
registration of the necessity of renewal by writing to the 13209  
principal office address of the registrants as shown upon the 13210  
current registration in effect. 13211

A The renewal fee specified in division (S)(3) of ~~twenty-five~~ 13212  
dollars section 111.16 of the Revised Code, payable to the 13213  
secretary of state, shall accompany the application for renewal of 13214  
the registration. 13215

**Sec. 1705.05.** (A) The name of a limited liability company 13216  
shall include the words, "limited liability company," without 13217  
abbreviation or shall include one of the following abbreviations: 13218  
"LLC," "L.L.C.," "limited," "ltd.," or "ltd". 13219

(B)(1) Except as provided in this section and in sections 13220  
1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised 13221  
Code, the secretary of state shall not accept for filing in the 13222  
secretary of state's office the articles of organization of a 13223  
limited liability company if the company name set forth in the 13224  
articles is not distinguishable on the records of the secretary of 13225  
state from the name of any of the following: 13226

(a) Any other limited liability company, whether the name is 13227  
of a domestic limited liability company or of a foreign limited 13228  
liability company registered as a foreign limited liability 13229  
company under this chapter; 13230

(b) Any corporation, whether the name is of a domestic 13231  
corporation or of a foreign corporation holding a license as a 13232

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foreign corporation under the laws of this state pursuant to	13233
Chapter 1701., 1702., or 1703. of the Revised Code;	13234
(c) Any limited liability partnership, whether the name is of	13235
a domestic limited liability partnership or a foreign limited	13236
liability partnership registered pursuant to Chapter 1775. of the	13237
Revised Code;	13238
(d) Any limited partnership, whether the name is of a	13239
domestic limited partnership or a foreign limited partnership	13240
registered pursuant to Chapter 1782. of the Revised Code;	13241
(e) Any trade name to which the exclusive right, at the time	13242
in question, is registered in the office of the secretary of state	13243
pursuant to Chapter 1329. of the Revised Code.	13244
(2) The secretary of state may accept for filing in the	13245
secretary of state's office the articles of organization of a	13246
limited liability company whose name set forth in the articles is	13247
not distinguishable on the records of the secretary of state from	13248
any trade name or the name of another limited liability company,	13249
corporation, limited liability partnership, or limited partnership	13250
if there also is filed in the secretary of state's office the	13251
consent of the other entity or, in the case of a registered trade	13252
name, the person in whose name is registered the exclusive right	13253
to the use of the particular name.	13254
(C) A consent given by an entity or person in whose name is	13255
registered the exclusive right to use a trade name, to the use of	13256
a name by a limited liability company, shall be in the form of an	13257
instrument, prescribed by the secretary of state, that is signed	13258
by an authorized officer or other authorized representative of the	13259
consenting entity or person in whose name the trade name is	13260
registered.	13261
(D) If a judicial sale or a judicial transfer by sale,	13262
transfer of good will, or otherwise involves the right to use the	13263

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name of a domestic limited liability company or of a foreign  
limited liability company registered as a foreign limited  
liability company under this chapter, then, at the request of the  
purchaser or transferee of that right, the secretary of state  
shall accept for filing articles of organization of a limited  
liability company with a name that is the same as or similar to  
the name of the other limited liability company if there also is  
filed in the secretary of state's office a certified copy of the  
court order or decree that confirms or otherwise evidences the  
purchase or transfer.

(E) Any person that wishes to reserve a name for a proposed  
new limited liability company or any limited liability company  
that intends to change its name may submit to the secretary of  
state, on a form prescribed by the secretary of state, a written  
application for the exclusive right to use a specified name as the  
name of the company. If the secretary of state finds, consistent  
with this section, that the specified name is available for use,  
the secretary of state shall file the application. From the date  
of the filing, the applicant has the exclusive right for sixty one  
hundred eighty days to use the specified name as the name of the  
limited liability company, counting the date of the filing as the  
first of the sixty one hundred eighty days. The right so obtained  
may be transferred by the applicant or other holder of the right  
by filing in the office of the secretary of state a written  
transfer, on a form prescribed by the secretary of state, that  
states the name and address of the transferee.

~~(F) The secretary of state shall charge and collect a fee of  
five dollars for filing under this section any application or  
document other than articles of organization or a consent to the  
use of a name.~~

**Sec. 1705.06.** (A) Each limited liability company shall

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maintain continuously in this state an agent for service of 13295  
process on the company. The agent shall be an individual who is a 13296  
resident of this state, a domestic corporation, or a foreign 13297  
corporation holding a license as a foreign corporation under the 13298  
laws of this state. 13299

(B)(1) The secretary of state shall not accept original 13300  
articles of organization of a limited liability company for filing 13301  
unless the articles are accompanied by both of the following: 13302

(a) A written appointment of an agent as described in 13303  
division (A) of this section that is signed by an authorized 13304  
member, manager, or other representative of the limited liability 13305  
company; 13306

(b) A written acceptance of the appointment that is signed by 13307  
the designated agent on a form prescribed by the secretary of 13308  
state. 13309

(2) In cases not covered by division (B)(1) of this section, 13310  
the limited liability company shall appoint the agent described in 13311  
division (A) of this section and shall file with the secretary of 13312  
state, on a form prescribed by the secretary of state, a written 13313  
appointment of that agent that is signed as described in division 13314  
(K) of this section and a written acceptance of the appointment 13315  
that is signed by the designated agent. 13316

(3) For purposes of divisions (B)(1) and (2) of this section, 13317  
the filed written acceptance of an agent's appointment shall be a 13318  
signed original document or a photocopy, facsimile, or similar 13319  
reproduction of a signed original document. 13320

(C) The written appointment of an agent described in division 13321  
(A) of this section shall set forth the name of the agent and the 13322  
agent's address in this state, including the street and number or 13323  
other particular description of that address. It otherwise shall 13324  
be in the form that the secretary of state prescribes. The 13325

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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.

(F) An agent described in division (A) of this section may  
resign by filing with the secretary of state, on a form prescribed  
by the secretary of state, a written notice of resignation that is  
signed by the agent and by mailing a copy of that notice to the  
limited liability company at the current or last known address of  
its principal office. The notice shall be mailed to the company on  
or prior to the date that the notice is filed with the secretary  
of state and shall set forth the name of the company, the name and  
current address of the agent, the current or last known address,  
including the street and number or other particular description,  
of the company's principal office, a statement of the resignation  
of the agent, and a statement that a copy of the notice has been  
sent to the company within the time and in the manner specified in  
this division. The authority of the resigning agent terminates  
thirty days after the filing of the notice with the secretary of  
state.

(G) A limited liability company may revoke the appointment of

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its agent described in division (A) of this section by filing with  
the secretary of state, on a form prescribed by the secretary of  
state, a written appointment of another agent and an acceptance of  
appointment in the manner described in division (B)(2) of this  
section and a statement indicating that the appointment of the  
former agent is revoked.

(H)(1) Any legal process, notice, or demand required or  
permitted by law to be served upon a limited liability company may  
be served upon the company as follows:

(a) If the agent described in division (A) of this section is  
an individual, by delivering a copy of the process, notice, or  
demand to the agent;

(b) If the agent is a corporation, by delivering a copy of  
the process, notice, or demand to the address of the agent in this  
state as contained in the records of the secretary of state.

(2) If the agent described in division (A) of this section  
cannot be found or no longer has the address that is stated in the  
records of the secretary of state or the limited liability company  
has failed to maintain an agent as required by this section and if  
the party or the agent or representative of the party that desires  
service of the process, notice, or demand files with the secretary  
of state an affidavit that states that one of those circumstances  
exists and states the most recent address of the company that the  
party who desires service has been able to ascertain after a  
diligent search, then the service of the process, notice, or  
demand upon the secretary of state as the agent of the company may  
be initiated by delivering to the secretary of state four copies  
of the process, notice, or demand accompanied by a fee of five  
dollars. The secretary of state shall give forthwith notice of  
that delivery to the company at either its principal office as  
shown upon the secretary of state's records or at any different  
address specified in the affidavit of the party desiring service

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and shall forward to the company at either address by certified  
mail, return receipt requested, a copy of the process, notice, or  
demand. Service upon the company is made when the secretary of  
state gives the notice and forwards the process, notice, or demand  
as set forth in division (H)(2) of this section.

(I) The secretary of state shall keep a record of each  
process, notice, and demand that pertains to a limited liability  
company and that is delivered to the secretary of state's office  
under this section or another law of this state that authorizes  
service upon the secretary of state in connection with a limited  
liability company. In that record, the secretary of state shall  
record the time of each delivery of that type and the secretary of  
state's subsequent action with respect to the process, notice, or  
demand.

(J) This section does not limit or affect the right to serve  
any process, notice, or demand upon a limited liability company in  
any other manner permitted by law.

(K) The written appointment of an agent or a written  
statement filed by the company with the secretary of state shall  
be signed by an authorized member, manager, or other  
representative of the company.

~~(L) For filing a written appointment of an agent described in  
division (A) of this section that is not filed with the original  
articles of organization of a limited liability company and for  
filing a statement of change of address of an agent, the secretary  
of state shall charge and collect a fee of three dollars.~~

**Sec. 1705.38.** (A) Upon the adoption by each constituent  
entity of an agreement of merger or consolidation pursuant to  
section 1705.36 or 1705.37 of the Revised Code, a certificate of  
merger or consolidation shall be filed with the secretary of state

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that is signed by a manager of each constituent limited liability company in which the management is not reserved to its members, by at least one member of each other constituent limited liability company, by at least one general partner of each constituent partnership, and by an authorized representative of each other constituent entity. The certificate shall be on a form prescribed by the secretary of state and shall set forth only the information required by this section.

(B)(1) The certificate of merger or consolidation shall set forth all of the following:

(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 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;

(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;

(g) In the case of a merger, a statement that one or more

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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 may be served;

(i) In the case of a consolidation, the name and address of  
the statutory agent upon whom any process, notice, or demand  
against any constituent entity or the new entity may be served.

(2) In the case of a consolidation into a new domestic  
corporation, limited liability company, or limited partnership,  
the articles of incorporation, the articles of organization, or  
the certificate of limited partnership of the new domestic entity  
shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation,  
limited liability company, or limited partnership, any amendments  
to the articles of incorporation, articles of organization, or  
certificate of limited partnership of the surviving domestic  
entity shall be filed with the certificate of merger or  
consolidation.

(4) If the surviving or new entity is a foreign entity that  
desires to transact business in this state as a foreign  
corporation, limited liability company, or limited partnership,  
the certificate of merger or consolidation shall be accompanied by  
the information required by division (B)(8), (9), or (10) of  
section 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

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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  
documents that are required to be filed in connection with the  
merger or consolidation by the laws of that state or by that  
chapter.

(D) Upon the filing of a certificate of merger or  
consolidation and other filings as described in division (C) of  
this section or at any later date that the certificate of merger  
or consolidation specifies, the merger or consolidation is  
effective.

(E)(1) 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 shall furnish the secretary of state's  
certificate setting forth all of the following:

(a) The name and form of entity of each constituent entity  
and the states under the laws of which each constituent entity  
existed prior to a merger or consolidation;

(b) 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;

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(c) The date of the filing of the certificate of merger or consolidation in the secretary of state's office; 13515  
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(d) The effective date of the merger or consolidation. 13517

(2) The certificate of the secretary of state or a copy of a certificate of merger or consolidation that has been 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 record of deeds for that county. For that recording, the county recorder shall charge and collect the same fees as for recording a deed. 13518  
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**Sec. 1705.55.** (A) If any statement in an application for registration as a foreign limited liability company is materially false when made or if any facts described in the application have changed making it inaccurate in any material respect, the foreign limited liability company shall file promptly with the secretary of state a certificate correcting the application that shall be on a form that is prescribed by the secretary of state and be signed by an authorized representative of the company. ~~If~~ 13525  
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(B) If the application for registration or a subsequent certificate of correction becomes inaccurate because the designated agent resigns or changes the agent's address from that appearing in the registration application or any subsequent certificate of correction of the registration application, the foreign limited liability company, or the designated agent on its behalf, shall file a notice of that resignation or change promptly with the secretary of state ~~a new certificate of correction setting forth the new address.~~ 13533  
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(C) A foreign limited liability company may revoke the appointment of its designated agent described in division (A) of section 1705.54 of the Revised Code by filing with the secretary of state, on a form prescribed by the secretary of state, a 13542  
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written appointment of another agent and an acceptance of 13546  
appointment in the manner described in division (B)(2) of section 13547  
1705.06 of the Revised Code and a statement indicating that the 13548  
appointment of the former agent is revoked. 13549

(D) The fee specified in division (R) of section 111.16 of 13550  
the Revised Code shall accompany a filing under division (B) or 13551  
(C) of this section. 13552

**Sec. 1746.04.** (A) Except as set forth in section 1746.03 of 13553  
the Revised Code, before transacting business in this state, a 13554  
business trust shall file ~~a report~~ in the office of the secretary 13555  
of state, on forms prescribed by the secretary of state, a report 13556  
containing the following information: 13557

(1) A list of the names and addresses of its trustees; 13558

(2) The address of its principal office; 13559

(3) In the case of a foreign business trust, the address of 13560  
its principal office within this state, if any; 13561

(4) The business names of the business trust, including any 13562  
fictitious or assumed names; 13563

(5) The name and address within this state of a designated 13564  
agent upon whom process against the business trust may be served; 13565

(6) The irrevocable consent of the business trust to service 13566  
of process upon its designated agent and to service of process 13567  
upon the secretary of state if, without the registration of 13568  
another agent with the secretary of state, its designated agent 13569  
has died, resigned, lost authority, dissolved, become 13570  
disqualified, or has removed from this state, or if its designated 13571  
agent cannot, with due diligence, be found. 13572

Such report shall have attached as an exhibit an executed 13573  
copy of the trust instrument or a true and correct copy of it, 13574

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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.

(B) Not more than ninety days after the occurrence of any  
event causing any filing, including exhibits, made pursuant to  
division (A) of this section, or any previous filing made pursuant  
to this division, to be inaccurate or incomplete, there shall be  
filed in the office of the secretary of state all information  
necessary to maintain the accuracy and completeness of such  
filing.

(C) The secretary of state shall charge and collect ~~a fee the~~  
fees specified in division (T) of seventy-five dollars section  
111.16 of the Revised Code for each filing made under division (A)  
~~of this section and fifteen dollars for each filing under division~~  
~~or (B) of this section, except for filings under division (B) of~~  
~~this section pertaining solely to division (A)(5) of this section,~~  
for which the secretary of state shall charge and collect the fee  
specified in division (R) of section 111.16 of the Revised Code.

(D) The trust instrument and other information filed in the  
office of the secretary of state are matters of public record, and  
persons dealing with a business trust are charged with  
constructive notice of the contents of any such instrument or  
information by reason of such filing.

(E) A copy of a trust instrument or other information filed  
in the office of the secretary of state shall be accepted as  
prima-facie evidence of the existence of the instrument or other  
information and of its contents, and conclusive evidence of the  
existence of such record.

**Sec. 1746.06.** (A) No business trust that has made a filing  
pursuant to section 1746.04 of the Revised Code may use the words  
"Incorporated," "Corporation," "Inc.," "Co.," "Partnership,"

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"Ltd.," or derivatives thereof in its name. 13606

(B) No business trust formed after the effective date of this 13607  
chapter that has made a filing pursuant to section 1746.04 of the 13608  
Revised Code shall assume the name of any corporation established 13609  
under the laws of this state, or of a corporation, firm, or 13610  
association, or trust whether or not as defined in section 1746.01 13611  
of the Revised Code, or of an individual, carrying on business in 13612  
this state at the time when the business trust is created, or 13613  
assume a name so similar thereto as to be likely to be mistaken 13614  
for it, except with the written consent of such existing 13615  
corporation, firm, association, or trust, or of such individual, 13616  
previously or concurrently filed with the secretary of state. 13617

(C) The secretary of state shall refuse to receive for filing 13618  
the trust instrument of a business trust if it appears to ~~him~~ the 13619  
secretary of state to have violated any provision of this section. 13620  
The courts of common pleas of this state shall have jurisdiction, 13621  
upon the application of any person interested or affected, to 13622  
enjoin a business trust from transacting business under any name 13623  
in violation of any provision of this section, notwithstanding 13624  
that the trust instrument of such business trust has been received 13625  
for filing under section 1746.04 of the Revised Code. 13626  
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(D) Any person who wishes to reserve a name for a proposed 13628  
new business trust, or any business trust intending to change its 13629  
name, may submit to the secretary of state a written application 13630  
for the exclusive right to use a specified name as the name of a 13631  
business trust. If the secretary of state finds that, under this 13632  
section, the specified name is available for such use, ~~he~~ the 13633  
secretary of state shall indorse ~~his~~ the secretary of state's 13634  
approval upon and file such application and, from the date of such 13635  
indorsement, such applicant shall have the exclusive right for 13636  
sixty one hundred eighty days to use the specified name as the 13637

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name of a business trust, counting the date of such indorsement as 13638  
the first of the ~~sixty~~ one hundred eighty days. The right so 13639  
obtained may be transferred by the applicant or other holder 13640  
thereof by the filing in the office of the secretary of state of a 13641  
written transfer stating the name and address of the transferee. 13642  
For filing any application for the exclusive right to use a 13643  
specified name under this division, the secretary of state shall 13644  
charge and collect ~~a~~ the fee specified in division (S)(1) of five 13645  
dollars section 111.16 of the Revised Code. For each filing of a 13646  
transfer of the right to an exclusive name under this division, 13647  
the secretary of state shall charge and collect the fee specified 13648  
in division (S)(4) of section 111.16 of the Revised Code. 13649

(E) Any business trust that has not made the filings 13650  
described under section 1746.04 of the Revised Code may submit to 13651  
the secretary of state a written application for the exclusive 13652  
right to use a specified name as the name of such business trust. 13653  
If the secretary of state finds that, under this section, the 13654  
specified name is available for such use, ~~he~~ the secretary of 13655  
state shall indorse ~~his~~ the secretary of state's approval upon and 13656  
file such application and, from the date of such indorsement, such 13657  
applicant has the exclusive right to use the specified name for 13658  
the period that it transacts business. The right so obtained may 13659  
be transferred by the applicant or other holder thereof by the 13660  
filing in the office of the secretary of state of a written 13661  
transfer stating the name and address of the transferee. For 13662  
filing ~~any~~ an application for the exclusive right to use a 13663  
specified name under this division, the secretary of state shall 13664  
charge and collect ~~a~~ the fee specified in division (S)(1) of five 13665  
dollars section 111.16 of the Revised Code. 13666

**Sec. 1746.15.** Any business trust that has made the filings 13667  
described in section 1746.04 of the Revised Code may withdraw from 13668  
this state at any time by filing in the office of the secretary of 13669

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state a verified copy of a resolution duly adopted by its trustees 13670  
declaring its intention to withdraw and surrender its authority, 13671  
accompanied by a the fee of fifteen dollars specified in division 13672  
(T) of section 111.16 of the Revised Code. 13673

**Sec. 1747.03.** (A) Before transacting real estate business in 13674  
this state, a real estate investment trust shall file the 13675  
following report in the office of the secretary of state, on forms 13676  
prescribed by the secretary of state: 13677

(1) An executed copy of the trust instrument or a true and 13678  
correct copy of it, certified to be such by a trustee before an 13679  
official authorized to administer oaths or by a public official in 13680  
another state in whose office an executed copy is on file; 13681

(2) A list of the names and addresses of its trustees; 13682

(3) The address of its principal office; 13683

(4) In the case of a foreign real estate investment trust, 13684  
the address of its principal office within this state, if any; 13685

(5) The business name of the trust; 13686

(6) The name and address within this state of a designated 13687  
agent upon whom process against the trust may be served; 13688

(7) The irrevocable consent of the trust to service of 13689  
process on its designated agent and to service of process upon the 13690  
secretary of state if, without the registration of another agent 13691  
with the secretary of state, its designated agent has died, 13692  
resigned, lost authority, dissolved, become disqualified, or has 13693  
removed from this state, or if its designated agent cannot, with 13694  
due diligence, be found; 13695

(8) Not more than ninety days after the occurrence of any 13696  
event causing any filing made pursuant to divisions (A)(2) to (6) 13697  
of this section, or any previous filing made pursuant to this 13698  
division, to be inaccurate or incomplete, all information 13699

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necessary to maintain the accuracy and completeness of such filing. 13700  
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(B) For ~~filing~~ filings under this section, the secretary of state shall charge and collect ~~a~~ the fee specified in division (T) of fifty dollars, except that for filing under division (A)(8) of this section, the secretary of state shall charge and collect a fee of ten dollars section 111.16 of the Revised Code, except for filings under division (A)(8) of this section pertaining solely to division (A)(6) of this section, for which the secretary of state shall charge and collect the fee specified in division (R) of section 111.16 of the Revised Code. 13702  
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(C) All persons shall be given the opportunity to acquire knowledge of the contents of the trust instrument and other information filed in the office of the secretary of state, but no person dealing with a real estate investment trust shall be charged with constructive notice of the contents of any such instrument or information by reason of such filing. 13711  
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(D) A copy of a trust instrument or other information filed in the office of the secretary of state ~~shall be~~ is prima-facie evidence of the existence of the instrument or other information and of its contents, and ~~as is~~ is conclusive evidence of the existence of such record. 13717  
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**Sec. 1747.04.** A trust instrument may be amended in the manner specified in it or in any manner that is valid under the common or statutory law applicable to the trust created ~~thereunder~~ under it. However, no amendment adopted subsequent to the initial filings required by section 1747.03 of the Revised Code is legally effective in this state until an executed or certified true and correct copy of the amendment has been filed in the office of the secretary of state accompanied by ~~a~~ the fee specified in division (T) of twenty-five dollars section 111.16 of the Revised Code. 13722  
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**Sec. 1747.10.** Any domestic or foreign real estate investment 13731  
 trust authorized to transact real estate business in this state 13732  
 may surrender its authority at any time by filing in the office of 13733  
 the secretary of state a verified copy of a resolution duly 13734  
 adopted by its trustees declaring its intention to withdraw, 13735  
 accompanied by ~~a~~ the fee specified in division (T) of ten dollars 13736  
section 111.16 of the Revised Code. Such real estate investment 13737  
 trust then ceases and is without authority to transact real estate 13738  
 business in this state, except as necessary for ~~the concluding~~ 13739  
~~thereof~~ its conclusion. 13740

**Sec. 1775.63.** (A) A domestic limited liability partnership or 13741  
 foreign registered limited liability partnership shall, ~~annually~~ 13742  
biennially during the month of July in odd-numbered years, file a 13743  
 report with the office of the secretary of state verifying and, if 13744  
 necessary, updating, as of the thirtieth day of June of that year, 13745  
 the information contained in the registration application required 13746  
 by division (A) of sections 1775.61 and 1775.64 of the Revised 13747  
 Code. The ~~annual~~ report shall be made on a form prescribed and 13748  
 furnished by the secretary of state and shall be signed by a 13749  
 majority in interest of the partners or by one or more partners 13750  
 authorized by the partnership to execute the report. 13751

(B) If a domestic limited liability partnership or foreign 13752  
 registered limited liability partnership fails to file the ~~annual~~ 13753  
 report in accordance with division (A) of this section, the 13754  
 secretary of state shall give notice of the failure by certified 13755  
 mail to the last known address of the partnership or its statutory 13756  
 agent. If the report is not filed within thirty days after the 13757  
 mailing of the notice, the secretary of state shall, upon the 13758  
 expiration of that period, cancel the registration of the 13759  
 partnership, give notice of the cancellation to the partnership by 13760  
 regular mail to the last known address of the partnership or its 13761

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statutory agent, and make a notation of the cancellation on the 13762  
secretary of state's records. 13763

(C) A domestic limited liability partnership or foreign 13764  
registered limited liability partnership whose registration has 13765  
been canceled pursuant to division (B) of this section may be 13766  
reinstated by filing an application for reinstatement, together 13767  
with the required ~~annual~~ report or reports, and by paying a the 13768  
reinstatement fee specified in division (Q) of ~~ten dollars~~ section 13769  
111.16 of the Revised Code. The secretary of state shall inform 13770  
the tax commissioner of all cancellations and reinstatements under 13771  
this section. 13772

**Sec. 1775.64.** (A) Before transacting business in this state, 13773  
a foreign limited liability partnership shall file a registration 13774  
application with the secretary of state. The application shall be 13775  
on a form prescribed by the secretary of state and shall set forth 13776  
only the following information: 13777

(1) The name of the partnership; 13778

(2) The jurisdiction pursuant to the laws of which it was 13779  
organized as a limited liability partnership; 13780

(3) The address of its principal office or, if the 13781  
partnership's principal office is not located in this state, the 13782  
address of a registered office; 13783

(4) The name and address of its agent for service of process 13784  
in this state; 13785

(5) A brief statement of the business in which the 13786  
partnership engages. 13787

(B) A registration application shall be accompanied by the 13788  
application fee specified in division (F) of section 111.16 of the 13789  
Revised Code. 13790

(C) A foreign limited liability partnership transacting 13791

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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:~~

~~(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

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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. 13822  
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In the discretion of the secretary of state, an original appointment of statutory agent may be submitted on the same form as the certificate of limited partnership but shall not be considered a part of the certificate. 13827  
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(C) The written appointment of an agent shall set forth the name and address in this state of the agent, including the street and number or other particular description, and shall otherwise be in the form the secretary of state prescribes. The secretary of state shall keep a record of the names of limited partnerships, and the names and addresses of their respective agents. 13831  
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(D) If any agent dies, removes from the state, or resigns, the limited partnership shall forthwith appoint another agent and file with the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent. 13837  
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(E) If the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the limited partnership or the agent forthwith shall file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address. 13841  
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(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the limited partnership at its current or last known address or its principal office on or prior to the date the notice is filed with the secretary of state. The notice shall set forth the name of the limited partnership, the name and 13846  
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current address of the agent, the current or last known address, including the street and number or other particular description, of the limited partnership's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the limited partnership within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate.

(G) A limited partnership may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(H) Except when an original appointment of an agent is filed 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;	13883
(4) Any other matters that the general partners determine to include in the certificate.	13884 13885
(B) <u>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.</u>	13886 13887 13888
(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 <del>division</del> <u>divisions</u> (A) and (B) of this section.	13889 13890 13891 13892 13893 13894
<b>Sec. 1782.09.</b> (A) A certificate of limited partnership shall be amended by filing a certificate of amendment with the secretary of state. The certificate of amendment shall be on a form prescribed by the secretary of state and shall state all of the following:	13895 13896 13897 13898 13899
(1) The name of the limited partnership and the file number assigned to it by the secretary of state;	13900 13901
(2) The date of the first filing of the certificate of limited partnership and, if different, the date of the first filing by the partnership with the secretary of state pursuant to section 1782.63 of the Revised Code;	13902 13903 13904 13905
(3) The amendment to the certificate of limited partnership.	13906
(B) Within thirty days after the occurrence of any of the following events, an amendment to a certificate of limited partnership reflecting the occurrence of the event shall be filed pursuant to division (A) of this section:	13907 13908 13909 13910
(1) A new general partner is admitted;	13911

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(2) A general partner withdraws;	13912
(3) The business is continued pursuant to section 1782.44 of the Revised Code after an event of withdrawal of a general partner;	13913 13914 13915
(4) The address of the principal place of business of the limited partnership changes;	13916 13917
<del>(5) The name or identity of the statutory agent changes;</del>	13918
<del>(6) The address of the statutory agent changes;</del>	13919
<del>(7) The name of the limited partnership is changes.</del>	13920
(C) A general partner who becomes aware that any statement in the certificate of limited partnership was materially false when made or that any arrangements or other facts described have changed, thereby making the certificate materially inaccurate, promptly shall amend the certificate.	13921 13922 13923 13924 13925
<del>If the certificate becomes inaccurate because the designated agent changes the agent's address from that appearing in the certificate of limited partnership or any subsequent amendment thereto, the limited partnership, or the designated agent on its behalf, shall file promptly with the secretary of state, on a form prescribed by the secretary of state, an amendment setting forth the new address.</del>	13926 13927 13928 13929 13930 13931 13932
(D) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.	13933 13934 13935
(E) A person is not liable because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of an event referred to in division (B) of this section if the amendment is filed within the thirty-day period specified in that division.	13936 13937 13938 13939 13940
(F) A certificate of limited partnership may be restated at	13941

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any time by filing a restatement of the certificate of limited partnership with the secretary of state. 13942  
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**Sec. 1782.433.** (A) Upon the adoption by each constituent entity of an agreement of merger or consolidation pursuant to section 1782.431 or 1782.432 of the Revised Code, a certificate of merger or consolidation shall be filed with the secretary of state that is signed by an authorized representative of each constituent entity. The certificate shall be on a form prescribed by the secretary of state and shall set forth only the information required by this section. 13944  
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(B)(1) The certificate of merger or consolidation shall set forth all of the following: 13952  
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(a) The name and the form of entity of each constituent entity and the state under the laws of which each constituent entity exists; 13954  
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(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; 13957  
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(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; 13960  
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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; 13964  
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(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; 13966  
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(f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that the 13970  
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persons who signed the certificate on behalf of each entity are  
authorized to do so; 13972  
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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; 13974  
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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; 13979  
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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. 13983  
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(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. 13986  
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(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. 13991  
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(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. 13997  
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(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 documents that are required to be filed in connection with the merger or consolidation by the laws of that state or by that chapter.

(D) Upon the filing of a certificate of merger or consolidation and other filings as described in division (C) of this section or at any later date that the certificate of merger or consolidation specifies, the merger or consolidation is effective.

(E) The secretary of state shall furnish, upon request and payment of ~~a~~ the fee specified in division (D) of ten dollars section 111.16 of the Revised Code, the secretary of state's certificate setting forth: the name and form of entity of each constituent entity and the states under the laws of which each constituent entity existed prior to the merger or consolidation; the name and the form of entity of the surviving or new entity and

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the state under the laws of which the surviving entity exists or 14035  
the new entity is to exist; the date of filing of the certificate 14036  
of merger or consolidation with the secretary of state; and the 14037  
effective date of the merger or consolidation. The certificate of 14038  
the secretary of state, or a copy of the certificate of merger or 14039  
consolidation certified by the secretary of state, may be filed 14040  
for record in the office of the recorder of any county in this 14041  
state and, if filed, shall be recorded in the records of deeds for 14042  
that county. For that recording, the county recorder shall charge 14043  
and collect the same fee as in the case of deeds. 14044

**Sec. 1785.06.** A professional association, within thirty days 14045  
after the thirtieth day of June in each year, shall furnish a 14046  
statement to the secretary of state showing the names and 14047  
post-office addresses of all of the shareholders in the 14048  
association and certifying that all of the shareholders are duly 14049  
licensed, certificated, or otherwise legally authorized to render 14050  
within this state the same professional service for which the 14051  
association was organized or, in the case of a combination of 14052  
professional services described in division (B) of section 1785.01 14053  
of the Revised Code, to render within this state any of the 14054  
applicable types of professional services for which the 14055  
association was organized. This statement shall be made on a form 14056  
that the secretary of state shall prescribe, shall be signed by an 14057  
officer of the association, and shall be filed in the office of 14058  
the secretary of state. 14059

If any professional association fails to file the annual 14060  
statement within the time required by this section, the secretary 14061  
of state shall give notice of the failure by certified mail, 14062  
return receipt requested, to the last known address of the 14063  
association or its agent. If the annual statement is not filed 14064  
within thirty days after the mailing of the notice, the secretary 14065  
of state, upon the expiration of that period, shall cancel the 14066

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association's articles of incorporation, give notice of the 14067  
cancellation to the association by mail sent to the last known 14068  
address of the association or its agent, and make a notation of 14069  
the cancellation on the records of the secretary of state. 14070

A professional association whose articles have been canceled 14071  
pursuant to this section may be reinstated by filing an 14072  
application for reinstatement and the required annual statement or 14073  
statements and by paying a the reinstatement fee specified in 14074  
division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 14075  
The rights, privileges, and franchises of a professional 14076  
association whose articles have been reinstated are subject to 14077  
section 1701.922 of the Revised Code. The secretary of state shall 14078  
inform the tax commissioner of all cancellations and 14079  
reinstatements under this section. 14080

**Sec. 1901.26.** (A) Subject to division (E) of this section, 14081  
costs in a municipal court shall be fixed and taxed as follows: 14082

(1) The municipal court shall require an advance deposit for 14083  
the filing of any new civil action or proceeding when required by 14084  
division (A)(9) of this section, and in all other cases, by rule, 14085  
shall establish a schedule of fees and costs to be taxed in any 14086  
civil or criminal action or proceeding. 14087

(2) The municipal court, by rule, may require an advance 14088  
deposit for the filing of any civil action or proceeding and 14089  
publication fees as provided in section 2701.09 of the Revised 14090  
Code. The court may waive the requirement for advance deposit upon 14091  
affidavit or other evidence that a party is unable to make the 14092  
required deposit. 14093

(3) When a jury trial is demanded in any civil action or 14094  
proceeding, the party making the demand may be required to make an 14095  
advance deposit as fixed by rule of court, unless, upon affidavit 14096  
or other evidence, the court concludes that the party is unable to 14097

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make the required deposit. If a jury is called, the fees of a jury	14098
shall be taxed as costs.	14099
(4) In any civil or criminal action or proceeding, witnesses'	14100
fees shall be fixed in accordance with sections 2335.06 and	14101
2335.08 of the Revised Code.	14102
(5) A reasonable charge for driving, towing, carting,	14103
storing, keeping, and preserving motor vehicles and other personal	14104
property recovered or seized in any proceeding may be taxed as	14105
part of the costs in a trial of the cause, in an amount that shall	14106
be fixed by rule of court.	14107
(6) Chattel property seized under any writ or process issued	14108
by the court shall be preserved pending final disposition for the	14109
benefit of all persons interested and may be placed in storage	14110
when necessary or proper for that preservation. The custodian of	14111
any chattel property so stored shall not be required to part with	14112
the possession of the property until a reasonable charge, to be	14113
fixed by the court, is paid.	14114
(7) The municipal court, as it determines, may refund all	14115
deposits and advance payments of fees and costs, including those	14116
for jurors and summoning jurors, when they have been paid by the	14117
losing party.	14118
(8) Charges for the publication of legal notices required by	14119
statute or order of court may be taxed as part of the costs, as	14120
provided by section 7.13 of the Revised Code.	14121
(B)(1) The municipal court may determine that, for the	14122
efficient operation of the court, additional funds are necessary	14123
to acquire and pay for special projects of the court including,	14124
but not limited to, the acquisition of additional facilities or	14125
the rehabilitation of existing facilities, the acquisition of	14126
equipment, the hiring and training of staff, community service	14127
programs, mediation or dispute resolution services, the employment	14128

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of magistrates, the training and education of judges, acting 14129  
judges, and magistrates, and other related services. Upon that 14130  
determination, the court by rule may charge a fee, in addition to 14131  
all other court costs, on the filing of each criminal cause, civil 14132  
action or proceeding, or judgment by confession. 14133

If the municipal court offers a special program or service in 14134  
cases of a specific type, the municipal court by rule may assess 14135  
an additional charge in a case of that type, over and above court 14136  
costs, to cover the special program or service. The municipal 14137  
court shall adjust the special assessment periodically, but not 14138  
retroactively, so that the amount assessed in those cases does not 14139  
exceed the actual cost of providing the service or program. 14140

All moneys collected under division (B) of this section shall 14141  
be paid to the county treasurer if the court is a county-operated 14142  
municipal court or to the city treasurer if the court is not a 14143  
county-operated municipal court for deposit into either a general 14144  
special projects fund or a fund established for a specific special 14145  
project. Moneys from a fund of that nature shall be disbursed upon 14146  
an order of the court in an amount no greater than the actual cost 14147  
to the court of a project. If a specific fund is terminated 14148  
because of the discontinuance of a program or service established 14149  
under division (B) of this section, the municipal court may order 14150  
that moneys remaining in the fund be transferred to an account 14151  
established under this division for a similar purpose. 14152

(2) As used in division (B) of this section: 14153

(a) "Criminal cause" means a charge alleging the violation of 14154  
a statute or ordinance, or subsection of a statute or ordinance, 14155  
that requires a separate finding of fact or a separate plea before 14156  
disposition and of which the defendant may be found guilty, 14157  
whether filed as part of a multiple charge on a single summons, 14158  
citation, or complaint or as a separate charge on a single 14159  
summons, citation, or complaint. "Criminal cause" does not include 14160

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separate violations of the same statute or ordinance, or 14161  
subsection of the same statute or ordinance, unless each charge is 14162  
filed on a separate summons, citation, or complaint. 14163

(b) "Civil action or proceeding" means any civil litigation 14164  
that must be determined by judgment entry. 14165

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 14166  
~~2003, the municipal court shall collect the sum of four dollars as~~ 14167  
~~additional filing fees in each new civil action or proceeding for~~ 14168  
~~the charitable public purpose of providing financial assistance to~~ 14169  
~~legal aid societies that operate within the state. From January 1,~~ 14170  
~~1993, through December 31, 2002, the~~ The municipal court shall 14171  
collect in all its divisions except the small claims division the 14172  
sum of fifteen dollars as additional filing fees in each new civil 14173  
action or proceeding for the charitable public purpose of 14174  
providing financial assistance to legal aid societies that operate 14175  
within the state. ~~From January 1, 1993, through December 31, 2002,~~ 14176  
~~the~~ The municipal court shall collect in its small claims division 14177  
the sum of seven dollars as additional filing fees in each new 14178  
civil action or proceeding for the charitable public purpose of 14179  
providing financial assistance to legal aid societies that operate 14180  
within the state. This division does not apply to any execution on 14181  
a judgment, proceeding in aid of execution, or other post-judgment 14182  
proceeding arising out of a civil action. The filing fees required 14183  
to be collected under this division shall be in addition to any 14184  
other court costs imposed in the action or proceeding and shall be 14185  
collected at the time of the filing of the action or proceeding. 14186  
The court shall not waive the payment of the additional filing 14187  
fees in a new civil action or proceeding unless the court waives 14188  
the advanced payment of all filing fees in the action or 14189  
proceeding. All such moneys shall be transmitted on the first 14190  
business day of each month by the clerk of the court to the 14191  
treasurer of state. The moneys then shall be deposited by the 14192

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treasurer of state to the credit of the legal aid fund established 14193  
under section 120.52 of the Revised Code. 14194

The court may retain up to one per cent of the moneys it 14195  
collects under this division to cover administrative costs, 14196  
including the hiring of any additional personnel necessary to 14197  
implement this division. 14198

(D) In the Cleveland municipal court, reasonable charges for 14199  
investigating titles of real estate to be sold or disposed of 14200  
under any writ or process of the court may be taxed as part of the 14201  
costs. 14202

(E) Under the circumstances described in sections 2969.21 to 14203  
2969.27 of the Revised Code, the clerk of the municipal court 14204  
shall charge the fees and perform the other duties specified in 14205  
those sections. 14206

**Sec. 1907.24.** (A) Subject to division (C) of this section, a 14207  
county court shall fix and tax fees and costs as follows: 14208

(1) The county court shall require an advance deposit for the 14209  
filing of any new civil action or proceeding when required by 14210  
division (C) of this section and, in all other cases, shall 14211  
establish a schedule of fees and costs to be taxed in any civil or 14212  
criminal action or proceeding. 14213

(2) The county court by rule may require an advance deposit 14214  
for the filing of a civil action or proceeding and publication 14215  
fees as provided in section 2701.09 of the Revised Code. The court 14216  
may waive an advance deposit requirement upon the presentation of 14217  
an affidavit or other evidence that establishes that a party is 14218  
unable to make the requisite deposit. 14219

(3) When a party demands a jury trial in a civil action or 14220  
proceeding, the county court may require the party to make an 14221  
advance deposit as fixed by rule of court, unless the court 14222

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concludes, on the basis of an affidavit or other evidence 14223  
presented by the party, that the party is unable to make the 14224  
requisite deposit. If a jury is called, the county court shall tax 14225  
the fees of a jury as costs. 14226

(4) In a civil or criminal action or proceeding, the county 14227  
court shall fix the fees of witnesses in accordance with sections 14228  
2335.06 and 2335.08 of the Revised Code. 14229

(5) A county court may tax as part of the costs in a trial of 14230  
the cause, in an amount fixed by rule of court, a reasonable 14231  
charge for driving, towing, carting, storing, keeping, and 14232  
preserving motor vehicles and other personal property recovered or 14233  
seized in a proceeding. 14234

(6) The court shall preserve chattel property seized under a 14235  
writ or process issued by the court pending final disposition for 14236  
the benefit of all interested persons. The court may place the 14237  
chattel property in storage when necessary or proper for its 14238  
preservation. The custodian of chattel property so stored shall 14239  
not be required to part with the possession of the property until 14240  
a reasonable charge, to be fixed by the court, is paid. 14241

(7) The county court, as it determines, may refund all 14242  
deposits and advance payments of fees and costs, including those 14243  
for jurors and summoning jurors, when they have been paid by the 14244  
losing party. 14245

(8) The court may tax as part of costs charges for the 14246  
publication of legal notices required by statute or order of 14247  
court, as provided by section 7.13 of the Revised Code. 14248

(B)(1) The county court may determine that, for the efficient 14249  
operation of the court, additional funds are necessary to acquire 14250  
and pay for special projects of the court including, but not 14251  
limited to, the acquisition of additional facilities or the 14252  
rehabilitation of existing facilities, the acquisition of 14253

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equipment, the hiring and training of staff, community service 14254  
programs, mediation or dispute resolution services, the employment 14255  
of magistrates, the training and education of judges, acting 14256  
judges, and magistrates, and other related services. Upon that 14257  
determination, the court by rule may charge a fee, in addition to 14258  
all other court costs, on the filing of each criminal cause, civil 14259  
action or proceeding, or judgment by confession. 14260

If the county court offers a special program or service in 14261  
cases of a specific type, the county court by rule may assess an 14262  
additional charge in a case of that type, over and above court 14263  
costs, to cover the special program or service. The county court 14264  
shall adjust the special assessment periodically, but not 14265  
retroactively, so that the amount assessed in those cases does not 14266  
exceed the actual cost of providing the service or program. 14267

All moneys collected under division (B) of this section shall 14268  
be paid to the county treasurer for deposit into either a general 14269  
special projects fund or a fund established for a specific special 14270  
project. Moneys from a fund of that nature shall be disbursed upon 14271  
an order of the court in an amount no greater than the actual cost 14272  
to the court of a project. If a specific fund is terminated 14273  
because of the discontinuance of a program or service established 14274  
under division (B) of this section, the county court may order 14275  
that moneys remaining in the fund be transferred to an account 14276  
established under this division for a similar purpose. 14277

(2) As used in division (B) of this section: 14278

(a) "Criminal cause" means a charge alleging the violation of 14279  
a statute or ordinance, or subsection of a statute or ordinance, 14280  
that requires a separate finding of fact or a separate plea before 14281  
disposition and of which the defendant may be found guilty, 14282  
whether filed as part of a multiple charge on a single summons, 14283  
citation, or complaint or as a separate charge on a single 14284  
summons, citation, or complaint. "Criminal cause" does not include 14285

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separate violations of the same statute or ordinance, or 14286  
subsection of the same statute or ordinance, unless each charge is 14287  
filed on a separate summons, citation, or complaint. 14288

(b) "Civil action or proceeding" means any civil litigation 14289  
that must be determined by judgment entry. 14290

(C) Subject to division (E) of this section, ~~prior to January~~ 14291  
~~1, 1993, and on and after January 1, 2003, the county court shall~~ 14292  
~~collect the sum of four dollars as additional filing fees in each~~ 14293  
~~new civil action or proceeding for the charitable public purpose~~ 14294  
~~of providing financial assistance to legal aid societies that~~ 14295  
~~operate within the state. Subject to division (E) of this section,~~ 14296  
~~from January 1, 1993, through December 31, 2002, the county court~~ 14297  
shall collect in all its divisions except the small claims 14298  
division the sum of fifteen dollars as additional filing fees in 14299  
each new civil action or proceeding for the charitable public 14300  
purpose of providing financial assistance to legal aid societies 14301  
that operate within the state. Subject to division (E) of this 14302  
section, ~~from January 1, 1993, through December 31, 2002, the~~ 14303  
county court shall collect in its small claims division the sum of 14304  
seven dollars as additional filing fees in each new civil action 14305  
or proceeding for the charitable public purpose of providing 14306  
financial assistance to legal aid societies that operate within 14307  
the state. This division does not apply to any execution on a 14308  
judgment, proceeding in aid of execution, or other post-judgment 14309  
proceeding arising out of a civil action. The filing fees required 14310  
to be collected under this division shall be in addition to any 14311  
other court costs imposed in the action or proceeding and shall be 14312  
collected at the time of the filing of the action or proceeding. 14313  
The court shall not waive the payment of the additional filing 14314  
fees in a new civil action or proceeding unless the court waives 14315  
the advanced payment of all filing fees in the action or 14316  
proceeding. All such moneys collected during a month shall be 14317

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transmitted on or before the twentieth day of the following month 14318  
by the clerk of the court to the treasurer of state. The moneys 14319  
then shall be deposited by the treasurer of state to the credit of 14320  
the legal aid fund established under section 120.52 of the Revised 14321  
Code. 14322

The court may retain up to one per cent of the moneys it 14323  
collects under this division to cover administrative costs, 14324  
including the hiring of any additional personnel necessary to 14325  
implement this division. 14326

(D) The county court shall establish by rule a schedule of 14327  
fees for miscellaneous services performed by the county court or 14328  
any of its judges in accordance with law. If judges of the court 14329  
of common pleas perform similar services, the fees prescribed in 14330  
the schedule shall not exceed the fees for those services 14331  
prescribed by the court of common pleas. 14332

(E) Under the circumstances described in sections 2969.21 to 14333  
2969.27 of the Revised Code, the clerk of the county court shall 14334  
charge the fees and perform the other duties specified in those 14335  
sections. 14336

**Sec. 2303.20.** Under the circumstances described in sections 14337  
2969.21 to 2969.27 of the Revised Code, the clerk of the court of 14338  
common pleas shall charge the fees and perform the other duties 14339  
specified in those sections. In all other cases, the clerk shall 14340  
charge the following fees and no more: 14341

(A) Twenty-five dollars for each cause of action which shall 14342  
include the following: 14343

(1) Docketing in all dockets; 14344

(2) Filing necessary documents, noting the filing of the 14345  
documents, except subpoena, on the dockets; 14346

(3) Issuing certificate of deposit in foreign writs; 14347

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(4) Indexing pending suits and living judgments;	14348
(5) Noting on appearance docket all papers mailed;	14349
(6) Certificate for attorney's fee;	14350
(7) Certificate for stenographer's fee;	14351
(8) Preparing cost bill;	14352
(9) Entering on indictment any plea;	14353
(10) Entering costs on docket and cash book.	14354
(B) Two dollars for taking each undertaking, bond, or recognizance;	14355 14356
(C) Two dollars for issuing each writ, order, or notice, except subpoena;	14357 14358
(D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;	14359 14360
(E) Twenty-five dollars for calling a jury in each cause;	14361
(F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;	14362 14363
(G) Three dollars for each execution or transcript of judgment, including indexing;	14364 14365
(H) One dollar for each page, for making complete record, including indexing;	14366 14367
(I) Five dollars for certifying a plat recorded in the county recorder's office;	14368 14369
(J) Five dollars for issuing certificate to receiver or order of reference with oath;	14370 14371
(K) Five dollars for entering satisfaction or partial satisfaction of each lien on record in the county recorder's office, and the clerk of courts' office;	14372 14373 14374
(L) One dollar for each certificate of fact under seal of the	14375

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court, to be paid by the party demanding it;	14376
(M) One dollar for taking each affidavit, including certificate and seal;	14377 14378
(N) Two dollars for acknowledging all instruments in writing;	14379 14380
(O) Five dollars for making certificate of judgment;	14381
(P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;	14382 14383 14384
(Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;	14385 14386 14387
(R) Five dollars for recording commission of <u>a mayor or notary public</u> ;	14388 14389
(S) One dollar for issuing any license except the licenses issued pursuant to sections 1533.101, 1533.11, 1533.13, and 1533.32 of the Revised Code;	14390 14391 14392
(T) Fifteen dollars for docketing and indexing each aid in execution or petition to vacate, revive, or modify judgment, including the filing and noting of all necessary documents;	14393 14394 14395
(U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;	14396 14397 14398
(V) A commission of two per cent on the first ten thousand dollars and one per cent on all exceeding ten thousand dollars for receiving and disbursing money, other than costs and fees, paid to or deposited with the clerk of courts in pursuance of an order of court or on judgments, including moneys invested by order of the court and interest earned on them;	14399 14400 14401 14402 14403 14404

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(W) Five dollars for numbering, docketing, indexing, and 14405  
filing each authenticated or certified copy of the record, or any 14406  
portion of an authenticated or certified copy of the record, of an 14407  
extra county action or proceeding; 14408

(X) Two dollars for each certificate of divorce, annulment, 14409  
or dissolution of marriage to the bureau of vital statistics; 14410

(Y) Two dollars for each electronic transmission of a 14411  
document, plus one dollar for each page of that document. These 14412  
fees are to be paid by the party requesting the electronic 14413  
transmission. 14414

(Z) One dollar for each page, for copies of pleadings, 14415  
process, record, or files, including certificate and seal. 14416

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 14417  
may determine that for the efficient operation of the court 14418  
additional funds are required to computerize the court, to make 14419  
available computerized legal research services, or to do both. 14420  
Upon making a determination that additional funds are required for 14421  
either or both of those purposes, the court shall authorize and 14422  
direct the clerk of the court of common pleas to charge one 14423  
additional fee, not to exceed three dollars, on the filing of each 14424  
cause of action or appeal under divisions (A), (Q), and (U) of 14425  
section 2303.20 of the Revised Code. 14426

(2) All fees collected under division (A)(1) of this section 14427  
shall be paid to the county treasurer. The treasurer shall place 14428  
the funds from the fees in a separate fund to be disbursed, upon 14429  
an order of the court, in an amount not greater than the actual 14430  
cost to the court of procuring and maintaining computerization of 14431  
the court, computerized legal research services, or both. 14432

(3) If the court determines that the funds in the fund 14433  
described in division (A)(2) of this section are more than 14434

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sufficient to satisfy the purpose for which the additional fee 14435  
described in division (A)(1) of this section was imposed, the 14436  
court may declare a surplus in the fund and expend those surplus 14437  
funds for other appropriate technological expenses of the court. 14438

(B)(1) The court of common pleas of any county may determine 14439  
that, for the efficient operation of the court, additional funds 14440  
are required to computerize the office of the clerk of the court 14441  
of common pleas and, upon that determination, authorize and direct 14442  
the clerk of the court of common pleas to charge an additional 14443  
fee, not to exceed ten dollars, on the filing of each cause of 14444  
action or appeal, on the filing, docketing, and endorsing of each 14445  
certificate of judgment, or on the docketing and indexing of each 14446  
aid in execution or petition to vacate, revive, or modify a 14447  
judgment under divisions (A), (P), (Q), (T), and (U) of section 14448  
2303.20 of the Revised Code. Subject to division (B)(2) of this 14449  
section, all moneys collected under division (B)(1) of this 14450  
section shall be paid to the county treasurer to be disbursed, 14451  
upon an order of the court of common pleas and subject to 14452  
appropriation by the board of county commissioners, in an amount 14453  
no greater than the actual cost to the court of procuring and 14454  
maintaining computer systems for the office of the clerk of the 14455  
court of common pleas. 14456

(2) If the court of common pleas of a county makes the 14457  
determination described in division (B)(1) of this section, the 14458  
board of county commissioners of that county may issue one or more 14459  
general obligation bonds for the purpose of procuring and 14460  
maintaining the computer systems for the office of the clerk of 14461  
the court of common pleas. In addition to the purposes stated in 14462  
division (B)(1) of this section for which the moneys collected 14463  
under that division may be expended, the moneys additionally may 14464  
be expended to pay debt charges on and financing costs related to 14465  
any general obligation bonds issued pursuant to division (B)(2) of 14466

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this section as they become due. General obligation bonds issued 14467  
 pursuant to division (B)(2) of this section are Chapter 133. 14468  
 securities. 14469

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 14470  
~~2003, the court of common pleas shall collect the sum of four~~ 14471  
~~dollars as additional filing fees in each new civil action or~~ 14472  
~~proceeding for the charitable public purpose of providing~~ 14473  
~~financial assistance to legal aid societies that operate within~~ 14474  
~~the state. From January 1, 1993, through December 31, 2002, the~~ 14475  
The court of common pleas shall collect the sum of fifteen dollars 14476  
 as additional filing fees in each new civil action or proceeding 14477  
 for the charitable public purpose of providing financial 14478  
 assistance to legal aid societies that operate within the state. 14479  
 This division does not apply to proceedings concerning annulments, 14480  
 dissolutions of marriage, divorces, legal separation, spousal 14481  
 support, marital property or separate property distribution, 14482  
 support, or other domestic relations matters; to a juvenile 14483  
 division of a court of common pleas; to a probate division of a 14484  
 court of common pleas, except that the additional filing fees 14485  
 shall apply to name change, guardianship, and adoption 14486  
 proceedings; or to an execution on a judgment, proceeding in aid 14487  
 of execution, or other post-judgment proceeding arising out of a 14488  
 civil action. The filing fees required to be collected under this 14489  
 division shall be in addition to any other filing fees imposed in 14490  
 the action or proceeding and shall be collected at the time of the 14491  
 filing of the action or proceeding. The court shall not waive the 14492  
 payment of the additional filing fees in a new civil action or 14493  
 proceeding unless the court waives the advanced payment of all 14494  
 filing fees in the action or proceeding. All such moneys collected 14495  
 during a month shall be transmitted on or before the twentieth day 14496  
 of the following month by the clerk of the court to the treasurer 14497  
 of state. The moneys then shall be deposited by the treasurer of 14498

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state to the credit of the legal aid fund established under 14499  
section 120.52 of the Revised Code. 14500

The court may retain up to one per cent of the moneys it 14501  
collects under this division to cover administrative costs, 14502  
including the hiring of any additional personnel necessary to 14503  
implement this division. 14504

(D) On and after the thirtieth day after December 9, 1994, 14505  
the court of common pleas shall collect the sum of thirty-two 14506  
dollars as additional filing fees in each new action or proceeding 14507  
for annulment, divorce, or dissolution of marriage for the purpose 14508  
of funding shelters for victims of domestic violence pursuant to 14509  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 14510  
required to be collected under this division shall be in addition 14511  
to any other filing fees imposed in the action or proceeding and 14512  
shall be collected at the time of the filing of the action or 14513  
proceeding. The court shall not waive the payment of the 14514  
additional filing fees in a new action or proceeding for 14515  
annulment, divorce, or dissolution of marriage unless the court 14516  
waives the advanced payment of all filing fees in the action or 14517  
proceeding. On or before the twentieth day of each month, all 14518  
moneys collected during the immediately preceding month pursuant 14519  
to this division shall be deposited by the clerk of the court into 14520  
the county treasury in the special fund used for deposit of 14521  
additional marriage license fees as described in section 3113.34 14522  
of the Revised Code. Upon their deposit into the fund, the moneys 14523  
shall be retained in the fund and expended only as described in 14524  
section 3113.34 of the Revised Code. 14525

(E)(1) The court of common pleas may determine that, for the 14526  
efficient operation of the court, additional funds are necessary 14527  
to acquire and pay for special projects of the court, including, 14528  
but not limited to, the acquisition of additional facilities or 14529  
the rehabilitation of existing facilities, the acquisition of 14530

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equipment, the hiring and training of staff, community service 14531  
programs, mediation or dispute resolution services, the employment 14532  
of magistrates, the training and education of judges, acting 14533  
judges, and magistrates, and other related services. Upon that 14534  
determination, the court by rule may charge a fee, in addition to 14535  
all other court costs, on the filing of each criminal cause, civil 14536  
action or proceeding, or judgment by confession. 14537

If the court of common pleas offers a special program or 14538  
service in cases of a specific type, the court by rule may assess 14539  
an additional charge in a case of that type, over and above court 14540  
costs, to cover the special program or service. The court shall 14541  
adjust the special assessment periodically, but not retroactively, 14542  
so that the amount assessed in those cases does not exceed the 14543  
actual cost of providing the service or program. 14544

All moneys collected under division (E) of this section shall 14545  
be paid to the county treasurer for deposit into either a general 14546  
special projects fund or a fund established for a specific special 14547  
project. Moneys from a fund of that nature shall be disbursed upon 14548  
an order of the court in an amount no greater than the actual cost 14549  
to the court of a project. If a specific fund is terminated 14550  
because of the discontinuance of a program or service established 14551  
under division (E) of this section, the court may order that 14552  
moneys remaining in the fund be transferred to an account 14553  
established under this division for a similar purpose. 14554

(2) As used in division (E) of this section: 14555

(a) "Criminal cause" means a charge alleging the violation of 14556  
a statute or ordinance, or subsection of a statute or ordinance, 14557  
that requires a separate finding of fact or a separate plea before 14558  
disposition and of which the defendant may be found guilty, 14559  
whether filed as part of a multiple charge on a single summons, 14560  
citation, or complaint or as a separate charge on a single 14561  
summons, citation, or complaint. "Criminal cause" does not include 14562

separate violations of the same statute or ordinance, or 14563  
subsection of the same statute or ordinance, unless each charge is 14564  
filed on a separate summons, citation, or complaint. 14565

(b) "Civil action or proceeding" means any civil litigation 14566  
that must be determined by judgment entry. 14567

**Sec. 2317.02.** The following persons shall not testify in 14568  
certain respects: 14569

(A) An attorney, concerning a communication made to the 14570  
attorney by a client in that relation or the attorney's advice to 14571  
a client, except that the attorney may testify by express consent 14572  
of the client or, if the client is deceased, by the express 14573  
consent of the surviving spouse or the executor or administrator 14574  
of the estate of the deceased client and except that, if the 14575  
client voluntarily testifies or is deemed by section 2151.421 of 14576  
the Revised Code to have waived any testimonial privilege under 14577  
this division, the attorney may be compelled to testify on the 14578  
same subject; 14579

(B)(1) A physician or a dentist concerning a communication 14580  
made to the physician or dentist by a patient in that relation or 14581  
the physician's or dentist's advice to a patient, except as 14582  
otherwise provided in this division, division (B)(2), and division 14583  
(B)(3) of this section, and except that, if the patient is deemed 14584  
by section 2151.421 of the Revised Code to have waived any 14585  
testimonial privilege under this division, the physician may be 14586  
compelled to testify on the same subject. 14587

The testimonial privilege established under this division 14588  
does not apply, and a physician or dentist may testify or may be 14589  
compelled to testify, in any of the following circumstances: 14590

(a) In any civil action, in accordance with the discovery 14591  
provisions of the Rules of Civil Procedure in connection with a 14592

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civil action, or in connection with a claim under Chapter 4123. of	14593
the Revised Code, under any of the following circumstances:	14594
(i) If the patient or the guardian or other legal	14595
representative of the patient gives express consent;	14596
(ii) If the patient is deceased, the spouse of the patient or	14597
the executor or administrator of the patient's estate gives	14598
express consent;	14599
(iii) If a medical claim, dental claim, chiropractic claim,	14600
or optometric claim, as defined in section 2305.11 of the Revised	14601
Code, an action for wrongful death, any other type of civil	14602
action, or a claim under Chapter 4123. of the Revised Code is	14603
filed by the patient, the personal representative of the estate of	14604
the patient if deceased, or the patient's guardian or other legal	14605
representative.	14606
(b) In any civil action concerning court-ordered treatment or	14607
services received by a patient, if the court-ordered treatment or	14608
services were ordered as part of a case plan journalized under	14609
section 2151.412 of the Revised Code or the court-ordered	14610
treatment or services are necessary or relevant to dependency,	14611
neglect, or abuse or temporary or permanent custody proceedings	14612
under Chapter 2151. of the Revised Code.	14613
(c) In any criminal action concerning any test or the results	14614
of any test that determines the presence or concentration of	14615
alcohol, a drug of abuse, or alcohol and a drug of abuse in the	14616
patient's blood, breath, urine, or other bodily substance at any	14617
time relevant to the criminal offense in question.	14618
(d) In any criminal action against a physician or dentist. In	14619
such an action, the testimonial privilege established under this	14620
division does not prohibit the admission into evidence, in	14621
accordance with the Rules of Evidence, of a patient's medical or	14622
dental records or other communications between a patient and the	14623

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physician or dentist that are related to the action and obtained 14624  
by subpoena, search warrant, or other lawful means. A court that 14625  
permits or compels a physician or dentist to testify in such an 14626  
action or permits the introduction into evidence of patient 14627  
records or other communications in such an action shall require 14628  
that appropriate measures be taken to ensure that the 14629  
confidentiality of any patient named or otherwise identified in 14630  
the records is maintained. Measures to ensure confidentiality that 14631  
may be taken by the court include sealing its records or deleting 14632  
specific information from its records. 14633

(2)(a) If any law enforcement officer submits a written 14634  
statement to a health care provider that states that an official 14635  
criminal investigation has begun regarding a specified person or 14636  
that a criminal action or proceeding has been commenced against a 14637  
specified person, that requests the provider to supply to the 14638  
officer copies of any records the provider possesses that pertain 14639  
to any test or the results of any test administered to the 14640  
specified person to determine the presence or concentration of 14641  
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 14642  
person's blood, breath, or urine at any time relevant to the 14643  
criminal offense in question, and that conforms to section 14644  
2317.022 of the Revised Code, the provider, except to the extent 14645  
specifically prohibited by any law of this state or of the United 14646  
States, shall supply to the officer a copy of any of the requested 14647  
records the provider possesses. If the health care provider does 14648  
not possess any of the requested records, the provider shall give 14649  
the officer a written statement that indicates that the provider 14650  
does not possess any of the requested records. 14651

(b) If a health care provider possesses any records of the 14652  
type described in division (B)(2)(a) of this section regarding the 14653  
person in question at any time relevant to the criminal offense in 14654  
question, in lieu of personally testifying as to the results of 14655

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the test in question, the custodian of the records may submit a certified copy of the records, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of records submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test to which the records pertain, the person under whose supervision the test was administered, the custodian of the records, the person who made the records, or the person under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division (B)(1) of this section does not apply as provided in division (B)(1)(a)(iii) of this section, a physician or dentist may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the physician or dentist by the patient in question in that relation, or the physician's or dentist's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(b) If the testimonial privilege described in division (B)(1) of this section does not apply to a physician or dentist as provided in division (B)(1)(c) of this section, the physician or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of

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the Revised Code does not apply to any certified copy of results  
submitted in accordance with this division. Nothing in this  
division shall be construed to limit the right of any party to  
call as a witness the person who administered the test in  
question, the person under whose supervision the test was  
administered, the custodian of the results of the test, the person  
who compiled the results, or the person under whose supervision  
the results were compiled.

(4) The testimonial privilege described in division (B)(1) of  
this section is not waived when a communication is made by a  
physician to a pharmacist or when there is communication between a  
patient and a pharmacist in furtherance of the physician-patient  
relation.

(5)(a) As used in divisions (B)(1) to (4) of this section,  
"communication" means acquiring, recording, or transmitting any  
information, in any manner, concerning any facts, opinions, or  
statements necessary to enable a physician or dentist to diagnose,  
treat, prescribe, or act for a patient. A "communication" may  
include, but is not limited to, any medical or dental, office, or  
hospital communication such as a record, chart, letter,  
memorandum, laboratory test and results, x-ray, photograph,  
financial statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health care  
provider" ~~has the same meaning as in section 3729.01 of the  
Revised Code~~ means a hospital, ambulatory care facility, long-term  
care facility, pharmacy, emergency facility, or health care  
practitioner.

(c) As used in division (B)(5)(b) of this section:

(i) "Ambulatory care facility" means a facility that provides  
medical, diagnostic, or surgical treatment to patients who do not  
require hospitalization, including a dialysis center, ambulatory

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surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. 14719  
"Ambulatory health care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice. 14720  
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(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services. 14726  
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 14728

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code. 14729  
 14730

(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 14731  
 14732

(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 14733  
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(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 14742  
 14743

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists. 14744  
 14745  
 14746

(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 or 2305.33 of the 14747  
 14748  
 14749

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Revised Code upon physicians who report an employee's use of a  
drug of abuse, or a condition of an employee other than one  
involving the use of a drug of abuse, to the employer of the  
employee in accordance with division (B) of that section. As used  
in division (B)(7) of this section, "employee," "employer," and  
"physician" have the same meanings as in section 2305.33 of the  
Revised Code.

(C) A member of the clergy, rabbi, priest, or regularly  
ordained, accredited, or licensed minister of an established and  
legally cognizable church, denomination, or sect, when the member  
of the clergy, rabbi, priest, or minister remains accountable to  
the authority of that church, denomination, or sect, concerning a  
confession made, or any information confidentially communicated,  
to the member of the clergy, rabbi, priest, or minister for a  
religious counseling purpose in the member of the clergy's,  
rabbi's, priest's, or minister's professional character; however,  
the member of the clergy, rabbi, priest, or minister may testify  
by express consent of the person making the communication, except  
when the disclosure of the information is in violation of a sacred  
trust;

(D) Husband or wife, concerning any communication made by one  
to the other, or an act done by either in the presence of the  
other, during coverture, unless the communication was made, or act  
done, in the known presence or hearing of a third person competent  
to be a witness; and such rule is the same if the marital relation  
has ceased to exist;

(E) A person who assigns a claim or interest, concerning any  
matter in respect to which the person would not, if a party, be  
permitted to testify;

(F) A person who, if a party, would be restricted under  
section 2317.03 of the Revised Code, when the property or thing is  
sold or transferred by an executor, administrator, guardian,

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trustee, heir, devisee, or legatee, shall be restricted in the 14782  
same manner in any action or proceeding concerning the property or 14783  
thing. 14784

(G)(1) A school guidance counselor who holds a valid educator 14785  
license from the state board of education as provided for in 14786  
section 3319.22 of the Revised Code, a person licensed under 14787  
Chapter 4757. of the Revised Code as a professional clinical 14788  
counselor, professional counselor, social worker, or independent 14789  
social worker, or registered under Chapter 4757. of the Revised 14790  
Code as a social work assistant concerning a confidential 14791  
communication received from a client in that relation or the 14792  
person's advice to a client unless any of the following applies: 14793

(a) The communication or advice indicates clear and present 14794  
danger to the client or other persons. For the purposes of this 14795  
division, cases in which there are indications of present or past 14796  
child abuse or neglect of the client constitute a clear and 14797  
present danger. 14798

(b) The client gives express consent to the testimony. 14799

(c) If the client is deceased, the surviving spouse or the 14800  
executor or administrator of the estate of the deceased client 14801  
gives express consent. 14802

(d) The client voluntarily testifies, in which case the 14803  
school guidance counselor or person licensed or registered under 14804  
Chapter 4757. of the Revised Code may be compelled to testify on 14805  
the same subject. 14806

(e) The court in camera determines that the information 14807  
communicated by the client is not germane to the counselor-client 14808  
or social worker-client relationship. 14809

(f) A court, in an action brought against a school, its 14810  
administration, or any of its personnel by the client, rules after 14811  
an in-camera inspection that the testimony of the school guidance 14812

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counselor is relevant to that action. 14813

(g) The testimony is sought in a civil action and concerns 14814  
court-ordered treatment or services received by a patient as part 14815  
of a case plan journalized under section 2151.412 of the Revised 14816  
Code or the court-ordered treatment or services are necessary or 14817  
relevant to dependency, neglect, or abuse or temporary or 14818  
permanent custody proceedings under ~~chapter~~ Chapter 2151. of the 14819  
Revised Code. 14820

(2) Nothing in division (G)(1) of this section shall relieve 14821  
a school guidance counselor or a person licensed or registered 14822  
under Chapter 4757. of the Revised Code from the requirement to 14823  
report information concerning child abuse or neglect under section 14824  
2151.421 of the Revised Code. 14825

(H) A mediator acting under a mediation order issued under 14826  
division (A) of section 3109.052 of the Revised Code or otherwise 14827  
issued in any proceeding for divorce, dissolution, legal 14828  
separation, annulment, or the allocation of parental rights and 14829  
responsibilities for the care of children, in any action or 14830  
proceeding, other than a criminal, delinquency, child abuse, child 14831  
neglect, or dependent child action or proceeding, that is brought 14832  
by or against either parent who takes part in mediation in 14833  
accordance with the order and that pertains to the mediation 14834  
process, to any information discussed or presented in the 14835  
mediation process, to the allocation of parental rights and 14836  
responsibilities for the care of the parents' children, or to the 14837  
awarding of parenting time rights in relation to their children; 14838

(I) A communications assistant, acting within the scope of 14839  
the communication assistant's authority, when providing 14840  
telecommunications relay service pursuant to section 4931.35 of 14841  
the Revised Code or Title II of the "Communications Act of 1934," 14842  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 14843  
made through a telecommunications relay service. Nothing in this 14844

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section shall limit the obligation of a communications assistant 14845  
to divulge information or testify when mandated by federal law or 14846  
regulation or pursuant to subpoena in a criminal proceeding. 14847

Nothing in this section shall limit any immunity or privilege 14848  
granted under federal law or regulation. 14849

(J)(1) A chiropractor in a civil proceeding concerning a 14850  
communication made to the chiropractor by a patient in that 14851  
relation or the chiropractor's advice to a patient, except as 14852  
otherwise provided in this division. The testimonial privilege 14853  
established under this division does not apply, and a chiropractor 14854  
may testify or may be compelled to testify, in any civil action, 14855  
in accordance with the discovery provisions of the Rules of Civil 14856  
Procedure in connection with a civil action, or in connection with 14857  
a claim under Chapter 4123. of the Revised Code, under any of the 14858  
following circumstances: 14859

(a) If the patient or the guardian or other legal 14860  
representative of the patient gives express consent. 14861

(b) If the patient is deceased, the spouse of the patient or 14862  
the executor or administrator of the patient's estate gives 14863  
express consent. 14864

(c) If a medical claim, dental claim, chiropractic claim, or 14865  
optometric claim, as defined in section 2305.11 of the Revised 14866  
Code, an action for wrongful death, any other type of civil 14867  
action, or a claim under Chapter 4123. of the Revised Code is 14868  
filed by the patient, the personal representative of the estate of 14869  
the patient if deceased, or the patient's guardian or other legal 14870  
representative. 14871

(2) If the testimonial privilege described in division (J)(1) 14872  
of this section does not apply as provided in division (J)(1)(c) 14873  
of this section, a chiropractor may be compelled to testify or to 14874  
submit to discovery under the Rules of Civil Procedure only as to 14875

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a communication made to the chiropractor by the patient in 14876  
question in that relation, or the chiropractor's advice to the 14877  
patient in question, that related causally or historically to 14878  
physical or mental injuries that are relevant to issues in the 14879  
medical claim, dental claim, chiropractic claim, or optometric 14880  
claim, action for wrongful death, other civil action, or claim 14881  
under Chapter 4123. of the Revised Code. 14882

(3) The testimonial privilege established under this division 14883  
does not apply, and a chiropractor may testify or be compelled to 14884  
testify, in any criminal action or administrative proceeding. 14885  
14886

(4) As used in this division, "communication" means 14887  
acquiring, recording, or transmitting any information, in any 14888  
manner, concerning any facts, opinions, or statements necessary to 14889  
enable a chiropractor to diagnosis, treat, or act for a patient. A 14890  
communication may include, but is not limited to, any 14891  
chiropractic, office, or hospital communication such as a record, 14892  
chart, letter, memorandum, laboratory test and results, x-ray, 14893  
photograph, financial statement, diagnosis, or prognosis. 14894

**Sec. 2317.022.** (A) As used in this section, "health care 14895  
provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 14896  
the Revised Code. 14897

(B) If an official criminal investigation has begun regarding 14898  
a person or if a criminal action or proceeding is commenced 14899  
against a person, any law enforcement officer who wishes to obtain 14900  
from any health care provider a copy of any records the provider 14901  
possesses that pertain to any test or the result of any test 14902  
administered to the person to determine the presence or 14903  
concentration of alcohol, a drug of abuse, or alcohol and a drug 14904  
of abuse in the person's blood, breath, or urine at any time 14905  
relevant to the criminal offense in question shall submit to the 14906

health care facility a written statement in the following form: 14907

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 14908

To: ..... (insert name of the health care 14909  
provider in question). 14910

I hereby state that an official criminal investigation has 14911  
begun regarding, or a criminal action or proceeding has been 14912  
commenced against, ..... (insert the name of the 14913  
person in question), and that I believe that one or more tests has 14914  
been administered to ~~him~~ that person by this health care provider 14915  
to determine the presence or concentration of alcohol, a drug of 14916  
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 14917  
breath, or urine at a time relevant to the criminal offense in 14918  
question. Therefore, I hereby request that, pursuant to division 14919  
(B)(2) of section 2317.02 of the Revised Code, this health care 14920  
provider supply me with copies of any records the provider 14921  
possesses that pertain to any test or the results of any test 14922  
administered to the person specified above to determine the 14923  
presence or concentration of alcohol, a drug of abuse, or alcohol 14924  
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 14925  
at any time relevant to the criminal offense in question. 14926

..... 14927

(Name of officer) 14928

..... 14929

(Officer's title) 14930

..... 14931

(Officer's employing agency) 14932

..... 14933

(Officer's telephone number) 14934

..... 14935

.....	14936
.....	14937
(Agency's address)	14938
.....	14939
(Date written statement submitted)"	14940
(C) A health care provider that receives a written statement	14941
of the type described in division (B) of this section shall comply	14942
with division (B)(2) of section 2317.02 of the Revised Code	14943
relative to the written statement.	14944
<b>Sec. 2329.66.</b> (A) Every person who is domiciled in this state	14945
may hold property exempt from execution, garnishment, attachment,	14946
or sale to satisfy a judgment or order, as follows:	14947
(1)(a) In the case of a judgment or order regarding money	14948
owed for health care services rendered or health care supplies	14949
provided to the person or a dependent of the person, one parcel or	14950
item of real or personal property that the person or a dependent	14951
of the person uses as a residence. Division (A)(1)(a) of this	14952
section does not preclude, affect, or invalidate the creation	14953
under this chapter of a judgment lien upon the exempted property	14954
but only delays the enforcement of the lien until the property is	14955
sold or otherwise transferred by the owner or in accordance with	14956
other applicable laws to a person or entity other than the	14957
surviving spouse or surviving minor children of the judgment	14958
debtor. Every person who is domiciled in this state may hold	14959
exempt from a judgment lien created pursuant to division (A)(1)(a)	14960
of this section the person's interest, not to exceed five thousand	14961
dollars, in the exempted property.	14962
(b) In the case of all other judgments and orders, the	14963
person's interest, not to exceed five thousand dollars, in one	14964
parcel or item of real or personal property that the person or a	14965

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dependent of the person uses as a residence.	14966
(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle;	14967 14968
(3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit;	14969 14970 14971 14972 14973
(4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section.	14974 14975 14976 14977 14978 14979 14980 14981
(b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person;	14982 14983 14984 14985 14986 14987
(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry;	14988 14989 14990 14991
(d) Divisions (A)(4)(b) and (c) of this section do not include items of personal property listed in division (A)(3) of this section.	14992 14993 14994
If the person does not claim an exemption under division (A)(1) of this section, the total exemption claimed under division	14995 14996

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(A)(4)(b) of this section shall be added to the total exemption	14997
claimed under division (A)(4)(c) of this section, and the total	14998
shall not exceed two thousand dollars. If the person claims an	14999
exemption under division (A)(1) of this section, the total	15000
exemption claimed under division (A)(4)(b) of this section shall	15001
be added to the total exemption claimed under division (A)(4)(c)	15002
of this section, and the total shall not exceed one thousand five	15003
hundred dollars.	15004
(5) The person's interest, not to exceed an aggregate of	15005
seven hundred fifty dollars, in all implements, professional	15006
books, or tools of the person's profession, trade, or business,	15007
including agriculture;	15008
(6)(a) The person's interest in a beneficiary fund set apart,	15009
appropriated, or paid by a benevolent association or society, as	15010
exempted by section 2329.63 of the Revised Code;	15011
(b) The person's interest in contracts of life or endowment	15012
insurance or annuities, as exempted by section 3911.10 of the	15013
Revised Code;	15014
(c) The person's interest in a policy of group insurance or	15015
the proceeds of a policy of group insurance, as exempted by	15016
section 3917.05 of the Revised Code;	15017
(d) The person's interest in money, benefits, charity,	15018
relief, or aid to be paid, provided, or rendered by a fraternal	15019
benefit society, as exempted by section 3921.18 of the Revised	15020
Code;	15021
(e) The person's interest in the portion of benefits under	15022
policies of sickness and accident insurance and in <del>lump-sum</del> <u>lump</u>	15023
<u>sum</u> payments for dismemberment and other losses insured under	15024
those policies, as exempted by section 3923.19 of the Revised	15025
Code.	15026
(7) The person's professionally prescribed or medically	15027

necessary health aids;	15028
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	15029 15030 15031
(9) The person's interest in the following:	15032
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	15033 15034
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	15035 15036
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	15037 15038
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	15039 15040
(e) <u>Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;</u>	15041 15042 15043
(f) <u>Disability assistance payments, as exempted by section 5115.07 of the Revised Code.</u>	15044 15045
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation	15046 15047 15048 15049 15050 15051 15052 15053 15054 15055 15056 15057

board, a government unit, or a municipal corporation, or the 15058  
person's other accrued or accruing rights, as exempted by section 15059  
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 15060  
the Revised Code, and the person's right to benefits from the Ohio 15061  
public safety officers death benefit fund; 15062

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 15063  
3121.03, and 3123.06 of the Revised Code, the person's right to 15064  
receive a payment under any pension, annuity, or similar plan or 15065  
contract, not including a payment from a stock bonus or 15066  
profit-sharing plan or a payment included in division (A)(6)(b) or 15067  
(10)(a) of this section, on account of illness, disability, death, 15068  
age, or length of service, to the extent reasonably necessary for 15069  
the support of the person and any of the person's dependents, 15070  
except if all the following apply: 15071

(i) The plan or contract was established by or under the 15072  
auspices of an insider that employed the person at the time the 15073  
person's rights under the plan or contract arose. 15074

(ii) The payment is on account of age or length of service. 15075

(iii) The plan or contract is not qualified under the 15076  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 15077  
amended. 15078

(c) Except for any portion of the assets that were deposited 15079  
for the purpose of evading the payment of any debt and except as 15080  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 15081  
3123.06 of the Revised Code, the person's right in the assets held 15082  
in, or to receive any payment under, any individual retirement 15083  
account, individual retirement annuity, "Roth IRA," or education 15084  
individual retirement account that provides benefits by reason of 15085  
illness, disability, death, or age, to the extent that the assets, 15086  
payments, or benefits described in division (A)(10)(c) of this 15087  
section are attributable to any of the following: 15088

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(i) Contributions of the person that were less than or equal 15089  
to the applicable limits on deductible contributions to an 15090  
individual retirement account or individual retirement annuity in 15091  
the year that the contributions were made, whether or not the 15092  
person was eligible to deduct the contributions on the person's 15093  
federal tax return for the year in which the contributions were 15094  
made; 15095

(ii) Contributions of the person that were less than or equal 15096  
to the applicable limits on contributions to a Roth IRA or 15097  
education individual retirement account in the year that the 15098  
contributions were made; 15099

(iii) Contributions of the person that are within the 15100  
applicable limits on rollover contributions under subsections 219, 15101  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 15102  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 15103  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 15104

(d) Except for any portion of the assets that were deposited 15105  
for the purpose of evading the payment of any debt and except as 15106  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 15107  
3123.06 of the Revised Code, the person's right in the assets held 15108  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 15109  
that provides benefits by reason of illness, disability, death, or 15110  
age, to the extent reasonably necessary for the support of the 15111  
person and any of the person's dependents. 15112

(11) The person's right to receive spousal support, child 15113  
support, an allowance, or other maintenance to the extent 15114  
reasonably necessary for the support of the person and any of the 15115  
person's dependents; 15116

(12) The person's right to receive, or moneys received during 15117  
the preceding twelve calendar months from, any of the following: 15118  
15119

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(a) An award of reparations under sections 2743.51 to 2743.72	15120
of the Revised Code, to the extent exempted by division (D) of	15121
section 2743.66 of the Revised Code;	15122
(b) A payment on account of the wrongful death of an	15123
individual of whom the person was a dependent on the date of the	15124
individual's death, to the extent reasonably necessary for the	15125
support of the person and any of the person's dependents;	15126
(c) Except in cases in which the person who receives the	15127
payment is an inmate, as defined in section 2969.21 of the Revised	15128
Code, and in which the payment resulted from a civil action or	15129
appeal against a government entity or employee, as defined in	15130
section 2969.21 of the Revised Code, a payment, not to exceed five	15131
thousand dollars, on account of personal bodily injury, not	15132
including pain and suffering or compensation for actual pecuniary	15133
loss, of the person or an individual for whom the person is a	15134
dependent;	15135
(d) A payment in compensation for loss of future earnings of	15136
the person or an individual of whom the person is or was a	15137
dependent, to the extent reasonably necessary for the support of	15138
the debtor and any of the debtor's dependents.	15139
(13) Except as provided in sections 3119.80, 3119.81,	15140
3121.02, 3121.03, and 3123.06 of the Revised Code, personal	15141
earnings of the person owed to the person for services in an	15142
amount equal to the greater of the following amounts:	15143
(a) If paid weekly, thirty times the current federal minimum	15144
hourly wage; if paid biweekly, sixty times the current federal	15145
minimum hourly wage; if paid semimonthly, sixty-five times the	15146
current federal minimum hourly wage; or if paid monthly, one	15147
hundred thirty times the current federal minimum hourly wage that	15148
is in effect at the time the earnings are payable, as prescribed	15149
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	15150

U.S.C. 206(a)(1), as amended;	15151
(b) Seventy-five per cent of the disposable earnings owed to the person.	15152 15153
(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;	15154 15155 15156
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	15157 15158
(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;	15159 15160 15161 15162
(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;	15163 15164 15165 15166
(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.	15167 15168 15169
(B) As used in this section:	15170
(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.	15171 15172 15173 15174
(2) "Insider" means:	15175
(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;	15176 15177 15178 15179 15180

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(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the 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;

(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;

(d) An entity or person to which or whom any of the following applies:

(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.

(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.

(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.

(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.	15212
(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;	15213 15214 15215 15216
(f) A managing agent of the person who claims an exemption.	15217
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	15218 15219
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	15220 15221
(C) For purposes of this section, "interest" shall be determined as follows:	15222 15223
(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;	15224 15225 15226
(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.	15227 15228 15229
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.	15230 15231 15232
<b>Sec. 2715.041.</b> (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:	15233 15234 15235 15236 15237 15238 15239
(Name and Address of Court)	15240

e No.....	15241
(Case Caption)	15242
NOTICE	15243
You are hereby notified that (name and address of plaintiff),	15244
the plaintiff in this proceeding, has applied to this court for	15245
the attachment of property in your possession. The basis for this	15246
application is indicated in the documents that are enclosed with	15247
this notice.	15248
The law of Ohio and the United States provides that certain	15249
benefit payments cannot be taken from you to pay a debt. Typical	15250
among the benefits that cannot be attached or executed on by a	15251
creditor are:	15252
(1) Workers' compensation benefits;	15253
(2) Unemployment compensation payments;	15254
(3) Cash assistance payments under the Ohio works first	15255
program;	15256
(4) <u>Benefits and services under the prevention, retention,</u>	15257
<u>and contingency program;</u>	15258
(5) Disability assistance administered by the Ohio department	15259
of job and family services;	15260
<del>(5)</del> (6) Social security benefits;	15261
<del>(6)</del> (7) Supplemental security income (S.S.I.);	15262
<del>(7)</del> (8) Veteran's benefits;	15263
<del>(8)</del> (9) Black lung benefits;	15264
<del>(9)</del> (10) Certain pensions.	15265
Additionally, your wages never can be taken to pay a debt	15266
until a judgment has been obtained against you. There may be other	15267
benefits not included in this list that apply in your case.	15268

If you dispute the plaintiff's claim and believe that you are 15269  
entitled to retain possession of the property because it is exempt 15270  
or for any other reason, you may request a hearing before this 15271  
court by disputing the claim in the request for hearing form 15272  
appearing below, or in a substantially similar form, and 15273  
delivering the request for the hearing to this court, at the 15274  
office of the clerk of this court, not later than the end of the 15275  
fifth business day after you receive this notice. You may state 15276  
your reasons for disputing the claim in the space provided on the 15277  
form, but you are not required to do so. If you do state your 15278  
reasons for disputing the claim in the space provided on the form, 15279  
you are not prohibited from stating any other reasons at the 15280  
hearing, and if you do not state your reasons, it will not be held 15281  
against you by the court and you can state your reasons at the 15282  
hearing. 15283

If you request a hearing, it will be conducted in 15284  
..... courtroom ....., (address of court), at 15285  
.....m. on ....., ..... 15286

You may avoid having a hearing but retain possession of the 15287  
property until the entry of final judgment in the action by filing 15288  
with the court, at the office of the clerk of this court, not 15289  
later than the end of the fifth business day after you receive 15290  
this notice, a bond executed by an acceptable surety in the amount 15291  
of \$..... 15292

If you do not request a hearing or file a bond on or before 15293  
the end of the fifth business day after you receive this notice, 15294  
the court, without further notice to you, may order a law 15295  
enforcement officer or bailiff to take possession of the property. 15296  
Notice of the dates, times, places, and purposes of any subsequent 15297  
hearings and of the date, time, and place of the trial of the 15298  
action will be sent to you. 15299

..... 15300

Clerk of Court 15301

Date:....." 15302

(B) Along with the notice required by division (A) of this 15303  
section, the clerk of the court also shall deliver to the 15304  
defendant, in accordance with division (C) of this section, a 15305  
request for hearing form together with a postage-paid, 15306  
self-addressed envelope or a request for hearing form on a 15307  
postage-paid, self-addressed postcard. The request for hearing 15308  
shall be in substantially the following form: 15309

"(Name and Address of Court) 15310

Case Number ..... Date ..... 15311

REQUEST FOR HEARING 15312

I dispute the claim for the attachment of property in the 15313  
above case and request that a hearing in this matter be held at 15314  
the time and place set forth in the notice that I previously 15315  
received. 15316

I dispute the claim for the following reasons: 15317

..... 15318

(Optional) 15319

..... 15320

..... 15321

..... 15322

(Name of Defendant) 15323

..... 15324

(Signature) 15325

..... 15326

(Date) 15327

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 15328  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 15329  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 15330  
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 15331

REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 15332

(C) The notice required by division (A) of this section shall 15333  
be served on the defendant in duplicate not less than seven 15334  
business days prior to the date on which the hearing is scheduled, 15335  
together with a copy of the complaint and summons, if not 15336  
previously served, and a copy of the motion for the attachment of 15337  
property and the affidavit attached to the motion, in the same 15338  
manner as provided in the Rules of Civil Procedure for the service 15339  
of process. Service may be effected by publication as provided in 15340  
the Rules of Civil Procedure except that the number of weeks for 15341  
publication may be reduced by the court to the extent appropriate. 15342

**Sec. 2715.045.** (A) Upon the filing of a motion for 15343  
attachment, a court may issue an order of attachment without 15344  
issuing notice to the defendant against whom the motion was filed 15345  
and without conducting a hearing if the court finds that there is 15346  
probable cause to support the motion and that the plaintiff that 15347  
filed the motion for attachment will suffer irreparable injury if 15348  
the order is delayed until the defendant against whom the motion 15349  
has been filed has been given the opportunity for a hearing. The 15350  
court's findings shall be based upon the motion and affidavit 15351  
filed pursuant to section 2715.03 of the Revised Code and any 15352  
other relevant evidence that it may wish to consider. 15353

(B) A finding by the court that the plaintiff will suffer 15354  
irreparable injury may be made only if the court finds the 15355  
existence of either of the following circumstances: 15356

(1) There is present danger that the property will be 15357  
immediately disposed of, concealed, or placed beyond the 15358  
jurisdiction of the court. 15359

(2) The value of the property will be impaired substantially 15360  
if the issuance of an order of attachment is delayed. 15361

(C)(1) Upon the issuance by a court of an order of attachment without notice and hearing pursuant to this section, the plaintiff shall file the order with the clerk of the court, together with a praecipe instructing the clerk to issue to the defendant against whom the order was issued a copy of the motion, affidavit, and order of attachment, and a notice that an order of attachment was issued and that the defendant has a right to a hearing on the matter. The clerk then immediately shall serve upon the defendant, in the manner provided by the Rules of Civil Procedure for service of process, a copy of the complaint and summons, if not previously served, a copy of the motion, affidavit, and order of attachment, and the following notice:

"(Name and Address of the Court)

(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;

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<u>(5)</u> Disability assistance administered by the Ohio department of job and family services;	15393 15394
<del>(5)</del> <u>(6)</u> Social security benefits;	15395
<del>(6)</del> <u>(7)</u> Supplemental security income (S.S.I.);	15396
<del>(7)</del> <u>(8)</u> Veteran's benefits;	15397
<del>(8)</del> <u>(9)</u> Black lung benefits;	15398
<del>(9)</del> <u>(10)</u> Certain pensions.	15399
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.	15400 15401 15402
If you dispute the plaintiff's claim and believe that you are entitled to possession of the property because it is exempt or for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court, no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the claim in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the claim, you are not prohibited from stating any other reasons at the hearing, and if you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing. If you request a hearing, it will be held within three business days after delivery of your request for hearing and notice of the date, time, and place of the hearing will be sent to you.	15403 15404 15405 15406 15407 15408 15409 15410 15411 15412 15413 15414 15415 15416 15417 15418 15419
You may avoid a hearing but recover and retain possession of the property until the entry of final judgment in the action by filing with the court, at the office of the clerk of this court,	15420 15421 15422

not later than the end of the fifth business day after you receive 15423  
this notice, a bond executed by an acceptable surety in the amount 15424  
of \$..... 15425

If you do not request a hearing or file a bond before the end 15426  
of the fifth business day after you receive this notice, 15427  
possession of the property will be withheld from you during the 15428  
pendency of the action. Notice of the dates, times, places, and 15429  
purposes of any subsequent hearings and of the date, time, and 15430  
place of the trial of the action will be sent to you. 15431

..... 15432  
Clerk of the Court 15433  
..... 15434  
Date" 15435

(2) Along with the notice required by division (C)(1) of this 15436  
section, the clerk of the court also shall deliver to the 15437  
defendant a request for hearing form together with a postage-paid, 15438  
self-addressed envelope or a request for hearing form on a 15439  
postage-paid, self-addressed postcard. The request for hearing 15440  
shall be in substantially the following form: 15441

"(Name and Address of Court) 15442

Case Number ..... Date ..... 15443

REQUEST FOR HEARING 15444

I dispute the claim for possession of property in the above 15445  
case and request that a hearing in this matter be held within 15446  
three business days after delivery of this request to the court. 15447

I dispute the claim for the following reasons: 15448

..... 15449

(Optional) 15450

..... 15451

..... 15452

..... 15453  
(Name of Defendant) 15454  
..... 15455  
(Signature) 15456  
..... 15457  
(Date) 15458

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 15459  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 15460  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 15461  
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 15462  
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 15463

(D) The defendant may receive a hearing in accordance with 15464  
section 2715.043 of the Revised Code by delivering a written 15465  
request for hearing to the court within five business days after 15466  
receipt of the notice provided pursuant to division (C) of this 15467  
section. The request may set forth the defendant's reasons for 15468  
disputing the plaintiff's claim for possession of property. 15469  
However, neither the defendant's inclusion of nor failure to 15470  
include such reasons upon the request constitutes a waiver of any 15471  
defense of the defendant or affects the defendant's right to 15472  
produce evidence at any hearing or at the trial of the action. If 15473  
the request is made by the defendant, the court shall schedule a 15474  
hearing within three business days after the request is made, send 15475  
notice to the parties of the date, time, and place of the hearing, 15476  
and hold the hearing accordingly. 15477

(E) If, after hearing, the court finds that there is not 15478  
probable cause to support the motion, it shall order that the 15479  
property be redelivered to the defendant without the condition of 15480  
bond. 15481

**Sec. 2716.13.** (A) Upon the filing of a proceeding in 15482  
garnishment of property, other than personal earnings, under 15483

section 2716.11 of the Revised Code, the court shall cause the 15484  
matter to be set for hearing within twelve days after that filing. 15485

(B) Upon the scheduling of a hearing relative to a proceeding 15486  
in garnishment of property, other than personal earnings, under 15487  
division (A) of this section, the clerk of the court immediately 15488  
shall issue to the garnishee three copies of the order of 15489  
garnishment of property, other than personal earnings, and of a 15490  
written notice that the garnishee answer as provided in section 15491  
2716.21 of the Revised Code and the garnishee's fee required by 15492  
section 2716.12 of the Revised Code. The copies of the order and 15493  
of the notice shall be served upon the garnishee in the same 15494  
manner as a summons is served. The copies of the order and of the 15495  
notice shall not be served later than seven days prior to the date 15496  
on which the hearing is scheduled. The order shall bind the 15497  
property, other than personal earnings, of the judgment debtor in 15498  
the possession of the garnishee at the time of service. 15499

The order of garnishment of property, other than personal 15500  
earnings, and notice to answer shall be in substantially the 15501  
following form: 15502

"ORDER AND NOTICE OF GARNISHMENT 15503  
OF PROPERTY OTHER THAN PERSONAL EARNINGS 15504  
AND ANSWER OF GARNISHEE 15505

Docket No. .... 15506

Case No. .... 15507

In the ..... Court 15508

....., Ohio 15509

The State of Ohio 15510

County of ....., ss 15511

....., Judgment Creditor 15512

vs. 15513

....., Judgment Debtor 15514

As Reported by the Senate Finance and Financial Institutions Committee

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 15515

To: ....., Garnishee 15516

The judgment creditor in the above case has filed an 15517
affidavit, satisfactory to the undersigned, in this Court stating 15518
that you have money, property, or credits, other than personal 15519
earnings, in your hands or under your control that belong to the 15520
judgment debtor, and that some of the money, property, or credits 15521
may not be exempt from garnishment under the laws of the State of 15522
Ohio or the laws of the United States. 15523

You are therefore ordered to complete the "ANSWER OF 15524
GARNISHEE" in section (B) of this form. Return one completed and 15525
signed copy of this form to the clerk of this court together with 15526
the amount determined in accordance with the "ANSWER OF GARNISHEE" 15527
by the following date on which a hearing is tentatively scheduled 15528
relative to this order of garnishment: ..... Deliver one 15529
completed and signed copy of this form to the judgment debtor 15530
prior to that date. Keep the other completed and signed copy of 15531
this form for your files. 15532

The total probable amount now due on this judgment is 15533
\$. The total probable amount now due includes the unpaid 15534
portion of the judgment in favor of the judgment creditor, which 15535
is \$.; interest on that judgment and, if applicable, 15536
prejudgment interest relative to that judgment at the rate of 15537
....% per annum payable until that judgment is satisfied in full; 15538
and court costs in the amount of \$. 15539

You also are ordered to hold safely anything of value that 15540
belongs to the judgment debtor and that has to be paid to the 15541
court, as determined under the "ANSWER OF GARNISHEE" in section 15542
(B) of this form, but that is of such a nature that it cannot be 15543
so delivered, until further order of the court. 15544

Witness my hand and the seal of this court this ..... 15545
day of ....., ..... 15546

.....	15547
Judge	15548
SECTION B. ANSWER OF GARNISHEE	15549
Now comes ..... the garnishee, who says:	15550
1. That the garnishee has money, property, or credits, other	15551
than personal earnings, of the judgment debtor under the	15552
garnishee's control and in the garnishee's possession.	15553
.....	15554
yes no if yes, amount	15555
2. That property is described as:	15556
3. If the answer to line 1 is "yes" and the amount is less	15557
than the probable amount now due on the judgment, as indicated in	15558
section (A) of this form, sign and return this form and pay the	15559
amount of line 1 to the clerk of this court.	15560
4. If the answer to line 1 is "yes" and the amount is greater	15561
than that probable amount now due on the judgment, as indicated in	15562
section (A) of this form, sign and return this form and pay that	15563
probable amount now due to the clerk of this court.	15564
5. If the answer to line 1 is "yes" but the money, property,	15565
or credits are of such a nature that they cannot be delivered to	15566
the clerk of the court, indicate that by placing an "X" in this	15567
space: ..... Do not dispose of that money, property, or credits	15568
or give them to anyone else until further order of the court.	15569
6. If the answer to line 1 is "no," sign and return this form	15570
to the clerk of this court.	15571
I certify that the statements above are true.	15572
.....	15573
(Print Name of Garnishee)	15574
.....	15575
(Print Name and Title of	15576
Person Who Completed Form)	15577

Signed.....	15578
(Signature of Person Completing Form)	15579
Dated this ..... day of ....., ....."	15580
Section A of the form described in this division shall be	15581
completed before service. Section B of the form shall be completed	15582
by the garnishee, and the garnishee shall file one completed and	15583
signed copy of the form with the clerk of the court as the	15584
garnishee's answer. The garnishee may keep one completed and	15585
signed copy of the form and shall deliver the other completed and	15586
signed copy of the form to the judgment debtor.	15587
If several affidavits seeking orders of garnishment of	15588
property, other than personal earnings, are filed against the same	15589
judgment debtor in accordance with section 2716.11 of the Revised	15590
Code, the court involved shall issue the requested orders in the	15591
same order in which the clerk received the associated affidavits.	15592
(C)(1) At the time of the filing of a proceeding in	15593
garnishment of property, other than personal earnings, under	15594
section 2716.11 of the Revised Code, the judgment creditor also	15595
shall file with the clerk of the court a praecipe instructing the	15596
clerk to issue to the judgment debtor a notice to the judgment	15597
debtor form and a request for hearing form. Upon receipt of the	15598
praecipe and the scheduling of a hearing relative to an action in	15599
garnishment of property, other than personal earnings, under	15600
division (A) of this section, the clerk of the court immediately	15601
shall serve upon the judgment debtor, in accordance with division	15602
(D) of this section, two copies of the notice to the judgment	15603
debtor form and of the request for hearing form. The copies of the	15604
notice to the judgment debtor form and of the request for hearing	15605
form shall not be served later than seven days prior to the date	15606
on which the hearing is scheduled.	15607
(a) The notice to the judgment debtor that must be served	15608

upon the judgment debtor shall be in substantially the following	15609
form:	15610
"(Name and Address of the Court)	15611
(Case Caption) ..... Case No. ....	15612
NOTICE TO THE JUDGMENT DEBTOR	15613
You are hereby notified that this court has issued an order	15614
in the above case in favor of (name and address of judgment	15615
creditor), the judgment creditor in this proceeding, directing	15616
that some of your money, property, or credits, other than personal	15617
earnings, now in the possession of (name and address of	15618
garnishee), the garnishee in this proceeding, be used to satisfy	15619
your debt to the judgment creditor. This order was issued on the	15620
basis of the judgment creditor's judgment against you that was	15621
obtained in (name of court) in (case number) on (date). Upon your	15622
receipt of this notice, you are prohibited from removing or	15623
attempting to remove the money, property, or credits until	15624
expressly permitted by the court. Any violation of this	15625
prohibition subjects you to punishment for contempt of court.	15626
The law of Ohio and the United States provides that certain	15627
benefit payments cannot be taken from you to pay a debt. Typical	15628
among the benefits that cannot be attached or executed upon by a	15629
creditor are the following:	15630
(1) Workers' compensation benefits;	15631
(2) Unemployment compensation payments;	15632
(3) Cash assistance payments under the Ohio works first	15633
program;	15634
(4) <u>Benefits and services under the prevention, retention,</u>	15635
<u>and contingency program;</u>	15636
<u>(5) Disability assistance administered by the Ohio department</u>	15637
of job and family services;	15638

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- +5)+(6) Social security benefits; 15639
- +6)+(7) Supplemental security income (S.S.I.); 15640
- +7)+(8) Veteran's benefits; 15641
- +8)+(9) Black lung benefits; 15642
- +9)+(10) Certain pensions. 15643

There may be other benefits not included in the above list 15644  
that apply in your case. 15645

If you dispute the judgment creditor's right to garnish your 15646  
property and believe that the judgment creditor should not be 15647  
given your money, property, or credits, other than personal 15648  
earnings, now in the possession of the garnishee because they are 15649  
exempt or if you feel that this order is improper for any other 15650  
reason, you may request a hearing before this court by disputing 15651  
the claim in the request for hearing form, appearing below, or in 15652  
a substantially similar form, and delivering the request for 15653  
hearing to this court at the above address, at the office of the 15654  
clerk of this court no later than the end of the fifth business 15655  
day after you receive this notice. You may state your reasons for 15656  
disputing the judgment creditor's right to garnish your property 15657  
in the space provided on the form; however, you are not required 15658  
to do so. If you do state your reasons for disputing the judgment 15659  
creditor's right, you are not prohibited from stating any other 15660  
reason at the hearing. If you do not state your reasons, it will 15661  
not be held against you by the court, and you can state your 15662  
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 15663  
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 15664  
the hearing will be limited to a consideration of the amount of 15665  
your money, property, or credits, other than personal earnings, in 15666  
the possession or control of the garnishee, if any, that can be 15667  
used to satisfy all or part of the judgment you owe to the 15668  
judgment creditor. 15669

If you request a hearing by delivering your request for 15670  
hearing no later than the end of the fifth business day after you 15671  
receive this notice, it will be conducted in ..... courtroom 15672  
....., (address of court), at ..... m. on ....., 15673  
..... You may request the court to conduct the hearing before 15674  
this date by indicating your request in the space provided on the 15675  
form; the court then will send you notice of any change in the 15676  
date, time, or place of the hearing. If you do not request a 15677  
hearing by delivering your request for a hearing no later than the 15678  
end of the fifth business day after you receive this notice, some 15679  
of your money, property, or credits, other than personal earnings, 15680  
will be paid to the judgment creditor. 15681

If you have any questions concerning this matter, you may 15682  
contact the office of the clerk of this court. If you want legal 15683  
representation, you should contact your lawyer immediately. If you 15684  
need the name of a lawyer, contact the local bar association. 15685

..... 15686  
Clerk of the Court 15687  
..... 15688  
Date" 15689

(b) The request for hearing form that must be served upon the 15690  
judgment debtor shall have attached to it a postage-paid, 15691  
self-addressed envelope or shall be on a postage-paid 15692  
self-addressed postcard, and shall be in substantially the 15693  
following form: 15694

"(Name and Address of Court) 15695

Case Number ..... Date ..... 15696

REQUEST FOR HEARING 15698

I dispute the judgment creditor's right to garnish my money, 15699  
property, or credits, other than personal earnings, in the above 15700  
case and request that a hearing in this matter be held 15701

..... 15702  
(Insert "on" or "earlier than") 15703  
the date and time set forth in the document entitled "NOTICE TO 15704  
THE JUDGMENT DEBTOR" that I received with this request form. 15705  
I dispute the judgment creditor's right to garnish my 15706  
property for the following reasons: 15707  
..... 15708  
(Optional) 15709  
..... 15710  
..... 15711  
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 15712  
BE HEARD OR CONSIDERED AT THE HEARING. 15713  
..... 15714  
(Name of Judgment Debtor) 15715  
..... 15716  
(Signature) 15717  
..... 15718  
(Date) 15719  
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 15720  
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 15721  
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 15722  
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, 15723  
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE 15724  
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT 15725  
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT 15726  
CREDITOR'S NAME)." 15727  
(2) The judgment debtor may receive a hearing in accordance 15728  
with this division by delivering a written request for hearing to 15729  
the court within five business days after receipt of the notice 15730  
provided pursuant to division (C)(1) of this section. The request 15731

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may set forth the judgment debtor's reasons for disputing the  
judgment creditor's right to garnish the money, property, or  
credits, other than personal earnings; however, neither the  
judgment debtor's inclusion of nor failure to include those  
reasons upon the request constitutes a waiver of any defense of  
the judgment debtor or affects the judgment debtor's right to  
produce evidence at the hearing. If the request is made by the  
judgment debtor within the prescribed time, the hearing shall be  
limited to a consideration of the amount of money, property, or  
credits, other than personal earnings, of the judgment debtor in  
the hands of the garnishee, if any, that can be used to satisfy  
all or part of the debt owed by the judgment debtor to the  
judgment creditor. If a request for a hearing is not received by  
the court within the prescribed time, the hearing scheduled  
pursuant to division (A) of this section shall be canceled unless  
the court grants the judgment debtor a continuance in accordance  
with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the  
action within the prescribed time pursuant to division (C)(2) of  
this section, the court nevertheless may grant a continuance of  
the scheduled hearing if the judgment debtor, prior to the time at  
which the hearing was scheduled, as indicated on the notice to the  
judgment debtor required by division (C)(1) of this section,  
establishes a reasonable justification for failure to request the  
hearing within the prescribed time. If the court grants a  
continuance of the hearing, it shall cause the matter to be set  
for hearing as soon as practicable thereafter. The continued  
hearing shall be conducted in accordance with division (C)(2) of  
this section.

(4) The court may conduct the hearing on the matter prior to  
the time at which the hearing was scheduled, as indicated on the  
notice to the judgment debtor required by division (C)(1) of this

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section, upon the request of the judgment debtor. The parties 15764  
shall be sent notice, by the clerk of the court, by regular mail, 15765  
of any change in the date, time, or place of the hearing. 15766

(5) If the scheduled hearing is canceled and no continuance 15767  
is granted, the court shall issue an order to the garnishee to pay 15768  
all or some of the money, property, or credits, other than 15769  
personal earnings, of the judgment debtor in the possession of the 15770  
garnishee at the time of service of the notice and order into 15771  
court if they have not already been paid to the court. This order 15772  
shall be based on the answer of the garnishee filed pursuant to 15773  
this section. If the scheduled hearing is conducted or if it is 15774  
continued and conducted, the court shall determine at the hearing 15775  
the amount of the money, property, or credits, other than personal 15776  
earnings, of the judgment debtor in the possession of the 15777  
garnishee at the time of service of the notice and order, if any, 15778  
that can be used to satisfy all or part of the debt owed by the 15779  
judgment debtor to the judgment creditor, and issue an order, 15780  
accordingly, to the garnishee to pay that amount into court if it 15781  
has not already been paid to the court. 15782

(D) The notice to the judgment debtor form and the request 15783  
for hearing form described in division (C) of this section shall 15784  
be sent by the clerk by ordinary or regular mail service unless 15785  
the judgment creditor requests that service be made in accordance 15786  
with the Rules of Civil Procedure, in which case the forms shall 15787  
be served in accordance with the Rules of Civil Procedure. Any 15788  
court of common pleas that issues an order of garnishment of 15789  
property, other than personal earnings, under this section has 15790  
jurisdiction to serve process pursuant to this section upon a 15791  
garnishee who does not reside within the jurisdiction of the 15792  
court. Any county court or municipal court that issues an order of 15793  
garnishment of property, other than personal earnings, under this 15794  
section has jurisdiction to serve process pursuant to this section 15795

upon a garnishee who does not reside within the jurisdiction of 15796  
the court. 15797

**Sec. 2919.271.** (A)(1)(a) If a defendant is charged with a 15798  
violation of section 2919.27 of the Revised Code or of a municipal 15799  
ordinance that is substantially similar to that section, the court 15800  
may order an evaluation of the mental condition of the defendant 15801  
if the court determines that either of the following criteria 15802  
apply: 15803

(i) If the alleged violation is a violation of a protection 15804  
order issued or consent agreement approved pursuant to section 15805  
2919.26 or 3113.31 of the Revised Code, that the violation 15806  
allegedly involves conduct by the defendant that caused physical 15807  
harm to the person or property of a family or household member 15808  
covered by the order or agreement, or conduct by the defendant 15809  
that caused a family or household member to believe that the 15810  
defendant would cause physical harm to that member or that 15811  
member's property. 15812

(ii) If the alleged violation is a violation of a protection 15813  
order issued pursuant to section 2903.213 or 2903.214 of the 15814  
Revised Code or a protection order issued by a court of another 15815  
state, that the violation allegedly involves conduct by the 15816  
defendant that caused physical harm to the person or property of 15817  
the person covered by the order, or conduct by the defendant that 15818  
caused the person covered by the order to believe that the 15819  
defendant would cause physical harm to that person or that 15820  
person's property. 15821

(b) If a defendant is charged with a violation of section 15822  
2903.211 of the Revised Code or of a municipal ordinance that is 15823  
substantially similar to that section, the court may order an 15824  
evaluation of the mental condition of the defendant. 15825

(2) An evaluation ordered under division (A)(1) of this 15826

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section shall be completed no later than thirty days from the date 15827  
the order is entered pursuant to that division. In that order, the 15828  
court shall do either of the following: 15829

(a) Order that the evaluation of the mental condition of the 15830  
defendant be preceded by an examination conducted either by a 15831  
forensic center that is designated by the department of mental 15832  
health to conduct examinations and make evaluations of defendants 15833  
charged with violations of section 2903.211 or 2919.27 of the 15834  
Revised Code or of substantially similar municipal ordinances in 15835  
the area in which the court is located, or by any other program or 15836  
facility that is designated by the department of mental health or 15837  
the department of mental retardation and developmental 15838  
disabilities to conduct examinations and make evaluations of 15839  
defendants charged with violations of section 2903.211 or 2919.27 15840  
of the Revised Code or of substantially similar municipal 15841  
ordinances, and that is operated by either department or is 15842  
certified by either department as being in compliance with the 15843  
standards established under division ~~(F)~~(I) of section 5119.01 of 15844  
the Revised Code or division (C) of section 5123.04 of the Revised 15845  
Code. 15846

(b) Designate a center, program, or facility other than one 15847  
designated by the department of mental health or the department of 15848  
mental retardation and developmental disabilities, as described in 15849  
division (A)(2)(a) of this section, to conduct the evaluation and 15850  
preceding examination of the mental condition of the defendant. 15851

Whether the court acts pursuant to division (A)(2)(a) or (b) 15852  
of this section, the court may designate examiners other than the 15853  
personnel of the center, program, facility, or department involved 15854  
to make the evaluation and preceding examination of the mental 15855  
condition of the defendant. 15856

(B) If the court considers that additional evaluations of the 15857  
mental condition of a defendant are necessary following the 15858

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evaluation authorized by division (A) of this section, the court  
may order up to two additional similar evaluations. These  
evaluations shall be completed no later than thirty days from the  
date the applicable court order is entered. If more than one  
evaluation of the mental condition of the defendant is ordered  
under this division, the prosecutor and the defendant may  
recommend to the court an examiner whom each prefers to perform  
one of the evaluations and preceding examinations.

(C)(1) The court may order a defendant who has been released  
on bail to submit to an examination under division (A) or (B) of  
this section. The examination shall be conducted either at the  
detention facility in which the defendant would have been confined  
if the defendant had not been released on bail, or, if so  
specified by the center, program, facility, or examiners involved,  
at the premises of the center, program, or facility. Additionally,  
the examination shall be conducted at the times established by the  
examiners involved. If such a defendant refuses to submit to an  
examination or a complete examination as required by the court or  
the center, program, facility, or examiners involved, the court  
may amend the conditions of the bail of the defendant and order  
the sheriff to take the defendant into custody and deliver the  
defendant to the detention facility in which the defendant would  
have been confined if the defendant had not been released on bail,  
or, if so specified by the center, program, facility, or examiners  
involved, to the premises of the center, program, or facility, for  
purposes of the examination.

(2) A defendant who has not been released on bail shall be  
examined at the detention facility in which the defendant is  
confined or, if so specified by the center, program, facility, or  
examiners involved, at the premises of the center, program, or  
facility.

(D) The examiner of the mental condition of a defendant under

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division (A) or (B) of this section shall file a written report  
with the court within thirty days after the entry of an order for  
the evaluation of the mental condition of the defendant. The  
report shall contain the findings of the examiner; the facts in  
reasonable detail on which the findings are based; the opinion of  
the examiner as to the mental condition of the defendant; the  
opinion of the examiner as to whether the defendant represents a  
substantial risk of physical harm to other persons as manifested  
by evidence of recent homicidal or other violent behavior,  
evidence of recent threats that placed other persons in reasonable  
fear of violent behavior and serious physical harm, or evidence of  
present dangerousness; and the opinion of the examiner as to the  
types of treatment or counseling that the defendant needs. The  
court shall provide copies of the report to the prosecutor and  
defense counsel.

(E) The costs of any evaluation and preceding examination of  
a defendant that is ordered pursuant to division (A) or (B) of  
this section shall be taxed as court costs in the criminal case.

(F) If the examiner considers it necessary in order to make  
an accurate evaluation of the mental condition of a defendant, an  
examiner under division (A) or (B) of this section may request any  
family or household member of the defendant to provide the  
examiner with information. A family or household member may, but  
is not required to, provide information to the examiner upon  
receipt of the request.

(G) As used in this section:

(1) "Bail" includes a recognizance.

(2) "Examiner" means a psychiatrist, a licensed independent  
social worker who is employed by a forensic center that is  
certified as being in compliance with the standards established  
under division ~~(F)~~(I) of section 5119.01 or division (C) of

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section 5123.04 of the Revised Code, a licensed professional 15922  
clinical counselor who is employed at a forensic center that is 15923  
certified as being in compliance with such standards, or a 15924  
licensed clinical psychologist, except that in order to be an 15925  
examiner, a licensed clinical psychologist shall meet the criteria 15926  
of division (I)(1) of section 5122.01 of the Revised Code or be 15927  
employed to conduct examinations by the department of mental 15928  
health or by a forensic center certified as being in compliance 15929  
with the standards established under division ~~(J)~~(I) of section 15930  
5119.01 or division (C) of section 5123.04 of the Revised Code 15931  
that is designated by the department of mental health. 15932

(3) "Family or household member" has the same meaning as in 15933  
section 2919.25 of the Revised Code. 15934

(4) "Prosecutor" has the same meaning as in section 2935.01 15935  
of the Revised Code. 15936

(5) "Psychiatrist" and "licensed clinical psychologist" have 15937  
the same meanings as in section 5122.01 of the Revised Code. 15938

(6) "Protection order issued by a court of another state" has 15939  
the same meaning as in section 2919.27 of the Revised Code. 15940

**Sec. 2921.13.** (A) No person shall knowingly make a false 15941  
statement, or knowingly swear or affirm the truth of a false 15942  
statement previously made, when any of the following applies: 15943

(1) The statement is made in any official proceeding. 15944

(2) The statement is made with purpose to incriminate 15945  
another. 15946

(3) The statement is made with purpose to mislead a public 15947  
official in performing the public official's official function. 15948

(4) The statement is made with purpose to secure the payment 15949  
of unemployment compensation; Ohio works first; prevention, 15950  
retention, and contingency ~~assistance~~ benefits and services; 15951

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disability assistance; retirement benefits; economic development 15952  
assistance, as defined in section 9.66 of the Revised Code; or 15953  
other benefits administered by a governmental agency or paid out 15954  
of a public treasury. 15955

(5) The statement is made with purpose to secure the issuance 15956  
by a governmental agency of a license, permit, authorization, 15957  
certificate, registration, release, or provider agreement. 15958  
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(6) The statement is sworn or affirmed before a notary public 15960  
or another person empowered to administer oaths. 15961

(7) The statement is in writing on or in connection with a 15962  
report or return that is required or authorized by law. 15963

(8) The statement is in writing and is made with purpose to 15964  
induce another to extend credit to or employ the offender, to 15965  
confer any degree, diploma, certificate of attainment, award of 15966  
excellence, or honor on the offender, or to extend to or bestow 15967  
upon the offender any other valuable benefit or distinction, when 15968  
the person to whom the statement is directed relies upon it to 15969  
that person's detriment. 15970

(9) The statement is made with purpose to commit or 15971  
facilitate the commission of a theft offense. 15972

(10) The statement is knowingly made to a probate court in 15973  
connection with any action, proceeding, or other matter within its 15974  
jurisdiction, either orally or in a written document, including, 15975  
but not limited to, an application, petition, complaint, or other 15976  
pleading, or an inventory, account, or report. 15977

(11) The statement is made on an account, form, record, 15978  
stamp, label, or other writing that is required by law. 15979

(12) The statement is made in connection with the purchase of 15980  
a firearm, as defined in section 2923.11 of the Revised Code, and 15981  
in conjunction with the furnishing to the seller of the firearm of 15982

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a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 15983  
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(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record. 15987  
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(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 15991  
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(C) It is no defense to a charge under division (A)(4) of this section that the oath or affirmation was administered or taken in an irregular manner. 15997  
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(D) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false. 16000  
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(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), or (13) of this section is guilty of falsification, a misdemeanor of the first degree. 16005  
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(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars, falsification in a theft offense is a 16008  
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felony of the fifth degree. If the value of the property or  
services stolen is five thousand dollars or more and is less than  
one hundred thousand dollars, falsification in a theft offense is  
a felony of the fourth degree. If the value of the property or  
services stolen is one hundred thousand dollars or more,  
falsification in a theft offense is a felony of the third degree.

(3) Whoever violates division (A)(12) or (B) of this section  
is guilty of falsification to purchase a firearm, a felony of the  
fifth degree.

(F) A person who violates this section is liable in a civil  
action to any person harmed by the violation for injury, death, or  
loss to person or property incurred as a result of the commission  
of the offense and for reasonable attorney's fees, court costs,  
and other expenses incurred as a result of prosecuting the civil  
action commenced under this division. A civil action under this  
division is not the exclusive remedy of a person who incurs  
injury, death, or loss to person or property as a result of a  
violation of this section.

**Sec. 2953.21.** (A)(1) Any person who has been convicted of a  
criminal offense or adjudicated a delinquent child and who claims  
that there was such a denial or infringement of the person's  
rights as to render the judgment void or voidable under the Ohio  
Constitution or the Constitution of the United States may file a  
petition in the court that imposed sentence, stating the grounds  
for relief relied upon, and asking the court to vacate or set  
aside the judgment or sentence or to grant other appropriate  
relief. The petitioner may file a supporting affidavit and other  
documentary evidence in support of the claim for relief.

(2) A petition under division (A)(1) of this section shall be  
filed no later than one hundred eighty days after the date on  
which the trial transcript is filed in the court of appeals in the

direct appeal of the judgment of conviction or adjudication or, if  
the direct appeal involves a sentence of death, the date on which  
the trial transcript is filed in the supreme court. If no appeal  
is taken, the petition shall be filed no later than one hundred  
eighty days after the expiration of the time for filing the  
appeal.

(3) In a petition filed under division (A) of this section, a  
person upon whom a sentence of death has been imposed may ask the  
court to render void or voidable the judgment with respect to the  
conviction of aggravated murder or the specification of an  
aggravating circumstance.

(4) A petitioner shall state in the original or amended  
petition filed under division (A) of this section all grounds for  
relief claimed by the petitioner. Except as provided in section  
2953.23 of the Revised Code, any ground for relief that is not so  
stated in the petition is waived.

(5) If the petitioner in a petition filed under division (A)  
of this section was convicted of or pleaded guilty to a felony,  
the petition may include a claim that the petitioner was denied  
the equal protection of the laws in violation of the Ohio  
Constitution or the United States Constitution because the  
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.

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(B) The clerk of the court in which the petition is filed 16077  
shall docket the petition and bring it promptly to the attention 16078  
of the court. The petitioner need not serve a copy of the petition 16079  
on the prosecuting attorney. The clerk of the court in which the 16080  
petition is filed immediately shall forward a copy of the petition 16081  
to the prosecuting attorney of that county. 16082

(C) The court shall consider a petition that is timely filed 16083  
under division (A)(2) of this section even if a direct appeal of 16084  
the judgment is pending. Before granting a hearing on a petition 16085  
filed under division (A) of this section, the court shall 16086  
determine whether there are substantive grounds for relief. In 16087  
making such a determination, the court shall consider, in addition 16088  
to the petition, the supporting affidavits, and the documentary 16089  
evidence, all the files and records pertaining to the proceedings 16090  
against the petitioner, including, but not limited to, the 16091  
indictment, the court's journal entries, the journalized records 16092  
of the clerk of the court, and the court reporter's transcript. 16093  
The court reporter's transcript, if ordered and certified by the 16094  
court, shall be taxed as court costs. If the court dismisses the 16095  
petition, it shall make and file findings of fact and conclusions 16096  
of law with respect to such dismissal. 16097

(D) Within ten days after the docketing of the petition, or 16098  
within any further time that the court may fix for good cause 16099  
shown, the prosecuting attorney shall respond by answer or motion. 16100  
Within twenty days from the date the issues are made up, either 16101  
party may move for summary judgment. The right to summary judgment 16102  
shall appear on the face of the record. 16103

(E) Unless the petition and the files and records of the case 16104  
show the petitioner is not entitled to relief, the court shall 16105  
proceed to a prompt hearing on the issues even if a direct appeal 16106  
of the case is pending. If the court notifies the parties that it 16107  
has found grounds for granting relief, either party may request an 16108

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appellate court in which a direct appeal of the judgment is 16109  
pending to remand the pending case to the court. 16110

(F) At any time before the answer or motion is filed, the 16111  
petitioner may amend the petition with or without leave or 16112  
prejudice to the proceedings. The petitioner may amend the 16113  
petition with leave of court at any time thereafter. 16114

(G) If the court does not find grounds for granting relief, 16115  
it shall make and file findings of fact and conclusions of law and 16116  
shall enter judgment denying relief on the petition. If no direct 16117  
appeal of the case is pending and the court finds grounds for 16118  
relief or if a pending direct appeal of the case has been remanded 16119  
to the court pursuant to a request made pursuant to division (E) 16120  
of this section and the court finds grounds for granting relief, 16121  
it shall make and file findings of fact and conclusions of law and 16122  
shall enter a judgment that vacates and sets aside the judgment in 16123  
question, and, in the case of a petitioner who is a prisoner in 16124  
custody, shall discharge or resentence the petitioner or grant a 16125  
new trial as the court determines appropriate. The court also may 16126  
make supplementary orders to the relief granted, concerning such 16127  
matters as rearraignment, retrial, custody, and bail. If the trial 16128  
court's order granting the petition is reversed on appeal and if 16129  
the direct appeal of the case has been remanded from an appellate 16130  
court pursuant to a request under division (E) of this section, 16131  
the appellate court reversing the order granting the petition 16132  
shall notify the appellate court in which the direct appeal of the 16133  
case was pending at the time of the remand of the reversal and 16134  
remand of the trial court's order. Upon the reversal and remand of 16135  
the trial court's order granting the petition, regardless of 16136  
whether notice is sent or received, the direct appeal of the case 16137  
that was remanded is reinstated. 16138

(H) Upon the filing of a petition pursuant to division (A) of 16139  
this section by a prisoner in a state correctional institution who 16140

has received the death penalty, the court may stay execution of 16141  
the judgment challenged by the petition. 16142

(I)(1) If a person who has received the death penalty intends 16143  
to file a petition under this section, the court shall appoint 16144  
counsel to represent the person upon a finding that the person is 16145  
indigent and that the person either accepts the appointment of 16146  
counsel or is unable to make a competent decision whether to 16147  
accept or reject the appointment of counsel. The court may decline 16148  
to appoint counsel for the person only upon a finding, after a 16149  
hearing if necessary, that the person rejects the appointment of 16150  
counsel and understands the legal consequences of that decision or 16151  
upon a finding that the person is not indigent. 16152

(2) The court shall not appoint as counsel under division 16153  
(I)(1) of this section an attorney who represented the petitioner 16154  
at trial in the case to which the petition relates unless the 16155  
person and the attorney expressly request the appointment. The 16156  
court shall appoint as counsel under division (I)(1) of this 16157  
section only an attorney who is certified under Rule 65 20 of the 16158  
Rules of Superintendence for the Courts of ~~Common Pleas~~ Ohio to 16159  
represent indigent defendants charged with or convicted of an 16160  
offense for which the death penalty can be or has been imposed. 16161  
The ineffectiveness or incompetence of counsel during proceedings 16162  
under this section does not constitute grounds for relief in a 16163  
proceeding under this section, in an appeal of any action under 16164  
this section, or in an application to reopen a direct appeal. 16165

(3) Division (I) of this section does not preclude attorneys 16166  
who represent the state of Ohio from invoking the provisions of 28 16167  
U.S.C. 154 with respect to capital cases that were pending in 16168  
federal habeas corpus proceedings prior to the effective date of 16169  
this amendment insofar as the petitioners in those cases were 16170  
represented in proceedings under this section by one or more 16171  
counsel appointed by the court under this section or section 16172

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120.06, 120.16, 120.26, or 120.33 of the Revised Code and those  
appointed counsel meet the requirements of division (I)(2) of this  
section.

(J) Subject to the appeal of a sentence for a felony that is  
authorized by section 2953.08 of the Revised Code, the remedy set  
forth in this section is the exclusive remedy by which a person  
may bring a collateral challenge to the validity of a conviction  
or sentence in a criminal case or to the validity of an  
adjudication of a child as a delinquent child for the commission  
of an act that would be a criminal offense if committed by an  
adult or the validity of a related order of disposition.

**Sec. 3109.14.** (A) As used in this section, "birth record" and  
"certification of birth" have the meanings given in section  
3705.01 of the Revised Code.

(B)(1) The director of health, a person authorized by the  
director, a local commissioner of health, or a local registrar of  
vital statistics shall charge and collect a fee for each certified  
copy of a birth record ~~and~~, for each certification of birth ~~a fee~~  
~~of two dollars~~, and for each copy of a death record ~~a fee of two~~  
~~dollars~~, Until October 1, 2001, the fee shall be two dollars. On  
and after October 1, 2001, the fee shall be three dollars. The fee  
is in addition to the fee imposed by section 3705.24 or any other  
section of the Revised Code. A local commissioner of health or a  
local registrar of vital statistics may retain an amount of each  
additional fee collected, not to exceed three per cent of the  
amount of the additional fee, to be used for costs directly  
related to the collection of the fee and the forwarding of the fee  
to the treasurer of state.

(2) Upon the filing for a divorce decree under section  
3105.10 or a decree of dissolution under section 3105.65 of the  
Revised Code, a court of common pleas shall charge and collect a

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fee of ten dollars. Until October 1, 2001, the fee shall be ten 16204  
dollars. On and after October 1, 2001, the fee shall be eleven 16205  
dollars. The fee is in addition to any other court costs or fees. 16206  
The county clerk of courts may retain an amount of each additional 16207  
fee collected, not to exceed three per cent of the amount of the 16208  
additional fee, to be used for costs directly related to the 16209  
collection of the fee and the forwarding of the fee to the 16210  
treasurer of state. 16211

(C) The additional fees collected, but not retained, under 16212  
this section during each month shall be forwarded not later than 16213  
the tenth day of the immediately following month to the treasurer 16214  
of state, who shall deposit the fees in the state treasury to the 16215  
credit of the children's trust fund, which is hereby created. A 16216  
person or government entity that fails to forward the fees in a 16217  
timely manner, as determined by the treasurer of state, shall 16218  
forward to the treasurer of state, in addition to the fees, a 16219  
penalty equal to ten per cent of the fees. 16220

The treasurer of state shall invest the moneys in the fund, 16221  
and all earnings resulting from investment of the fund shall be 16222  
credited to the fund, except that actual administrative costs 16223  
incurred by the treasurer of state in administering the fund may 16224  
be deducted from the earnings resulting from investments. The 16225  
amount that may be deducted shall not exceed three per cent of the 16226  
total amount of fees credited to the fund in each fiscal year, 16227  
except that the children's trust fund board may approve an amount 16228  
for actual administrative costs exceeding three per cent but not 16229  
exceeding four per cent of such amount. The balance of the 16230  
investment earnings shall be credited to the fund. Moneys credited 16231  
to the fund shall be used only for the purposes described in 16232  
sections 3109.13 to 3109.18 of the Revised Code. 16233

**Sec. 3109.17.** (A) For each fiscal biennium, the children's 16234

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trust fund board shall establish a biennial state plan for 16235  
comprehensive child abuse and child neglect prevention. The plan 16236  
shall be transmitted to the governor, the president and minority 16237  
leader of the senate, and the speaker and minority leader of the 16238  
house of representatives and shall be made available to the 16239  
general public. 16240

(B) In developing and carrying out the state plan, the 16241  
children's trust fund board shall, in accordance with Chapter 119. 16242  
of the Revised Code, do all of the following: 16243

(1) Ensure that an opportunity exists for assistance through 16244  
child abuse and child neglect prevention programs to persons 16245  
throughout the state of various social and economic backgrounds; 16246

(2) Before the thirtieth day of October of each year, notify 16247  
each child abuse and child neglect prevention advisory board of 16248  
the amount estimated to be block granted to that advisory board 16249  
for the following fiscal year. 16250

(3) Develop criteria for county or district comprehensive 16251  
allocation plans, including criteria for determining the plans' 16252  
effectiveness; 16253

(4) Review county or district comprehensive allocation plans; 16254  
16255

(5) Make a block grant to each child abuse and child neglect 16256  
prevention advisory board for the purpose of funding child abuse 16257  
and child neglect prevention programs. The block grants shall be 16258  
allocated among advisory boards according to a formula based on 16259  
the ratio of the number of children under age eighteen in the 16260  
county or multicounty district to the number of children under age 16261  
eighteen in the state, as shown in the most recent federal 16262  
decennial census of population. Subject to the availability of 16263  
funds, each advisory board shall receive a minimum of ten thousand 16264  
dollars per fiscal year. In the case of an advisory board that 16265

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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  
entities and facilitate the exchange of information among those  
persons and entities for the purpose of child abuse and child  
neglect prevention;

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(9) Provide for the education of the public and professionals  
for the purpose of child abuse and child neglect prevention.

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(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 16297  
copy of the report with the governor, the president and minority 16298  
leader of the senate, and the speaker and minority leader of the 16299  
house of representatives. 16300

~~(D) In addition to the duties described in this section and 16301  
in section 3109.16 of the Revised Code, the children's trust fund 16302  
board shall perform the duties described in section 121.371 of the 16303  
Revised Code with regard to the wellness block grant program. 16304~~

**Sec. 3119.022.** When a court or child support enforcement 16305  
agency calculates the amount of child support to be paid pursuant 16306  
to a child support order in a proceeding in which one parent is 16307  
the residential parent and legal custodian of all of the children 16308  
who are the subject of the child support order or in which the 16309  
court issues a shared parenting order, the court or agency shall 16310  
use a worksheet identical in content and form to the following: 16311

CHILD SUPPORT COMPUTATION WORKSHEET 16312

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 16313

Name of parties ..... 16314

Case No. .... 16315

Number of minor children ..... 16316

The following parent was designated as residential parent and 16317  
legal custodian: ..... mother ..... father ..... shared 16318

Column I Column II Column III 16319

Father Mother Combined 16320

INCOME 16321

1.a. Annual gross income from 16322

employment or, when 16323

determined appropriate 16324

by the court or agency, 16325

average annual gross income 16326

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from employment over a	16327
reasonable period of years.	16328
(Exclude overtime, bonuses,	16329
self-employment income, or	16330
commissions)..... \$..... \$.....	16331
b. Amount of overtime,	16332
bonuses, and commissions	16333
(year 1 representing the	16334
most recent year)	16335
Father	16336
Yr. 3 \$.....	16337
(Three years ago)	16338
Yr. 2 \$.....	16339
(Two years ago)	16340
Yr. 1 \$.....	16341
(Last calendar year)	16342
Average \$.....	16343
Mother	16336
Yr. 3 \$.....	16337
(Three years ago)	16338
Yr. 2 \$.....	16339
(Two years ago)	16340
Yr. 1 \$.....	16341
(Last calendar year)	16342
Average \$.....	16343
(Include in Col. I and/or	16344
Col. II the average of the	16345
three years or the year 1	16346
amount, whichever is less,	16347
if there exists a reasonable	16348
expectation that the total	16349
earnings from overtime and/or	16350
bonuses during the current	16351
calendar year will meet or	16352
exceed the amount that is	16353
the lower of the average	16354
of the three years or the	16355
year 1 amount. If, however,	16356
there exists a reasonable	16357
expectation that the total	16358
earnings from overtime/	16359

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bonuses during the current			16360
calendar year will be less			16361
than the lower of the average			16362
of the 3 years or the year 1			16363
amount, include only the			16364
amount reasonably expected			16365
to be earned this year.)... \$..... \$.....			16366
			16367
2. For self-employment income:			16368
a. Gross receipts from			16369
business..... \$..... \$.....			16370
b. Ordinary and necessary			16371
business expenses..... \$..... \$.....			16372
c. 5.6% of adjusted gross			16373
income or the actual			16374
marginal difference between			16375
the actual rate paid by the			16376
self-employed individual			16377
and the F.I.C.A. rate ..... \$..... \$.....			16378
d. Adjusted gross income from			16379
self-employment (subtract			16380
the sum of 2b and 2c from			16381
2a)..... \$..... \$.....			16382
			16383
3. Annual income from interest			16384
and dividends (whether or			16385
not taxable )..... \$..... \$.....			16386
			16387
4. Annual income from			16388
unemployment compensation... \$..... \$.....			16389
			16390
5. Annual income from workers'			16391
compensation, disability			16392

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insurance benefits, or social			16393
security disability/			16394
retirement benefits.....	\$.....	\$.....	16395
			16396
6. Other annual income			16397
(identify).....	\$.....	\$.....	16398
			16399
7. Total annual gross income			16400
(add lines 1a, 1b, 2d, and			16401
3-6).....	\$.....	\$.....	16402
			16403
ADJUSTMENTS TO INCOME			16404
8. Adjustment for minor children			16405
born to or adopted by either			16406
parent and another parent who			16407
are living with this parent;			16408
adjustment does not apply			16409
to stepchildren (number of			16410
children times federal income			16411
tax exemption less child			16412
support received, not to			16413
exceed the federal tax			16414
exemption).....	\$.....	\$.....	16415
			16416
9. Annual court-ordered support			16417
paid for other children....	\$.....	\$.....	16418
			16419
10. Annual court-ordered spousal			16420
support paid to any spouse			16421
or former spouse.....	\$.....	\$.....	16422
			16423
11. Amount of local income taxes			16424
actually paid or estimated			16425

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to be paid.....	\$.....	\$.....	16426
			16427
12. Mandatory work-related			16428
deductions such as union			16429
dues, uniform fees, etc.			16430
(not including taxes, social			16431
security, or retirement)...	\$.....	\$.....	16432
			16433
13. Total gross income			16434
adjustments (add lines			16435
8 through 12).....	\$.....	\$.....	16436
			16437
14. Adjusted annual gross			16438
income (subtract line 13			16439
from line 7).....	\$.....	\$.....	16440
			16441
15. Combined annual income that			16442
is basis for child support			16443
order (add line 14, Col. I			16444
and Col. II).....		\$.....	16445
			16446
16. Percentage of parent's			16447
income to total income			16448
a. Father (divide line 14,			16449
Col. I, by line 15, Col.			16450
III).....%			16451
b. Mother (divide line 14,			16452
Col. II, by line 15, Col.			16453
III).....%			16454
			16455
17. Basic combined child			16456
support obligation (refer			16457
to schedule, first column,			16458

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locate the amount nearest		16459
to the amount on line 15,		16460
Col. III, then refer to		16461
column for number of		16462
children in this family.		16463
If the income of the		16464
parents is more than one		16465
sum but less than another,		16466
you may calculate the		16467
difference.).....	\$.....	16468
		16469
18. Annual support obligation per parent		16470
a. Father (multiply line 17,		16471
Col. III, by line 16a).....	\$.....	16472
b. Mother (multiply line 17,		16473
Col. III, by line 16b).....	\$.....	16474
		16475
19. Annual child care expenses		16476
for children who are the		16477
subject of this order that		16478
are work-, employment		16479
training-, or education-		16480
related, as approved by		16481
the court or agency		16482
(deduct tax credit from		16483
annual cost, whether or		16484
not claimed).....	\$.....	16485
	\$.....	16486
20. Marginal, out-of-pocket		16487
costs, necessary to provide		16488
for health insurance for		16489
the children who are the		16490
subject of this order.....	\$.....	16491
	\$.....	

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		16492
21. ADJUSTMENTS TO CHILD SUPPORT		16493
Father (only if obligor	Mother (only if obligor	16494
or shared parenting)	or shared parenting)	16495
a. Additions: line 16a	b. Additions: line 16b	16496
times sum of amounts	times sum of amounts	16497
shown on line 19, Col. II	shown on line 19, Col. I	16498
and line 20, Col. II	and line 20, Col. I	16499
\$. . . . .	\$. . . . .	16500
c. Subtractions: line 16b	d. Subtractions: line 16a	16501
times sum of amounts	times sum of amounts	16502
shown on line 19, Col. I	shown on line 19, Col. II	16503
and line 20, Col. I	and line 20, Col. II	16504
\$. . . . .	\$. . . . .	16505
		16506
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT:		16507
a. Father: line 18a plus <u>or minus</u>		16508
<u>the difference between</u> line		
21a minus line 21c ( <del>if the</del>		16509
<del>amount on line 21c is</del>		16510
<del>greater than or equal to</del>		16511
<del>the amount on line 21a or</del>		16512
<del>if 21a and 21c are not</del>		16513
<del>applicable—enter the</del>		16514
<del>number on line 18a in</del>		16515
Col. I). . . . .	\$. . . . .	16516
b. Mother: line 18b plus <u>or minus</u>		16517
<u>the difference between</u> line		
21b minus line 21d ( <del>if the</del>		16518
<del>amount on line 21d is</del>		16519
<del>greater than or equal to</del>		16520
<del>the amount on line 21b or</del>		16521
<del>if 21b and 21d are not</del>		16522

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~~applicable~~ ~~enter the~~ 16523  
~~number on line 18b in~~ 16524  
~~Col. II)~~..... \$...... 16525  
16526

23. ACTUAL ANNUAL OBLIGATION: 16527

a. (Line 22a or 22b, whichever 16528  
line corresponds to the 16529  
parent who is the obligor). \$...... 16530

b. Any non-means-tested 16531  
benefits, including social 16532  
security and veterans' 16533  
benefits, paid to and 16534  
received by a child or a 16535  
person on behalf of the 16536  
child due to death, 16537  
disability, or retirement 16538  
of the parent..... \$...... 16539

c. Actual annual obligation 16540  
(subtract line 23b from 16541  
line 23a)..... \$...... 16542  
16543

24.a. Deviation from sole residential parent support amount shown 16544  
on line 23c if amount would be unjust or inappropriate: (see 16545  
section 3119.23 of the Revised Code.) (Specific facts and 16546  
monetary value must be stated.) 16547  
..... 16548  
..... 16549  
..... 16550  
..... 16551

b. Deviation from shared parenting order: (see sections 3119.23 16552  
and 3119.24 of the Revised Code.) (Specific facts including 16553  
amount of time children spend with each parent, ability of 16554  
each parent to maintain adequate housing for children, and 16555

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each parent's expenses for children must be stated to justify deviation.) 16556  
 ..... 16557  
 ..... 16558  
 ..... 16559  
 ..... 16560  
 ..... 16561  
 ..... 16562  
 25. FINAL FIGURE (This amount reflects final annual child support obligation; line 23c plus or minus any amounts indicated in line 24a or 24b ..... \$..... Father/Mother, OBLIGOR 16563  
 ..... 16564  
 ..... 16565  
 ..... 16566  
 ..... 16567  
 ..... 16568  
 ..... 16569  
 26. FOR DECREE: Child support per month (divide obligor's annual share, line 25, by 12) plus any processing charge..... \$..... 16570  
 ..... 16571  
 ..... 16572  
 ..... 16573  
 ..... 16574  
 Prepared by: 16575  
 Counsel: ..... Pro se: ..... 16576  
 For mother/father) 16577  
 CSEA: ..... Other: ..... 16578  
 Worksheet Has Been Reviewed and Agreed To: 16579  
 ..... 16580  
 Mother Date 16581  
 ..... 16582  
 Father Date 16583  
 Sec. 3301.075. The state board of education shall adopt rules governing the purchasing and leasing of data processing services and equipment for all local, exempted village, city, and joint 16584  
 ..... 16585  
 ..... 16586

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vocational school districts and all educational service centers. 16587  
Such rules shall include provisions for the establishment of an 16588  
Ohio education computer network under procedures, guidelines, and 16589  
specifications of the department of education. 16590

16591  
The department shall administer funds appropriated for the 16592  
Ohio education computer network to ensure its efficient and 16593  
economical operation and shall approve no more than twenty-seven 16594  
data acquisition sites to operate concurrently. Such sites shall 16595  
be approved for funding in accordance with rules of the state 16596  
board adopted under this section that shall provide for the 16597  
superintendent of public instruction to require the membership of 16598  
each data acquisition site to be composed of combinations of 16599  
school districts and educational service centers ~~from contiguous~~ 16600  
~~counties~~ having sufficient students to support an efficient, 16601  
economical comprehensive program of computer services to member 16602  
districts and educational service centers. Each data acquisition 16603  
site, ~~other than sites organized under Chapter 167. of the Revised~~ 16604  
~~Code prior to the effective date of this section,~~ shall be 16605  
organized in accordance with section 3313.92 or Chapter 167. of 16606  
the Revised Code. 16607

The department of education may contract with an independent 16608  
for profit or nonprofit entity to provide current and historical 16609  
information on Ohio government through the Ohio education computer 16610  
network to school district libraries operating in accordance with 16611  
section 3375.14 of the Revised Code in order to assist school 16612  
teachers in social studies course instruction and support student 16613  
research projects. Any such contract shall be awarded in 16614  
accordance with Chapter 125. of the Revised Code. 16615

**Sec. 3301.70.** (A) The state board of education is the 16616  
designated state agency responsible for the coordination and 16617  
administration of sections 110 to 118 of the "National and 16618

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Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 16619  
12401 to 12431, ~~and amendments thereto as amended~~. With the 16620  
assistance of the ~~state Ohio community service advisory committee~~ 16621  
council created in section 121.40 of the Revised Code, the state 16622  
board shall coordinate with other state agencies to apply for 16623  
funding under the act when appropriate. 16624

(B) With the assistance of the ~~state Ohio community service~~ 16625  
~~advisory committee~~ council, the state board of education shall 16626  
develop a plan to assist school districts in the implementation of 16627  
section 3313.605 of the Revised Code and other community service 16628  
activities of school districts. The state board shall encourage 16629  
the development of school district programs meeting the 16630  
requirements for funding under the "National and Community Service 16631  
Act of 1990." The plan shall include the investigation of funding 16632  
from all available sources for school community service education 16633  
programs, including funds available under the "National and 16634  
Community Service Act of 1990," and the provision of technical 16635  
assistance to school districts for the implementation of community 16636  
service education programs. The plan shall also provide for 16637  
technical assistance to be given to school boards to assist in 16638  
obtaining funds for community service education programs from any 16639  
source. 16640

(C) With the assistance of the ~~state Ohio community service~~ 16641  
~~advisory committee~~ council, the state board of education shall do 16642  
all of the following: 16643

(1) Disseminate information about school district community 16644  
service education programs to other school districts and to 16645  
statewide organizations involved with or promoting volunteerism; 16646

(2) Recruit additional school districts to develop community 16647  
service education programs; 16648

(3) Identify or develop model community service programs, 16649  
teacher training courses, and community service curricula and 16650

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teaching materials for possible use by school districts in their programs. 16651  
16652

**Sec. 3301.80.** (A) There is hereby created the Ohio SchoolNet 16653  
commission as an independent agency. The commission shall 16654  
administer programs to provide financial and other assistance to 16655  
school districts and other educational institutions for the 16656  
acquisition and utilization of educational technology. 16657

The commission is a body corporate and politic, an agency of 16658  
the state performing essential governmental functions of the 16659  
state. 16660

(B)(1) The commission shall consist of eleven members, seven 16661  
of whom are voting members. Of the voting members, one shall be 16662  
appointed by the speaker of the house of representatives and one 16663  
shall be appointed by the president of the senate. The members 16664  
appointed by the speaker of the house and the president of the 16665  
senate shall not be members of the general assembly. The state 16666  
superintendent of public instruction or a designee of the 16667  
superintendent, the director of budget and management or a 16668  
designee of the director, the director of administrative services 16669  
or a designee of the director, the chairperson of the public 16670  
utilities commission or a designee of the chairperson, and the 16671  
director of the Ohio educational telecommunications network 16672  
commission or a designee of the director shall serve on the 16673  
commission as ex officio voting members. Of the nonvoting members, 16674  
two shall be members of the house of representatives appointed by 16675  
the speaker of the house and two shall be members of the senate 16676  
appointed by the president of the senate. The members appointed 16677  
from each house shall not be members of the same political party. 16678  
The commission shall appoint officers from among its members. 16679

16680

(2) The members shall serve without compensation. The voting 16681

As Reported by the Senate Finance and Financial Institutions Committee

members appointed by the speaker of the house of representatives 16682  
and the president of the senate shall be reimbursed, pursuant to 16683  
office of budget and management guidelines, for necessary expenses 16684  
incurred in the performance of official duties. 16685  
16686

(3) The terms of office for the members appointed by the 16687  
speaker of the house and the president of the senate shall be for 16688  
two years, with each term ending on the same day of the same month 16689  
as did the term that it succeeds. The members appointed by the 16690  
speaker of the house and the president of the senate may be 16691  
reappointed. Any member appointed from the house of 16692  
representatives or senate who ceases to be a member of the 16693  
legislative house from which the member was appointed shall cease 16694  
to be a member of the commission. Vacancies among appointed 16695  
members shall be filled in the manner provided for original 16696  
appointments. Any member appointed to fill a vacancy occurring 16697  
prior to the expiration date of the term for which a predecessor 16698  
was appointed shall hold office as a member for the remainder of 16699  
that term. The members appointed by the speaker of the house and 16700  
the president of the senate shall continue in office subsequent to 16701  
the expiration date of that member's term until a successor takes 16702  
office or until a period of sixty days has elapsed, whichever 16703  
occurs first. 16704

(C)(1) The commission shall be under the supervision of an 16705  
executive director who shall be appointed by the commission. The 16706  
executive director shall serve at the pleasure of the commission 16707  
and shall direct commission employees in the administration of all 16708  
programs for the provision of financial and other assistance to 16709  
school districts and other educational institutions for the 16710  
acquisition and utilization of educational technology. 16711

(2) The employees of the Ohio SchoolNet commission shall be 16712  
placed in the unclassified service. The commission shall fix the 16713

As Reported by the Senate Finance and Financial Institutions Committee

compensation of the executive director. The executive director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the commission. The employees shall serve at the pleasure of the executive director.

(3) The employees of the Ohio SchoolNet commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(D) The Ohio SchoolNet commission shall do all of the following:

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions to utilize educational technology;

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code, and such other public or private entities as the executive director deems necessary for the administration and implementation of the programs under the commission's jurisdiction;

(3) Establish a reporting system to which school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions receiving financial assistance pursuant to this section for the acquisition of educational technology report information as to the manner in which such assistance was expended, the manner in which the equipment or services purchased with the assistance is being

## As Reported by the Senate Finance and Financial Institutions Committee

utilized, the results or outcome of this utilization, and other  
information as may be required by the commission; 16745  
16746

(4) Establish necessary guidelines governing purchasing and  
procurement by participants in programs administered by the 16747  
commission that facilitate the timely and effective implementation 16748  
of such programs; 16749  
16750

(5) Take into consideration the efficiency and cost savings 16751  
of statewide procurement prior to allocating and releasing funds 16752  
for any programs under its administration. 16753

(E)(1) The executive director shall implement policies and 16754  
directives issued by the Ohio SchoolNet commission. 16755

(2) The Ohio SchoolNet commission may establish a systems 16756  
support network to facilitate the timely implementation of the 16757  
programs, projects, or activities for which it provides 16758  
assistance. 16759

(3) Chapters 123., 124., 125., and 153., and sections 9.331,  
9.332, and 9.333 of the Revised Code do not apply to contracts,  
programs, projects, or activities of the Ohio SchoolNet  
commission. 16760  
16761  
16762  
16763

**Sec. 3301.85.** (A) The OhioReads office is hereby established 16764  
within the department of education. The office shall be under the 16765  
supervision of an executive ~~director~~ administrator, who shall be 16766  
appointed by the superintendent of public instruction, with the 16767  
advice and consent of the OhioReads council. The executive 16768  
~~director~~ administrator shall serve at the pleasure of and report 16769  
to the superintendent, but shall discharge the position according 16770  
to guidelines issued by the council and shall perform any task 16771  
designated by the council. The executive ~~director~~ administrator 16772  
shall devote full time to the duties of that position and shall 16773  
hold no other position within the department. The superintendent 16774

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may hire additional staff for the office and shall fix the 16775  
compensation of such employees as necessary to facilitate the 16776  
activities and purposes of the office. All such employee positions 16777  
shall be administrative staff positions, and all persons employed 16778  
in those positions shall serve at the pleasure of the 16779  
superintendent and shall not be subject to the provisions of 16780  
Chapter 4117. of the Revised Code. The department shall provide 16781  
the executive ~~director~~ administrator and any additional staff 16782  
hired by the superintendent with offices within the department's 16783  
office space. 16784

(B) Any employee of the OhioReads office who is a member of a 16785  
bargaining unit on the effective date of this amendment shall 16786  
retain that status. However, when any position encumbered by such 16787  
employee is vacated for any reason, the position shall cease to be 16788  
subject to any provision of Chapter 4117. of the Revised Code, and 16789  
any person hired to fill such position after the effective date of 16790  
this amendment shall be hired in accordance with division (A) of 16791  
this section as that division exists after the effective date of 16792  
this amendment. 16793

**Sec. 3302.041.** (A) Each school district that in 1999 was 16794  
declared to be in a state of academic emergency, under an academic 16795  
watch, or in need of continuous improvement under section 3302.03 16796  
of the Revised Code and that is projected to receive any parity 16797  
aid payments under section 3317.0217 of the Revised Code for 16798  
either of the two fiscal years beginning July 1, 2001, or July 1, 16799  
2002, shall amend its continuous improvement plan required under 16800  
section 3302.04 of the Revised Code to include a budget for 16801  
expending the parity aid for either of those two fiscal years that 16802  
the district is projected to receive such aid. For each year 16803  
included in the budget, the district shall allocate the full 16804  
amount of projected parity aid among one or more of the following: 16805

(1) Upgrading, or purchasing additional classroom equipment, 16806

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<u>materials, textbooks, or technology;</u>	16807
<u>(2) Lowering the teacher/student ratios in additional classrooms;</u>	16808
<u>(3) Providing additional advanced curriculum opportunities;</u>	16810
<u>(4) Providing additional electives or required courses for graduation;</u>	16811
<u>(5) Increasing the number of days of professional development;</u>	16813
<u>(6) Providing all-day kindergarten to more students;</u>	16814
<u>(7) Providing preschool to more students;</u>	16815
<u>(8) Providing additional programming and services for special student populations such as gifted, disadvantaged, or disabled students;</u>	16816
<u>(9) Providing new programs or increasing the number of students served by existing programs to prevent academic failure or to intervene in the case of students in danger of academic failure, such as tutoring or summer school programs.</u>	16817
<u>(9) Providing new programs or increasing the number of students served by existing programs to prevent academic failure or to intervene in the case of students in danger of academic failure, such as tutoring or summer school programs.</u>	16818
<u>(9) Providing new programs or increasing the number of students served by existing programs to prevent academic failure or to intervene in the case of students in danger of academic failure, such as tutoring or summer school programs.</u>	16819
<u>(9) Providing new programs or increasing the number of students served by existing programs to prevent academic failure or to intervene in the case of students in danger of academic failure, such as tutoring or summer school programs.</u>	16820
<u>(9) Providing new programs or increasing the number of students served by existing programs to prevent academic failure or to intervene in the case of students in danger of academic failure, such as tutoring or summer school programs.</u>	16821
<u>(9) Providing new programs or increasing the number of students served by existing programs to prevent academic failure or to intervene in the case of students in danger of academic failure, such as tutoring or summer school programs.</u>	16822
<u>(9) Providing new programs or increasing the number of students served by existing programs to prevent academic failure or to intervene in the case of students in danger of academic failure, such as tutoring or summer school programs.</u>	16823
<u>(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:</u>	16824
<u>(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:</u>	16825
<u>(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:</u>	16826
<u>(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.</u>	16827
<u>(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.</u>	16828
<u>(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.</u>	16829
<u>(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.</u>	16830
<u>(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.</u>	16831
<u>(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</u>	16832
<u>(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</u>	16833
<u>(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</u>	16834
<u>(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</u>	16835

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education under rules adopted pursuant to section 3302.04 of the 16836  
Revised Code. 16837

(C) A copy of each amended continuous improvement plan 16838  
required to contain a budget under this section shall be submitted 16839  
to the department by September 1, 2001. The department, beginning 16840  
July 1, 2002, shall assess a random sampling of the districts in 16841  
each of fiscal years 2003 and 2004 to determine whether the 16842  
district did in fact make the expenditures included in its 16843  
proposed parity aid budget during the preceding fiscal year. 16844

(D) If in either year, the department finds that a district 16845  
did not spend its preceding year's parity aid funds in the manner 16846  
specified in the budget for that year, it shall notify the state 16847  
board of education of its findings and shall subtract the amount 16848  
of any parity aid funds not spent in the manner specified in the 16849  
budget from any parity aid otherwise due to the district under 16850  
section 3317.0217 of the Revised Code in the current fiscal year. 16851  
If payments are reduced to any district under this division, the 16852  
department shall continue to assess the expenditures of such 16853  
district in each ensuing year and shall continue to make 16854  
deductions in accordance with this section until such year as the 16855  
district is found to be in compliance with this section. 16856

(E) Whenever the department reexamines the status of school 16857  
districts under division (A) of section 3302.03 of the Revised 16858  
Code, it shall require all districts expected to receive parity 16859  
aid payments and determined either to need continuous improvement, 16860  
be under an academic watch, or be in a state of academic emergency 16861  
to submit their three-year continuous improvement plans to the 16862  
department and to include as an integral part of such plans, 16863  
budgets meeting the requirements of divisions (A) and (B) of this 16864  
section. The department shall annually assess a random sampling of 16865  
all such districts and withhold parity aid payments from 16866  
noncomplying districts in the same manner as required under 16867

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divisions (C) and (D) of this section. 16868

(F) At any time, for good cause and with the approval of the 16869  
department, a school district may amend a budget adopted under 16870  
this section. Any such amendment, however, shall provide that any 16871  
parity aid payments the district proposes not to spend on one of 16872  
the items listed in division (A) of this section are instead 16873  
reallocated to other items listed in such division. 16874

(G) The superintendent of public instruction may authorize a 16875  
school district to spend parity aid payments for a purpose not 16876  
listed in division (A) of this section upon request of the 16877  
district if the superintendent considers it appropriate. 16878

**Sec. 3303.01.** Except when utilized in Chapter 3311. of the 16879  
Revised Code, whenever the term vocational education occurs 16880  
anywhere in the Revised Code, it shall be deemed to refer to 16881  
career-technical education, except that joint vocational school 16882  
districts shall continue to be styled as and shall maintain their 16883  
legal existence as either joint vocational school districts or 16884  
vocational school districts pursuant to section 3311.01. 16885

**Sec. 3305.061.** Notwithstanding section 171.07 and division 16886  
(D) of section 3305.06 of the Revised Code, the percentage of an 16887  
electing employee's compensation contributed by a public 16888  
institution of higher education under division (D) of section 16889  
3305.06 of the Revised Code shall not exceed the percentage of 16890  
compensation transferred under section 145.87, 3307.84, or 3309.88 16891  
of the Revised Code, as appropriate, by the state retirement 16892  
system that otherwise applies to the electing employee's position. 16893  
A change in the percentage of compensation contributed under 16894  
division (D) of section 3305.06 of the Revised Code, as required 16895  
by this section, shall take effect on the same day a change in the 16896  
percentage of compensation takes effect under section 145.87, 16897

3307.84, or 3309.88 of the Revised Code, as appropriate. 16898

**Sec. 3307.05.** The state teachers retirement board shall 16899  
consist of the following nine members: 16900

(A) The superintendent of public instruction; 16901

(B) The auditor of state; 16902

(C) The attorney general; 16903

(D) Five members, known as teacher members, who shall be 16904  
members of the state teachers retirement system; 16905

(E) A former member of the system, known as the retired 16906  
teacher member, who shall be a superannuate and who is not 16907  
otherwise employed in a position requiring the retired teacher 16908  
member to make contributions to the system. 16909

**Sec. 3311.057.** (A) Any educational service center that is 16910  
formed by merging two or more educational service centers or 16911  
former county school districts after July 1, 1995, but prior to 16912  
July 1, ~~1999~~ 2003, may determine the number of members of its 16913  
governing board ~~of education~~ and whether the members are to be 16914  
elected at large or by subdistrict, provided each board shall have 16915  
an odd number of members. 16916

(B) If an educational service center described in division 16917  
(A) of this section is formed on or after the effective date of 16918  
this section, the governing board ~~of education~~ of each service 16919  
center that is merging to form the new service center shall 16920  
include identical provisions for electing the new service center's 16921  
governing board in its resolution adopted pursuant to division (A) 16922  
of section 3311.053 of the Revised Code. If there is any 16923  
transition period between the effective date of the merger of the 16924  
service centers and the assumption of control of the new service 16925

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center by the new board, the resolutions shall include provisions 16926  
for an interim governing board which shall be appointed to govern 16927  
the service center until the time the new board is elected and 16928  
assumes control of the service center. 16929

(C) If an educational service center described in division 16930  
(A) of this section was formed prior to the effective date of this 16931  
section, the governing board of the service center may adopt at 16932  
any time prior to July 1, ~~1999~~ 2003, a resolution setting forth 16933  
provisions for changing the number of members and the manner of 16934  
electing its board and provisions for any transitional period 16935  
between the abolition of the existing board and the assumption of 16936  
control by the new board. 16937

(D) Any provisions for electing a governing board adopted 16938  
pursuant to division (B) or (C) of this section may provide for 16939  
the election of members at large, may provide for the 16940  
establishment of subdistricts within the district, or may require 16941  
some members to be elected at large and some to be elected from 16942  
subdistricts. If subdistricts are included, the resolutions shall 16943  
specify the manner in which their boundaries are to be drawn. The 16944  
provisions shall attempt to ensure that each elected member of the 16945  
board represents an equal number of residents of the service 16946  
center. To accomplish this, any subdistrict containing a multiple 16947  
of the number of electors in another subdistrict, may elect 16948  
at-large within that subdistrict, a number of board members equal 16949  
to the multiple that its population is of the population of the 16950  
other subdistrict. 16951

(E) The provisions for selecting board members set forth in 16952  
the latest resolution adopted pursuant to division (B) or (C) of 16953  
this section prior to July 1, ~~1999~~ 2003, shall remain the method 16954  
of electing ~~school~~ board members within that educational service 16955  
center. 16956

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Sec. 3311.058. Notwithstanding anything to the contrary in 16957  
Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly, 16958  
146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter 16959  
3311. of the Revised Code, no educational service center shall be 16960  
required to merge in order to achieve any prescribed minimum 16961  
average daily membership if such a merger will cause the territory 16962  
of the resultant joint educational service center to comprise more 16963  
than eight hundred square miles. 16964

Sec. 3311.062. Notwithstanding anything prohibiting the 16965  
existence of school districts with noncontiguous territory in 16966  
section 3311.06 or 3311.37 of the Revised Code or in any other 16967  
section of this chapter, a new school district may be formed under 16968  
this chapter after the effective date of this section from the 16969  
territory of noncontiguous school districts, provided that the 16970  
board of education of any school district containing territory 16971  
lying between the noncontiguous portions of such a new school 16972  
district adopts a resolution approving the establishment of the 16973  
new district. 16974

Sec. 3313.37. (A)(1) The board of education of any city, 16975  
 local, or exempted village school district may build, enlarge, 16976  
 repair, and furnish the necessary schoolhouses, purchase or lease 16977  
 sites therefor, or rights-of-way thereto, or purchase or lease 16978  
 real estate to be used as playgrounds for children or rent 16979  
 suitable schoolrooms, either within or without the district, and 16980  
 provide the necessary apparatus and make all other necessary 16981  
 provisions for the schools under its control. ~~The governing board~~ 16982  
~~of any educational service center may build, enlarge, repair, and~~ 16983  
~~furnish the necessary facilities for conducting special education~~ 16984  
~~programs and driver education courses, purchase or lease sites~~ 16985  
~~therefor, or rights-of-way thereto, or purchase or lease real~~ 16986

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~~estate or rent suitable facilities to be used for such purposes 16987~~  
~~and provide the necessary apparatus and make all other necessary 16988~~  
~~provisions for such facilities as are under its control. 16989~~

(2) A governing board of an educational service center may 16990  
acquire, lease, or enter into a contract to purchase, lease, or 16991  
sell real and personal property and may construct, enlarge, 16992  
repair, renovate, furnish, or equip facilities, buildings, or 16993  
structures for the educational service center's purposes. The 16994  
board may enter into loan agreements, including mortgages, for the 16995  
acquisition of such property. If a governing board exercises any 16996  
of these powers to acquire office or classroom space, the board of 16997  
county commissioners has no obligation to provide and equip 16998  
offices and to provide heat, light, water, and janitorial services 16999  
for the use of the service center pursuant to section 3319.19 of 17000  
the Revised Code, unless there is a contract as provided by 17001  
division (D) of that section. 17002

(3) A board of county commissioners may issue securities of 17003  
the county pursuant to Chapter 133. of the Revised Code for the 17004  
acquisition of real and personal property or for the construction, 17005  
enlargement, repair, or renovation of facilities, buildings, or 17006  
structures by an educational service center, but only if the 17007  
county has a contract under division (D) of section 3319.19 of the 17008  
Revised Code with the educational service center whereby the 17009  
educational service center agrees to pay the county an amount 17010  
equal to the debt charges on the issued securities on or before 17011  
the date those charges fall due. For the purposes of this section, 17012  
"debt charges" and "securities" have the same meanings as in 17013  
section 133.01 of the Revised Code. 17014

(B)(1) Boards of education of city, local, and exempted 17015  
village school districts may acquire land by gift or devise, by 17016  
purchase, or by appropriation. Lands purchased may be purchased 17017  
for cash, by installment payments, with or without a mortgage, by 17018

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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 17050  
village, or local school district, if the purchase price is to be 17051  
paid over a period of time, the contract setting forth the terms 17052  
of such purchase shall be considered a continuing contract 17053  
pursuant to section 5705.41 of the Revised Code. Payments shall 17054  
not extend for a period of more than five years. Costs relating to 17055  
the acquisition of necessary apparatus may be paid from funds 17056  
available to the school district or educational service center for 17057  
operating purposes. 17058

(5) A board of education or governing board of an educational 17059  
service center may acquire the necessary equipment for the 17060  
maintenance or physical upkeep of facilities and land under its 17061  
control by entering into lease-purchase agreements. If payments 17062  
under the lease-purchase agreement are to be made over a period of 17063  
time, the agreement shall be considered a continuing contract 17064  
pursuant to section 5705.41 of the Revised Code, and such payments 17065  
shall not extend for a period of more than five years. 17066

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 17067  
~~and (F)~~, and (G) of this section, when a board of education 17068  
decides to dispose of real or personal property that it owns in 17069  
its corporate capacity, and that exceeds in value ten thousand 17070  
dollars, it shall sell the property at public auction, after 17071  
giving at least thirty days' notice of the auction by publication 17072  
in a newspaper of general circulation or by posting notices in 17073  
five of the most public places in the school district in which the 17074  
property, if it is real property, is situated, or, if it is 17075  
personal property, in the school district of the board of 17076  
education that owns the property. The board may offer real 17077  
property for sale as an entire tract or in parcels. 17078

(B) When the board of education has offered real or personal 17079  
property for sale at public auction at least once pursuant to 17080

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division (A) of this section, and the property has not been sold, 17081  
the board may sell it at a private sale. Regardless of how it was 17082  
offered at public auction, at a private sale, the board shall, as 17083  
it considers best, sell real property as an entire tract or in 17084  
parcels, and personal property in a single lot or in several lots. 17085

(C) If a board of education decides to dispose of real or 17086  
personal property that it owns in its corporate capacity and that 17087  
exceeds in value ten thousand dollars, it may sell the property to 17088  
the adjutant general; to any subdivision or taxing authority as 17089  
respectively defined in divisions (A) and (C) of section 5705.01 17090  
of the Revised Code, township park district, board of park 17091  
commissioners established under Chapter 755. of the Revised Code, 17092  
or park district established under Chapter 1545. of the Revised 17093  
Code; to a wholly or partially tax-supported university, 17094  
university branch, or college; or to the board of trustees of a 17095  
school district library, upon such terms as are agreed upon. The 17096  
sale of real or personal property to the board of trustees of a 17097  
school district library is limited, in the case of real property, 17098  
to a school district library within whose boundaries the real 17099  
property is situated, or, in the case of personal property, to a 17100  
school district library whose boundaries lie in whole or in part 17101  
within the school district of the selling board of education. 17102

(D) When a board of education decides to trade as a part or 17103  
an entire consideration, an item of personal property on the 17104  
purchase price of an item of similar personal property, it may 17105  
trade the same upon such terms as are agreed upon by the parties 17106  
to the trade. 17107

(E) The president and the treasurer of the board of education 17108  
shall execute and deliver deeds or other necessary instruments of 17109  
conveyance to complete any sale or trade under this section. 17110

(F) When a board of education has identified a parcel of real 17111  
17112

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property that it determines is needed for school purposes, the 17113  
board may, upon a majority vote of the members of the board, 17114  
acquire that property by exchanging real property that the board 17115  
owns in its corporate capacity for the identified real property or 17116  
by using real property that the board owns in its corporate 17117  
capacity as part or an entire consideration for the purchase price 17118  
of the identified real property. Any exchange or acquisition made 17119  
pursuant to this division shall be made by a conveyance executed 17120  
by the president and the treasurer of the board. 17121

(G) When a school district board of education decides to 17122  
dispose of real property suitable for use as classroom space, 17123  
prior to disposing of such property under division (A) through (F) 17124  
of this section, it shall first offer that property for sale to 17125  
the governing authorities of the start-up community schools, 17126  
established under Chapter 3314. of the Revised Code and located 17127  
within the territory of the school district, and to the governing 17128  
board of any educational service center providing services to the 17129  
district, at a price that is not higher than the appraised fair 17130  
market value of that property. If more than one community school 17131  
governing authority accepts the offer made by the school district 17132  
board or if at least one community school governing authority and 17133  
the educational service center governing board accept that offer, 17134  
the board shall sell the property to the governing authority or 17135  
governing board that accepted the offer first in time. If no 17136  
community school governing authority or governing board accepts 17137  
the offer within sixty days after the offer is made by the school 17138  
district board, the board may dispose of the property in the 17139  
applicable manner prescribed under divisions (A) to (F) of this 17140  
section. 17141

**Sec. 3313.603.** (A) As used in this section: 17142

(1) "One unit" means a minimum of one hundred twenty hours of 17143

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course instruction, except that for a laboratory course, "one	17144
unit" means a minimum of one hundred fifty hours of course	17145
instruction.	17146
(2) "One-half unit" means a minimum of sixty hours of course	17147
instruction, except that for physical education courses, "one-half	17148
unit" means a minimum of one hundred twenty hours of course	17149
instruction.	17150
(B) Beginning September 15, 2001, the requirements for	17151
graduation from every high school shall include <del>twenty-one</del> <u>twenty</u>	17152
units earned in grades nine through twelve and shall be	17153
distributed as follows:	17154
(1) English language arts, four units;	17155
(2) Health, one-half unit;	17156
(3) Mathematics, three units;	17157
(4) Physical education, one-half unit;	17158
(5) Science, two units until September 15, 2003, and three	17159
units thereafter, which at all times shall include both of the	17160
following:	17161
(a) Biological sciences, one unit;	17162
(b) Physical sciences, one unit.	17163
(6) Social studies, three units, which shall include both of	17164
the following:	17165
(a) American history, one-half unit;	17166
(b) American government, one-half unit.	17167
(7) Elective units, <del>eight</del> <u>seven</u> units until September 15,	17168
2003, and <del>seven</del> <u>six</u> units thereafter.	17169
Each student's electives shall include at least one unit, or	17170
two half units, chosen from among the areas of	17171

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business/technology, fine arts, and/or foreign language.	17172
(C) Every high school may permit students below the ninth grade to take advanced work for credit. A high school shall count such advanced work toward the graduation requirements of division (B) of this section if the advanced work was both:	17173 17174 17175 17176
(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;	17177 17178 17179
(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.	17180 17181 17182 17183 17184
(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.	17185 17186 17187 17188
<b>Sec. 3313.64.</b> (A) As used in this section and in section 3313.65 of the Revised Code:	17189 17190
(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	17191 17192 17193 17194 17195 17196 17197 17198 17199 17200 17201

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the right to have the child live with the parent and be the legal	17202
custodian of the child and all residual parental rights,	17203
privileges, and responsibilities.	17204
(2) "Legal custody," "permanent custody," and "residual	17205
parental rights, privileges, and responsibilities" have the same	17206
meanings as in section 2151.011 of the Revised Code.	17207
(3) "School district" or "district" means a city, local, or	17208
exempted village school district and excludes any school operated	17209
in an institution maintained by the department of youth services.	17210
(4) Except as used in division (C)(2) of this section, "home"	17211
means a home, institution, foster home, group home, or other	17212
residential facility in this state that receives and cares for	17213
children, to which any of the following applies:	17214
(a) The home is licensed, certified, or approved for such	17215
purpose by the state or is maintained by the department of youth	17216
services.	17217
(b) The home is operated by a person who is licensed,	17218
certified, or approved by the state to operate the home for such	17219
purpose.	17220
(c) The home accepted the child through a placement by a	17221
person licensed, certified, or approved to place a child in such a	17222
home by the state.	17223
(d) The home is a children's home created under section	17224
5153.21 or 5153.36 of the Revised Code.	17225
(5) "Agency" means all of the following:	17226
(a) A public children services agency;	17227
(b) An organization that holds a certificate issued by the	17228
Ohio department of job and family services in accordance with the	17229
requirements of section 5103.03 of the Revised Code and assumes	17230
temporary or permanent custody of children through commitment,	17231

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agreement, or surrender, and places children in family homes for	17232
the purpose of adoption;	17233
(c) Comparable agencies of other states or countries that	17234
have complied with applicable requirements of section 2151.39, or	17235
sections 5103.20 to 5103.28 of the Revised Code.	17236
(6) A child is placed for adoption if either of the following	17237
occurs:	17238
(a) An agency to which the child has been permanently	17239
committed or surrendered enters into an agreement with a person	17240
pursuant to section 5103.16 of the Revised Code for the care and	17241
adoption of the child.	17242
(b) The child's natural parent places the child pursuant to	17243
section 5103.16 of the Revised Code with a person who will care	17244
for and adopt the child.	17245
(7) "Handicapped preschool child" means a handicapped child,	17246
as defined by division (A) of section 3323.01 of the Revised Code,	17247
who is at least three years of age but is not of compulsory school	17248
age, as defined in section 3321.01 of the Revised Code, and who is	17249
not currently enrolled in kindergarten.	17250
(8) "Child," unless otherwise indicated, includes handicapped	17251
preschool children.	17252
(B) Except as otherwise provided in section 3321.01 of the	17253
Revised Code for admittance to kindergarten and first grade, a	17254
child who is at least five but under twenty-two years of age and	17255
any handicapped preschool child shall be admitted to school as	17256
provided in this division.	17257
(1) A child shall be admitted to the schools of the school	17258
district in which the child's parent resides.	17259
(2) A child who does not reside in the district where the	17260
child's parent resides shall be admitted to the schools of the	17261

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district in which the child resides if any of the following	17262
applies:	17263
(a) The child is in the legal or permanent custody of a	17264
government agency or a person other than the child's natural or	17265
adoptive parent.	17266
(b) The child resides in a home.	17267
(c) The child requires special education.	17268
(3) A child who is not entitled under division (B)(2) of this	17269
section to be admitted to the schools of the district where the	17270
child resides and who is residing with a resident of this state	17271
with whom the child has been placed for adoption shall be admitted	17272
to the schools of the district where the child resides unless	17273
either of the following applies:	17274
(a) The placement for adoption has been terminated.	17275
(b) Another school district is required to admit the child	17276
under division (B)(1) of this section.	17277
Division (B) of this section does not prohibit the board of	17278
education of a school district from placing a handicapped child	17279
who resides in the district in a special education program outside	17280
of the district or its schools in compliance with Chapter 3323. of	17281
the Revised Code.	17282
(C) A district shall not charge tuition for children admitted	17283
under division (B)(1) or (3) of this section. If the district	17284
admits a child under division (B)(2) of this section, tuition	17285
shall be paid to the district that admits the child as follows:	17286
	17287
(1) If the child receives special education in accordance	17288
with Chapter 3323. of the Revised Code, tuition shall be paid in	17289
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of	17290
the Revised Code regardless of who has custody of the child or	17291

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whether the child resides in a home. 17292

(2) Except as otherwise provided in division (C)(2)(d) of 17293  
this section, if the child is in the permanent or legal custody of 17294  
a government agency or person other than the child's parent, 17295  
tuition shall be paid by: 17296

(a) The district in which the child's parent resided at the 17297  
time the court removed the child from home or at the time the 17298  
court vested legal or permanent custody of the child in the person 17299  
or government agency, whichever occurred first; 17300

(b) If the parent's residence at the time the court removed 17301  
the child from home or placed the child in the legal or permanent 17302  
custody of the person or government agency is unknown, tuition 17303  
shall be paid by the district in which the child resided at the 17304  
time the child was removed from home or placed in legal or 17305  
permanent custody, whichever occurred first; 17306

(c) If a school district cannot be established under division 17307  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 17308  
district determined as required by section 2151.357 of the Revised 17309  
Code by the court at the time it vests custody of the child in the 17310  
person or government agency; 17311

(d) If at the time the court removed the child from home or 17312  
vested legal or permanent custody of the child in the person or 17313  
government agency, whichever occurred first, one parent was in a 17314  
residential or correctional facility or a juvenile residential 17315  
placement and the other parent, if living and not in such a 17316  
facility or placement, was not known to reside in this state, 17317  
tuition shall be paid by the district determined under division 17318  
(D) of section 3313.65 of the Revised Code as the district 17319  
required to pay any tuition while the parent was in such facility 17320  
or placement. 17321

(3) If the child is not in the permanent or legal custody of 17322

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a government agency or person other than the child's parent and	17323
the child resides in a home, tuition shall be paid by one of the	17324
following:	17325
(a) The school district in which the child's parent resides;	17326
(b) If the child's parent is not a resident of this state,	17327
the home in which the child resides.	17328
(D) Tuition required to be paid under divisions (C)(2) and	17329
(3)(a) of this section shall be computed in accordance with	17330
section 3317.08 of the Revised Code. Tuition required to be paid	17331
under division (C)(3)(b) of this section shall be computed in	17332
accordance with section 3317.081 of the Revised Code. If a home	17333
fails to pay the tuition required by division (C)(3)(b) of this	17334
section, the board of education providing the education may	17335
recover in a civil action the tuition and the expenses incurred in	17336
prosecuting the action, including court costs and reasonable	17337
attorney's fees. If the prosecuting attorney or city director of	17338
law represents the board in such action, costs and reasonable	17339
attorney's fees awarded by the court, based upon the prosecuting	17340
attorney's, director's, or one of their designee's time spent	17341
preparing and presenting the case, shall be deposited in the	17342
county or city general fund.	17343
(E) A board of education may enroll a child free of any	17344
tuition obligation for a period not to exceed sixty days, on the	17345
sworn statement of an adult resident of the district that the	17346
resident has initiated legal proceedings for custody of the child.	17347
(F) In the case of any individual entitled to attend school	17348
under this division, no tuition shall be charged by the school	17349
district of attendance and no other school district shall be	17350
required to pay tuition for the individual's attendance.	17351
Notwithstanding division (B), (C), or (E) of this section:	17352
(1) All persons at least eighteen but under twenty-two years	17353

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of age who live apart from their parents, support themselves by  
their own labor, and have not successfully completed the high  
school curriculum or the individualized education program  
developed for the person by the high school pursuant to section  
3323.08 of the Revised Code, are entitled to attend school in the  
district in which they reside.

(2) Any child under eighteen years of age who is married is  
entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in  
which either of the child's parents is employed if the child has a  
medical condition that may require emergency medical attention.  
The parent of a child entitled to attend school under division  
(F)(3) of this section shall submit to the board of education of  
the district in which the parent is employed a statement from the  
child's physician certifying that the child's medical condition  
may require emergency medical attention. The statement shall be  
supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's  
parent is entitled, for a period not to exceed twelve months, to  
attend school in the district in which that person resides if the  
child's parent files an affidavit with the superintendent of the  
district in which the person with whom the child is living resides  
stating all of the following:

(a) That the parent is serving outside of the state in the  
armed services of the United States;

(b) That the parent intends to reside in the district upon  
returning to this state;

(c) The name and address of the person with whom the child is  
living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after  
the death of a parent, resides in a school district other than the

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district in which the child attended school at the time of the  
parent's death is entitled to continue to attend school in the  
district in which the child attended school at the time of the  
parent's death for the remainder of the school year, subject to  
approval of that district board.

(6) A child under the age of twenty-two years who resides  
with a parent who is having a new house built in a school district  
outside the district where the parent is residing is entitled to  
attend school for a period of time in the district where the new  
house is being built. In order to be entitled to such attendance,  
the parent shall provide the district superintendent with the  
following:

(a) A sworn statement explaining the situation, revealing the  
location of the house being built, and stating the parent's  
intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house  
is being built for the parent and that the house is at the  
location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a  
parent who has a contract to purchase a house in a school district  
outside the district where the parent is residing and who is  
waiting upon the date of closing of the mortgage loan for the  
purchase of such house is entitled to attend school for a period  
of time in the district where the house is being purchased. In  
order to be entitled to such attendance, the parent shall provide  
the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the  
location of the house being purchased, and stating the parent's  
intent to reside there;

(b) A statement from a real estate broker or bank officer  
confirming that the parent has a contract to purchase the house,

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that the parent is waiting upon the date of closing of the 17416  
mortgage loan, and that the house is at the location indicated in 17417  
the parent's statement. 17418

The district superintendent shall establish a period of time 17419  
not to exceed ninety days during which the child entitled to 17420  
attend school under division (F)(6) or (7) of this section may 17421  
attend without tuition obligation. A student attending a school 17422  
under division (F)(6) or (7) of this section shall be eligible to 17423  
participate in interscholastic athletics under the auspices of 17424  
that school, provided the board of education of the school 17425  
district where the student's parent resides, by a formal action, 17426  
releases the student to participate in interscholastic athletics 17427  
at the school where the student is attending, and provided the 17428  
student receives any authorization required by a public agency or 17429  
private organization of which the school district is a member 17430  
exercising authority over interscholastic sports. 17431

(8) A child whose parent is a full-time employee of a city, 17432  
local, or exempted village school district, or of an educational 17433  
service center, may be admitted to the schools of the district 17434  
where the child's parent is employed, or in the case of a child 17435  
whose parent is employed by an educational service center, in the 17436  
district that serves the location where the parent's job is 17437  
primarily located, provided the district board of education 17438  
establishes such an admission policy by resolution adopted by a 17439  
majority of its members. Any such policy shall take effect on the 17440  
first day of the school year and the effective date of any 17441  
amendment or repeal may not be prior to the first day of the 17442  
subsequent school year. The policy shall be uniformly applied to 17443  
all such children and shall provide for the admission of any such 17444  
child upon request of the parent. No child may be admitted under 17445  
this policy after the first day of classes of any school year. 17446

(9) A child who is with the child's parent under the care of 17447

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a shelter for victims of domestic violence, as defined in section 17448  
3113.33 of the Revised Code, is entitled to attend school free in 17449  
the district in which the child is with the child's parent, and no 17450  
other school district shall be required to pay tuition for the 17451  
child's attendance in that school district. 17452

The enrollment of a child in a school district under this 17453  
division shall not be denied due to a delay in the school 17454  
district's receipt of any records required under section 3313.672 17455  
of the Revised Code or any other records required for enrollment. 17456  
Any days of attendance and any credits earned by a child while 17457  
enrolled in a school district under this division shall be 17458  
transferred to and accepted by any school district in which the 17459  
child subsequently enrolls. The state board of education shall 17460  
adopt rules to ensure compliance with this division. 17461

(10) Any child under the age of twenty-two years whose parent 17462  
has moved out of the school district after the commencement of 17463  
classes in the child's senior year of high school is entitled, 17464  
subject to the approval of that district board, to attend school 17465  
in the district in which the child attended school at the time of 17466  
the parental move for the remainder of the school year and for one 17467  
additional semester or equivalent term. A district board may also 17468  
adopt a policy specifying extenuating circumstances under which a 17469  
student may continue to attend school under division (F)(10) of 17470  
this section for an additional period of time in order to 17471  
successfully complete the high school curriculum for the 17472  
individualized education program developed for the student by the 17473  
high school pursuant to section 3323.08 of the Revised Code. 17474

(11) As used in this division, "grandparent" means a parent 17475  
of a parent of a child. A child under the age of twenty-two years 17476  
who is in the custody of the child's parent, resides with a 17477  
grandparent, and does not require special education is entitled to 17478  
attend the schools of the district in which the child's 17479

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grandparent resides, provided that, prior to such attendance in 17480  
any school year, the board of education of the school district in 17481  
which the child's grandparent resides and the board of education 17482  
of the school district in which the child's parent resides enter 17483  
into a written agreement specifying that good cause exists for 17484  
such attendance, describing the nature of this good cause, and 17485  
consenting to such attendance. 17486

In lieu of a consent form signed by a parent, a board of 17487  
education may request the grandparent of a child attending school 17488  
in the district in which the grandparent resides pursuant to 17489  
division (F)(11) of this section to complete any consent form 17490  
required by the district, including any authorization required by 17491  
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 17492  
Upon request, the grandparent shall complete any consent form 17493  
required by the district. A school district shall not incur any 17494  
liability solely because of its receipt of a consent form from a 17495  
grandparent in lieu of a parent. 17496

Division (F)(11) of this section does not create, and shall 17497  
not be construed as creating, a new cause of action or substantive 17498  
legal right against a school district, a member of a board of 17499  
education, or an employee of a school district. This section does 17500  
not affect, and shall not be construed as affecting, any 17501  
immunities from defenses to tort liability created or recognized 17502  
by Chapter 2744. of the Revised Code for a school district, 17503  
member, or employee. 17504

(12) A child under the age of twenty-two years is entitled to 17505  
attend school in a school district other than the district in 17506  
which the child is entitled to attend school under division (B), 17507  
(C), or (E) of this section provided that, prior to such 17508  
attendance in any school year, both of the following occur: 17509

(a) The superintendent of the district in which the child is 17510  
entitled to attend school under division (B), (C), or (E) of this 17511

section contacts the superintendent of another district for 17512  
purposes of this division; 17513

(b) The superintendents of both districts enter into a 17514  
written agreement that consents to the attendance and specifies 17515  
that the purpose of such attendance is to protect the student's 17516  
physical or mental well-being or to deal with other extenuating 17517  
circumstances deemed appropriate by the superintendents. 17518

While an agreement is in effect under this division for a 17519  
student who is not receiving special education under Chapter 3323. 17520  
of the Revised Code and notwithstanding Chapter 3327. of the 17521  
Revised Code, the board of education of neither school district 17522  
involved in the agreement is required to provide transportation 17523  
for the student to and from the school where the student attends. 17524

A student attending a school of a district pursuant to this 17525  
division shall be allowed to participate in all student 17526  
activities, including interscholastic athletics, at the school 17527  
where the student is attending on the same basis as any student 17528  
who has always attended the schools of that district while of 17529  
compulsory school age. 17530

(13) All school districts shall comply with the 17531  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 17532  
seq., for the education of homeless children. Each city, local, 17533  
and exempted village school district shall comply with the 17534  
requirements of that act governing the provision of a free, 17535  
appropriate public education, including public preschool, to each 17536  
homeless child. 17537

When a child loses permanent housing and becomes a homeless 17538  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 17539  
such a homeless person changes temporary living arrangements, the 17540  
child's parent or guardian shall have the option of enrolling the 17541  
child in either of the following: 17542

<u>(a) The child's school of origin, as defined in 42 U.S.C.A.</u>	17543
<u>11432(g)(3)(C);</u>	17544
<u>(b) The school that is operated by the school district in</u>	17545
<u>which the shelter where the child currently resides is located and</u>	17546
<u>that serves the geographic area in which the shelter is located.</u>	17547
(G) A board of education, after approving admission, may	17548
waive tuition for students who will temporarily reside in the	17549
district and who are either of the following:	17550
(1) Residents or domiciliaries of a foreign nation who	17551
request admission as foreign exchange students;	17552
(2) Residents or domiciliaries of the United States but not	17553
of Ohio who request admission as participants in an exchange	17554
program operated by a student exchange organization.	17555
(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,	17556
3327.04, and 3327.06 of the Revised Code, a child may attend	17557
school or participate in a special education program in a school	17558
district other than in the district where the child is entitled to	17559
attend school under division (B) of this section.	17560
(I) This division does not apply to a child receiving special	17561
education.	17562
A school district required to pay tuition pursuant to	17563
division (C)(2) or (3) of this section or section 3313.65 of the	17564
Revised Code shall have an amount deducted under division (F) of	17565
section 3317.023 of the Revised Code equal to its own tuition rate	17566
for the same period of attendance. A school district entitled to	17567
receive tuition pursuant to division (C)(2) or (3) of this section	17568
or section 3313.65 of the Revised Code shall have an amount	17569
credited under division (F) of section 3317.023 of the Revised	17570
Code equal to its own tuition rate for the same period of	17571
attendance. If the tuition rate credited to the district of	17572
attendance exceeds the rate deducted from the district required to	17573

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pay tuition, the department of education shall pay the district of 17574  
attendance the difference from amounts deducted from all 17575  
districts' payments under division (F) of section 3317.023 of the 17576  
Revised Code but not credited to other school districts under such 17577  
division and from appropriations made for such purpose. The 17578  
treasurer of each school district shall, by the fifteenth day of 17579  
January and July, furnish the superintendent of public instruction 17580  
a report of the names of each child who attended the district's 17581  
schools under divisions (C)(2) and (3) of this section or section 17582  
3313.65 of the Revised Code during the preceding six calendar 17583  
months, the duration of the attendance of those children, the 17584  
school district responsible for tuition on behalf of the child, 17585  
and any other information that the superintendent requires. 17586

Upon receipt of the report the superintendent, pursuant to 17587  
division (F) of section 3317.023 of the Revised Code, shall deduct 17588  
each district's tuition obligations under divisions (C)(2) and (3) 17589  
of this section or section 3313.65 of the Revised Code and pay to 17590  
the district of attendance that amount plus any amount required to 17591  
be paid by the state. 17592

(J) In the event of a disagreement, the superintendent of 17593  
public instruction shall determine the school district in which 17594  
the parent resides. 17595

(K) Nothing in this section requires or authorizes, or shall 17596  
be construed to require or authorize, the admission to a public 17597  
school in this state of a pupil who has been permanently excluded 17598  
from public school attendance by the superintendent of public 17599  
instruction pursuant to sections 3301.121 and 3313.662 of the 17600  
Revised Code. 17601

**Sec. 3314.07.** (A) The expiration of the contract for a 17602  
community school between a sponsor and a school shall be the date 17603  
provided in the contract. A successor contract may be entered into 17604

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unless the contract is terminated or not renewed pursuant to this section. 17605  
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(B)(1) A sponsor may choose not to renew a contract at its expiration or may choose to terminate a contract prior to its expiration for any of the following reasons: 17607  
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17609

(a) Failure to meet student performance requirements stated in the contract; 17610  
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(b) Failure to meet generally accepted standards of fiscal management; 17612  
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(c) Violation of any provision of the contract or applicable state or federal law; 17614  
17615

(d) Other good cause. 17616

~~A termination shall be effective only at the conclusion of a school year.~~ 17617  
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(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. 17619  
17620  
17621

(3) At least one hundred eighty ninety days prior to the termination or nonrenewal of a contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within seventy days of the receipt of a request for the hearing. Promptly following the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract. 17622  
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+3+(4) A decision by the sponsor to terminate a contract may 17634

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be appealed to the state board of education. The decision by the 17635  
state board pertaining to an appeal under this division is final. 17636  
If the sponsor is the state board, its decision to terminate a 17637  
contract under division (B)(4) of this section shall be final. 17638

(5) The termination of a contract under this section shall be 17639  
effective upon the occurrence of the later of the following 17640  
events: 17641

(a) Ninety days following the date the sponsor notifies the 17642  
school of its decision to terminate the contract as prescribed in 17643  
division (B)(3) of this section; 17644

(b) If an informal hearing is requested under division (B)(3) 17645  
of this section and as a result of that hearing the sponsor 17646  
affirms its decision to terminate the contract, the effective date 17647  
of the termination specified in the notice issued under division 17648  
(B)(3) of this section, or if that decision is appealed to the 17649  
state board under division (B)(4) of this section and the state 17650  
board affirms that decision, the date established in the 17651  
resolution of the state board affirming the sponsor's decision. 17652

(C) A child attending a community school whose contract has 17653  
been terminated ~~or~~, nonrenewed, or suspended or that closes for 17654  
any reason shall be admitted to the schools of the district in 17655  
which the child is entitled to attend under section 3313.64 or 17656  
3313.65 of the Revised Code. Any deadlines established for the 17657  
purpose of admitting students under section 3313.97 or 3313.98 17658  
shall be waived for students to whom this division pertains. 17659

(D) A sponsor of a community school and the officers, 17660  
directors, or employees of such a sponsor are not liable in 17661  
damages in a tort or other civil action for harm allegedly arising 17662  
from either of the following: 17663

(1) A failure of the community school or any of its officers, 17664  
directors, or employees to perform any statutory or common law 17665

duty or responsibility or any other legal obligation; 17666

(2) An action or omission of the community school or any of 17667  
its officers, directors, or employees that results in harm. 17668

(E) As used in this section: 17669

(1) "Harm" means injury, death, or loss to person or 17670  
property. 17671

(2) "Tort action" means a civil action for damages for 17672  
injury, death, or loss to person or property other than a civil 17673  
action for damages for a breach of contract or another agreement 17674  
between persons. 17675

Sec. 3314.072. The provisions of this section are enacted to 17676  
promote the public health, safety, and welfare by establishing 17677  
procedures under which the governing authorities of community 17678  
schools established under this chapter will be held accountable 17679  
for their compliance with the terms of the contracts they enter 17680  
into with their school's sponsors and the law relating to the 17681  
school's operation. Suspension of the operation of a school 17682  
imposed under this section is intended to encourage the governing 17683  
authority's compliance with the terms of the school's contract and 17684  
the law and is not intended to be an alteration of the terms of 17685  
that contract. 17686

(A) If a sponsor of a community school established under this 17687  
chapter suspends the operation of that school pursuant to 17688  
procedures set forth in this section, the governing authority 17689  
shall not operate that school while the suspension is in effect. 17690  
Any such suspension shall remain in effect until the sponsor 17691  
notifies the governing authority that it is no longer in effect. 17692  
The contract of a school of which operation is suspended under 17693  
this section also may be subject to termination or nonrenewal 17694  
under section 3314.07 of the Revised Code. 17695

## As Reported by the Senate Finance and Financial Institutions Committee

(B) If at any time the sponsor of a community school established under this chapter determines that conditions at the school do not comply with a health and safety standard established by law for school buildings, the sponsor shall immediately suspend the operation of the school pursuant to procedures set forth in division (D) of this section. 17696  
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(C)(1) For any of the reasons prescribed in division (B)(1)(a) to (d) of section 3314.07 of the Revised Code, the sponsor of a community school established under this chapter may suspend the operation of the school only if it first issues to the governing authority notice of the sponsor's intent to suspend the operation of the contract. Such notice shall explain the reasons for the sponsor's intent to suspend operation of the contract and shall provide the school's governing authority with five business days to submit to the sponsor a proposal to remedy the conditions cited as reasons for the suspension. 17702  
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(2) The sponsor shall promptly review any proposed remedy timely submitted by the governing authority and either approve or disapprove the remedy. If the sponsor disapproves the remedy proposed by the governing authority, if the governing authority fails to submit a proposed remedy in the manner prescribed by the sponsor, or if the governing authority fails to implement the remedy as approved by the sponsor, the sponsor may suspend operation of the school pursuant to procedures set forth in division (D) of this section. 17712  
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(D)(1) If division (B) of this section applies or if the sponsor of a community school established under this chapter decides to suspend the operation of a school as permitted in division (C)(2) of this section, the sponsor shall promptly send written notice to the governing authority stating that the operation of the school is immediately suspended, and explaining the specific reasons for the suspension. The notice shall state 17721  
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<u>that the governing authority has five business days to submit a</u>	17728
<u>proposed remedy to the conditions cited as reasons for the</u>	17729
<u>suspension or face potential contract termination.</u>	17730
<u>(2) Upon receipt of the notice of suspension prescribed under</u>	17731
<u>division (D)(1) of this section, the governing authority shall</u>	17732
<u>immediately notify the employees of the school and the parents of</u>	17733
<u>the students enrolled in the school of the suspension and the</u>	17734
<u>reasons therefore, and shall cease all school operations on the</u>	17735
<u>next business day.</u>	17736
<b>Sec. 3314.08.</b> (A) As used in this section:	17737
(1) "Base formula amount" means the amount specified as such	17738
in a community school's financial plan for a school year pursuant	17739
to division (A)(15) of section 3314.03 of the Revised Code.	17740
(2) "Cost-of-doing-business factor" has the same meaning as	17741
in section 3317.02 of the Revised Code.	17742
(3) "IEP" means an individualized education program as	17743
defined in section 3323.01 of the Revised Code.	17744
(4) "Applicable <u>special education</u> weight" means:	17745
(a) For a student receiving special education and related	17746
services pursuant to an IEP for a handicap described in division	17747
(A) of section 3317.013 of the Revised Code, the multiple	17748
specified in that division;	17749
(b) For a student receiving special education and related	17750
services pursuant to an IEP for a handicap described in division	17751
(B) of section 3317.013 or division (F)(3) of section 3317.02 of	17752
the Revised Code, the multiple specified in division (B) of	17753
section 3317.013 of the Revised Code.	17754
(5) <del>"Total special education weight" means the sum of the</del>	17755
<del>following:</del>	17756

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~~(a) The number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in grades one through twelve in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;~~

~~(b) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;~~

~~(c) The number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in grades one through twelve in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;~~

~~(d) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code~~

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<u>"Applicable vocational education weight" means:</u>	17789
<u>(a) For a student enrolled in vocational education programs</u>	17790
<u>or classes described in division (A) of section 3317.014 of the</u>	17791
<u>Revised Code, the multiple specified in that division;</u>	17792
<u>(b) For a student enrolled in vocational education programs</u>	17793
<u>or classes described in division (B) of section 3317.014 of the</u>	17794
<u>Revised Code, the multiple specified in that division.</u>	17795
(6) "Entitled to attend school" means entitled to attend	17796
school in a district under section 3313.64 or 3313.65 of the	17797
Revised Code.	17798
(7) <u>A community school student is "included in the DPIA</u>	17799
<u>student count" of a school district if the student is entitled to</u>	17800
<u>attend school in the district and:</u>	17801
<u>(a) For school years prior to fiscal year 2004, the student's</u>	17802
<u>family receives assistance under the Ohio works first program.</u>	17803
	17804
<u>(b) For school years in and after fiscal year 2004, the</u>	17805
<u>student's family income does not exceed the federal poverty</u>	17806
<u>guidelines, as defined in section 5101.46 of the Revised Code, and</u>	17807
<u>the student's family receives family assistance, as defined in</u>	17808
<u>section 3317.029 of the Revised Code.</u>	17809
<u>(8) "DPIA reduction factor" means the percentage figure, if</u>	17810
any, for reducing the per pupil amount of disadvantaged pupil	17811
impact aid a community school is entitled to receive pursuant to	17812
divisions (D) <del>(4)</del> <u>(5)</u> and <del>(5)</del> <u>(6)</u> of this section in any year, as	17813
specified in the school's financial plan for the year pursuant to	17814
division (A)(15) of section 3314.03 of the Revised Code.	17815
<del>(8)</del> <u>(9)</u> "All-day kindergarten" has the same meaning as in	17816
section 3317.029 of the Revised Code.	17817
(B) The state board of education shall adopt rules requiring	17818

both of the following:	17819
(1) The board of education of each city, exempted village,	17820
and local school district to annually report the number of	17821
students entitled to attend school in the district who are	17822
enrolled in grades one through twelve in a community school	17823
established under this chapter, the number of students entitled to	17824
attend school in the district who are enrolled in kindergarten in	17825
a community school, the number of those kindergartners who are	17826
enrolled in all-day kindergarten in their community school, and	17827
for each child, the community school in which the child is	17828
enrolled.	17829
(2) The governing authority of each community school	17830
established under this chapter to annually report all of the	17831
following:	17832
(a) The number of students enrolled in grades one through	17833
twelve and the number of students enrolled in kindergarten in the	17834
school who are not receiving special education and related	17835
services pursuant to an IEP;	17836
(b) The number of enrolled students in grades one through	17837
twelve and the number of enrolled students in kindergarten, who	17838
are receiving special education and related services pursuant to	17839
an IEP;	17840
(c) The number of students reported under division (B)(2)(b)	17841
of this section receiving special education and related services	17842
pursuant to an IEP for a handicap described in each of divisions	17843
(A) and (B) of section 3317.013 and division (F)(3) of section	17844
3317.02 of the Revised Code;	17845
(d) <u>The full-time equivalent number of students reported</u>	17846
<u>under divisions (B)(2)(a) and (b) of this section who are enrolled</u>	17847
<u>in vocational education programs or classes described in each of</u>	17848
<u>divisions (A) and (B) of section 3317.014 of the Revised Code that</u>	17849

<u>are provided by the community school;</u>	17850
(e) The number of enrolled preschool handicapped students receiving special education services in a state-funded unit;	17851 17852
<del>(e)</del> (f) The community school's base formula amount;	17853
<del>(f)</del> (g) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;	17854 17855 17856
<del>(g)</del> (h) Any DPIA reduction factor that applies to a school year.	17857 17858
(C) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code and, if necessary, sections 321.14 and 323.156 of the Revised Code, the department of education shall annually subtract all of the following:	17859 17860 17861 17862 17863
(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the base formula amount of that community school as adjusted by the school district's cost-of-doing-business factor.	17864 17865 17866 17867 17868 17869 17870 17871 17872
<del>(2) The product of the number of district students reported under division (B)(2)(c) of this section as enrolled in grades one through twelve, and one-half of the number of district students reported under that division as enrolled in kindergarten, who are receiving special education and related services pursuant to an IEP in their respective community schools for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the total</del>	17873 17874 17875 17876 17877 17878 17879 17880

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<del>special education weight times the community school's base formula</del>	17881
<del>amount;</del> <u>sum of the amounts calculated under divisions (C)(2)(a)</u>	17882
<u>and (b) of this section:</u>	17883
<u>(a) For each of the district's students reported under</u>	17884
<u>division (B)(2)(c) of this section as enrolled in a community</u>	17885
<u>school in grades one through twelve and receiving special</u>	17886
<u>education and related services pursuant to an IEP for a handicap</u>	17887
<u>described in section 3317.013 or division (F)(3) of section</u>	17888
<u>3317.02 of the Revised Code, the product of the applicable weight</u>	17889
<u>times the community school's base formula amount;</u>	17890
<u>(b) For each of the district's students reported under</u>	17891
<u>division (B)(2)(c) of this section as enrolled in kindergarten in</u>	17892
<u>a community school and receiving special education and related</u>	17893
<u>services pursuant to an IEP for a handicap described in section</u>	17894
<u>3317.013 or division (F)(3) of section 3317.02 of the Revised</u>	17895
<u>Code, one-half of the amount calculated as prescribed in division</u>	17896
<u>(C)(2)(a) of this section.</u>	17897
<u>(3) For each of the district's students reported under</u>	17898
<u>division (B)(2)(d) of this section for whom payment is made under</u>	17899
<u>division (D)(4) of this section, the amount of that payment;</u>	17900
<u>(4) An amount equal to the sum of the amounts obtained when,</u>	17901
<u>for each community school where the district's students are</u>	17902
<u>enrolled, the number of the district's students enrolled in that</u>	17903
<u>community school <del>and residing in the district in a family</del></u>	17904
<u><del>participating in Ohio works first under Chapter 5107. of the</del></u>	17905
<u><del>Revised Code</del> <u>who are included in the district's DPIA student count</u></u>	17906
<u>is multiplied by the per pupil amount of disadvantaged pupil</u>	17907
<u>impact aid the school district receives that year pursuant to</u>	17908
<u>division (B) or (C) of section 3317.029 of the Revised Code, as</u>	17909
<u>adjusted by any DPIA reduction factor of that community school. If</u>	17910
<u>the district receives disadvantaged pupil impact aid under</u>	17911
<u>division (B) of that section, the per pupil amount of that aid is</u>	17912

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the quotient of the amount the district received under that 17913  
 division divided by the ~~number of children ages five through~~ 17914  
~~seventeen residing in the district and living in a family~~ 17915  
~~participating in Ohio works first, as most recently reported under~~ 17916  
~~section 3317.10 of the Revised Code~~ district's DPIA student count, 17917  
as defined in that section. If the district receives disadvantaged 17918  
 pupil impact aid under division (C) of section 3317.029 of the 17919  
 Revised Code, the per pupil amount of that aid is the per pupil 17920  
 dollar amount prescribed for the district in division (C)(1) or 17921  
 (2) of that section. 17922

~~(4)~~(5) An amount equal to the sum of the amounts obtained 17923  
 when, for each community school where the district's students are 17924  
 enrolled, the district's per pupil amount of aid received under 17925  
 division (E) of section 3317.029 of the Revised Code, as adjusted 17926  
 by any DPIA reduction factor of the community school, is 17927  
 multiplied by the sum of the following: 17928

(a) The number of the district's students reported under 17929  
 division (B)(2)(a) of this section who are enrolled in grades one 17930  
 to three in that community school and who are not receiving 17931  
 special education and related services pursuant to an IEP; 17932

(b) One-half of the district's students who are enrolled in 17933  
 all-day or any other kindergarten class in that community school 17934  
 and who are not receiving special education and related services 17935  
 pursuant to an IEP; 17936

(c) One-half of the district's students who are enrolled in 17937  
 all-day kindergarten in that community school and who are not 17938  
 receiving special education and related services pursuant to an 17939  
 IEP. 17940

The district's per pupil amount of aid under division (E) of 17941  
 section 3317.029 of the Revised Code is the quotient of the amount 17942  
 the district received under that division divided by the 17943  
 district's kindergarten through third grade ADM, as defined in 17944

that section. 17945

(D) The department shall annually pay to a community school 17946  
established under this chapter all of the following: 17947

(1) An amount equal to the sum of the amounts obtained when 17948  
the number of students enrolled in grades one through twelve, plus 17949  
one-half of the kindergarten students in the school, reported 17950  
under divisions (B)(2)(a) and (b) of this section who are not 17951  
receiving special education and related services pursuant to an 17952  
IEP for a handicap described in division (A) or (B) of section 17953  
3317.013 or division (F)(3) of section 3317.02 of the Revised Code 17954  
is multiplied by the community school's base formula amount, as 17955  
adjusted by the cost-of-doing-business factor of the school 17956  
district in which the student is entitled to attend school; 17957

(2) The greater of the following: 17958

(a) The aggregate amount that the department paid to the 17959  
community school in fiscal year 1999 for students receiving 17960  
special education and related services pursuant to IEPs, excluding 17961  
federal funds and state disadvantaged pupil impact aid funds; 17962

(b) The sum of the amounts calculated under divisions 17963  
(D)(2)(b)(i) and (ii) of this section: 17964

(i) For each student reported under division (B)(2)(c) of 17965  
this section as enrolled in the school in grades one through 17966  
twelve and receiving special education and related services 17967  
pursuant to an IEP for a handicap described in division (A) or (B) 17968  
of section 3317.013 or division (F)(3) of section 3317.02 of the 17969  
Revised Code, the following amount: 17970

(the community school's base formula amount X the 17971  
cost-of-doing-business factor of the district where the student 17972  
is entitled to attend school) + (the applicable special education 17973  
weight 17974  
X the community school's base formula amount); 17975

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(ii) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section.

(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.

(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.

(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school ~~and participating in Ohio works first~~ who are included in the district's DPIA student count is multiplied by the per pupil amount of disadvantaged pupil impact aid that school district receives that year pursuant to division (B) or (C) of section 3317.029 of the Revised Code, as adjusted by any DPIA reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)~~(3)~~(4) of this section.

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~~(5)~~(6) An amount equal to the sum of the amounts obtained 18008  
 when, for each school district where the community school's 18009  
 students are entitled to attend school, the district's per pupil 18010  
 amount of aid received under division (E) of section 3317.029 of 18011  
 the Revised Code, as adjusted by any DPIA reduction factor of the 18012  
 community school, is multiplied by the sum of the following: 18013

(a) The number of the district's students reported under 18014  
 division (B)(2)(a) of this section who are enrolled in grades one 18015  
 to three in that community school and who are not receiving 18016  
 special education and related services pursuant to an IEP; 18017

(b) One-half of the district's students who are enrolled in 18018  
 all-day or any other kindergarten class in that community school 18019  
 and who are not receiving special education and related services 18020  
 pursuant to an IEP; 18021

(c) One-half of the district's students who are enrolled in 18022  
 all-day kindergarten in that community school and who are not 18023  
 receiving special education and related services pursuant to an 18024  
 IEP. 18025

The district's per pupil amount of aid under division (E) of 18026  
 section 3317.029 of the Revised Code shall be determined as 18027  
 described in division ~~(C)~~(4)~~(5)~~ of this section. 18028

(E)(1) If a community school's costs for a fiscal year for a 18029  
 student receiving special education and related services pursuant 18030  
 to an IEP for a handicap described in ~~division (F)(3)~~ of section 18031  
~~3317.02~~ 3317.013 of the Revised Code are twenty-five thousand 18032  
 dollars or more, the school may submit to the superintendent of 18033  
 public instruction documentation, as prescribed by the 18034  
 superintendent, of all its costs for that student. Upon submission 18035  
 of documentation for a student of the type and in the manner 18036  
 prescribed, the department shall pay to the community school an 18037  
 amount equal to the school's costs for the student in excess of 18038

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twenty-five thousand dollars. 18039

(2) In fiscal year 2002, if a community school's costs for a student receiving special education and related services pursuant to an IEP for a handicap described in division (F)(3) of section 3317.02 of the Revised Code are twenty-five thousand dollars or more, the school 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 community school an amount equal to the school's costs for the student in excess of twenty-five thousand dollars. 18040  
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(3) In any fiscal year after fiscal year 2002, if a community school's costs for a student receiving special education and related services pursuant to an IEP for a handicap described in division (F)(3) of section 3317.02 of the Revised Code are twenty thousand dollars or more, the school 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 community school an amount equal to the school's costs for the student in excess of twenty thousand dollars. 18051  
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(4) The community school shall only report under divisions (E)(1) to (3) 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. 18062  
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(F) A community school may apply to the department of education for preschool handicapped or gifted unit funding the 18069  
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school would receive if it were a school district. Upon request of  
its governing authority, a community school that received unit  
funding as a school district-operated school before it became a  
community school shall retain any units awarded to it as a school  
district-operated school provided the school continues to meet  
eligibility standards for the unit.

A community school shall be considered a school district and  
its governing authority shall be considered a board of education  
for the purpose of applying to any state or federal agency for  
grants that a school district may receive under federal or state  
law or any appropriations act of the general assembly. The  
governing authority of a community school may apply to any private  
entity for additional funds.

(G) A board of education sponsoring a community school may  
utilize local funds to make enhancement grants to the school or  
may agree, either as part of the contract or separately, to  
provide any specific services to the community school at no cost  
to the school.

(H) A community school may not levy taxes or issue bonds  
secured by tax revenues.

(I) No community school shall charge tuition for the  
enrollment of any student.

(J) A community school may borrow money to pay any necessary  
and actual expenses of the school in anticipation of the receipt  
of any portion of the payments to be received by the school  
pursuant to division (D) of this section. The school may issue  
notes to evidence such borrowing to mature no later than the end  
of the fiscal year in which such money was borrowed. The proceeds  
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

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which divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section applies in 18102  
any school year, a community school may submit to the department 18103  
of job and family services, no later than the first day of March, 18104  
a list of the students enrolled in the school. For each student on 18105  
the list, the community school shall indicate the student's name, 18106  
address, and date of birth and the school district where the 18107  
student is entitled to attend school. Upon receipt of a list under 18108  
this division, the department of job and family services shall 18109  
determine, for each school district where one or more students on 18110  
the list is entitled to attend school, the number of students 18111  
residing in that school district who were included in the 18112  
department's report under section 3317.10 of the Revised Code. The 18113  
department shall make this determination on the basis of 18114  
information readily available to it. Upon making this 18115  
determination and no later than ninety days after submission of 18116  
the list by the community school, the department shall report to 18117  
the state department of education the number of students on the 18118  
list who reside in each school district who were included in the 18119  
department's report under section 3317.10 of the Revised Code. In 18120  
complying with this division, the department of job and family 18121  
services shall not report to the state department of education any 18122  
personally identifiable information on any student. 18123

(L) The department of education shall adjust the amounts 18124  
subtracted and paid under divisions (C) and (D) of this section to 18125  
reflect any enrollment of students in community schools for less 18126  
than the equivalent of a full school year. For purposes of this 18127  
section, a student shall be considered enrolled in the community 18128  
school for any portion of the school year the student is 18129  
participating at a college under Chapter 3365. of the Revised 18130  
Code. 18131

(M) The department of education shall reduce the amounts paid 18132  
under division (D) of this section to reflect payments made to 18133

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colleges under division (B) of section 3365.07 of the Revised Code. 18134  
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(N) Beginning with the school year that starts on July 1, 2001, the department shall reduce the amounts otherwise payable under division (D) of this section to any internet or computer-based community school that includes in its program the provision of computer hardware and software materials to each student, if such hardware and software materials have not been delivered, installed, and activated for all students by the end of the first full week of school. The amount of the reduction shall be a pro-rated amount of the total due to the school for the student under division (D) of this section, based on the amount of lost instructional time resulting from the lack of computer access for each student not provided the hardware and software by the end of the first full week of school. The department of education shall determine such reductions and shall continue to make reductions as long as the hardware and software is not delivered, installed, and activated for all students. 18136  
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The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing each community school to which this division pertains to ensure compliance with this section. The superintendent and auditor of state shall jointly consult with the governor, the sponsors of established internet-based community schools, and any others they may wish to include and shall make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such internet or computer-based schools. 18152  
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**Sec. 3314.09.** (A) As used in this section and section 3314.091 of the Revised Code, "native student" means a student entitled to attend school in the school district under section 18162  
18163  
18164

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3313.64 or 3313.65 of the Revised Code. 18165

The (B) Except as provided in section 3314.091 of the Revised 18166  
Code, the board of education of each city, local, and exempted 18167  
village school district shall provide transportation to and from 18168  
school for its district's native students enrolled in a community 18169  
school located in that district or another district on the same 18170  
basis that it provides transportation for its native students 18171  
enrolled in schools to which they are assigned by the board of 18172  
education at the same grade level and who live the same distance 18173  
from school except when, in the judgment of the board, confirmed 18174  
by the state board of education, the transportation is unnecessary 18175  
or unreasonable. A board shall not be required to transport 18176  
nonhandicapped students to and from a community school located in 18177  
another school district if the transportation would require more 18178  
than thirty minutes of direct travel time as measured by school 18179  
bus from the collection point designated by the district's 18180  
coordinator of school transportation. 18181

(C) Where it is impractical to transport a pupil to and from 18182  
a community school by school conveyance, a board may, in lieu of 18183  
providing the transportation, pay a parent, guardian, or other 18184  
person in charge of the child. The amount paid per pupil shall in 18185  
no event exceed the average transportation cost per pupil, which 18186  
shall be based on the cost of transportation of children by all 18187  
boards of education in this state during the next preceding year. 18188

(D) The daily and annual instructional schedules of a 18189  
community school are the sole responsibility of the community 18190  
school's governing authority, and are subject only to the 18191  
requirements of this chapter and the governing authority's 18192  
contract with its sponsor. Each school district board of education 18193  
that is required to provide transportation for community school 18194  
students under this section shall provide the transportation in 18195  
accordance with those schedules so that students may be present on 18196

time and at all times that the community school is open for 18197  
instruction. 18198

Sec. 3314.091. (A) A school district is not required to 18199  
provide transportation for any native student enrolled in a 18200  
community school if the district board of education has entered 18201  
into an agreement with the community school's governing authority 18202  
that designates the community school as responsible for providing 18203  
or arranging for the transportation of the district's native 18204  
students to and from the community school. For any such agreement 18205  
to be effective, it must be certified by the superintendent of 18206  
public instruction as having met both of the following 18207  
requirements: 18208

(1) It is submitted to the department of education by a 18209  
deadline which shall be established by the department. 18210

(2) It specifies qualifications, such as residing a minimum 18211  
distance from the school, for students to have their 18212  
transportation provided or arranged. 18213

(B)(1) A community school governing board that enters into an 18214  
agreement to provide transportation under this section shall 18215  
provide or arrange transportation free of any charge for each of 18216  
its enrolled students in grades kindergarten through eight who 18217  
live more than two miles from the school, except that the 18218  
governing board may make a payment in lieu of providing 18219  
transportation to the parent, guardian, or person in charge of the 18220  
student at the same rate as specified for a school district board 18221  
in division (C) of section 3314.09 of the Revised Code if the 18222  
drive time measured by the vehicle specified by the school for 18223  
transporting the students from the student's residence to the 18224  
school is more than thirty minutes. The governing board may 18225  
provide or arrange transportation for any other enrolled student 18226  
and may charge a fee for such service. The governing board may 18227

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request the payment specified under division (C) of this section 18228  
for any student it transports, for whom it arranges 18229  
transportation, or for whom it makes a payment in lieu of 18230  
providing transportation if the student lives more than one mile 18231  
from the community school. 18232

(2) Notwithstanding anything to the contrary in division 18233  
(B)(1) of this section, a community school governing board shall 18234  
provide or arrange transportation free of any charge for any 18235  
disabled student enrolled in the school for whom the student's 18236  
individualized education program developed under Chapter 3323. of 18237  
the Revised Code specifies transportation. 18238

(C)(1) If a school district board and a community school 18239  
governing authority elect to enter into an agreement under this 18240  
section, the department of education annually shall pay the 18241  
community school the amount specified in division (C)(2) of this 18242  
section for each of the enrolled students for whom the school's 18243  
governing authority provides or arranges transportation to and 18244  
from school. The department shall deduct the payment from the 18245  
state payment under Chapter 3317. and, if necessary, sections 18246  
321.14 and 323.156 of the Revised Code that is otherwise paid to 18247  
the school district in which the student enrolled in the community 18248  
school resides. The department shall include the number of the 18249  
district's native students for whom payment is made to a community 18250  
school under this division in the calculation of the district's 18251  
transportation payment under division (D) of section 3317.022 of 18252  
the Revised Code. 18253

A community school shall be paid under this division only for 18254  
students who live more than one mile from the school and whose 18255  
transportation to and from school is actually provided or arranged 18256  
or for whom a payment in lieu of transportation is made by the 18257  
community school's governing authority. To qualify for the 18258  
payments, the community school shall report to the department, in 18259

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the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

A community school shall use payments received under this division solely to pay the costs of providing or arranging for the transportation of students who live more than one mile from the school, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

(2) The payment to a community school governing authority under this section for each student who lives more than one mile from the school or who is disabled and whose individualized education program requires transportation and for whom the school actually provides or arranges transportation or makes a payment in lieu of providing transportation, shall be made according to the following schedule:

(a) In fiscal year 2002, four-hundred fifty dollars per student;

(b) In fiscal year 2003 and every fiscal year thereafter, the amount specified in division (C)(2)(a) of this section multiplied by the negative or positive percentage of change reported in the consumer price index (all urban consumers, transportation) by the bureau of labor statistics of the United States department of labor from the beginning of the calendar year that ended just prior to the beginning of the fiscal year to the end of that calendar year.

(D) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to

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the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 of the Revised Code as if it were a school district. For purposes of complying with section 3327.10 of the Revised Code, the educational service center that serves the county in which the community school is located shall be the certifying agency, unless the agreement designates the school district as the certifying agency.

**Sec. 3316.20.** (A)(1) The school district solvency assistance fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources.

(2) There is hereby created within the fund an account known 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.~~

(3) There is hereby created within the fund an account known as the catastrophic expenditures account, which shall consist of

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money appropriated to the account by the general assembly plus all 18322  
investment earnings of the fund. Money in the account shall be 18323  
used solely for the following: 18324

(a) Solvency assistance to school districts that have been 18325  
declared under division (B)~~(1) or (5)~~ of section 3316.03 of the 18326  
Revised Code to be in a state of fiscal emergency ~~because of a~~ 18327  
~~certified operating deficit exceeding ten per cent~~, in the event 18328  
that all money in the shared resource account is utilized for 18329  
solvency assistance; 18330

(b) Grants to school districts under division (C) of this 18331  
section. 18332

(B) Solvency assistance payments under division (A)(2) or 18333  
(3)(a) of this section shall be made from the fund by the 18334  
superintendent of public instruction in accordance with rules 18335  
adopted by the director of budget and management, after consulting 18336  
with the superintendent, specifying approval criteria and 18337  
procedures necessary for administering the fund. 18338

The fund shall be reimbursed for any solvency assistance 18339  
amounts paid under division (A)(2) or (3)(a) of this section not 18340  
later than the end of the second fiscal year following the fiscal 18341  
year in which the solvency assistance payment was made. If not 18342  
made directly by the school district, such reimbursement shall be 18343  
made by the director of budget and management from the amounts the 18344  
school district would otherwise receive pursuant to sections 18345  
3317.022 to 3317.025 of the Revised Code, or from any other funds 18346  
appropriated for the district by the general assembly. 18347  
Reimbursements shall be credited to the respective account from 18348  
which the solvency assistance paid to the district was deducted. 18349

(C) The superintendent of public instruction may make 18350  
recommendations, and the controlling board may grant money from 18351  
the catastrophic expenditures account to any school district that 18352

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suffers an unforeseen catastrophic event that severely depletes 18353  
the district's financial resources. The superintendent shall make 18354  
recommendations for the grants in accordance with rules adopted by 18355  
the director of budget and management after consulting with the 18356  
superintendent. A school district shall not be required to repay 18357  
any grant awarded to the district under this division unless the 18358  
district receives money from a third party, including an agency of 18359  
the government of the United States, specifically for the purpose 18360  
of compensating the district for expenses incurred as a result of 18361  
the unforeseen catastrophic event. 18362

**Sec. 3317.012.** (A)(1) The general assembly, having analyzed 18363  
school district expenditure and cost data for fiscal year ~~1996~~ 18364  
1999, performed the calculation described in division (B) of this 18365  
section, ~~and~~ adjusted the results for inflation, and added the 18366  
amounts described in division (A)(2) of this section, hereby 18367  
determines that the base cost of an adequate education per pupil 18368  
for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814. 18369  
For the five following fiscal years, the base cost per pupil for 18370  
each of those years, reflecting an annual rate of inflation of two 18371  
and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~ 18372  
2003, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for 18373  
fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006, 18374  
and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007. 18375

(2) The base cost per pupil amounts specified in division 18376  
(A)(1) of this section include amounts to reflect the cost to 18377  
school districts of increasing the minimum number of high school 18378  
academic units required for graduation beginning September 15, 18379  
2001, under section 3313.603 of the Revised Code. Analysis of 18380  
fiscal year 1999 data revealed that the school districts meeting 18381  
the requirements of division (B) of this section on average 18382  
required high school students to complete a minimum of nineteen 18383  
and eight-tenths units to graduate. The general assembly 18384

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determines that the cost of funding the additional two-tenths unit 18385  
required by section 3313.603 of the Revised Code is \$12 per pupil 18386  
in fiscal year 2002. This amount was added after the calculation 18387  
described in division (B) of this section and the adjustment for 18388  
inflation from fiscal year 1999 to fiscal year 2002. It is this 18389  
total amount, the calculated base cost plus the supplement to pay 18390  
for the additional partial unit, that constitutes the base cost 18391  
amount specified in division (A)(1) of this section for fiscal 18392  
year 2002 and that is inflated to produce the base cost amounts 18393  
for fiscal years 2003 through 2007. 18394

(B) In determining the base cost stated in division (A) of 18395  
this section, capital and debt costs, costs paid for by federal 18396  
funds, and costs covered by funds provided ~~pursuant to sections~~ 18397  
~~3317.023 and 3317.024 of the Revised Code as they existed prior to~~ 18398  
~~July 1, 1998,~~ for disadvantaged pupil impact aid and 18399  
transportation were excluded, as were the effects on the 18400  
districts' state funds of the application of the 18401  
cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and 18402  
one-half per cent variance. 18403

The base cost for fiscal year ~~1996~~ 1999 was calculated as the 18404  
unweighted average cost per student, on a school district basis, 18405  
of educating students who were not receiving vocational education 18406  
or services pursuant to Chapter 3323. of the Revised Code and who 18407  
were enrolled in a city, exempted village, or local school 18408  
district that in fiscal year ~~1994~~ 1999 met all of the following 18409  
criteria: 18410

(1) The district met at least ~~all but one~~ twenty of the 18411  
following twenty-seven performance standards: 18412

(a) A three ninety per cent or ~~lower dropout~~ higher 18413  
graduation rate; 18414

(b) At least seventy-five per cent of fourth graders 18415

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proficient on the mathematics test prescribed under division	18416
(A)(1) of section 3301.0710 of the Revised Code;	18417
(c) At least seventy-five per cent of fourth graders	18418
proficient on the reading test prescribed under division (A)(1) of	18419
section 3301.0710 of the Revised Code;	18420
(d) At least seventy-five per cent of fourth graders	18421
proficient on the writing test prescribed under division (A)(1) of	18422
section 3301.0710 of the Revised Code;	18423
(e) At least seventy-five per cent of fourth graders	18424
proficient on the citizenship test prescribed under division	18425
(A)(1) of section 3301.0710 of the Revised Code;	18426
(f) <u>At least seventy-five per cent of fourth graders</u>	18427
<u>proficient on the science test prescribed under division (A)(1) of</u>	18428
<u>section 3301.0710 of the Revised Code;</u>	18429
(g) <u>At least seventy-five per cent of sixth graders</u>	18430
<u>proficient on the mathematics test prescribed under division</u>	18431
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	18432
(h) <u>At least seventy-five per cent of sixth graders</u>	18433
<u>proficient on the reading test prescribed under division (A)(2) of</u>	18434
<u>section 3301.0710 of the Revised Code;</u>	18435
(i) <u>At least seventy-five per cent of sixth graders</u>	18436
<u>proficient on the writing test prescribed under division (A)(2) of</u>	18437
<u>section 3301.0710 of the Revised Code;</u>	18438
(j) <u>At least seventy-five per cent of sixth graders</u>	18439
<u>proficient on the citizenship test prescribed under division</u>	18440
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	18441
(k) <u>At least seventy-five per cent of sixth graders</u>	18442
<u>proficient on the science test prescribed under division (A)(2) of</u>	18443
<u>section 3301.0710 of the Revised Code;</u>	18444
(l) <u>At least seventy-five per cent of ninth graders</u>	18445

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proficient on the mathematics test prescribed under <del>former</del>	18446
<del>division (B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of</u>	18447
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18448
<del>(g)(m)</del> At least seventy-five per cent of ninth graders	18449
proficient on the reading test prescribed under <del>former division</del>	18450
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	18451
<u>S.B. 55 of the 122nd general assembly;</u>	18452
<del>(h)(n)</del> At least seventy-five per cent of ninth graders	18453
proficient on the writing test prescribed under <del>former division</del>	18454
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	18455
<u>S.B. 55 of the 122nd general assembly;</u>	18456
<del>(i)(o)</del> At least seventy-five per cent of ninth graders	18457
proficient on the citizenship test prescribed under <del>former</del>	18458
<del>division (B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of</u>	18459
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18460
<del>(j)(p)</del> At least seventy-five per cent of ninth graders	18461
<u>proficient on the science test prescribed under Section 4 of Am.</u>	18462
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	18463
<del>(q)</del> At least eighty-five per cent of tenth graders proficient	18464
on the mathematics test prescribed under <del>former division (B) of</del>	18465
<del>section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub. S.B.</u>	18466
<u>55 of the 122nd general assembly;</u>	18467
<del>(k)(r)</del> At least eighty-five per cent of tenth graders	18468
proficient on the reading test prescribed under <del>former division</del>	18469
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	18470
<u>S.B. 55 of the 122nd general assembly;</u>	18471
<del>(l)(s)</del> At least eighty-five per cent of tenth graders	18472
proficient on the writing test prescribed under <del>former division</del>	18473
<del>(B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of Am. Sub.</u>	18474
<u>S.B. 55 of the 122nd general assembly;</u>	18475
<del>(m)(t)</del> At least eighty-five per cent of tenth graders	18476

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proficient on the citizenship test prescribed under former	18477
<del>division (B) of section 3301.0710 of the Revised Code</del> <u>Section 4 of</u>	18478
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18479
<del>(n)</del> <u>(u) At least eighty-five per cent of tenth graders</u>	18480
<u>proficient on the science test prescribed under Section 4 of Am.</u>	18481
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	18482
<del>(v)</del> <u>(v) At least sixty per cent of twelfth graders proficient on</u>	18483
<u>the mathematics test prescribed under division (A)(3) of section</u>	18484
<u>3301.0710 of the Revised Code;</u>	18485
<del>(o)</del> <u>(w) At least sixty per cent of twelfth graders proficient</u>	18486
<u>on the reading test prescribed under division (A)(3) of section</u>	18487
<u>3301.0710 of the Revised Code;</u>	18488
<del>(p)</del> <u>(x) At least sixty per cent of twelfth graders proficient</u>	18489
<u>on the writing test prescribed under division (A)(3) of section</u>	18490
<u>3301.0710 of the Revised Code;</u>	18491
<del>(q)</del> <u>(y) At least sixty per cent of twelfth graders proficient</u>	18492
<u>on the citizenship test prescribed under division (A)(3) of</u>	18493
<u>section 3301.0710 of the Revised Code;</u>	18494
<del>(r)</del> <u>(z) At least sixty per cent of twelfth graders proficient</u>	18495
<u>on the science test prescribed under division (A)(3) of section</u>	18496
<u>3301.0710 of the Revised Code;</u>	18497
<del>(aa)</del> <u>(aa) An attendance rate for the year of at least ninety-three</u>	18498
<u>per cent as defined in section 3302.01 of the Revised Code.</u>	18499
	18500
<u>In determining whether a school district met any of the</u>	18501
<u>performance standards specified in divisions (B)(1)(a) to (aa) of</u>	18502
<u>this section, the general assembly used a rounding procedure</u>	18503
<u>previously recommended by the department of education. It is the</u>	18504
<u>same rounding procedure the general assembly used in 1998 to</u>	18505
<u>determine whether a district had met the standards of former</u>	18506
<u>divisions (B)(1)(a) to (r) of this section for purposes of</u>	18507

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constructing the previous model based on fiscal year 1996 data. 18508

(2) The district was not among the ~~ten~~ five per cent of all 18509  
districts with the highest income factors, ~~as defined in section~~ 18510  
~~3317.02 of the Revised Code~~, nor among the ~~ten~~ five per cent of 18511  
all districts with the lowest income factors. 18512

(3) The district was not among the five per cent of all 18513  
districts with the highest valuation per pupil ~~in ADM, as reported~~ 18514  
~~under division (A) of section 3317.03 of the Revised Code as it~~ 18515  
~~existed prior to July 1, 1998~~, nor among the five per cent of all 18516  
districts with the lowest valuation per pupil. 18517

This model for calculating the base cost of an adequate 18518  
education is expenditure-based. The general assembly recognizes 18519  
that increases in state funding to school districts since fiscal 18520  
year 1996, the fiscal year upon which the general assembly based 18521  
its model for calculating state funding to school districts for 18522  
fiscal years 1999 through 2001, has increased school district base 18523  
cost expenditures for fiscal year 1999, the fiscal year upon which 18524  
the general assembly based its model for calculating state funding 18525  
for fiscal years 2002 through 2007. In the case of school 18526  
districts included in the fiscal year 1999 model that also had met 18527  
the fiscal year 1996 performance criteria of former division 18528  
(B)(1) of this section, the increased state funding may have 18529  
driven the districts' expenditures beyond the expenditures that 18530  
were actually needed to maintain their educational programs at the 18531  
level necessary to maintain their ability to meet the fiscal year 18532  
1999 performance criteria of current division (B)(1) of this 18533  
section. The general assembly has determined to control for this 18534  
effect by stipulating in the later model that the fiscal year 1999 18535  
base cost expenditures of the districts that also met the 18536  
performance criteria of former division (B)(1) of this section 18537  
equals their base cost expenditures per pupil for fiscal year 18538  
1996, inflated to fiscal year 1999 using an annual rate of 18539

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inflation of two and eight-tenths per cent. However, if this 18540  
inflated amount exceeded the district's actual fiscal year 1999 18541  
base cost expenditures per pupil, the district's actual fiscal 18542  
year 1999 base cost expenditures per pupil were used in the 18543  
calculation. For districts in the 1999 model that did not also 18544  
meet the performance criteria of former division (B)(1) of this 18545  
section, the actual 1999 base cost per pupil expenditures were 18546  
used in the calculation of the average district per pupil costs of 18547  
the model districts. 18548

(C) In July of ~~2000~~ 2005, and in July of every six years 18549  
thereafter, the speaker of the house of representatives and the 18550  
president of the senate shall each appoint three members to a 18551  
committee to reexamine the cost of an adequate education. No more 18552  
than two members from any political party shall represent each 18553  
house. The director of budget and management and the 18554  
superintendent of public instruction shall serve as nonvoting ex 18555  
officio members of the committee. 18556

The committee shall select a rational methodology for 18557  
calculating the costs of an adequate education system for the 18558  
ensuing six-year period, and shall report the methodology and the 18559  
resulting costs to the general assembly. In performing its 18560  
function, the committee is not bound by any method used by 18561  
previous general assemblies to examine and calculate costs and 18562  
instead may utilize any rational method it deems suitable and 18563  
reasonable given the educational needs and requirements of the 18564  
state at that time. 18565

The methodology for determining the cost of an adequate 18566  
education system shall take into account the basic educational 18567  
costs that all districts incur in educating regular students, the 18568  
unique needs of special categories of students, and significant 18569  
special conditions encountered by certain classifications of 18570  
school districts. 18571

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The committee also shall redetermine, for purposes of 18572  
updating the parity aid calculation under section 3317.0217 of the 18573  
Revised Code, the average number of effective operating mills that 18574  
school districts in the seventieth to ninetieth percentiles of 18575  
valuations per pupil collect above the revenues required to 18576  
finance their attributed local shares of the calculated cost of an 18577  
adequate education. 18578

Any committee appointed pursuant to this section shall make 18579  
its report to the office of budget and management and the general 18580  
assembly within ~~six months~~ one year of its appointment so that the 18581  
information is available for use by the office and the general 18582  
assembly in preparing the next biennial appropriations act. 18583

(D)(1) For purposes of this division, an "update year" is the 18584  
first fiscal year for which the per pupil base cost of an adequate 18585  
education is in effect after being recalculated by the general 18586  
assembly. The first update year is fiscal year 2002. The second 18587  
update year is fiscal year 2008. 18588

(2) The general assembly shall recalculate the per pupil base 18589  
cost of an adequate education every six years after considering 18590  
the recommendations of the committee appointed under division (C) 18591  
of this section. At the time of the recalculation, for each of the 18592  
five fiscal years following the update year, the general assembly 18593  
shall adjust the base cost recalculated for the update year using 18594  
an annual rate of inflation that the general assembly determines 18595  
appropriate. 18596

(3) The general assembly shall include, in the act 18597  
appropriating state funds for education programs for a fiscal 18598  
biennium that begins with an update year, a statement of its 18599  
determination of the total state share percentage of base cost and 18600  
parity aid funding for the update year. 18601

(4) During its biennial budget deliberations, the general 18602

## As Reported by the Senate Finance and Financial Institutions Committee

assembly shall determine the total state share percentage of base 18603  
cost and parity aid funding for each fiscal year of the upcoming 18604  
biennium. This determination shall be based on the latest 18605  
projections and data provided by the department of education under 18606  
division (D)(6) of this section prior to the enactment of 18607  
education appropriations for the upcoming biennium. If, based on 18608  
those latest projections and data, the general assembly determines 18609  
that the total state share percentage for either or both nonupdate 18610  
fiscal years varies more than two and one-half percentage points 18611  
more or less than the total state share percentage for the most 18612  
recent update year, as previously stated by the general assembly 18613  
under division (D)(3) of this section, the general assembly shall 18614  
determine and enact a method that it considers appropriate to 18615  
restrict the estimated variance for each year to within two and 18616  
one-half percentage points. The general assembly's methods may 18617  
include, but are not required to include and need not be limited 18618  
to, reexamining the rate of millage charged off as the local share 18619  
of base cost funding under divisions (A)(1) and (2) of section 18620  
3317.022 of the Revised Code. Regardless of any changes in 18621  
charge-off millage rates in years between update years, however, 18622  
the charge-off millage rate for update years shall be twenty-three 18623  
mills, unless the general assembly determines that a different 18624  
millage rate is more appropriate to share the total calculated 18625  
base cost between the state and school districts. 18626

(5) The total state share percentage of base cost and parity 18627  
aid funding for any fiscal year is calculated as follows: 18628

[(Total state base cost + total state parity aid funding) - 18629  
statewide charge-off amount] / (Total state base cost + total 18629  
state parity aid funding) 18630

Where: 18632

(a) The total state base cost equals the sum of the base 18633  
costs for all school districts for the fiscal year. 18634

## As Reported by the Senate Finance and Financial Institutions Committee

<u>(b) The base cost for each school district equals:</u>	18635
<u>    <u>formula amount X cost-of-doing-business factor X</u></u>	18636
<u>        <u>the greater of formula ADM or</u></u>	18637
<u>        <u>three-year average formula ADM</u></u>	18638
<u>(c) The total state parity aid funding equals the sum of the</u>	18639
<u>amounts paid to all school districts for the fiscal year under</u>	18640
<u>section 3317.0217 of the Revised Code.</u>	18641
<u>(d) The statewide charge-off amount equals the sum of the</u>	18642
<u>charge-off amounts for all school districts.</u>	18643
<u>(e) The charge-off amount for each school district is the</u>	18644
<u>amount calculated as its local share of base cost funding and</u>	18645
<u>deducted from the total calculated base cost to determine the</u>	18646
<u>amount of its state payment under divisions (A)(1) and (2) of</u>	18647
<u>section 3317.022 of the Revised Code. The charge-off amount for</u>	18648
<u>each school district in fiscal year 2002 is the product of</u>	18649
<u>twenty-three mills multiplied by the district's recognized</u>	18650
<u>valuation. If however, in any fiscal year, including fiscal year</u>	18651
<u>2002, a school district's calculated charge-off amount exceeds its</u>	18652
<u>base cost calculated as described in division (D)(2) of this</u>	18653
<u>section, the district's charge-off amount shall be deemed to equal</u>	18654
<u>its calculated base cost.</u>	18655
<u>(6) Whenever requested by the chairperson of the standing</u>	18656
<u>committee of the house or representatives or the senate having</u>	18657
<u>primary jurisdiction over appropriations, the legislative budget</u>	18658
<u>officer, or the director of budget and management, the department</u>	18659
<u>of education shall report its latest projections for total base</u>	18660
<u>cost, total parity aid funding, and the statewide charge-off</u>	18661
<u>amount, as those terms are defined in division (D)(5) of this</u>	18662
<u>section, for each year of the upcoming fiscal biennium, and all</u>	18663
<u>data it used to make the projections.</u>	18664
 <b>Sec. 3317.013.</b> This section does not apply to handicapped	18665

preschool students. 18666

Analysis of special education cost data has resulted in a 18667  
finding that the average special education additional cost per 18668  
pupil, including the costs of related services, can be expressed 18669  
as a multiple of the base cost per pupil calculated under section 18670  
3317.012 of the Revised Code. The multiples for the following 18671  
categories of special education programs, as these programs are 18672  
defined for purposes of Chapter 3323. of the Revised Code, are as 18673  
follows: 18674

(A) A multiple of ~~0.22~~ 0.21 for students identified as 18675  
specific learning disabled, other health handicapped, or 18676  
developmentally handicapped, as these terms are defined pursuant 18677  
to Chapter 3323. of the Revised Code; 18678

(B) A multiple of ~~3.01~~ 2.85 for students identified as 18679  
hearing handicapped, orthopedically handicapped, vision impaired, 18680  
multihandicapped, and severe behavior handicapped, as these terms 18681  
are defined pursuant to Chapter 3323. of the Revised Code. 18682

Further analysis indicates that approximately one-eighth of 18683  
the total costs of serving special education students consists of 18684  
the furnishing of the related services specified in division 18685  
(B)(3) of section 3317.022 of the Revised Code. 18686

The general assembly has adjusted the multiples specified in 18687  
this section for calculating payments beginning in fiscal year 18688  
2002 in recognition that its policy change regarding the 18689  
application of the cost-of-doing-business factor produces a higher 18690  
base cost amount than would exist if no change were made to its 18691  
application. The adjustment maintains the same weighted costs as 18692  
would exist if no change were made to the application of the 18693  
cost-of-doing-business factor. 18694

**Sec. 3317.014.** The average vocational education additional 18695  
cost per pupil can be expressed as a multiple of the base cost per 18696

## As Reported by the Senate Finance and Financial Institutions Committee

pupil calculated under section 3317.012 of the Revised Code. the 18697  
 multiples for the following categories of vocational education 18698  
 programs are as follows: 18699

(A) A multiple of ~~0.60~~ 0.57 for students enrolled in 18700  
 vocational education job-training and workforce development 18701  
 programs approved by the department of education in accordance 18702  
 with rules adopted under section 3313.90 of the Revised Code. 18703

The rules adopted under this division may provide for 18704  
programs that include instructional time beyond the normal periods 18705  
of instruction, including summers, for areas of study such as 18706  
agriculture. For any such program, the multiple of 0.57 may be 18707  
apportioned so that the multiple for the normal school year is 18708  
less than the multiple for the additional instructional time but 18709  
that a school district may receive the entire value of the weight 18710  
for the program if the program extends beyond the normal periods 18711  
of instruction. 18712

(B) A multiple of ~~0.30~~ 0.28 for students enrolled in 18713  
 vocational education classes other than job-training and workforce 18714  
 development programs. 18715

Vocational education associated services costs can be 18716  
 expressed as a multiple of 0.05 of the base cost per pupil 18717  
 calculated under section 3317.012 of the Revised Code. 18718

The general assembly has adjusted the multiples specified in 18719  
this section for calculating payments beginning in fiscal year 18720  
2002 in recognition that its policy change regarding the 18721  
application of the cost-of-doing-business factor produces a higher 18722  
base cost amount than would exist if no change were made to its 18723  
application. The adjustment maintains the same weighted costs as 18724  
would exist if no change were made to the application of the 18725  
cost-of-doing-business factor. 18726

**Sec. 3317.02.** As used in this chapter: 18727

## As Reported by the Senate Finance and Financial Institutions Committee

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(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.~~

(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.

(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 vocational school district, the number reported pursuant to division (D) of that section.

(2) "Three-year average formula ADM" means the average of formula ADMs for the current and preceding two fiscal years. However, as applicable in fiscal years 1999 and 2000, the three-year average for city, local, and exempted village school districts shall be determined utilizing the FY 1997 ADM or FY 1998 ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal years 2000 and 2001, the three-year average for joint vocational school districts shall be determined utilizing the average daily membership reported in fiscal years 1998 and 1999 under division (D) of section 3317.03 of the Revised Code in lieu of formula ADM

for fiscal years 1998 and 1999. 18760

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 18761  
district's average daily membership reported for the applicable 18762  
fiscal year under the version of division (A) of section 3317.03 18763  
of the Revised Code in effect during that fiscal year, adjusted as 18764  
follows: 18765

(1) Minus the average daily membership of handicapped 18766  
preschool children; 18767

(2) Minus one-half of the average daily membership attending 18768  
kindergarten; 18769

(3) Minus three-fourths of the average daily membership 18770  
attending a joint vocational school district; 18771

(4) Plus the average daily membership entitled under section 18772  
3313.64 or 3313.65 of the Revised Code to attend school in the 18773  
district but receiving educational services in approved units from 18774  
an educational service center or another school district under a 18775  
compact or a cooperative education agreement, as determined by the 18776  
department; 18777

(5) Minus the average daily membership receiving educational 18778  
services from the district in approved units but entitled under 18779  
section 3313.64 or 3313.65 of the Revised Code to attend school in 18780  
another school district, as determined by the department. 18781

(F)(1) "Category one special education ADM" means the average 18782  
daily membership of handicapped children receiving special 18783  
education services for those handicaps specified in division (A) 18784  
of section 3317.013 of the Revised Code and reported under 18785  
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 18786  
Code. 18787

(2) "Category two special education ADM" means the average 18788  
daily membership of handicapped children receiving special 18789

## As Reported by the Senate Finance and Financial Institutions Committee

education services for those handicaps specified in division (B)	18790
of section 3317.013 of the Revised Code and reported under	18791
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised	18792
Code.	18793
(3) "Category three special education ADM" means the average	18794
daily membership of students receiving special education services	18795
for students identified as autistic, having traumatic brain	18796
injuries, or as both visually and hearing disabled as these terms	18797
are defined pursuant to Chapter 3323. of the Revised Code, and	18798
reported under division (B)(7) or (D)(2)(d) of section 3317.03 of	18799
the Revised Code.	18800
(4) "Category one vocational education ADM" means the average	18801
daily membership of students receiving vocational education	18802
services described in division (A) of section 3317.014 of the	18803
Revised Code and reported under division (B)(8) or (D)(2)(e) of	18804
section 3317.03 of the Revised Code.	18805
(5) "Category two vocational education ADM" means the average	18806
daily membership of students receiving vocational education	18807
services described in division (B) of section 3317.014 of the	18808
Revised Code and reported under division (B)(9) or (D)(2)(f) of	18809
section 3317.03 of the Revised Code.	18810
(G) "Handicapped preschool child" means a handicapped child,	18811
as defined in section 3323.01 of the Revised Code, who is at least	18812
age three but is not of compulsory school age, as defined in	18813
section 3321.01 of the Revised Code, and who is not currently	18814
enrolled in kindergarten.	18815
(H) "County MR/DD board" means a county board of mental	18816
retardation and developmental disabilities.	18817
(I) "Recognized valuation" means the amount calculated for a	18818
school district pursuant to section 3317.015 of the Revised Code.	18819
(J) "Transportation ADM" means the number of children	18820

As Reported by the Senate Finance and Financial Institutions Committee

reported under division (B)(10) of section 3317.03 of the Revised Code. 18821  
18822

(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code. 18823  
18824  
18825  
18826

(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 18827  
18828  
18829  
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(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 18831  
18832  
18833  
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(N)~~(I)~~ "Cost-of-doing-business factor" means the amount indicated in this division for the county in which a city, local, exempted village, or joint vocational school district is located~~;~~ ~~adjusted in accordance with division (N)(2) of this section.~~ If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located. 18835  
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COST-OF-DOING-BUSINESS 18846

COUNTY	FACTOR	AMOUNT	
Adams	<del>1.0074</del>	<u>1.0061</u>	18848
Allen	<del>1.0217</del>	<u>1.0236</u>	18849
Ashland	<del>1.0322</del>	<u>1.0331</u>	18850
Ashtabula	<del>1.0480</del>	<u>1.0431</u>	18851
Athens	<del>1.0046</del>	<u>1.0038</u>	18852

## As Reported by the Senate Finance and Financial Institutions Committee

Auglaize	<del>1.0255</del> <u>1.0272</u>	18853
Belmont	<del>1.0078</del> <u>1.0043</u>	18854
Brown	<del>1.0194</del> <u>1.0207</u>	18855
Butler	<del>1.0650</del> <u>1.0663</u>	18856
Carroll	<del>1.0166</del> <u>1.0148</u>	18857
Champaign	<del>1.0292</del> <u>1.0413</u>	18858
Clark	<del>1.0462</del> <u>1.0443</u>	18859
Clermont	<del>1.0510</del> <u>1.0532</u>	18860
Clinton	<del>1.0293</del> <u>1.0296</u>	18861
Columbiana	<del>1.0300</del> <u>1.0262</u>	18862
Coshocton	<del>1.0205</del> <u>1.0200</u>	18863
Crawford	<del>1.0152</del> <u>1.0140</u>	18864
Cuyahoga	<del>1.0697</del> <u>1.0672</u>	18865
Darke	<del>1.0340</del> <u>1.0343</u>	18866
Defiance	<del>1.0177</del> <u>1.0165</u>	18867
Delaware	<del>1.0339</del> <u>1.0479</u>	18868
Erie	<del>1.0391</del> <u>1.0372</u>	18869
Fairfield	<del>1.0358</del> <u>1.0354</u>	18870
Fayette	<del>1.0266</del> <u>1.0258</u>	18871
Franklin	<del>1.0389</del> <u>1.0519</u>	18872
Fulton	<del>1.0355</del> <u>1.0361</u>	18873
Gallia	1.0000	18874
Geauga	<del>1.0568</del> <u>1.0528</u>	18875
Greene	<del>1.0406</del> <u>1.0407</u>	18876
Guernsey	<del>1.0072</del> <u>1.0064</u>	18877
Hamilton	1.0750	18878
Hancock	<del>1.0224</del> <u>1.0215</u>	18879
Hardin	<del>1.0219</del> <u>1.0348</u>	18880
Harrison	<del>1.0098</del> <u>1.0081</u>	18881
Henry	<del>1.0347</del> <u>1.0338</u>	18882
Highland	<del>1.0139</del> <u>1.0129</u>	18883
Hocking	<del>1.0149</del> <u>1.0151</u>	18884
Holmes	<del>1.0237</del> <u>1.0238</u>	18885

## As Reported by the Senate Finance and Financial Institutions Committee

Huron	<del>1.0317</del> <u>1.0305</u>	18886
Jackson	<del>1.0132</del> <u>1.0118</u>	18887
Jefferson	<del>1.0084</del> <u>1.0067</u>	18888
Knox	<del>1.0251</del> <u>1.0258</u>	18889
Lake	<del>1.0596</del> <u>1.0556</u>	18890
Lawrence	<del>1.0128</del> <u>1.0122</u>	18891
Licking	<del>1.0381</del> <u>1.0375</u>	18892
Logan	<del>1.0188</del> <u>1.0362</u>	18893
Lorain	<del>1.0535</del> <u>1.0521</u>	18894
Lucas	<del>1.0413</del> <u>1.0406</u>	18895
Madison	<del>1.0342</del> <u>1.0437</u>	18896
Mahoning	<del>1.0426</del> <u>1.0384</u>	18897
Marion	<del>1.0121</del> <u>1.0263</u>	18898
Medina	<del>1.0608</del> <u>1.0595</u>	18899
Meigs	<del>1.0031</del> <u>1.0018</u>	18900
Mercer	<del>1.0177</del> <u>1.0199</u>	18901
Miami	<del>1.0425</del> <u>1.0415</u>	18902
Monroe	<del>1.0118</del> <u>1.0097</u>	18903
Montgomery	<del>1.0482</del> <u>1.0476</u>	18904
Morgan	<del>1.0140</del> <u>1.0128</u>	18905
Morrow	<del>1.0268</del> <u>1.0276</u>	18906
Muskingum	<del>1.0167</del> <u>1.0145</u>	18907
Noble	<del>1.0129</del> <u>1.0103</u>	18908
Ottawa	<del>1.0510</del> <u>1.0468</u>	18909
Paulding	<del>1.0156</del> <u>1.0140</u>	18910
Perry	<del>1.0175</del> <u>1.0154</u>	18911
Pickaway	<del>1.0338</del> <u>1.0326</u>	18912
Pike	<del>1.0103</del> <u>1.0094</u>	18913
Portage	<del>1.0556</del> <u>1.0516</u>	18914
Preble	<del>1.0486</del> <u>1.0476</u>	18915
Putnam	<del>1.0253</del> <u>1.0243</u>	18916
Richland	<del>1.0205</del> <u>1.0213</u>	18917
Ross	<del>1.0089</del> <u>1.0085</u>	18918

As Reported by the Senate Finance and Financial Institutions Committee

Sandusky	<del>1.0336</del> <u>1.0307</u>	18919
Scioto	<del>1.0044</del> <u>1.0029</u>	18920
Seneca	<del>1.0240</del> <u>1.0223</u>	18921
Shelby	<del>1.0257</del> <u>1.0263</u>	18922
Stark	<del>1.0313</del> <u>1.0300</u>	18923
Summit	<del>1.0616</del> <u>1.0598</u>	18924
Trumbull	<del>1.0425</del> <u>1.0381</u>	18925
Tuscarawas	<del>1.0099</del> <u>1.0097</u>	18926
Union	<del>1.0330</del> <u>1.0446</u>	18927
Van Wert	<del>1.0126</del> <u>1.0133</u>	18928
Vinton	<del>1.0068</del> <u>1.0070</u>	18929
Warren	<del>1.0651</del> <u>1.0659</u>	18930
Washington	<del>1.0110</del> <u>1.0075</u>	18931
Wayne	<del>1.0406</del> <u>1.0404</u>	18932
Williams	<del>1.0268</del> <u>1.0284</u>	18933
Wood	<del>1.0405</del> <u>1.0382</u>	18934
Wyandot	<del>1.0191</del> <u>1.0188</u>	18935

~~(2) As used in this division, "multiplier" means the number for the corresponding fiscal year as follows:~~ 18936  
18937

<del>FISCAL YEAR OF THE</del>		18938
<del>COMPUTATION</del>	<del>MULTIPLIER</del>	18939
<del>1998</del>	<del>9.6/7.5</del>	18940
<del>1999</del>	<del>11.0/7.5</del>	18941
<del>2000</del>	<del>12.4/7.5</del>	18942
<del>2001</del>	<del>13.8/7.5</del>	18943
<del>2002</del>	<del>15.2/7.5</del>	18944
<del>2003</del>	<del>16.6/7.5</del>	18945
<del>2004 and thereafter</del>	<del>18.0/7.5</del>	18946

~~Beginning in fiscal year 1998, the department shall annually adjust the cost of doing business factor for each county in accordance with the following formula:~~ 18947  
18948  
18949

~~{(The cost of doing business factor specified under~~ 18950

## As Reported by the Senate Finance and Financial Institutions Committee

<del>division (N)(1) of this section - 1) X (the multiplier</del>	18951
<del>for the fiscal year of the calculation)] + 1</del>	18952
<del>The result of such formula shall be the adjusted</del>	18953
<del>cost of doing business factor for that fiscal year.</del>	18954
(O) "Tax exempt value" of a school district means the amount	18955
certified for a school district under division (A)(4) of section	18956
3317.021 of the Revised Code.	18957
(P) "Potential value" of a school district means the <del>adjusted</del>	18958
<del>total taxable value</del> <u>recognized valuation</u> of a school district plus	18959
the tax exempt value of the district.	18960
(Q) "District median income" means the median Ohio adjusted	18961
gross income certified for a school district. On or before the	18962
first day of July of each year, the tax commissioner shall certify	18963
to the department of education for each city, exempted village,	18964
and local school district the median Ohio adjusted gross income of	18965
the residents of the school district determined on the basis of	18966
tax returns filed for the second preceding tax year by the	18967
residents of the district.	18968
(R) "Statewide median income" means the median district	18969
median income of all city, exempted village, and local school	18970
districts in the state.	18971
(S) "Income factor" for a city, exempted village, or local	18972
school district means the quotient obtained by dividing that	18973
district's median income by the statewide median income.	18974
<del>(T) Except as provided in division (B)(3) of section 3317.012</del>	18975
<del>of the Revised Code, "valuation per pupil" for a city, exempted</del>	18976
<del>village, or local school district means the district's recognized</del>	18977
<del>valuation divided by the greater of the district's formula ADM or</del>	18978
<del>three-year average formula ADM.</del>	18979
<del>(U) Except as provided in section 3317.0213 of the Revised</del>	18980
<del>Code, "adjusted valuation per pupil" means the amount calculated</del>	18981

in accordance with the following formula: 18982

~~District valuation per pupil -- [\$60,000 X~~ 18983  
~~(1 -- district income factor)]~~ 18984

If the result of such formula is negative, the adjusted 18985  
valuation per pupil shall be zero. 18986

(V) "Income adjusted valuation" means the product obtained by 18987  
multiplying the school district's adjusted valuation per pupil by 18988  
the greater of the district's formula ADM or three-year average 18989  
formula ADM. 18990

(W) Except as provided in division (A)(2) of section 3317.022 18991  
of the Revised Code, "adjusted total taxable value" means one of 18992  
the following: 18993

(1) In any fiscal year that a school district's income factor 18994  
is less than or equal to one, the amount calculated under the 18995  
following formula: 18996

~~(Income adjusted valuation X multiple) +~~ 18997  
~~{recognized valuation X (1 - multiple)}~~ 18998

Where "multiple" means the number for the corresponding 18999  
fiscal year as follows: 19000

FISCAL YEAR OF THE		MULTIPLE	
COMPUTATION			
2000		1/5	19003
2001 and thereafter		4/15	19004

(2) In fiscal year 1999, if a school district's income factor 19005  
is greater than one, the amount calculated under the following 19006  
formula: 19007

~~(Income adjusted valuation X 1/15)~~ 19008  
~~+ (recognized valuation X 14/15)~~ 19009

Thereafter, the adjusted total taxable value of a district 19010  
with an income factor greater than one shall be its recognized 19011  
valuation. 19012

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**Sec. 3317.021.** (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education the following information for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under ~~section~~ sections 3317.022 and 3317.0217 or section 3317.16 of the Revised Code:

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location;

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year;

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year 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

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exclusively for a public purpose; 19043

(b) The value of real and public utility real property in the 19044  
district exempted from taxation under Chapter 725. or 1728. or 19045  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 19046  
5709.73, or 5709.78 of the Revised Code. 19047

(5) ~~The total effective operating tax rate for the district~~ 19048  
~~in the tax year for which the most recent data are available~~ 19049  
federal adjusted gross income of the residents of the school 19050  
district, based on tax returns filed by the residents of the 19051  
district, for the most recent year for which this information is 19052  
available. 19053

(B) On or before the first day of May each year, the tax 19054  
commissioner shall certify to the department of education the 19055  
total taxable real property value of railroads and, separately, 19056  
the total taxable tangible personal property value of all public 19057  
utilities for the preceding tax year, by school district and by 19058  
county of location. 19059

(C) If a public utility has properly and timely filed a 19060  
petition for reassessment under section 5727.47 of the Revised 19061  
Code with respect to an assessment issued under section 5727.23 of 19062  
the Revised Code affecting taxable property apportioned by the tax 19063  
commissioner to a school district, the taxable value of public 19064  
utility tangible personal property included in the certification 19065  
under divisions (A)(2) and (B) of this section for the school 19066  
district shall include only the amount of taxable value on the 19067  
basis of which the public utility paid tax for the preceding year 19068  
as provided in division (B)(1) or (2) of section 5727.47 of the 19069  
Revised Code. 19070

(D) If on the basis of the information certified under 19071  
division (A) of this section, the department determines that any 19072  
district fails in any year to meet the qualification requirement 19073

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specified in division (A) of section 3317.01 of the Revised Code, 19074  
the department shall immediately request the tax commissioner to 19075  
determine the extent to which any school district income tax 19076  
levied by the district under Chapter 5748. of the Revised Code 19077  
shall be included in meeting that requirement. Within five days of 19078  
receiving such a request from the department, the tax commissioner 19079  
shall make the determination required by this division and report 19080  
the quotient obtained under division (D)(3) of this section to the 19081  
department. This quotient represents the number of mills that the 19082  
department shall include in determining whether the district meets 19083  
the qualification requirement of division (A) of section 3317.01 19084  
of the Revised Code. 19085

The tax commissioner shall make the determination required by 19086  
this division as follows: 19087

(1) Multiply one mill times the total taxable value of the 19088  
district as determined in divisions (A)(1) and (2) of this 19089  
section; 19090

(2) Estimate the total amount of tax liability for the 19091  
current tax year under taxes levied by Chapter 5748. of the 19092  
Revised Code that are apportioned to current operating expenses of 19093  
the district; 19094

(3) Divide the amount estimated under division (D)(2) of this 19095  
section by the product obtained under division (D)(1) of this 19096  
section. 19097

~~(E) As used in this section:~~ 19098

~~(1) "Class I taxes charged and payable for current expenses" 19099  
means taxes charged and payable for current expenses on land and 19100  
improvements classified as residential/agricultural real property 19101  
under section 5713.041 of the Revised Code. 19102~~

~~(2) "Class I taxable value" means the taxable value of land 19103  
and improvements classified as residential/agricultural real 19104~~

~~property under section 5713.041 of the Revised Code.~~ 19105

~~(3) "Class I effective operating tax rate" of a school district means the quotient obtained by dividing the school district's Class I taxes charged and payable for current expenses by the district's Class I taxable value.~~ 19106  
19107  
19108  
19109

~~(4) "Income tax equivalent tax rate" of a school district means the quotient obtained by dividing the income tax revenue disbursed during the current fiscal year under any tax levied pursuant to Chapter 5748. of the Revised Code by total taxable value of the district to the extent the revenue from the tax is allocated or apportioned to current expenses.~~ 19110  
19111  
19112  
19113  
19114  
19115

~~(5) "Total effective operating tax rate" means the sum of the Class I effective operating tax rate and the income tax equivalent tax rate.~~ 19116  
19117  
19118

**Sec. 3317.022.** (A)(1) The department of education shall 19119  
compute and distribute state base cost funding to each school 19120  
district for the fiscal year in accordance with the following 19121  
formula, ~~using adjusted total taxable value as defined in section~~ 19122  
~~3317.02 of the Revised Code or making any adjustment required by~~ 19123  
division (A)(2) of this section and using the information obtained 19124  
under section 3317.021 of the Revised Code in the calendar year in 19125  
which the fiscal year begins. 19126

Compute the following for each eligible district: 19127

[cost-of-doing-business factor X 19128

the formula amount X (the greater of formula ADM 19129

or three-year average formula ADM)] - 19130

(.023 X ~~adjusted total taxable value~~ recognized valuation) 19131

If the difference obtained is a negative number, the 19132  
district's computation shall be zero. 19133

(2)(a) For each school district for which the tax exempt 19134

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value of the district equals or exceeds twenty-five per cent of 19135  
the potential value of the district, the department of education 19136  
shall calculate the difference between the district's tax exempt 19137  
value and twenty-five per cent of the district's potential value. 19138

(b) For each school district to which division (A)(2)(a) of 19139  
this section applies, the ~~adjusted total taxable value~~ department 19140  
shall adjust the recognized valuation used in the calculation 19141  
under division (A)(1) of this section ~~shall be the adjusted total~~ 19142  
~~taxable value~~ modified by subtracting from it the amount 19143  
calculated under division (A)(2)(a) of this section. 19144

(B) As used in this section: 19145

(1) The "total special education weight" for a district means 19146  
the sum of the following amounts: 19147

(a) The district's category one special education ADM 19148  
multiplied by the multiple specified ~~under~~ in division (A) of 19149  
section 3317.013 of the Revised Code; 19150

(b) The sum of the district's category two and category three 19151  
special education ADMs multiplied by the multiple specified ~~under~~ 19152  
in division (B) of section 3317.013 of the Revised Code. 19153

(2) "State share percentage" means the percentage calculated 19154  
for a district as follows: 19155

(a) Calculate the state base cost funding amount for the 19156  
district for the fiscal year under division (A) of this section. 19157  
If the district would not receive any state base cost funding for 19158  
that year under that division, the district's state share 19159  
percentage is zero. 19160

(b) If the district would receive state base cost funding 19161  
under that division, divide that amount by an amount equal to the 19162  
following: 19163

Cost-of-doing-business factor X 19164

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the formula amount X (the greater of formula	19165
ADM or three-year average formula ADM)	19166
The resultant number is the district's state share	19167
percentage.	19168
(3) "Related services" includes:	19169
(a) Child study, special education supervisors and	19170
coordinators, speech and hearing services, adaptive physical	19171
development services, occupational or physical therapy, teacher	19172
assistants for handicapped children whose handicaps are described	19173
in division (B) of section 3317.013 or division (F)(3) of section	19174
3317.02 of the Revised Code, behavioral intervention, interpreter	19175
services, work study, nursing services, and specialized	19176
integrative services as those terms are defined by the department;	19177
(b) Speech and language services provided to any student with	19178
a handicap, including any student whose primary or only handicap	19179
is a speech and language handicap;	19180
(c) Any related service not specifically covered by other	19181
state funds but specified in federal law, including but not	19182
limited to, audiology and school psychological services;	19183
(d) Any service included in units funded under former	19184
division (O)(1) of section 3317.023 of the Revised Code;	19185
(e) Any other related service needed by handicapped children	19186
in accordance with their individualized education plans.	19187
(4) The "total vocational education weight" for a district	19188
means the sum of the following amounts:	19189
(a) The district's category one vocational education ADM	19190
multiplied by the multiple specified in division (A) of section	19191
3317.014 of the Revised Code;	19192
(b) The district's category two vocational education ADM	19193
multiplied by the multiple specified in division (B) of section	19194

3317.014 of the Revised Code. 19195

(C)(1) The department shall compute and distribute state 19196  
special education and related services additional weighted costs 19197  
funds to each school district in accordance with the following 19198  
formula: 19199

The district's state share percentage 19200  
X the formula amount for the year 19201  
for which the aid is calculated 19202  
X the district's total special education weight 19203

(2) In any fiscal year, a school district receiving funds 19204  
under division (C)(1) of this section shall spend on related 19205  
services the lesser of the following: 19206

(a) The amount the district spent on related services in the 19207  
preceding fiscal year; 19208

(b)  $1/8 \times \{[\text{cost-of-doing-business factor} \times \text{the formula amount} \times (\text{the category one special education ADM} + \text{category two special education ADM} + \text{category three special education ADM})] + \text{the amount calculated for the fiscal year under division (C)(1) of this section} + \text{the local share of special education and related services additional weighted costs}\}$ . 19209  
19210  
19211  
19212  
19213  
19214

(3) The attributed local share of special education and 19215  
related services additional weighted costs equals: 19216

(1 - the district's state share percentage) X 19217  
the district's total special education weight X 19218  
the formula amount 19219

(4)(a) The department shall compute and pay in accordance 19220  
with this division additional state aid to school districts for 19221  
students in ~~category three~~ categories one and two special 19222  
education ADM. If a district's costs for the fiscal year for a 19223  
student in its ~~category three~~ categories one and two special 19224  
education ADM are twenty-five thousand dollars or more, the 19225

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district may submit to the superintendent of public instruction 19226  
documentation, as prescribed by the superintendent, of all its 19227  
costs for that student. Upon submission of documentation for a 19228  
student of the type and in the manner prescribed, the department 19229  
shall pay to the district an amount equal to the sum of the 19230  
following: 19231

(i) One-half of the district's costs for the student in 19232  
excess of twenty-five thousand dollars; 19233

(ii) The product of one-half of the district's costs for the 19234  
student in excess of twenty-five thousand dollars multiplied by 19235  
the district's state share percentage. 19236

(b) In fiscal year 2002, if a district's costs for a student 19237  
in its category three special education ADM are twenty-five 19238  
thousand dollars or more, the district may submit to the 19239  
superintendent of public instruction documentation, as prescribed 19240  
by the superintendent, of all its costs for that student. Upon 19241  
submission of documentation for a student of the type and in the 19242  
manner prescribed, the department shall pay to the district an 19243  
amount equal to the sum of the following: 19244

(i) One-half of the district's costs for the student in 19245  
excess of twenty-five thousand dollars; 19246

(ii) The product of one-half of the district's costs for the 19247  
student in excess of twenty-five thousand dollars multiplied by 19248  
the district's state share percentage. 19249

(c) In any fiscal year after fiscal year 2002, if a 19250  
district's costs for a student in its category three special 19251  
education ADM are twenty thousand dollars or more, the district 19252  
may submit to the superintendent of public instruction 19253  
documentation, as prescribed by the superintendent, of all its 19254  
costs for that student. Upon submission of documentation for a 19255  
student of the type and in the manner prescribed, the department 19256

shall pay to the district an amount equal to the sum of the 19257  
following: 19258

(i) One-half of the district's costs for the student in 19259  
excess of twenty thousand dollars; 19260

(ii) The product of one-half of the district's costs for the 19261  
student in excess of twenty thousand dollars multiplied by the 19262  
district's state share percentage. 19263

(d) The district shall only report under divisions (C)(4)(a) 19264  
to (c) of this section, and the department shall only pay for, the 19265  
costs of educational expenses and the related services provided to 19266  
the student in accordance with the student's individualized 19267  
education program. Any legal fees, court costs, or other costs 19268  
associated with any cause of action relating to the student may 19269  
not be included in the amount. 19270

(5)(a) As used in this division, the "personnel allowance" 19271  
means ~~twenty-five thousand dollars in fiscal year 2000 and thirty~~ 19272  
thousand dollars in fiscal year ~~2001~~ 2002 and fifty-five thousand 19273  
six hundred fifty-two dollars in fiscal year 2003. 19274

(b) For the provision of speech services to students and for 19275  
no other purpose, the department of education shall pay each 19276  
school district an amount calculated under the following formula: 19277

(formula ADM divided by 2000) X 19278

the personnel allowance X the state share percentage 19279

(6) In any fiscal year, a school district receiving funds 19280  
under division (C)(1) of this section shall spend those funds only 19281  
for the purposes that the department designates as approved for 19282  
special education expenses. 19283

(D)(1) As used in this division: 19284

(a) "Daily bus miles per student" equals the number of bus 19285  
miles traveled per day, divided by transportation base. 19286

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(b) "Transportation base" equals total student count as defined in section 3301.011 of the Revised Code, minus the number of students enrolled in preschool handicapped units, plus the number of nonpublic school students included in transportation ADM.

(c) "Transported student percentage" equals transportation ADM divided by transportation base.

(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base.

(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + (116.25573 \times \text{transported student percentage})$$

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. 19319

(3) In addition to funds paid under divisions (A), (C), and 19320  
(E) of this section, each district with a transported student 19321  
percentage greater than zero shall receive a payment equal to a 19322  
percentage of the product of the district's transportation base 19323  
from the prior fiscal year times the annually updated average 19324  
efficient transportation use cost per student, times an inflation 19325  
factor of two and eight tenths per cent to account for the 19326  
one-year difference between the data used in updating the formula 19327  
and calculating the payment and the year in which the payment is 19328  
made. The percentage shall be the following percentage of that 19329  
product specified for the corresponding fiscal year: 19330

FISCAL YEAR	PERCENTAGE	
2000	52.5%	19331
2001	55%	19332
2002	57.5%	19333
2003 and thereafter	<u>The greater</u> <u>of 60% or</u> <u>the</u> <u>district's</u> <u>state share</u> <u>percentage</u>	19334

The payments made under division (D)(3) of this section each 19336  
year shall be calculated based on all of the same prior year's 19337  
data used to update the formula. 19338

(4) In addition to funds paid under divisions (D)(2) and (3) 19339  
of this section, a school district shall receive a rough road 19340  
subsidy if both of the following apply: 19341

(a) Its county rough road percentage is higher than the 19342  
statewide rough road percentage, as those terms are defined in 19343  
division (D)(5) of this section; 19344

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(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 19345  
19346

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula: 19347  
19348  
19349

(per rough mile subsidy X total rough road miles) X  
density multiplier 19350  
19351

where: 19352

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 19353  
19354

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$  19355  
19356  
19357  
19358

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 19359  
19360

(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor. 19361  
19362  
19363  
19364  
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(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation. 19368  
19369  
19370  
19371

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage. 19372  
19373  
19374

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(c) "Density multiplier" means a figure calculated in accordance with the following formula:

$$1 - \left[ \frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

(i) "Minimum student density" means the lowest district student density in the state.

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.

(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (J) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

~~(7) Notwithstanding divisions (D)(1) to (6) of this section, in fiscal year 2000 only, each school district shall receive the greater of the total amount calculated for it under those divisions and division (J) of section 3317.024 of the Revised Code or the total amount calculated for it for types one through six student transportation operating funds in fiscal year 1999. For purposes of division (D)(7) of this section, the fiscal year 1999 guaranteed total amount does not include subsidies for school bus purchases.~~

(E)(1) The department shall compute and distribute state

vocational education additional weighted costs funds to each 19406  
school district in accordance with the following formula: 19407

state share percentage X 19408

the formula amount X 19409

total vocational education weight 19410

In any fiscal year, a school district receiving funds under 19411  
division (E)(1) of this section shall spend those funds only for 19412  
the purposes that the department designates as approved for 19413  
vocational education expenses. 19414

(2) The department shall compute for each school district 19415  
state funds for vocational education associated services in 19416  
accordance with the following formula: 19417

state share percentage X .05 X 19418

the formula amount X the sum of categories one and two 19419

vocational education ADM 19420

In any fiscal year, a school district receiving funds under 19421  
division (E)(2) of this section, or through a transfer of funds 19422  
pursuant to division (L) of section 3317.023 of the Revised Code, 19423  
shall spend those funds only for the purposes that the department 19424  
designates as approved for vocational education associated 19425  
services expenses, which may include such purposes as 19426  
apprenticeship coordinators, coordinators for other vocational 19427  
education services, vocational evaluation, and other purposes 19428  
designated by the department. The department may deny payment 19429  
under division (E)(2) of this section to any district that the 19430  
department determines is not operating those services or is using 19431  
funds paid under division (E)(2) of this section, or through a 19432  
transfer of funds pursuant to division (L) of section 3317.023 of 19433  
the Revised Code, for other purposes. 19434

~~In fiscal years 2000 and 2001, each school district shall 19435~~  
~~continue to offer the same number of the vocational education 19436~~  
~~programs that the district offered in fiscal year 1999, unless the 19437~~

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~~department of education expressly agrees that the district may  
offer fewer programs in either fiscal year 2000 or 2001 or both.~~

(F) Beginning in fiscal year 2003, the actual local share in  
any fiscal year for the combination of special education and  
related services additional weighted costs funding calculated  
under division (C)(1) of this section, transportation funding  
calculated under divisions (D)(2) and (3) of this section, and  
vocational education and associated services additional weighted  
costs funding calculated under divisions (E)(1) and (2) of this  
section shall not exceed for any school district the product of  
three mills times the district's recognized valuation. Beginning  
in fiscal year 2003, the department annually shall pay each school  
district as an excess cost supplement any amount by which the sum  
of the district's attributed local shares for that funding exceeds  
that product. For purposes of calculating the excess cost  
supplement:

(1) The attributed local share for special education and  
related services additional weighted costs funding is the amount  
specified in division (C)(3) of this section.

(2) The attributed local share of transportation funding  
equals the difference of the total amount calculated for the  
district using the formula developed under division (D)(2) of this  
section minus the actual amount paid to the district after  
applying the percentage specified in division (D)(3) of this  
section.

(3) The attributed local share of vocational education and  
associated services additional weighted costs funding is the  
amount determined as follows:

(1 - state share percentage) X  
[(total vocational education weight X the formula amount) +  
the payment under division (E)(2) of this section]

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**Sec. 3317.023.** (A) Notwithstanding section 3317.022 of the Revised Code, the amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to ~~(K)~~(L) of this section.

As used in this section:

(1) "Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.

(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education students and classes and may only include those persons employed in the eight specialist areas in a pattern approved by the department of education under guidelines established by the state board of education.

(3) "Annual salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular teaching duties that the teacher earns for services rendered for the first full week of October of the fiscal year for which the adjustment is made under division (C) of this section. It shall not include any salary payments for supplemental teachers contracts.

(4) "Regular student population" means the formula ADM plus the number of students reported as enrolled in the district pursuant to division (A)(1) of section 3313.981 of the Revised Code; minus the number of students reported under division (A)(2) of section 3317.03 of the Revised Code; minus the FTE of students reported under division (B)(5), (6), (7), (8), or (9) of that section who are enrolled in a vocational education class or receiving special education; and minus one-fourth of the students

enrolled concurrently in a joint vocational school district. 19500

(5) "State share percentage" has the same meaning as in 19501  
section 3317.022 of the Revised Code. 19502

(6) "VEPD" means a school district or group of school 19503  
districts designated by the department of education as being 19504  
responsible for the planning for and provision of vocational 19505  
education services to students within the district or group. 19506

(7) "Lead district" means a school district, including a 19507  
joint vocational school district, designated by the department as 19508  
a VEPD, or designated to provide primary vocational education 19509  
leadership within a VEPD composed of a group of districts. 19510

(B) If the district employs less than one full-time 19511  
equivalent classroom teacher for each twenty-five pupils in the 19512  
regular student population in any school district, deduct the sum 19513  
of the amounts obtained from the following computations: 19514

(1) Divide the number of the district's full-time equivalent 19515  
classroom teachers employed by one twenty-fifth; 19516

(2) Subtract the quotient in (1) from the district's regular 19517  
student population; 19518

(3) Multiply the difference in (2) by seven hundred fifty-two 19519  
dollars. 19520

(C) If a positive amount, add one-half of the amount obtained 19521  
by multiplying the number of full-time equivalent classroom 19522  
teachers by: 19523

(1) The mean annual salary of all full-time equivalent 19524  
classroom teachers employed by the district at their respective 19525  
training and experience levels minus; 19526

(2) The mean annual salary of all such teachers at their 19527  
respective levels in all school districts receiving payments under 19528  
this section. 19529

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The number of full-time equivalent classroom teachers used in 19530  
this computation shall not exceed one twenty-fifth of the 19531  
district's regular student population. In calculating the 19532  
district's mean salary under this division, those full-time 19533  
equivalent classroom teachers with the highest training level 19534  
shall be counted first, those with the next highest training level 19535  
second, and so on, in descending order. Within the respective 19536  
training levels, teachers with the highest years of service shall 19537  
be counted first, the next highest years of service second, and so 19538  
on, in descending order. 19539

(D) This division does not apply to a school district that 19540  
has entered into an agreement under division (A) of section 19541  
3313.42 of the Revised Code. Deduct the amount obtained from the 19542  
following computations if the district employs fewer than five 19543  
full-time equivalent educational service personnel, including 19544  
elementary school art, music, and physical education teachers, 19545  
counselors, librarians, visiting teachers, school social workers, 19546  
and school nurses for each one thousand pupils in the regular 19547  
student population: 19548

(1) Divide the number of full-time equivalent educational 19549  
service personnel employed by the district by five 19550  
one-thousandths; 19551

(2) Subtract the quotient in (1) from the district's regular 19552  
student population; 19553

(3) Multiply the difference in (2) by ninety-four dollars. 19554

(E) If a local school district, or a city or exempted village 19555  
school district to which a governing board of an educational 19556  
service center provides services pursuant to section 3313.843 of 19557  
the Revised Code, deduct the amount of the payment required for 19558  
the reimbursement of the governing board under section 3317.11 of 19559  
the Revised Code. 19560

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(F)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (I) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(G) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under section 3317.022 of the Revised Code.

(H) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(I)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such

payments under division (I)(1) of this section, add the amount of 19592  
such payments. 19593

(J) If the district is required to pay an amount of funds to 19594  
a cooperative education district pursuant to a provision described 19595  
by division (B)(4) of section 3311.52 or division (B)(8) of 19596  
section 3311.521 of the Revised Code, deduct such amounts as 19597  
provided under that provision and credit those amounts to the 19598  
cooperative education district for payment to the district under 19599  
division (B)(1) of section 3317.19 of the Revised Code. 19600

(K)(1) If a district is educating a student entitled to 19601  
attend school in another district pursuant to a shared education 19602  
contract, compact, or cooperative education agreement other than 19603  
an agreement entered into pursuant to section 3313.842 of the 19604  
Revised Code, credit to that educating district on an FTE basis 19605  
both of the following: 19606

(a) An amount equal to the formula amount times the cost of 19607  
doing business factor of the school district where the student is 19608  
entitled to attend school pursuant to section 3313.64 or 3313.65 19609  
of the Revised Code; 19610

(b) An amount equal to the formula amount times the state 19611  
share percentage times any multiple applicable to the student 19612  
pursuant to section 3317.013 or 3317.014 of the Revised Code. 19613

(2) Deduct any amount credited pursuant to division (K)(1) of 19614  
this section from amounts paid to the school district in which the 19615  
student is entitled to attend school pursuant to section 3313.64 19616  
or 3313.65 of the Revised Code. 19617

(3) If the district is required by a shared education 19618  
contract, compact, or cooperative education agreement to make 19619  
payments to an educational service center, deduct the amounts from 19620  
payments to the district and add them to the amounts paid to the 19621  
service center pursuant to section 3317.11 of the Revised Code. 19622

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(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section.

**Sec. 3317.024.** In addition to the moneys paid to eligible school districts pursuant to section 3317.022 of the Revised Code, moneys appropriated for the education programs in divisions (A) to (H), (J) to (L), (O), (P), and (R) of this section shall be distributed to school districts meeting the requirements of section 3317.01 of the Revised Code; in the case of divisions (J) and (P) of this section, to educational service centers as provided in section 3317.11 of the Revised Code; in the case of divisions (E), (M), and (N) of this section, to county MR/DD boards; in the case of division (R) of this section, to joint vocational school districts; in the case of division (K) of this section, to cooperative education school districts; and in the case of division (Q) of this section, to the institutions defined under section 3317.082 of the Revised Code providing elementary or secondary education programs to children other than children receiving special education under section 3323.091 of the Revised Code. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board of education:

(A) A per pupil amount to each school district that establishes a summer school remediation program that complies with rules of the state board of education.

(B) An amount for each island school district and each joint state school district for the operation of each high school and

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each elementary school maintained within such district and for 19654  
capital improvements for such schools. Such amounts shall be 19655  
determined on the basis of standards adopted by the state board of 19656  
education. 19657

(C) An amount for each school district operating classes for 19658  
children of migrant workers who are unable to be in attendance in 19659  
an Ohio school during the entire regular school year. The amounts 19660  
shall be determined on the basis of standards adopted by the state 19661  
board of education, except that payment shall be made only for 19662  
subjects regularly offered by the school district providing the 19663  
classes. 19664

(D) An amount for each school district with guidance, 19665  
testing, and counseling programs approved by the state board of 19666  
education. The amount shall be determined on the basis of 19667  
standards adopted by the state board of education. 19668

(E) An amount for the emergency purchase of school buses as 19669  
provided for in section 3317.07 of the Revised Code; 19670

(F) An amount for each school district required to pay 19671  
tuition for a child in an institution maintained by the department 19672  
of youth services pursuant to section 3317.082 of the Revised 19673  
Code, provided the child was not included in the calculation of 19674  
the district's average daily membership for the preceding school 19675  
year. 19676

(G) In fiscal year 2000 only, an amount to each school 19677  
district for supplemental salary allowances for each licensed 19678  
employee except those licensees serving as superintendents, 19679  
assistant superintendents, principals, or assistant principals, 19680  
whose term of service in any year is extended beyond the term of 19681  
service of regular classroom teachers, as described in section 19682  
3301.0725 of the Revised Code; 19683

(H) An amount for adult basic literacy education for each 19684

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district participating in programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education.

(I) Notwithstanding section 3317.01 of the Revised Code, but only until June 30, 1999, to each city, local, and exempted village school district, an amount for conducting driver education courses at high schools for which the state board of education prescribes minimum standards and to joint vocational and cooperative education school districts and educational service centers, an amount for conducting driver education courses to pupils enrolled in a high school for which the state board prescribes minimum standards. No payments shall be made under this division after June 30, 1999.

(J) An amount for the approved cost of transporting developmentally handicapped pupils whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the district or service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each district or service center.

(K) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education.

(L) An amount to each school district, for each pupil

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attending a chartered nonpublic elementary or high school within  
the district. The amount shall equal the amount appropriated for  
the implementation of section 3317.06 of the Revised Code divided  
by the average daily membership in grades kindergarten through  
twelve in nonpublic elementary and high schools within the state  
as determined during the first full week in October of each school  
year.

(M) An amount for each county MR/DD board, distributed on the  
basis of standards adopted by the state board of education, for  
the approved cost of transportation required for children  
attending special education programs operated by the county MR/DD  
board under section 3323.09 of the Revised Code;

(N) An amount for each county MR/DD board, distributed on the  
basis of standards adopted by the state board of education, for  
supportive home services for preschool children;

(O) An amount for each school district that establishes a  
mentor teacher program that complies with rules of the state board  
of education. No school district shall be required to establish or  
maintain such a program in any year unless sufficient funds are  
appropriated to cover the district's total costs for the program.

(P) An amount to each school district or educational service  
center for the total number of gifted units approved pursuant to  
section 3317.05 of the Revised Code. The amount for each such unit  
shall be the sum of the minimum salary for the teacher of the  
unit, calculated on the basis of the teacher's training level and  
years of experience pursuant to the salary schedule prescribed in  
the version of section 3317.13 of the Revised Code in effect prior  
to the effective date of this amendment, plus fifteen per cent of  
that minimum salary amount, plus two thousand six hundred  
seventy-eight dollars.

(Q) An amount to each institution defined under section

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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 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:

(1) "DPIA percentage" means:

(a) In fiscal years prior to fiscal year 2004, the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving family assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as

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certified or adjusted under section 3317.10 of the Revised Code, 19779  
by the district's three-year average formula ADM. 19780

(b) Beginning in fiscal year 2004, the five-year average, 19781  
unduplicated number of children ages five to seventeen residing in 19782  
the school district and living in a family that has family income 19783  
not exceeding the federal poverty guidelines and that receives 19784  
family assistance, as certified or adjusted under section 3317.10 19785  
of the Revised Code, divided by the district's three-year average 19786  
formula ADM. 19787

(2) "Family assistance" means assistance received under one 19788  
of the following: 19789

(a) The Ohio works first program or, for the purpose of 19790  
determining the five-year average number of recipients of family 19791  
assistance in fiscal years 1999 through 2002, assistance received 19792  
under an antecedent program known as TANF or ADC; 19793

(b) The food stamp program; 19794

(c) The medical assistance program, including the healthy 19795  
start program, established under Chapter 5111. of the Revised 19796  
Code; 19797

(d) The children's health insurance program part I 19798  
established under section 5101.50 of the Revised Code or, prior to 19799  
fiscal year 2000, an executive order issued under section 107.17 19800  
of the Revised Code; 19801

(e) The disability assistance program established under 19802  
Chapter 5115. of the Revised Code. 19803

(3) "Statewide DPIA percentage" means: 19804

(a) In fiscal years prior to fiscal year 2004, the five-year 19805  
average of the total number of children ages five to seventeen 19806  
years residing in the state and receiving family assistance under 19807  
the Ohio works first program or an antecedent program known as 19808

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TANF or ADC, divided by the sum of the three-year average formula  
ADMs for all school districts in the state. 19809  
19810

(b) Beginning in fiscal year 2004, the five-year average of  
the total, unduplicated number of children ages five to seventeen  
residing in the state and living in a family that has family  
income not exceeding the federal poverty guidelines and that  
receives family assistance, divided by the sum of the three-year  
average formula ADMs for all school districts in the state. 19811  
19812  
19813  
19814  
19815  
19816

(4) "DPIA index" means the quotient obtained by dividing the  
school district's DPIA percentage by the statewide DPIA  
percentage. 19817  
19818  
19819

(5) "Federal poverty guidelines" has the same meaning as in  
section 5101.46 of the Revised Code. 19820  
19821

(6) "DPIA student count" means: 19822

(a) In fiscal years prior to fiscal year 2004, the five-year  
average number of children ages five to seventeen residing in the  
school district and living in a family receiving assistance under  
the Ohio works first program or an antecedent program known as  
TANF or ADC, as certified under section 3317.10 of the Revised  
Code; 19823  
19824  
19825  
19826  
19827  
19828

(b) Beginning in fiscal year 2004, the five-year average,  
unduplicated number of children ages five to seventeen residing in  
the school district and living in a family that has family income  
not exceeding the federal poverty guidelines and that receives  
family assistance, as certified or adjusted under section 3317.10  
of the Revised Code. 19829  
19830  
19831  
19832  
19833  
19834

(7) "Kindergarten ADM" means the number of students reported  
under section 3317.03 of the Revised Code as enrolled in  
kindergarten. 19835  
19836  
19837

~~(6)~~(8) "Kindergarten through third grade ADM" means the  
amount calculated as follows: 19838  
19839

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- (a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage; 19840  
19841
- (b) Add the number of students in grades one through three; 19842
- (c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three. 19843  
19844  
19845
- ~~(7)~~(9) "Statewide average teacher salary" means ~~forty~~ forty-two thousand ~~one~~ four hundred ~~eighty-seven~~ sixty-nine dollars in fiscal year ~~2000~~ 2002, and ~~forty-one~~ forty-three thousand ~~three~~ six hundred ~~twelve~~ fifty-eight dollars in fiscal year ~~2001~~ 2003, which includes an amount for the value of fringe benefits. 19846  
19847  
19848  
19849  
19850  
19851
- ~~(8)~~(10) "All-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six. 19852  
19853  
19854  
19855
- ~~(9)~~(11) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten. 19856  
19857  
19858
- ~~(10)~~(12) "Buildings with the highest concentration of need" means: 19859  
19860
- (a) In fiscal years prior to fiscal year 2004, the school buildings in a district with percentages of students receiving family assistance in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving family such assistance. If, however 19861  
19862  
19863  
19864  
19865  
19866
- (b) Beginning in fiscal year 2004, the school buildings in a district with percentages of students in grades kindergarten through three receiving family assistance at least as high as the 19867  
19868  
19869

district-wide percentage of students receiving family assistance. 19870

(c) If, in any fiscal year, the information provided by the 19871  
department of job and family services under section 3317.10 of the 19872  
Revised Code is insufficient to determine the Ohio works first or 19873  
family assistance percentage in each building, "buildings with the 19874  
highest concentration of need" has the meaning given in rules that 19875  
the department of education shall adopt. The rules shall base the 19876  
definition of "buildings with the highest concentration of need" 19877  
on family income of students in grades kindergarten through three 19878  
in a manner that, to the extent possible with available data, 19879  
approximates the intent of this division and division (G) of this 19880  
section to designate buildings where the Ohio works first or 19881  
family assistance percentage in those grades equals or exceeds the 19882  
district-wide Ohio works first or family assistance percentage. 19883

(B) In addition to the amounts required to be paid to a 19884  
school district under section 3317.022 of the Revised Code, a 19885  
school district shall receive the greater of the amount the 19886  
district received in fiscal year 1998 pursuant to division (B) of 19887  
section 3317.023 of the Revised Code as it existed at that time or 19888  
the sum of the computations made under divisions (C) to (E) of 19889  
this section. 19890

(C) A supplemental payment that may be utilized for measures 19891  
related to safety and security and for remediation or similar 19892  
programs, calculated as follows: 19893

(1) If the DPIA index of the school district is greater than 19894  
or equal to thirty-five-hundredths, but less than one, an amount 19895  
obtained by multiplying the ~~five-year average number of pupils in~~ 19896  
~~a district receiving family assistance~~ district's DPIA student 19897  
count by two hundred thirty dollars; 19898

(2) If the DPIA index of the school district is greater than 19899  
or equal to one, an amount obtained by multiplying the DPIA index 19900

by two hundred thirty dollars and multiplying that product by the  
~~five-year average number of pupils in a district receiving family~~  
assistance district's DPIA student count.

Except as otherwise provided in division (F) of this section,  
beginning with the school year that starts July 1, 2002, each  
school district annually shall use at least twenty per cent of the  
funds calculated for the district under this division for  
intervention services required by section 3313.608 of the Revised  
Code.

(D) A payment for all-day kindergarten if the DPIA index of  
the school district is greater than or equal to one or if the  
district's three-year average formula ADM exceeded seventeen  
thousand five hundred, calculated by multiplying the all-day  
kindergarten percentage by the kindergarten ADM and multiplying  
that product by the formula amount.

(E) A class-size reduction payment based on calculating the  
number of new teachers necessary to achieve a lower  
student-teacher ratio, as follows:

(1) Determine or calculate a formula number of teachers per  
one thousand students based on the DPIA index of the school  
district as follows:

(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;

(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:

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$

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.

(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.

(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;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one, and divide that product by one thousand;

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section.

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers salary.

(F) This division applies only to school districts whose DPIA index is one or greater.

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage.

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(2) Up to an amount equal to the district's DPIA index 19962  
 multiplied by ~~the five-year average number of pupils in a district~~ 19963  
~~receiving family assistance~~ its DPIA student count multiplied by 19964  
 two hundred thirty dollars of the money distributed under this 19965  
 section may be utilized for one or both of the following: 19966

(a) Programs designed to ensure that schools are free of 19967  
 drugs and violence and have a disciplined environment conducive to 19968  
 learning; 19969

(b) Remediation for students who have failed or are in danger 19970  
 of failing any of the proficiency tests administered pursuant to 19971  
 section 3301.0710 of the Revised Code. 19972

Beginning with the school year that starts on July 1, 2002, 19973  
each school district shall use at least twenty per cent of the 19974  
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 19975  
this section to provide intervention services required by section 19976  
3313.608 of the Revised Code. 19977

(3) Except as otherwise required by division (G) or permitted 19978  
 under division (K) of this section, all other funds distributed 19979  
 under this section to districts subject to this division shall be 19980  
 utilized for the purpose of the third grade guarantee. The third 19981  
 grade guarantee consists of increasing the amount of instructional 19982  
 attention received per pupil in kindergarten through third grade, 19983  
 either by reducing the ratio of students to instructional 19984  
 personnel or by increasing the amount of instruction and 19985  
 curriculum-related activities by extending the length of the 19986  
 school day or the school year. 19987

School districts may implement a reduction of the ratio of 19988  
 students to instructional personnel through any or all of the 19989  
 following methods: 19990

(a) Reducing the number of students in a classroom taught by 19991  
 a single teacher; 19992

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(b) Employing full-time educational aides or educational	19993
paraprofessionals issued a permit or license under section	19994
3319.088 of the Revised Code;	19995
(c) Instituting a team-teaching method that will result in a	19996
lower student-teacher ratio in a classroom.	19997
Districts may extend the school day either by increasing the	19998
amount of time allocated for each class, increasing the number of	19999
classes provided per day, offering optional academic-related	20000
after-school programs, providing curriculum-related extra	20001
curricular activities, or establishing tutoring or remedial	20002
services for students who have demonstrated an educational need.	20003
In accordance with section 3319.089 of the Revised Code, a	20004
district extending the school day pursuant to this division may	20005
utilize a participant of the work experience program who has a	20006
child enrolled in a public school in that district and who is	20007
fulfilling the work requirements of that program by volunteering	20008
or working in that public school. If the work experience program	20009
participant is compensated, the school district may use the funds	20010
distributed under this section for all or part of the	20011
compensation.	20012
Districts may extend the school year either through adding	20013
regular days of instruction to the school calendar or by providing	20014
summer programs.	20015
(G) Each district subject to division (F) of this section	20016
shall not expend any funds received under division (E) of this	20017
section in any school buildings that are not buildings with the	20018
highest concentration of need, unless there is a ratio of	20019
instructional personnel to students of no more than fifteen to one	20020
in each kindergarten and first grade class in all buildings with	20021
the highest concentration of need. This division does not require	20022
that the funds used in buildings with the highest concentration of	20023
need be spent solely to reduce the ratio of instructional	20024

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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 education, utilizing data from the information system established under section 3301.0714 of the Revised Code and after consultation with the legislative office of education oversight, shall determine for each school district subject to division (F) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all-day kindergarten, given the funds the district has received under this section and that class-size reduction funds are being used in school buildings with the highest concentration of need as required by division (G) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required by this section. The department shall file an annual report of its findings under this division with the chairpersons of the

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committees in each house of the general assembly dealing with	20057
finance and education.	20058
(I) Any school district with a DPIA index less than one and a	20059
three-year average formula ADM exceeding seventeen thousand five	20060
hundred shall first utilize funds received under this section so	20061
that, when combined with other funds of the district, sufficient	20062
funds exist to provide all-day kindergarten to at least the number	20063
of children in the district's all-day kindergarten percentage.	20064
Such a district shall expend at least seventy per cent of the	20065
remaining funds received under this section, and any other	20066
district with a DPIA index less than one shall expend at least	20067
seventy per cent of all funds received under this section, for any	20068
of the following purposes:	20069
(1) The purchase of technology for instructional purposes;	20070
(2) All-day kindergarten;	20071
(3) Reduction of class sizes;	20072
(4) Summer school remediation;	20073
(5) Dropout prevention programs;	20074
(6) Guaranteeing that all third graders are ready to progress	20075
to more advanced work;	20076
(7) Summer education and work programs;	20077
(8) Adolescent pregnancy programs;	20078
(9) Head start or preschool programs;	20079
(10) Reading improvement programs described by the department	20080
of education;	20081
(11) Programs designed to ensure that schools are free of	20082
drugs and violence and have a disciplined environment conducive to	20083
learning;	20084
(12) Furnishing, free of charge, materials used in courses of	20085

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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;

(13) School breakfasts provided pursuant to section 3313.813  
of the Revised Code.

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.

(J) If at any time the superintendent of public instruction  
determines that a school district receiving funds under division  
(D) of this section has enrolled less than the all-day  
kindergarten percentage reported for that fiscal year, the  
superintendent shall withhold from the funds otherwise due the  
district under this section a proportional amount as determined by  
the difference in the certified all-day kindergarten percentage  
and the percentage actually enrolled in all-day kindergarten.

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.

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(2) A district may use a portion of the funds described in 20117  
division (F)(3) of this section to modify or purchase classroom 20118  
space to enable it to further reduce class size in grades 20119  
kindergarten through two with a goal of attaining class sizes of 20120  
fifteen students per licensed teacher. To do so, the district must 20121  
certify its need for additional space to the department, in a 20122  
manner satisfactory to the department. 20123

**Sec. 3317.0210.** (A) As used in this section: 20124

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 20125  
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 20126

(2) "Chapter 11 corporation" means a corporation, company, or 20127  
other business organization that has filed a petition for 20128  
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 20129  
Stat. 2626, 11 U.S.C. 1101, as amended. 20130

(3) "Real property" includes public utility real property and 20131  
"personal property" includes public utility personal property. 20132

(4) "Uncollectable taxes" means property taxes owed by a 20133  
Chapter 11 corporation on its property for a tax year that a 20134  
school district is precluded from collecting by virtue of 20135  
proceedings under the Bankruptcy Reform Act. 20136

(5) "Basic state aid" means the state aid calculated for a 20137  
school district under section 3317.022 of the Revised Code. 20138

(6) "Effective value" means the sum of the 20139  
residential/agricultural real property value, the effective 20140  
nonresidential/agricultural real property value, and the effective 20141  
personal value. 20142

(7) "Effective nonresidential/agricultural real property 20143  
value" means, for a tax year, the amount obtained by multiplying 20144  
the value for that year of nonresidential/agricultural real 20145  
property subject to taxation in the district by a fraction, the 20146

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numerator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district, exclusive of the uncollectable taxes for that year on all real property subject to taxation in the district, and the denominator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district.

(8) "Effective personal value" means, for a tax year, the amount obtained by multiplying the value for that year certified under division (A)(2) of section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district, exclusive of the uncollectable taxes for that year on that property, and the denominator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district.

(9) "Nonresidential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district for that year under division (B)(2)(a) of this section, and "residential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district under division (B)(2)(b) of this section.

(10) "Taxes charged and payable against real property" means the taxes charged and payable against that property after making the reduction required by section 319.301 of the Revised Code.

(11) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the Revised Code.

(B)(1) ~~By~~ Between the first day of ~~August~~ January and the first day of February of any ~~calendar~~ year, a school district shall notify the department of education if it has uncollectable

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taxes from one Chapter 11 corporation for the ~~second~~ preceding tax 20178  
 year whose total taxes charged and payable represent at least 20179  
 one-half of one per cent of the district's total taxes charged and 20180  
 payable for that tax year. 20181

(2) The department shall verify whether the district has such 20182  
 uncollectable taxes from such a corporation ~~by the first day of~~ 20183  
~~September~~, and if the district does, shall immediately request the 20184  
~~county auditor of each county in which the school district has~~ 20185  
~~territory~~ tax commissioner to certify the following information 20186  
 concerning the district's property values and taxes for the ~~second~~ 20187  
 preceding tax year, and ~~each such auditor~~ the tax commissioner 20188  
 shall certify that information to the department within thirty 20189  
 days ~~of~~ after receiving the request: 20190

(a) The value of the property subject to taxation in the 20191  
 district that was classified as nonresidential/agricultural real 20192  
 property pursuant to section 5713.041 of the Revised Code, and the 20193  
 taxes charged and payable on that property; and 20194

(b) The value of the property subject to taxation in the 20195  
 district that was classified as residential/agricultural real 20196  
 property under section 5713.041 of the Revised Code. 20197

(C) ~~By the fifteenth day of November~~ Upon receiving the 20198  
~~certification from the tax commissioner~~, the department shall 20199  
 compute the district's effective nonresidential/agricultural real 20200  
 property value, residential/agricultural real property value, 20201  
 effective personal value, and effective value, and shall determine 20202  
 whether the school district's effective value for the ~~second~~ 20203  
 preceding tax year is at least one per cent less than its total 20204  
taxable value for ~~that~~ the second preceding tax year as certified 20205  
 under divisions (A)(1) and (2) of section 3317.021 of the Revised 20206  
 Code. If it is, the department shall recompute the basic state aid 20207  
 payable to the district for the ~~immediately preceding~~ current 20208  
 fiscal year using the effective value in lieu of the ~~amounts~~ 20209

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~~previously certified under section 3317.021 of the Revised Code~~ 20210  
~~total taxable value used to compute the basic state aid for the~~ 20211  
~~current fiscal year.~~ The difference between the ~~original~~ basic 20212  
state aid amount originally computed for the district for the 20213  
~~preceding~~ current fiscal year and the recomputed amount shall be 20214  
paid to the district from the lottery profits education fund 20215  
before the end of the current fiscal year. 20216

(D) Not later than August 1, 2001, a school district shall 20217  
notify the department of education if it has uncollectable taxes 20218  
from one Chapter 11 corporation for tax year 1999 or, separately, 20219  
tax year 2000, whose total taxes charged and payable for the tax 20220  
year represent at least one-half of one per cent of the district's 20221  
total taxes charged and payable for that tax year. The department 20222  
shall verify whether the district has such uncollectable taxes 20223  
from such a corporation and, if it does, shall immediately request 20224  
the tax commissioner to certify the information enumerated in 20225  
divisions (B)(2)(a) and (b) of this section for the tax year. The 20226  
tax commissioner shall certify that information to the department 20227  
within thirty days after receiving the request. 20228

Upon receiving the certification from the tax commissioner, 20229  
the department shall compute the district's effective value for 20230  
the tax year for which the certification was made and shall 20231  
determine whether the effective value for the tax year is at least 20232  
one per cent less than its total taxable value for that tax year. 20233  
If it is, the department shall recompute the basic state aid 20234  
payable to the district as follows: 20235

(1) For such uncollectable taxes for tax year 1999, recompute 20236  
the basic state aid for fiscal year 2001 using the effective value 20237  
for tax year 1999 in lieu of the total taxable value for that tax 20238  
year as certified under divisions (A)(1) and (2) of section 20239  
3317.021 of the Revised Code; 20240

(2) For such uncollectable taxes for tax year 2000, recompute 20241

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the basic state aid for fiscal year 2002 using the effective value 20242  
for tax year 2000 in lieu of the total taxable value for that tax 20243  
year certified under those divisions. 20244

The difference between the basic state aid amount originally 20245  
computed for the district for fiscal year 2001 or fiscal year 2002 20246  
and the amount recomputed for that year under division (C)(1) or 20247  
(2) of this section shall be paid to the district from the lottery 20248  
profits education fund before the end of fiscal year 2002. 20249

(E) Amounts received by a school district under division (C) 20250  
and (D) of this section shall be repaid to the department of 20251  
education in any future year to the extent the district receives 20252  
payments of uncollectable taxes in such future year. The 20253  
department shall notify a district of any amount owed under this 20254  
division. 20255

**Sec. 3317.0212.** Divisions (B) and (C) of this section do not 20256  
apply to a school district with a formula ADM of one hundred fifty 20257  
or less. 20258

(A) As used in this section: 20259

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 20260  
state aid" for a district means the total amount of state money 20261  
received by the district for the applicable fiscal year as 20262  
reported on the department of education's form "SF-12," adjusted 20263  
as follows: 20264

(a) Minus the amount for transportation; 20265

(b) Minus any amounts for approved preschool handicapped 20266  
units; 20267

(c) Minus any additional amount attributable to the 20268  
reappraisal guarantee of division (C) of section 3317.04 of the 20269  
Revised Code; 20270

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(d) Plus the amount deducted for payments to an educational service center;	20271 20272
(e) Plus an estimated portion of the state money distributed in the applicable fiscal year to other school districts or educational service centers for approved units, other than preschool handicapped or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in the district;	20273 20274 20275 20276 20277 20278
(f) Minus an estimated portion of the state money distributed to the school district in the applicable fiscal year for approved units, other than preschool handicapped units or gifted education units, attributable to the costs of providing services in those units to students entitled to attend school in another school district;	20279 20280 20281 20282 20283 20284
(g) Plus any additional amount paid in the applicable fiscal year pursuant to the vocational education recomputation required by Section 45.12 of Amended Substitute House Bill No. 117 of the 121st general assembly or former Section 50.22 of Amended Substitute House Bill No. 215 of the 122nd general assembly;	20285 20286 20287 20288 20289
(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;	20290 20291 20292
(i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;	20293 20294
(j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;	20295 20296
(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.	20297 20298 20299 20300

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(2) "State basic aid" for a district for any fiscal year	20301
after fiscal year 1999 means the sum of the following:	20302
(a) The amount computed for the district for base cost	20303
funding, special education funding, and vocational education	20304
funding under divisions (A), (C)(1) and (5), and (E) of section	20305
3317.022 and sections 3317.025 and 3317.027 of the Revised Code	20306
and DPIA aid under section 3317.029 of the Revised Code in the	20307
current fiscal year before any deduction or credit required by	20308
division (B), (D), (E), (F), (G), (H), (I), (J), (K), or (L) of	20309
section 3317.023 or division (J) of section 3317.029 of the	20310
Revised Code;	20311
(b) Any amounts for which the district is eligible pursuant	20312
to division (C) of section 3317.023, divisions (G), (P), and (R)	20313
of section 3317.024, and the supplemental unit allowance paid for	20314
gifted units under division (B) of section <del>3317.162</del> <u>3317.053</u> of	20315
the Revised Code;	20316
(c) Any equity aid for which the district is eligible under	20317
section 3317.0213 of the Revised Code.	20318
<del>(3) "Adjusted FY 1999 actual aid" has the same meaning as in</del>	20319
<del>Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as</del>	20320
<del>amended.</del>	20321
<del>(4) "Vocational education set aside" means the up to</del>	20322
<del>\$24,193,118 earmarked for additional school district vocational</del>	20323
<del>education grants under appropriation item 200-545, vocational</del>	20324
<del>education enhancements, in Am. Sub. H.B. 770 of the 122nd general</del>	20325
<del>assembly.</del>	20326
(B) Upon request of the department of education, the	20327
treasurer of any school district or educational service center	20328
shall furnish data needed to calculate the amounts specified in	20329
divisions (A)(1)(e) and (f) of this section. The department shall	20330
compute and pay the state basic aid guarantee for each school	20331

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district for the fiscal year as follows: 20332

(1) Subtract the amount of state basic aid from the amount of 20333  
fundamental FY 1998 state aid. If a negative number, this 20334  
computation shall be deemed to be zero. 20335

(2) Pay the district any positive amount calculated under 20336  
division (B)(1) of this section. 20337

~~(C) In fiscal year 2000, the department shall calculate for 20338  
each district the sum of the district's state basic aid for that 20339  
fiscal year, plus any amount calculated under division (B)(1) of 20340  
this section, plus the transportation portion of state aid 20341  
computed for the district for that fiscal year under division (D) 20342  
of the version of section 3317.022 of the Revised Code in effect 20343  
that fiscal year. If a district's adjusted FY 1999 actual aid is 20344  
greater than that sum, then the department shall pay the district 20345  
in that fiscal year one hundred per cent of the difference 2002, 20346  
if a school district's composite state funding for that fiscal 20347  
year is less than its composite state funding for fiscal year 20348  
2001, the department shall pay the district the difference as 20349  
transitional aid. For purposes of this division: 20350~~

(1) A district's composite state funding for fiscal year 2001 20351  
equals its state basic aid for that year plus the amounts 20352  
calculated for the district that year under this section, division 20353  
(D) of section 3317.022, sections 3317.0215 and 3317.0216, and 20354  
division (C) of section 3317.04 of the Revised Code, after any 20355  
adjustment made pursuant to Section 18 of Am. Sub. H.B. 650 of the 20356  
122nd General Assembly, as subsequently amended. 20357

(2) A district's composite state funding for fiscal year 2002 20358  
equals its state basic aid for that year plus the amounts 20359  
calculated for the district that year under this section, division 20360  
(D) of section 3317.022, sections 3317.0216 and 3317.0217, and 20361  
division (C) of section 3317.04 of the Revised Code. 20362

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(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:	20363 20364 20365
(a) The district's state basic aid for the fiscal year;	20366
(b) The district's fundamental FY 1998 state aid;	20367
(c) The district's fundamental FY 1997 state aid.	20368
(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.	20369 20370 20371 20372 20373
<b>Sec. 3317.0213.</b> No money shall be distributed under this section after fiscal year <del>2002</del> <u>2005</u> .	20374 20375
(A) As used in this section:	20376
(1) "ADM" for any school district means:	20377
(a) In fiscal year 1999, the FY 1998 ADM;	20378
(b) In fiscal years 2000 through <del>2002</del> <u>2005</u> , the formula ADM reported for the previous fiscal year.	20379 20380
(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.	20381 20382 20383 20384
(3) "Valuation per pupil" for a district means:	20385
(a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;	20386 20387
(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.	20388 20389 20390

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- (4) "Threshold valuation" means: 20391
- (a) In fiscal year 1999, the adjusted valuation per pupil of 20392  
the school district with the two hundred twenty-ninth lowest 20393  
adjusted valuation per pupil in the state, according to data 20394  
available at the time of the computation under division (B) of 20395  
this section; 20396
- (b) In fiscal year 2000, the adjusted valuation per pupil of 20397  
the district with the one hundred ninety-sixth lowest such 20398  
valuation in the state; 20399
- (c) In fiscal year 2001, the adjusted valuation per pupil of 20400  
the district with the one hundred sixty-third lowest such 20401  
valuation in the state; 20402
- (d) In fiscal ~~year~~ years 2002 through 2005, the adjusted 20403  
valuation per pupil of the district with the 20404  
one-hundred-eighteenth lowest such valuation in the state. 20405
- (5) "Adjusted valuation per pupil" for a district means an 20406  
amount calculated in accordance with the following formula: 20407
- The district's valuation per pupil - 20408  
(\$30,000 X (one minus the 20409  
district's income factor)) 20410
- (6) "Millage rate" means .012 in fiscal year 1999, .011 in 20411  
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal 20412  
~~year~~ years 2002 through 2005. 20413
- (7) "Payment percentage" equals 100% prior to fiscal year 20414  
2003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in 20415  
fiscal year 2005, and zero after fiscal year 2005. 20416
- (B) Beginning in fiscal year 1993, during August of each 20417  
fiscal year, the department of education shall distribute to each 20418  
school district meeting the requirements of section 3317.01 of the 20419  
Revised Code whose adjusted valuation per pupil is less than the 20420

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threshold valuation, an amount calculated in accordance with the	20421
following formula:	20422
(The threshold valuation -	20423
the district's adjusted valuation per pupil) X	20424
millage rate X ADM <u>X the payment percentage</u>	20425
<b>Sec. 3317.0216.</b> (A) As used in this section:	20426
(1) "Total taxes charged and payable for current expenses"	20427
means the sum of the taxes charged and payable as certified under	20428
division (A)(3)(a) of section 3317.021 of the Revised Code less	20429
any amounts reported under division (A)(3)(b) of that section, and	20430
the tax distribution for the preceding year under any school	20431
district income tax levied by the district pursuant to Chapter	20432
5748. of the Revised Code to the extent the revenue from the	20433
income tax is allocated or apportioned to current expenses.	20434
(2) <del>"State equalization enhancement payments" means any</del>	20435
<del>payment made to a school district pursuant to section 3317.0215 of</del>	20436
<del>the Revised Code for the preceding fiscal year.</del>	20437
(3) <del>"Charge-off amount" means the product obtained by</del>	20438
<del>multiplying two and three-tenths per cent by adjusted total</del>	20439
<del>taxable value <u>recognized valuation</u>.</del>	20440
(4) <del>"Total receipts available for current expenses" of a</del>	20441
<del>school district means the sum of total taxes charged and payable</del>	20442
<del>for current expenses and the district's state equalization</del>	20443
<del>enhancement payments.</del>	20444
(5) <del>"Local share of special education and related services</del>	20445
<del>additional weighted costs" has the same meaning as in division</del>	20446
<del>(C)(3) of section 3317.022 of the Revised Code.</del>	20447
(6) <del>"Local share of vocational education and associated</del>	20448
<del>services additional weighted costs" for each school district means</del>	20449
<del>the amount determined as follows:</del>	20450

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~~(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]~~ 20451-20455

(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. 20456-20465

(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 difference. A payment shall not be made to any school district for which the computation under division (A) of section 3317.022 of the Revised Code equals zero. 20466-20474

(C)(1) If a district's charge-off amount is equal to or greater than its total ~~receipts available~~ taxes charged and payable for current expenses, the department shall, in addition to the payment required under division (B) of this section, pay the district the amount of ~~the~~ its actual local share of special education ~~and related services additional weighted costs,~~ transportation, and the amount of the local share of vocational education ~~and associated services additional weighted costs~~ 20475-20482

funding. 20483

(2) If a district's charge-off amount is less than its total 20484  
~~receipts available~~ taxes charged and payable for current expenses, 20485  
the department shall pay the district any amount by which ~~the sum~~ 20486  
~~of its actual~~ local share of special education ~~and related~~ 20487  
~~services additional weighted costs plus its local share of,~~ 20488  
transportation, and vocational education ~~and associated services~~ 20489  
~~additional weighted costs~~ funding exceeds its total receipts 20490  
~~available~~ taxes charged and payable for current expenses minus its 20491  
charge-off amount. 20492

Sec. 3317.0217. The department of education shall annually 20493  
compute and pay state parity aid to school districts, as follows: 20494

(A) Calculate the local wealth per pupil of each school 20495  
district, which equals the following sum: 20496

(1) Two-thirds times the quotient of (a) the district's 20497  
recognized valuation divided by (b) its formula ADM; plus 20498

(2) One-third times the quotient of (a) the average of the 20499  
total federal adjusted gross income of the school district's 20500  
residents for the three years most recently reported under section 20501  
3317.021 of the Revised Code divided by (b) its formula ADM. 20502

(B) Rank all school districts in order of local wealth per 20503  
pupil, from the district with the lowest local wealth per pupil to 20504  
the district with the highest local wealth per pupil. 20505

(C) Compute the per pupil state parity aid funding for each 20506  
school district in accordance with the following formula: 20507

Payment percentage X (threshold local wealth 20508  
per pupil - the district's local 20509  
wealth per pupil) X 0.0095 20510

Where: 20511

(1) "Payment percentage," for purposes of division (C) of 20512

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. 20513  
20514  
20515

(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. 20516  
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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. 20530  
20531  
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If the result of the calculation for a school district under division (C) of this section is less than zero, the district's per pupil parity aid shall be zero. 20533  
20534  
20535

(D) Compute the per pupil alternative parity aid for each school district that has a combination of an income factor of 1.0 or less, a DPIA index of 1.0 or greater, and a cost-of-doing-business factor of 1.0375 or greater, in accordance with the following formula: 20536  
20537  
20538  
20539  
20540

$$\frac{\text{Payment percentage} \times \$60,000 \times (1 - \text{income factor}) \times 4/15 \times 0.023}{1}$$
 20541  
20542

Where: 20543

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<u>(1) "DPIA index" has the same meaning as in section 3317.029</u>	20544
<u>of the Revised Code</u>	20545
<u>(2) "Payment percentage," for purposes of division (D) of</u>	20546
<u>this section, equals 50% in fiscal year 2002 and 100% after fiscal</u>	20547
<u>year 2002.</u>	20548
<u>(E) Pay each district that has a combination of an income</u>	20549
<u>factor 1.0 or less, a DPIA index of 1.0 or greater, and a</u>	20550
<u>cost-of-doing-business factor of 1.0375 or greater, the greater of</u>	20551
<u>the following:</u>	20552
<u>(1) The product of the district's per pupil parity aid</u>	20553
<u>calculated under division (C) of this section times its formula</u>	20554
<u>ADM;</u>	20555
<u>(2) The product of its per pupil alternative parity aid</u>	20556
<u>calculated under division (D) of this section times its formula</u>	20557
<u>ADM.</u>	20558
<u>(F) Pay every other district the product of its per pupil</u>	20559
<u>parity aid calculated under division (C) of this section times its</u>	20560
<u>formula ADM.</u>	20561
<u>Every six years, the general assembly shall redetermine,</u>	20562
<u>after considering the report of the committee appointed under</u>	20563
<u>section 3317.012 of the Revised Code, the average number of</u>	20564
<u>effective operating mills that districts in the seventieth to</u>	20565
<u>ninetieth percentiles of valuations per pupil collect above the</u>	20566
<u>revenues required to finance their attributed local shares of the</u>	20567
<u>cost of an adequate education.</u>	20568
<b>Sec. 3317.03.</b> <u>Notwithstanding divisions (A)(1), (B)(1), and</u>	20569
<u>(C) of this section, any student enrolled in kindergarten more</u>	20570
<u>than half time shall be reported as one-half student under this</u>	20571
<u>section.</u>	20572
<u>(A) The superintendent of each city and exempted village</u>	20573

school district and of each educational service center shall, for 20574  
the schools under the superintendent's supervision, certify to the 20575  
state board of education on or before the fifteenth day of October 20576  
in each year for the first full school week in October the formula 20577  
ADM, which shall consist of the average daily membership during 20578  
such week of the sum of the following: 20579

(1) On an FTE basis, the number of students in grades 20580  
kindergarten through twelve receiving any educational services 20581  
from the district, except that the following categories of 20582  
students shall not be included in the determination: 20583

(a) Students enrolled in adult education classes; 20584

(b) Adjacent or other district students enrolled in the 20585  
district under an open enrollment policy pursuant to section 20586  
3313.98 of the Revised Code; 20587

(c) Students receiving services in the district pursuant to a 20588  
compact, cooperative education agreement, or a contract, but who 20589  
are entitled to attend school in another district pursuant to 20590  
section 3313.64 or 3313.65 of the Revised Code; 20591

(d) Students for whom tuition is payable pursuant to sections 20592  
3317.081 and 3323.141 of the Revised Code. 20593

(2) On an FTE basis, the number of students entitled to 20594  
attend school in the district pursuant to section 3313.64 or 20595  
3313.65 of the Revised Code, but receiving educational services in 20596  
grades kindergarten through twelve from one or more of the 20597  
following entities: 20598

(a) A community school pursuant to Chapter 3314. of the 20599  
Revised Code, including any participation in a college pursuant to 20600  
Chapter 3365. of the Revised Code while enrolled in such community 20601  
school; 20602

(b) An alternative school pursuant to sections 3313.974 to 20603

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3313.979 of the Revised Code as described in division (I)(2)(a) or  
(b) of this section; 20604  
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(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; 20606  
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(d) An adjacent or other school district under an open  
enrollment policy adopted pursuant to section 3313.98 of the  
Revised Code; 20610  
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(e) An educational service center or cooperative education  
district; 20613  
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(f) Another school district under a cooperative education  
agreement, compact, or contract. 20615  
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(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; 20617  
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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. 20625  
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(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 20632  
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report separately the following student counts:	20635
(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;	20636 20637 20638 20639
(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;	20640 20641 20642 20643 20644 20645 20646
(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 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;	20647 20648 20649 20650 20651 20652 20653 20654 20655 20656 20657 20658 20659 20660 20661
(4) The number of pupils enrolled in joint vocational schools;	20662 20663
(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving	20664 20665

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category one special education services, described in division (A)	20666
of section 3317.013 of the Revised Code;	20667
(6) The average daily membership of handicapped children	20668
reported under division (A)(1) or (2) of this section receiving	20669
category two special education services, described in division (B)	20670
of section 3317.013 of the Revised Code;	20671
(7) The average daily membership of handicapped children	20672
reported under division (A)(1) or (2) of this section identified	20673
as having any of the handicaps specified in division (F)(3) of	20674
section 3317.02 of the Revised Code;	20675
(8) The average daily membership of pupils reported under	20676
division (A)(1) or (2) of this section enrolled in category one	20677
vocational education programs or classes, described in division	20678
(A) of section 3317.014 of the Revised Code, operated by the	20679
school district or by another district, other than a joint	20680
vocational school district, or by an educational service center;	20681
(9) The average daily membership of pupils reported under	20682
division (A)(1) or (2) of this section enrolled in category two	20683
vocational education programs or services, described in division	20684
(B) of section 3317.014 of the Revised Code, operated by the	20685
school district or another school district, other than a joint	20686
vocational school district, or by an educational service center;	20687
(10) The average number of children transported by the school	20688
district on board-owned or contractor-owned and -operated buses,	20689
reported in accordance with rules adopted by the department of	20690
education;	20691
(11)(a) The number of children, other than handicapped	20692
preschool children, the district placed with a county MR/DD board	20693
in fiscal year 1998;	20694
(b) The number of handicapped children, other than	20695
handicapped preschool children, placed with a county MR/DD board	20696

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in the current fiscal year to receive category one special	20697
education services, described in division (A) of section 3317.013	20698
of the Revised Code;	20699
(c) The number of handicapped children, other than	20700
handicapped preschool children, placed with a county MR/DD board	20701
in the current fiscal year to receive category two special	20702
education services, described in division (B) of section 3317.013	20703
of the Revised Code;	20704
(d) The number of handicapped children, other than	20705
handicapped preschool children, placed with a county MR/DD board	20706
in the current fiscal year to receive category three special	20707
education services, described in division (F)(3) of section	20708
3317.02 of the Revised Code.	20709
(C) Except as otherwise provided in this section for	20710
kindergarten students, the average daily membership in divisions	20711
(B)(1) to (9) of this section shall be based upon the number of	20712
full-time equivalent students. The state board of education shall	20713
adopt rules defining full-time equivalent students and for	20714
determining the average daily membership therefrom for the	20715
purposes of divisions (A), (B), and (D) of this section. No child	20716
shall be counted as more than a total of one child in the sum of	20717
the average daily memberships of a school district under division	20718
(A), divisions (B)(1) to (9), or division (D) of this section,	20719
except as follows:	20720
(1) A child with a handicap described in section 3317.013 or	20721
division (F)(3) of section 3317.02 of the Revised Code may be	20722
counted both in formula ADM and in category one, two, or three	20723
special education ADM and, if applicable, in category one or two	20724
vocational education ADM. As provided in division (C) of section	20725
3317.02 of the Revised Code, such a child shall be counted in	20726
category one, two, or three special education ADM in the same	20727
proportion that the child is counted in formula ADM.	20728

(2) A child enrolled in vocational education programs or classes described in section 3314.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, or three special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

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(2) 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 average daily membership included in the report under division (D)(1) of this section for each of the following categories of students:

(a) Students enrolled in each grade included in the joint vocational district schools;

(b) Handicapped children receiving category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(c) Handicapped children receiving category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(d) Handicapped children identified as having any of the handicaps specified in division (F)(3) of section 3317.02 of the Revised Code;

(e) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;

(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

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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;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.

If, however, any veteran described by division (E)(4)~~(b)~~ of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal

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laws, or otherwise, that veteran shall not be included in average daily membership. 20821  
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Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education. 20823  
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Except as provided in division (B)(2) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the first full school week in October by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those handicapped children currently receiving home instruction. 20830  
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The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education. 20842  
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(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning 20845  
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with the February payments, the superintendent of public instruction shall use the increased formula ADM in calculating or recalculating the amounts to be allocated in accordance with section 3317.022 or 3317.16 of the Revised Code. In no event shall the superintendent use an increased membership certified to the superintendent after the fifteenth day of February.

(2) If on the first school day of April the total number of classes or units for handicapped preschool children that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the state board of education determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the board shall approve 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 section ~~3317.161~~ 3317.052 or 3317.19 and section ~~3317.162~~ 3317.053 of the Revised Code.

(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

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supervision, certify to the state board of education the average  
daily membership in those units, in the manner prescribed by the  
superintendent of public instruction.

(2) The superintendent of each county MR/DD board that  
maintains special education classes under section 3317.20 of the  
Revised Code or units approved by the state board of education  
pursuant to section 3317.05 of the Revised Code shall do both of  
the following:

(a) Certify to the state board, in the manner prescribed by  
the board, the average daily membership in classes ~~and units~~  
~~approved under division (D)(1) of~~ under section 3317.05 3317.20 of  
the Revised Code for each school district that has placed children  
in the classes ~~or units~~;

(b) Certify to the state board, in the manner prescribed by  
the board, the number of all handicapped preschool children  
enrolled as of the first day of December in classes eligible for  
approval under division (B) of section 3317.05 of the Revised  
Code, and the number of those classes.

~~(3)(a) If during the first full school week in February the  
average daily membership of the classes or units maintained by the  
county MR/DD board that are eligible for approval under division  
(D)(1) of section 3317.05 of the Revised Code is greater than the  
average daily membership for the preceding October, the  
superintendent of the board shall make the certifications required  
by this section for such week.~~

~~(b)~~ If on the first school day of April the number of classes  
or units maintained for handicapped preschool children by the  
county MR/DD board that are eligible for approval under division  
(B) of section 3317.05 of the Revised Code is greater than the  
number of units approved for the year under that division, the  
superintendent shall make the certification required by this

section for that day. 20916

~~(c)~~(b) If the state board determines that additional classes 20917  
or units can be approved for the fiscal year within any 20918  
limitations set forth in the acts appropriating moneys for the 20919  
funding of the classes and units described in division (G)(3)(a) 20920  
~~or (b)~~ of this section, the board shall approve and fund 20921  
additional units for the fiscal year on the basis of such average 20922  
daily membership. For each unit so approved, the department of 20923  
education shall pay an amount computed in the manner prescribed in 20924  
sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised 20925  
Code. 20926

(H) Except as provided in division (I) of this section, when 20927  
any city, local, or exempted village school district provides 20928  
instruction for a nonresident pupil whose attendance is 20929  
unauthorized attendance as defined in section 3327.06 of the 20930  
Revised Code, that pupil's membership shall not be included in 20931  
that district's membership figure used in the calculation of that 20932  
district's formula ADM or included in the determination of any 20933  
unit approved for the district under section 3317.05 of the 20934  
Revised Code. The reporting official shall report separately the 20935  
average daily membership of all pupils whose attendance in the 20936  
district is unauthorized attendance, and the membership of each 20937  
such pupil shall be credited to the school district in which the 20938  
pupil is entitled to attend school under division (B) of section 20939  
3313.64 or section 3313.65 of the Revised Code as determined by 20940  
the department of education. 20941

(I)(1) A city, local, exempted village, or joint vocational 20942  
school district admitting a scholarship student of a pilot project 20943  
district pursuant to division (C) of section 3313.976 of the 20944  
Revised Code may count such student in its average daily 20945  
membership. 20946

(2) In any year for which funds are appropriated for pilot 20947

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project scholarship programs, a school district implementing a 20948  
 state-sponsored pilot project scholarship program that year 20949  
 pursuant to sections 3313.974 through 3313.979 of the Revised Code 20950  
 may count in average daily membership: 20951

(a) All children residing in the district and utilizing a 20952  
 scholarship to attend kindergarten in any alternative school, as 20953  
 defined in section 3313.974 of the Revised Code; 20954

(b) All children who were enrolled in the district in the 20955  
 preceding year who are utilizing a scholarship to attend any such 20956  
 alternative school. 20957

(J) The superintendent of each cooperative education school 20958  
 district shall certify to the superintendent of public 20959  
 instruction, in a manner prescribed by the state board of 20960  
 education, the applicable average daily memberships for all 20961  
 students in the cooperative education district, also indicating 20962  
 the city, local, or exempted village district where each pupil is 20963  
 entitled to attend school under section 3313.64 or 3313.65 of the 20964  
 Revised Code. 20965

**Sec. 3317.05.** (A) For the purpose of calculating payments 20966  
 under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the 20967  
 Revised Code, the state board of education shall determine for 20968  
 each institution, by the last day of January of each year and 20969  
 based on information certified under section 3317.03 of the 20970  
 Revised Code, the number of vocational education units or 20971  
 fractions of units approved by the state board on the basis of 20972  
 standards and rules adopted by the state board. As used in this 20973  
 division, "institution" means an institution operated by a 20974  
 department specified in section 3323.091 of the Revised Code and 20975  
 that provides vocational education programs under the supervision 20976  
 of the division of vocational education of the department of 20977  
 education that meet the standards and rules for these programs, 20978

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including licensure of professional staff involved in the 20979  
programs, as established by the state board of education. 20980

(B) For the purpose of calculating payments under sections 20981  
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 20982  
the Revised Code, the state board shall determine, based on 20983  
information certified under section 3317.03 of the Revised Code, 20984  
the following by the last day of January of each year for each 20985  
educational service center, for each school district, including 20986  
each cooperative education school district, for each institution 20987  
eligible for payment under section 3323.091 of the Revised Code, 20988  
and for each county MR/DD board: the number of classes operated by 20989  
the school district, service center, institution, or county MR/DD 20990  
board for handicapped preschool children, or fraction thereof, 20991  
including in the case of a district or service center that is a 20992  
funding agent, classes taught by a licensed teacher employed by 20993  
that district or service center under section 3313.841 of the 20994  
Revised Code, approved annually by the state board on the basis of 20995  
standards and rules adopted by the state board. 20996

(C) For the purpose of calculating payments under sections 20997  
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162,~~ and 3317.19 of 20998  
the Revised Code, the state board shall determine, based on 20999  
information certified under section 3317.03 of the Revised Code, 21000  
the following by the last day of January of each year for each 21001  
school district, including each cooperative education school 21002  
district, for each institution eligible for payment under section 21003  
3323.091 of the Revised Code, and for each county MR/DD board: the 21004  
number of preschool handicapped related services units for child 21005  
study, occupational, physical, or speech and hearing therapy, 21006  
special education supervisors, and special education coordinators 21007  
approved annually by the state board on the basis of standards and 21008  
rules adopted by the state board. 21009

(D) For the purpose of calculating payments under sections 21010

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3317.161 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the state board shall determine, based on information certified under section 3317.03 of the Revised Code, the following by the last day of January of each year for each institution eligible for payment under section 3323.091 of the Revised Code, ~~and for each county MR/DD board:~~

(1) The number of classes operated by an institution ~~or county MR/DD board~~ for handicapped children other than handicapped preschool children, or fraction thereof, approved annually by the state board on the basis of standards and rules adopted by the state board;

(2) The number of related services units for children other than handicapped preschool children for child study, occupational, physical, or speech and hearing therapy, special education supervisors, and special education coordinators approved annually by the state board on the basis of standards and rules adopted by the state board.

(E) All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of units for school districts, service centers, and institutions approved annually by the state board under this 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.

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

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such children have been admitted to the unit pursuant to rules of 21043  
the state board. In the case of handicapped preschool units 21044  
described in division (B) of this section operated by county MR/DD 21045  
boards and institutions eligible for payment under section 21046  
3323.091 of the Revised Code, the state board shall approve only 21047  
preschool units for children who are under age six but not less 21048  
than age three on the thirtieth day of September of the academic 21049  
year, except that such a unit may include one or more children who 21050  
are under age three or are age six or over on the thirtieth day of 21051  
September if such children have been admitted to the unit pursuant 21052  
to rules of the state board of education. The number of units for 21053  
county MR/DD boards and institutions eligible for payment under 21054  
section 3323.091 of the Revised Code approved by the state board 21055  
under this section shall not exceed the number that can be funded 21056  
with appropriations made for such purposes by the general 21057  
assembly. 21058

No unit shall be approved under divisions (B) to (D) of this 21059  
section unless a plan has been submitted and approved under 21060  
Chapter 3323. of the Revised Code. 21061

(F) The department shall approve units or fractions thereof 21062  
for gifted children on the basis of standards and rules adopted by 21063  
the board. 21064

**Sec. 3317.051.** (A)(1) Notwithstanding sections 3317.05 and 21065  
3317.11 of the Revised Code, a unit funded pursuant to division 21066  
(P) of section 3317.024 or division (A)(2) of section ~~3317.161~~ 21067  
3317.052 of the Revised Code shall not be approved for state 21068  
funding in one school district, including any cooperative 21069  
education school district or any educational service center, to 21070  
the extent that such unit provides programs in or services to 21071  
another district which receives payment pursuant to section 21072  
3317.04 of the Revised Code. 21073

## As Reported by the Senate Finance and Financial Institutions Committee

(2) Any city, local, exempted village, or cooperative education school district or any educational service center may combine partial unit eligibility for handicapped preschool programs pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center.

(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

**Sec. ~~3317.161~~ 3317.052.** As used in this section, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code.

(A)(1) The department of education shall pay each school district, educational service center, institution eligible for payment under section 3323.091 of the Revised Code, or county MR/DD board an amount for the total of all classroom units for handicapped preschool children approved under division (B) of section 3317.05 of the Revised Code. For each unit, the amount shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and eight thousand twenty-three dollars.

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(2) The department shall pay each school district, 21105  
 educational service center, institution eligible for payment under 21106  
 section 3323.091 of the Revised Code, or county MR/DD board an 21107  
 amount for the total of all related services units for handicapped 21108  
 preschool children approved under division (C) of section 3317.05 21109  
 of the Revised Code. For each such unit, the amount shall be the 21110  
 sum of the minimum salary for the teacher of the unit calculated 21111  
 on the basis of the teacher's training level and years of 21112  
 experience pursuant to the salary schedule prescribed in the 21113  
version of section 3317.13 of the Revised Code in effect prior to 21114  
the effective date of this amendment, fifteen per cent of that 21115  
 minimum salary amount, and two thousand one hundred thirty-two 21116  
 dollars. 21117

(B) If a school district ~~or~~, educational service center ~~has~~ 21118  
~~had additional handicapped preschool units approved for the year~~ 21119  
~~under division (F)(2) of section 3317.03 of the Revised Code~~, or 21120  
~~if a~~ county MR/DD board has had additional handicapped preschool 21121  
 units approved for the year under division (F)(2) or (G)(3) of 21122  
 section 3317.03 of the Revised Code, the district, educational 21123  
 service center, or board shall receive an additional amount during 21124  
 the last half of the fiscal year. For each district, center, or 21125  
 board, the additional amount for each unit shall equal fifty per 21126  
 cent of the amounts computed for the unit in the manner prescribed 21127  
 by division (A) of this section and division (C) of section 21128  
~~3317.162~~ 3317.053 of the Revised Code. 21129

(C)(1) The department shall pay each institution eligible for 21130  
 payment under section 3323.091 of the Revised Code or county MR/DD 21131  
 board an amount for the total of all special education units 21132  
 approved under division (D)(1) of section 3317.05 of the Revised 21133  
 Code. The amount for each unit shall be the sum of the minimum 21134  
 salary for the teacher of the unit, calculated on the basis of the 21135  
 teacher's training level and years of experience pursuant to the 21136

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salary schedule prescribed in the version of section 3317.13 of 21137  
the Revised Code in effect prior to the effective date of this 21138  
amendment, plus fifteen per cent of that minimum salary amount, 21139  
and eight thousand twenty-three dollars. 21140

(2) The department shall pay each institution eligible for 21141  
payment under section 3323.091 of the Revised Code ~~or county MR/DD~~ 21142  
~~board~~ an amount for the total of all related services units 21143  
approved under division (D)(2) of section 3317.05 of the Revised 21144  
Code. The amount for each unit shall be the sum of the minimum 21145  
salary for the teacher of the unit, calculated on the basis of the 21146  
teacher's training level and years of experience pursuant to the 21147  
salary schedule prescribed in the version of section 3317.13 of 21148  
the Revised Code in effect prior to the effective date of this 21149  
amendment, plus fifteen per cent of that minimum salary amount, 21150  
and two thousand one hundred thirty-two dollars. 21151

~~(3) If a county MR/DD board has had additional units for~~ 21152  
~~handicapped children other than handicapped preschool children~~ 21153  
~~approved under division (G)(3) of section 3317.03 of the Revised~~ 21154  
~~Code, the board shall receive an additional amount during the last~~ 21155  
~~half of the fiscal year. For each board, the additional amount for~~ 21156  
~~each unit shall equal fifty per cent of the amount computed for~~ 21157  
~~the unit in the manner prescribed by division (C)(1) of this~~ 21158  
~~section and division (C) of section 3317.162 of the Revised Code.~~ 21159

(D) The department shall pay each institution approved for 21160  
vocational education units under division (A) of section 3317.05 21161  
of the Revised Code an amount for the total of all the units 21162  
approved under that division. The amount for each unit shall be 21163  
the sum of the minimum salary for the teacher of the unit, 21164  
calculated on the basis of the teacher's training level and years 21165  
of experience pursuant to the salary schedule prescribed in the 21166  
version of section 3317.13 of the Revised Code in effect prior to 21167  
the effective date of this amendment, plus fifteen per cent of 21168

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that minimum salary amount, and nine thousand five hundred ten dollars. 21169  
21170

**Sec. ~~3317.162~~ 3317.053.** (A) As used in this section: 21171

(1) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code. 21172  
21173

(2) "Dollar amount" means the amount shown in the following table for the corresponding type of unit ~~and the appropriate fiscal year:~~ 21174  
21175  
21176

TYPE OF UNIT	DOLLAR AMOUNT		
	<del>FY 2000</del>	<del>FY 2001</del>	
Division (B) of section 3317.05 of the Revised Code	\$ <del>8,334</del>	\$8,334	21177 21178
Division (C) of that section	\$ <del>3,234</del>	\$3,234	21179 21181
Division (F) of that section	\$ <del>4,550</del>	\$5,550	21182

(3) "Average unit amount" means the amount shown in the following table for the corresponding type of unit: 21183  
21184

TYPE OF UNIT	AVERAGE UNIT AMOUNT		
	<del>FY 2000</del>	<del>FY 2001</del>	
Division (B) of section 3317.05 of the Revised Code	\$ <del>7,799</del>	\$7,799	21185 21186 21187 21188
Division (C) of that section	\$ <del>2,966</del>	\$2,966	21189
Division (F) of that section	\$ <del>4,251</del>	\$5,251	21190

(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: 21191  
21192  
21193  
21194  
21195  
21196  
21197

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(1) An amount equal to 50% of the average unit amount for the unit;	21198 21199
(2) An amount equal to the percentage of the dollar amount for the unit that equals the district's state share percentage.	21200 21201
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.	21202 21203 21204 21205 21206 21207 21208 21209 21210 21211 21212 21213
(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 <del>3317.161</del> <u>3317.052</u> of the Revised Code, shall pay a supplemental unit allowance of \$7,227.	21214 21215 21216 21217 21218
(2) In the case of each unit described in division (B) or (D)(1) of section 3317.05 of the Revised Code that is allocated to any entity other than a city, exempted village, or local school district, the department, in addition to the amount specified in section <del>3317.161</del> <u>3317.052</u> of the Revised Code, shall pay a supplemental unit allowance of \$7,799.	21219 21220 21221 21222 21223 21224
(3) In the case of each unit described in division (C) or (D)(2) of section 3317.05 of the Revised Code and allocated to any entity other than a city, exempted village, or local school district, the department, in addition to the amounts specified in	21225 21226 21227 21228

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section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a  
supplemental unit allowance of \$2,966.

(4) In the case of each unit described in division (F) of  
section 3317.05 of the Revised Code and allocated to an  
educational service center, the department, in addition to the  
amounts specified in division (P) of section 3317.024 of the  
Revised Code, shall pay a supplemental unit allowance of ~~\$4,251 in~~  
~~fiscal year 2000~~ and \$5,251 in ~~fiscal year 2001~~.

**Sec. 3317.06.** Moneys paid to school districts under division  
(L) of section 3317.024 of the Revised Code shall be used for the  
following independent and fully severable purposes:

(A) To purchase such secular textbooks or electronic  
textbooks as have been approved by the superintendent of public  
instruction for use in public schools in the state and to loan  
such textbooks or electronic textbooks to pupils attending  
nonpublic schools within the district or to their parents and to  
hire clerical personnel to administer such lending program. Such  
loans shall be based upon individual requests submitted by such  
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,

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interactive videodisc, magnetic media, CD-ROM, computer 21260  
courseware, local and remote computer assisted instruction, 21261  
on-line service, electronic medium, or other means of conveying 21262  
information to the student or otherwise contributing to the 21263  
learning process through electronic means. 21264

(B) To provide speech and hearing diagnostic services to 21265  
pupils attending nonpublic schools within the district. Such 21266  
service shall be provided in the nonpublic school attended by the 21267  
pupil receiving the service. 21268

(C) To provide physician, nursing, dental, and optometric 21269  
services to pupils attending nonpublic schools within the 21270  
district. Such services shall be provided in the school attended 21271  
by the nonpublic school pupil receiving the service. 21272

(D) To provide diagnostic psychological services to pupils 21273  
attending nonpublic schools within the district. Such services 21274  
shall be provided in the school attended by the pupil receiving 21275  
the service. 21276

(E) To provide therapeutic psychological and speech and 21277  
hearing services to pupils attending nonpublic schools within the 21278  
district. Such services shall be provided in the public school, in 21279  
nonpublic schools, in public centers, or in mobile units located 21280  
on or off of the nonpublic premises. If such services are provided 21281  
in the public school or in public centers, transportation to and 21282  
from such facilities shall be provided by the school district in 21283  
which the nonpublic school is located. 21284

(F) To provide guidance and counseling services to pupils 21285  
attending nonpublic schools within the district. Such services 21286  
shall be provided in the public school, in nonpublic schools, in 21287  
public centers, or in mobile units located on or off of the 21288  
nonpublic premises. If such services are provided in the public 21289  
school or in public centers, transportation to and from such 21290

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facilities shall be provided by the school district in which the	21291
nonpublic school is located.	21292
(G) To provide remedial services to pupils attending	21293
nonpublic schools within the district. Such services shall be	21294
provided in the public school, in nonpublic schools, in public	21295
centers, or in mobile units located on or off of the nonpublic	21296
premises. If such services are provided in the public school or in	21297
public centers, transportation to and from such facilities shall	21298
be provided by the school district in which the nonpublic school	21299
is located.	21300
(H) To supply for use by pupils attending nonpublic schools	21301
within the district such standardized tests and scoring services	21302
as are in use in the public schools of the state;	21303
(I) To provide programs for children who attend nonpublic	21304
schools within the district and are handicapped children as	21305
defined in division (A) of section 3323.01 of the Revised Code or	21306
gifted children. Such programs shall be provided in the public	21307
school, in nonpublic schools, in public centers, or in mobile	21308
units located on or off of the nonpublic premises. If such	21309
programs are provided in the public school or in public centers,	21310
transportation to and from such facilities shall be provided by	21311
the school district in which the nonpublic school is located.	21312
(J) To hire clerical personnel to assist in the	21313
administration of programs pursuant to divisions (B), (C), (D),	21314
(E), (F), (G), and (I) of this section and to hire supervisory	21315
personnel to supervise the providing of services and textbooks	21316
pursuant to this section.	21317
(K) To purchase <u>or lease</u> any secular, neutral, and	21318
nonideological computer software (including site-licensing),	21319
prerecorded video laserdiscs, digital video on demand (DVD),	21320
compact discs, and video cassette cartridges, wide area	21321

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connectivity and related technology as it relates to internet 21322  
access, mathematics or science equipment and materials, 21323  
instructional materials, and school library materials that are in 21324  
general use in the public schools of the state and loan such items 21325  
to pupils attending nonpublic schools within the district or to 21326  
their parents, and to hire clerical personnel to administer the 21327  
lending program. Only such items that are incapable of diversion 21328  
to religious use and that are susceptible of loan to individual 21329  
pupils and are furnished for the use of individual pupils shall be 21330  
purchased and loaned under this division. As used in this section, 21331  
"instructional materials" means prepared learning materials that 21332  
are secular, neutral, and nonideological in character and are of 21333  
benefit to the instruction of school children, and may include 21334  
educational resources and services developed by the Ohio schoolnet 21335  
commission. 21336

(L) To purchase or lease instructional equipment, including 21337  
computer hardware and related equipment in general use in the 21338  
public schools of the state, for use by pupils attending nonpublic 21339  
schools within the district and to loan such items to pupils 21340  
attending nonpublic schools within the district or to their 21341  
parents, and to hire clerical personnel to administer the lending 21342  
program. 21343

(M) To purchase mobile units to be used for the provision of 21344  
services pursuant to divisions (E), (F), (G), and (I) of this 21345  
section and to pay for necessary repairs and operating costs 21346  
associated with these units. 21347

Clerical and supervisory personnel hired pursuant to division 21348  
(J) of this section shall perform their services in the public 21349  
schools, in nonpublic schools, public centers, or mobile units 21350  
where the services are provided to the nonpublic school pupil, 21351  
except that such personnel may accompany pupils to and from the 21352  
service sites when necessary to ensure the safety of the children 21353

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receiving the services. 21354

All services provided pursuant to this section may be 21355  
provided under contract with educational service centers, the 21356  
department of health, city or general health districts, or private 21357  
agencies whose personnel are properly licensed by an appropriate 21358  
state board or agency. 21359

Transportation of pupils provided pursuant to divisions (E), 21360  
(F), (G), and (I) of this section shall be provided by the school 21361  
district from its general funds and not from moneys paid to it 21362  
under division (L) of section 3317.024 of the Revised Code unless 21363  
a special transportation request is submitted by the parent of the 21364  
child receiving service pursuant to such divisions. If such an 21365  
application is presented to the school district, it may pay for 21366  
the transportation from moneys paid to it under division (L) of 21367  
section 3317.024 of the Revised Code. 21368

No school district shall provide health or remedial services 21369  
to nonpublic school pupils as authorized by this section unless 21370  
such services are available to pupils attending the public schools 21371  
within the district. 21372

Materials, equipment, computer hardware or software, 21373  
textbooks, electronic textbooks, and health and remedial services 21374  
provided for the benefit of nonpublic school pupils pursuant to 21375  
this section and the admission of pupils to such nonpublic schools 21376  
shall be provided without distinction as to race, creed, color, or 21377  
national origin of such pupils or of their teachers. 21378

No school district shall provide services, materials, or 21379  
equipment that contain religious content for use in religious 21380  
courses, devotional exercises, religious training, or any other 21381  
religious activity. 21382

As used in this section, "parent" includes a person standing 21383  
in loco parentis to a child. 21384

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Notwithstanding section 3317.01 of the Revised Code, payments 21385  
 shall be made under this section to any city, local, or exempted 21386  
 village school district within which is located one or more 21387  
 nonpublic elementary or high schools and any payments made to 21388  
 school districts under division (L) of section 3317.024 of the 21389  
 Revised Code for purposes of this section may be disbursed without 21390  
 submission to and approval of the controlling board. 21391

The allocation of payments for materials, equipment, 21392  
 textbooks, electronic textbooks, health services, and remedial 21393  
 services to city, local, and exempted village school districts 21394  
 shall be on the basis of the state board of education's estimated 21395  
 annual average daily membership in nonpublic elementary and high 21396  
 schools located in the district. 21397

Payments made to city, local, and exempted village school 21398  
 districts under this section shall be equal to specific 21399  
 appropriations made for the purpose. All interest earned by a 21400  
 school district on such payments shall be used by the district for 21401  
 the same purposes and in the same manner as the payments may be 21402  
 used. 21403

The department of education shall adopt guidelines and 21404  
 procedures under which such programs and services shall be 21405  
 provided, under which districts shall be reimbursed for 21406  
 administrative costs incurred in providing such programs and 21407  
 services, and under which any unexpended balance of the amounts 21408  
 appropriated by the general assembly to implement this section may 21409  
 be transferred to the auxiliary services personnel unemployment 21410  
 compensation fund established pursuant to section 4141.47 of the 21411  
 Revised Code. The department shall also adopt guidelines and 21412  
 procedures limiting the purchase and loan of the items described 21413  
 in division (K) of this section to items that are in general use 21414  
 in the public schools of the state, that are incapable of 21415  
 diversion to religious use, and that are susceptible to individual 21416

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use rather than classroom use. Within thirty days after the end of 21417  
 each biennium, each board of education shall remit to the 21418  
 department all moneys paid to it under division (L) of section 21419  
 3317.024 of the Revised Code and any interest earned on those 21420  
 moneys that are not required to pay expenses incurred under this 21421  
 section during the biennium for which the money was appropriated 21422  
 and during which the interest was earned. If a board of education 21423  
 subsequently determines that the remittal of moneys leaves the 21424  
 board with insufficient money to pay all valid expenses incurred 21425  
 under this section during the biennium for which the remitted 21426  
 money was appropriated, the board may apply to the department of 21427  
 education for a refund of money, not to exceed the amount of the 21428  
 insufficiency. If the department determines the expenses were 21429  
 lawfully incurred and would have been lawful expenditures of the 21430  
 refunded money, it shall certify its determination and the amount 21431  
 of the refund to be made to the director of job and family 21432  
 services who shall make a refund as provided in section 4141.47 of 21433  
 the Revised Code. 21434

**Sec. 3317.064.** (A) There is hereby established in the state 21435  
 treasury the auxiliary services mobile unit replacement and repair 21436  
 fund. By the thirtieth day of January of each odd-numbered year, 21437  
 the director of job and family services and the superintendent of 21438  
 public instruction shall determine the amount of any excess moneys 21439  
 in the auxiliary services personnel unemployment compensation fund 21440  
 not reasonably necessary for the purposes of section 4141.47 of 21441  
 the Revised Code, and shall certify such amount to the director of 21442  
 budget and management for transfer to the auxiliary services 21443  
 mobile unit replacement and repair fund. If the director of ~~jobs~~ 21444  
job and family services and the superintendent disagree on such 21445  
 amount, the director of budget and management shall determine the 21446  
 amount to be transferred. 21447

(B) Moneys in the auxiliary services mobile unit replacement 21448

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and repair fund shall be used for the relocation or for the replacement and repair of mobile units used to provide the services specified in division (E), (F), (G), or (I) of section 3317.06 of the Revised Code ~~and for no other purposes~~. The state board of education shall adopt guidelines and procedures for replacement, repair, and relocation of mobile units and the procedures under which a school district may apply to receive moneys with which to repair or replace or relocate such units.

(C) School districts may apply to the department for moneys from the auxiliary services mobile unit replacement and repair fund for payment of incentives for early retirement and severance for school district personnel assigned to provide services authorized by section 3317.06 of the Revised Code at chartered nonpublic schools. The portion of the cost of any early retirement or severance incentive for any employee that is paid using money from the auxiliary services mobile unit replacement and repair fund shall not exceed the percentage of such employee's total service credit that the employee spent providing services to chartered nonpublic school students under section 3317.06 of the Revised Code.

**Sec. 3317.10.** (A) On or before the first day of March of each year, the department of job and family services shall certify to the state board of education the unduplicated number of children ages five through seventeen residing in each school district and living in a family that ~~participated in Ohio works first under Chapter 5107. of the Revised Code,~~ during the preceding October, had family income not exceeding the federal poverty guidelines as defined in section 5101.46 of the Revised Code and participated in one of the following:

- (1) Ohio works first;
- (2) The food stamp program;

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<u>(3) The medical assistance program, including the healthy</u>	21480
<u>start program, established under Chapter 5111. of the Revised</u>	21481
<u>Code;</u>	21482
<u>(4) The children's health insurance program part I</u>	21483
<u>established under section 5101.50 of the Revised Code;</u>	21484
<u>(5) The disability assistance program established under</u>	21485
<u>Chapter 5115. of the Revised Code.</u>	21486
<u>The department of job and family services shall certify this</u>	21487
<u>information</u> according to the school district of residence for each	21488
child. Except as provided under division (B) of this section, the	21489
number of children so certified in any year shall be used by the	21490
department of education in calculating the distribution of moneys	21491
for the ensuing fiscal year <u>as</u> provided in section 3317.029 of the	21492
Revised Code.	21493
(B) Upon the transfer of part of the territory of one school	21494
district to the territory of one or more other school districts,	21495
the department of education may adjust the number <u>of children</u>	21496
certified under division (A) of this section for any district	21497
gaining or losing territory in such a transfer in order to take	21498
into account the effect of the transfer on the number of <u>such</u>	21499
children <del>ages five through seventeen</del> who reside in the district	21500
<del>and live in a family that participates in Ohio works first.</del> Within	21501
sixty days of receipt of a request for information from the	21502
department of education, the department of job and family services	21503
shall provide any information the department of education	21504
determines is necessary to make such adjustments. The department	21505
of education may use the adjusted number for any district for the	21506
applicable fiscal year, in lieu of the number certified for the	21507
district for that fiscal year under division (A) of this section,	21508
in the calculation of the distribution of moneys provided in	21509
section 3317.029 of the Revised Code.	21510

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**Sec. 3317.11.** (A) Annually, on or before a date designated by the state board of education, each educational service center governing board shall prepare a budget of operating expenses for the ensuing year for the service center on forms prepared and furnished by the state board of education and shall certify the budget to the state board of education, together with such other information as the board may require. Such budget shall consist of two parts. Part (A) shall include the cost of the salaries, employers retirement contributions, and travel expenses of supervisory teachers approved by the state board of education. The amount derived from the calculation for such units in part (A) of the governing board budget shall be the sum of:

(1) The sum of the minimum salaries calculated, pursuant to section 3317.13 of the Revised Code, for each approved licensed employee of the governing board;

(2) An additional salary allowance proportional to the length of the extended term of service not to exceed three months for each supervisory and child study teacher whose term of service in any year is extended beyond the terms of service of regular classroom teachers;

(3) An allowance equal to fifteen per cent of the amount computed under division (A)(1) of this section;

(4) An allowance for necessary travel expenses, for each of the personnel approved in part (A) of the budget, limited to two hundred twenty-three dollars and sixteen cents per month, or two thousand six hundred seventy-eight dollars per year per person employed, whichever is the lesser.

Part (B) shall include the cost of all other lawful expenditures of the governing board. The state board of education shall review such budget and may approve, increase, or decrease such budget.

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The governing board shall be reimbursed by the state board of education from state funds for the cost of part (A) of the budget. The governing board shall be reimbursed by the state board of education, from state funds for the cost of part (B) of the approved budget that is in excess of six dollars and fifty cents times the service center ADM. If the governing board provides services to city or exempted village school districts pursuant to section 3313.843 of the Revised Code, the governing board shall be reimbursed from state funds for the cost of part (B) of the budget that is in excess of six dollars and fifty cents times the sum of the service center ADM and the client ADMs of the city or exempted village districts to which such services are provided. The cost of part (B) not in excess of six dollars and fifty cents times the number of such ADM shall be apportioned by the state board of education among the local school districts in the territory of the service center, or among all districts to which the governing board provides services, on the basis of the total number of pupils in each school district.

If part (B) of the budget is in excess of that approved by the state board of education, the excess cost shall be apportioned by the state board of education among the local school districts in the territory of the service center on the basis of the total number of such pupils in each such school district, provided that a majority of the boards of education of such local school districts approve such apportionment. The state board of education shall initiate and supervise the procedure by which the local boards shall approve or disapprove such apportionment.

The amounts so apportioned shall be certified to the treasurers of the various school districts. In the case of each district such amount shall be deducted by the state board of education from funds allocated to the district pursuant to division (E) of section 3317.023 of the Revised Code.

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The state board of education shall certify to the director of budget and management for payment the total of the deductions, whereupon the amount shall be paid to the governing board of each service center, to be deposited to the credit of a separate fund, hereby created, to be known as the educational service center governing board fund.

An educational service center may provide special education to students in its local districts or in client districts. A service center is eligible for funding under division (J) of section 3317.024 of the Revised Code and eligible for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code. Special education units for gifted children may be operated by a governing board. Vocational education may be provided by a governing board. A governing board may conduct driver education for pupils enrolled in a high school for which the state board of education prescribes minimum standards.

Every local school district shall be provided supervisory services by its governing board as approved by the state board of education. A city or exempted village school district shall be considered to be provided supervisory services by a governing board if it has entered into an agreement for the governing board to provide any services under section 3313.843 of the Revised Code. Supervisory services shall not exceed one supervisory teacher for the first fifty classroom teachers employed in all districts that are provided supervisory services calculated under section 3317.023 of the Revised Code and one supervisory teacher for every additional one hundred such classroom teachers so calculated. Reimbursement for such supervisory services shall be a deduction by the state board of education from the payment to the school district pursuant to division (E) of section 3317.023 of the Revised Code. Deductions for all supervisory services and extended services for supervisory and child study shall be

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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  
the districts or their students. In order to receive payment under  
this division, an educational service center shall furnish either

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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  
children reported under division (B)(2) of section 3317.03 of the  
Revised Code;

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(e) The number of preschool students certified under division	21668
(B) of section 3317.032 of the Revised Code.	21669
(2) "Client ADM" means the total of each number described	21670
under divisions (E)(1)(a) to (e) of this section for a client	21671
district.	21672
(3) "Client district" means a city or exempted village school	21673
district that has entered into an agreement to receive services	21674
from a service center pursuant to section 3313.843 of the Revised	21675
Code.	21676
(4) "Multicounty service center" means a service center that	21677
includes territory that formerly was included in the territory of	21678
at least three former service centers or county school districts,	21679
which former centers or districts engaged in one or more mergers	21680
pursuant to section 3311.053 of the Revised Code to form the	21681
present center.	21682
<b>Sec. 3317.13.</b> (A) As used in this section and section 3317.14	21683
of the Revised Code:	21684
(1) "Years of service" includes the following:	21685
(a) All years of teaching service in the same school district	21686
or educational service center, regardless of training level, with	21687
each year consisting of at least one hundred twenty days under a	21688
teacher's contract;	21689
(b) All years of teaching service in a chartered, nonpublic	21690
school located in Ohio as a teacher licensed pursuant to section	21691
3319.22 of the Revised Code or in another public school,	21692
regardless of training level, with each year consisting of at	21693
least one hundred twenty days under a teacher's contract;	21694
(c) All years of teaching service in a chartered school or	21695
institution or a school or institution that subsequently became	21696
chartered or a chartered special education program or a special	21697

education program that subsequently became chartered operated by 21698  
the state or by a subdivision or other local governmental unit of 21699  
this state as a teacher licensed pursuant to section 3319.22 of 21700  
the Revised Code, regardless of training level, with each year 21701  
consisting of at least one hundred twenty days; and 21702

(d) All years of active military service in the armed forces 21703  
of the United States, as defined in section 3307.75 of the Revised 21704  
Code, to a maximum of five years. For purposes of this 21705  
calculation, a partial year of active military service of eight 21706  
continuous months or more in the armed forces shall be counted as 21707  
a full year. 21708

(2) "Teacher" means all teachers employed by the board of 21709  
education of any school district, including any cooperative 21710  
education or joint vocational school district and all teachers 21711  
employed by any educational service center governing board. 21712

(B) No teacher shall be paid a salary less than that provided 21713  
in the schedule set forth in division (C) of this section. In 21714  
calculating the minimum salary any teacher shall be paid pursuant 21715  
to this section, years of service shall include the sum of all 21716  
years of the teacher's teaching service included in divisions 21717  
(A)(1)(a), (b), (c), and (d) of this section; except that any 21718  
school district or educational service center employing a teacher 21719  
new to the district or educational service center shall grant such 21720  
teacher a total of not more than ten years of service pursuant to 21721  
divisions (A)(1)(b), (c), and (d) of this section. 21722

Upon written complaint to the superintendent of public 21723  
instruction that the board of education of a district or the 21724  
governing board of an educational service center governing board 21725  
has failed or refused to annually adopt a salary schedule or to 21726  
pay salaries in accordance with the salary schedule set forth in 21727  
division (C) of this section, the superintendent of public 21728  
instruction shall cause to be made an immediate investigation of 21729

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such complaint. If the superintendent finds that the conditions  
 complained of exist, the superintendent shall order the board to  
 correct such conditions within ten days from the date of the  
 finding. No moneys shall be distributed to the district or  
 educational service center under this chapter until the  
 superintendent has satisfactory evidence of the board of  
 education's full compliance with such order.

Each teacher shall be fully credited with placement in the  
 appropriate academic training level column in the district's or  
 educational service center's salary schedule with years of service  
 properly credited pursuant to this section or section 3317.14 of  
 the Revised Code. No rule shall be adopted or exercised by any  
 board of education or educational service center governing board  
 which restricts the placement or the crediting of annual salary  
 increments for any teacher according to the appropriate academic  
 training level column.

(C) Minimum salaries exclusive of retirement and sick leave  
 for teachers shall be as follows:

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher	
	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount
0	86.5	\$14,705	100.0	\$17,000	103.8	\$17,646	109.5	\$18,615
		<u>17,300</u>		<u>20,000</u>		<u>20,760</u>		<u>21,900</u>
1	90.0	15,300	103.8	17,646	108.1	18,377	114.3	19,431
		<u>18,000</u>		<u>20,760</u>		<u>21,620</u>		<u>22,860</u>
2	93.5	15,895	107.6	18,292	112.4	19,108	119.1	20,247
		<u>18,700</u>		<u>21,520</u>		<u>22,480</u>		<u>23,820</u>
3	97.0	16,490	111.4	18,938	116.7	19,839	123.9	21,063

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		<u>19,400</u>		<u>22,280</u>		<u>23,340</u>		<u>24,780</u>	21762
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>	21763
		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>	21764
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>	21765
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>	21766
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>	21767
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>	21768
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>	21769
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>	21770
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>	21771
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	21772
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>	21773
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	21774
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>	21775
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	21776
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>	21777
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	21778

\* Percentages represent the percentage which each salary is of the base amount. 21779  
21780

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. 21781  
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As used in this division: 21790

(1) "Base amount" means ~~seventeen~~ twenty thousand dollars. 21791

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a 21792  
21793

recognized college or university. 21794

(D) For purposes of this section, all credited training shall 21795  
be from a recognized college or university. 21796

**Sec. 3317.16.** (A) As used in this section: 21797

(1) "State share percentage" means the percentage calculated 21798  
for a joint vocational school district as follows: 21799

(a) Calculate the state base cost funding amount for the 21800  
district under division (B) of this section. If the district would 21801  
not receive any base cost funding for that year under that 21802  
division, the district's state share percentage is zero. 21803

(b) If the district would receive base cost funding under 21804  
that division, divide that base cost amount by an amount equal to 21805  
the following: 21806

cost-of-doing-business factor X 21807  
the formula amount X 21808  
the greater of formula ADM or 21809  
three-year average formula ADM 21810

The resultant number is the district's state share 21811  
percentage. 21812

(2) The "total special education weight" for a joint 21813  
vocational school district shall be calculated in the same manner 21814  
as prescribed in division (B)(1) of section 3317.022 of the 21815  
Revised Code. 21816

(3) The "total vocational education weight" for a joint 21817  
vocational school district shall be calculated in the same manner 21818  
as prescribed in division (B)~~(4)~~(3) of section 3317.022 of the 21819  
Revised Code. 21820

(4) The "~~adjusted total taxable value~~ recognized valuation" 21821  
of a joint vocational school district shall be determined by 21822

adding the ~~adjusted total taxable values~~ recognized valuations of 21823  
all its constituent school districts for the applicable fiscal 21824  
year. 21825

(B) The department of education shall compute and distribute 21826  
state base cost funding to each joint vocational school district 21827  
for the fiscal year in accordance with the following formula: 21828

(cost-of-doing-business factor X 21829  
formula amount X the greater of formula 21830  
ADM or three-year average formula ADM) - 21831  
(.0005 X ~~adjusted total taxable value~~ recognized valuation) 21832

If the difference obtained under this division is a negative 21833  
number, the district's computation shall be zero. 21834

(C)(1) The department shall compute and distribute state 21835  
vocational education additional weighted costs funds to each joint 21836  
vocational school district in accordance with the following 21837  
formula: 21838

state share percentage X formula amount X 21839  
total vocational education weight 21840

(2) The department shall compute for each joint vocational 21841  
school district state funds for vocational education associated 21842  
services costs in accordance with the following formula: 21843

state share percentage X .05 X 21844  
the formula amount X the sum of 21845  
categories one and two vocational 21846  
education ADM 21847

In any fiscal year, a joint vocational school district 21848  
receiving funds under division (C)(2) of this section, or through 21849  
a transfer of funds pursuant to division (L) of section 3317.023 21850  
of the Revised Code, shall spend those funds only for the purposes 21851  
that the department designates as approved for vocational 21852  
education associated services expenses, which may include such 21853  
purposes as apprenticeship coordinators, coordinators for other 21854

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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:

$$\frac{(\text{formula ADM divided by 2000}) \times \text{the personnel}}{\text{allowance} \times \text{state share percentage}}$$

(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  
 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-five thousand dollars;</u>	21886
	21887
<u>(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.</u>	21888
	21889
	21890
<u>(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:</u>	21891
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	21893
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	21899
<u>(a) One-half of the district's costs for the student in excess of twenty-five thousand dollars;</u>	21900
	21901
<u>(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.</u>	21902
	21903
	21904
<u>(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:</u>	21905
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	21907
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	21913
<u>(a) One-half of the district's costs for the student in excess of twenty thousand dollars;</u>	21914
	21915
<u>(b) The product of one-half of the district's costs for the</u>	21916

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student in excess of twenty thousand dollars multiplied by the district's state share percentage. 21917  
21918

(4) The district shall only report under divisions (E)(1) to (3) 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. 21919  
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(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants. 21926  
21927  
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(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: 21929  
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21931  
21932  
21933

(a) The amount the district spent on those related services in the preceding fiscal year; 21934  
21935

(b)  $1/8 \times \{[\text{cost-of-doing-business factor} \times \text{the formula amount} \times (\text{the category one special education ADM} + \text{category two special education ADM} + \text{category three special education ADM})] + \text{the amount calculated for the fiscal year under division (D)(1) of this section} + \text{the local share of special education and related services additional weighted costs}\}$ . 21936  
21937  
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(2) A joint vocational school district's local share of special education and related services additional weighted costs equals: 21942  
21943  
21944

(1 - state share percentage) X 21945  
Total special education weight X 21946  
the formula amount 21947

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(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 (A)(1) of this section;

(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of

the following:	21979
(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;	21980 21981 21982
(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.	21983 21984 21985
(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:	21986 21987 21988
(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;	21989 21990 21991
(2) The total unit allowance;	21992
(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.	21993 21994 21995 21996
(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.	21997 21998 21999 22000 22001 22002 22003 22004
<b>Sec. 3317.20.</b> This section does not apply to handicapped preschool children.	22005 22006
(A) As used in this section:	22007

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(1) "Applicable weight" means:	22008
(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;	22009 22010 22011 22012
(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.	22013 22014 22015 22016 22017
(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.	22018 22019 22020
(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.	22021 22022 22023
<del>(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.</del>	22024 22025 22026 22027 22028 22029 22030 22031
<del>(C)</del> Except as provided in division <del>(D)</del> <u>(C)</u> of this section, the department shall annually pay each county MR/DD board an amount calculated under the following formula for each handicapped child, other than a handicapped preschool child, for whom the county MR/DD board provides special education and related services:	22032 22033 22034 22035 22036 22037
(formula amount X the cost-of-doing-business factor	22038

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for the child's school district) +	22039
(state share percentage X formula amount X	22040
the applicable weight)	22041
<del>(D)</del> (C) If any school district places with a county MR/DD	22042
board more handicapped children than it had placed with a county	22043
MR/DD board in fiscal year 1998, the department shall not make a	22044
payment under division <del>(C)</del> (B) of this section for the number of	22045
children exceeding the number placed in fiscal year 1998. The	22046
department instead shall deduct from the district's payments under	22047
this chapter, and pay to the county MR/DD board, an amount	22048
calculated in accordance with the formula prescribed in division	22049
<del>(C)</del> (B) of this section for each child over the number of children	22050
placed in fiscal year 1998.	22051
<del>(E)</del> (D) The department shall calculate for each county MR/DD	22052
board receiving payments under divisions <del>(C)</del> (B) and <del>(D)</del> (C) of this	22053
section the following amounts:	22054
(1) The amount received by the county MR/DD board for	22055
approved special education and related services units, other than	22056
preschool handicapped units, in fiscal year 1998, divided by the	22057
total number of children served in the units that year;	22058
(2) The product of the quotient calculated under division	22059
<del>(E)</del> (D)(1) of this section times the number of children for whom	22060
payments are made under divisions <del>(C)</del> (B) and <del>(D)</del> (C) of this	22061
section.	22062
If the amount calculated under division <del>(E)</del> (D)(2) of this	22063
section is greater than the total amount calculated under	22064
divisions <del>(C)</del> (B) and <del>(D)</del> (C) of this section, the department shall	22065
pay the county MR/DD board one hundred per cent of the difference	22066
in addition to the payments under divisions <del>(C)</del> (B) and <del>(D)</del> (C) of	22067
this section.	22068
<b>Sec. 3318.01.</b> As used in sections 3318.01 to 3318.20 of the	22069

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Revised Code:	22070
(A) "Ohio school facilities commission" means the commission created pursuant to section 3318.30 of the Revised Code.	22071 22072
(B) "Classroom facilities" means rooms in which pupils regularly assemble in public school buildings to receive instruction and education and such facilities and building improvements for the operation and use of such rooms as may be needed in order to provide a complete educational program, and may include space within which a child day-care facility or a community resource center is housed. "Classroom facilities" includes any space necessary for the operation of a vocational education program in any school district that operates such a program.	22073 22074 22075 22076 22077 22078 22079 22080 22081 22082
(C) "Project" means a project to construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities, to be used for housing the applicable school district and its functions.	22083 22084 22085 22086
(D) "School district" means a local, exempted village, or city school district as such districts are defined in Chapter 3311. of the Revised Code, acting as an agency of state government, performing essential governmental functions of state government pursuant to sections 3318.01 and 3318.20 of the Revised Code.	22087 22088 22089 22090 22091 22092
(E) "School district board" means the board of education of a school district.	22093 22094
(F) "Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and 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	22095 22096 22097 22098 22099 22100

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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 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 22132  
one per cent of the basic project costs times the percentile in 22133  
which the district ranks. 22134

(L) "Basic project cost" means a cost amount determined in 22135  
accordance with rules adopted under section 111.15 of the Revised 22136  
Code by the Ohio school facilities commission. The basic project 22137  
cost calculation shall take into consideration the square footage 22138  
and cost per square foot necessary for the grade levels to be 22139  
housed in the classroom facilities, the variation across the state 22140  
in construction and related costs, the cost of the installation of 22141  
site utilities and site preparation, the cost of insuring the 22142  
project until it is completed, any contingency reserve amount 22143  
prescribed by the commission under section 3318.086 of the Revised 22144  
Code, and the professional planning, administration, and design 22145  
fees that a district may have to pay to undertake a classroom 22146  
facilities project. 22147

"Basic project cost" also includes the value of classroom 22148  
facilities authorized in a pre-existing bond issue as described in 22149  
section 3318.033 of the Revised Code. 22150

(M) A "school district's portion of the basic project cost" 22151  
means the amount determined under section 3318.032 of the Revised 22152  
Code. 22153

(N) "Child day-care facility" means space within a classroom 22154  
facility in which the needs of infants, toddlers, preschool 22155  
children, and school children are provided for by persons other 22156  
than the parent or guardian of such children for any part of the 22157  
day, including persons not employed by the school district 22158  
operating such classroom facility. 22159

(O) "Community resource center" means space within a 22160  
classroom facility in which comprehensive services that support 22161  
the needs of families and children are provided by community-based 22162

social service providers. 22163

(P) "Valuation" means the total value of all property in the 22164  
district as listed and assessed for taxation on the tax 22165  
duplicates. 22166

(Q) "Percentile" means the percentile in which the district 22167  
is ranked pursuant to division (D) of section 3318.011 of the 22168  
Revised Code. 22169

(R) "Installation of site utilities" means the installation 22170  
of a site domestic water system, site fire protection system, site 22171  
gas distribution system, site sanitary system, site storm drainage 22172  
system, and site telephone and data system. 22173

(S) "Site preparation" means the earthwork necessary for 22174  
preparation of the building foundation system, the paved 22175  
pedestrian and vehicular circulation system, playgrounds on the 22176  
project site, and lawn and planting on the project site. 22177

**Sec. 3318.04.** (A) If the Ohio school facilities commission 22178  
makes a determination under section 3318.03 of the Revised Code in 22179  
favor of constructing, acquiring, reconstructing, or making 22180  
additions to a classroom facility, the project shall be 22181  
conditionally approved. Such conditional approval shall be 22182  
submitted to the controlling board for approval thereof. The 22183  
controlling board shall forthwith approve or reject the 22184  
commission's determination, conditional approval, the amount of 22185  
the state's portion of the basic project cost, and, if the state's 22186  
portion exceeds twenty-five million dollars, the amount of the 22187  
state's portion to be encumbered in the current fiscal biennium. 22188  
In the event of approval thereof by the controlling board, the 22189  
commission shall certify such conditional approval to the school 22190  
district board and shall encumber from the total funds 22191  
appropriated for the purpose of sections 3318.01 to 3318.20 of the 22192  
Revised Code the amount of the state's portion of the basic 22193

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project cost or, if the state's portion exceeds twenty-five 22194  
million dollars, the amount approved under this section to be 22195  
encumbered in the current fiscal biennium. 22196

The basic project cost for a project approved under this 22197  
section shall not exceed the cost that would otherwise have to be 22198  
incurred if the classroom facilities to be constructed, acquired, 22199  
or reconstructed, or the additions to be made to classroom 22200  
facilities, under such project meet, but do not exceed, the 22201  
specifications for plans and materials for classroom facilities 22202  
adopted by the commission. 22203

(B)(1) No school district shall have a project conditionally 22204  
approved pursuant to this section if the school district has 22205  
already received any assistance for a project funded under any 22206  
version of sections 3318.01 to 3318.20 of the Revised Code, and 22207  
the prior project was one for which the electors of such district 22208  
approved a levy within the last twenty years pursuant to any 22209  
version of section 3318.06 of the Revised Code for purposes of 22210  
qualifying for the funding of that project, unless the district 22211  
demonstrates to the satisfaction of the commission that the 22212  
district has experienced since approval of its prior project an 22213  
exceptional increase in enrollment significantly above the 22214  
district's design capacity under that prior project as determined 22215  
by rule of the commission. 22216

(2) Notwithstanding division (B)(1) of this section, any 22217  
school district that received assistance under sections 3318.01 to 22218  
3318.20 of the Revised Code, as those sections existed prior to 22219  
May 20, 1997, may receive additional assistance under those 22220  
sections, as they exist on and after May 20, 1997, prior to the 22221  
expiration of the period of time required under division (B)(1) of 22222  
this section, if the percentile in which the school district is 22223  
located, as determined under section 3318.011 of the Revised Code, 22224  
is eligible for assistance as prescribed in section 3318.02 of the 22225

Revised Code. 22226

The commission may provide assistance under sections 3318.01 22227  
to 3318.20 of the Revised Code pursuant to this division to no 22228  
more than five school districts per fiscal year until all eligible 22229  
school districts have received the additional assistance 22230  
authorized under this division. The commission shall establish 22231  
application procedures, deadlines, and priorities for funding 22232  
projects under this division. 22233

The commission at its discretion may waive current design 22234  
specifications it has adopted for projects under sections 3318.01 22235  
to 3318.20 of the Revised Code when assessing an application for 22236  
additional assistance under this division for the renovation of 22237  
classroom facilities constructed or renovated under a school 22238  
district's previous project. If the commission finds that a school 22239  
district's existing classroom facilities are adequate to meet all 22240  
of the school district's needs, the commission may determine that 22241  
no additional state assistance be awarded to a school district 22242  
under this division. 22243

In order for a school district to be eligible to receive any 22244  
additional assistance under this division, the school district 22245  
electors shall extend the school district's existing levy 22246  
dedicated for maintenance of classroom facilities under Chapter 22247  
3318. of the Revised Code, pursuant to section 3318.061 of the 22248  
Revised Code or shall provide equivalent alternative maintenance 22249  
funds as specified in division (B) of section 3318.06 of the 22250  
Revised Code. 22251

(3) Notwithstanding division (B)(1) of this section, any 22252  
school district that has received assistance under sections 22253  
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 22254  
receive additional assistance if the commission decides in favor 22255  
of providing such assistance pursuant to section 3318.042 of the 22256  
Revised Code. 22257

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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. 22258  
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(B) Consideration of additional assistance to a school district under this section is warranted in either of the following circumstances: 22273  
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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. 22276  
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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. 22279  
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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 infrastructure changes pursuant to section 3318.083 of the Revised Code. If after 22284  
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making a financial evaluation of the school district, the 22289  
commission determines that the school district is unable without 22290  
undue hardship, according to the guidelines adopted by the 22291  
commission, to fund the school district portion of the increase, 22292  
then the state and the school district shall enter into an 22293  
agreement whereby the state shall pay the portion of the cost 22294  
increase attributable to the school district which is determined 22295  
to be in excess of any local resources available to the district 22296  
and the district shall thereafter reimburse the state. The 22297  
commission shall establish the district's schedule for reimbursing 22298  
the state, which shall not extend beyond five years. Debt incurred 22299  
under this section shall not be included in the calculation of the 22300  
net indebtedness of the school district under section 133.06 of 22301  
the Revised Code. 22302

**Sec. 3318.052.** (A) At any time after the electors of a school 22303  
district have approved either or both a property tax levied under 22304  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 22305  
general ongoing permanent improvements or a school district income 22306  
tax levied under Chapter 5748. of the Revised Code, the board of 22307  
education of the school district may do all of the following: 22308

(1) Within one year following the date of the certification 22310  
of the conditional approval of the school district's classroom 22311  
facilities project by the Ohio school facilities commission, enter 22312  
into a written agreement with the commission, which may be part of 22313  
an agreement entered into under section 3318.08 of the Revised 22314  
Code, under which the school district board covenants and agrees 22315  
to apply a specified amount of the proceeds of that property tax 22316  
levy, of that school district income tax, or of securities issued 22317  
under this section, or of proceeds from any two or more of those 22318  
sources, to pay all or part of the district's portion of the basic 22319  
project cost of its classroom facilities project. 22320

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(2) Receive as a credit against the amount of bonds required 22321  
under sections 3318.05 and 3318.06 of the Revised Code, to be 22322  
approved by the electors of the district and issued by the 22323  
district board for the district's portion of the basic project 22324  
cost of its classroom facilities project in order for the district 22325  
to receive state assistance for the project, an amount equal to 22326  
the specified amount that the district board covenants and agrees 22327  
with the commission to apply as set forth in division (A) (1) of 22328  
this section. 22329

(3) Apply the proceeds of either or both such taxes to the 22330  
payment of debt charges on and financing costs related to 22331  
securities issued under this section and to make any necessary 22332  
transfers of funds arising from such a tax to the bond retirement 22333  
fund established for those securities from the fund to which the 22334  
proceeds of the tax are credited. 22335

(4) Issue securities to provide moneys to pay all or part of 22336  
the district's portion of the basic project cost of its classroom 22337  
facilities project in accordance with an agreement entered into 22338  
under division (A) (1) of this section. 22339

(B) Securities issued under this section shall be Chapter 22340  
133. securities and may be issued as general obligation securities 22341  
or issued in anticipation of a school district income tax or as 22342  
property tax anticipation notes under section 133.24 of the 22343  
Revised Code. The district board's resolution authorizing the 22344  
issuance and sale of general obligation securities under this 22345  
section shall conform to the applicable requirements of section 22346  
133.22 or 133.23 of the Revised Code. Securities issued under this 22347  
section shall have principal payments during each year after the 22348  
year of issuance over a period of not more than twenty-three years 22349  
and, if so determined by the district board, during the year of 22350  
issuance. Securities issued under this section shall not be 22351  
included in the calculation of net indebtedness of the district 22352

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under section 133.06 of the Revised Code if the resolution of the 22353  
district board authorizing their issuance and sale includes 22354  
covenants to appropriate annually from the proceeds of the 22355  
property tax levied or of the school district income tax referred 22356  
to in division (A) of this section and to continue to levy and 22357  
collect the tax in amounts necessary to pay the debt charges on 22358  
and financing costs related to the securities as they become due. 22359  
No such tax the proceeds of which are pledged, or that the school 22360  
district board has covenanted to levy, collect, and appropriate 22361  
annually, to pay the debt charges on and financing costs related 22362  
to securities issued under this section shall be repealed while 22363  
those securities are outstanding. If such a tax is reduced by the 22364  
electors of the district or by the district board while those 22365  
securities are outstanding, the school district board shall 22366  
continue to levy and collect the tax under the authority of the 22367  
original election authorizing the tax at a rate in each year that 22368  
the board reasonably estimates will produce an amount in that year 22369  
equal to the debt charges on the securities in that year. 22370

No state moneys shall be released for a project to which this 22371  
section applies until the proceeds of the tax securities issued 22372  
under this section that are dedicated for the payment of the 22373  
district portion of the basic project cost of its classroom 22374  
facilities project are first deposited into the district's project 22375  
construction fund. 22376

**Sec. 3318.08.** If the requisite favorable vote on the election 22377  
is obtained, or if the school district board has resolved to apply 22378  
the proceeds of a property tax levy or the proceeds of an income 22379  
tax, or a combination of proceeds from such taxes, as authorized 22380  
in section 3318.052 of the Revised Code, the Ohio school 22381  
facilities commission, upon certification to it of either the 22382  
results of the election or the resolution under section 3318.052 22383  
of the Revised Code, shall enter into a written agreement with the 22384

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school district board for the construction and sale of the 22385  
project, which agreement shall include, but need not be limited 22386  
to, the following provisions: 22387

(A) The sale and issuance of bonds or notes in anticipation 22388  
thereof, as soon as practicable after the execution of the 22389  
agreement, in an amount equal to the school district's portion of 22390  
the basic project cost, including any bonds previously authorized 22391  
by the district's electors as described in section 3318.033 of the 22392  
Revised Code; provided, that if at that time the county treasurer 22393  
of each county in which the school district is located has not 22394  
commenced the collection of taxes on the general duplicate of real 22395  
and public utility property for the year in which the controlling 22396  
board approved the project, the school district board shall 22397  
authorize the issuance of a first installment of bond anticipation 22398  
notes in an amount specified by the agreement, which amount shall 22399  
not exceed an amount necessary to raise the net bonded 22400  
indebtedness of the school district as of the date of the 22401  
controlling board's approval to within five thousand dollars of 22402  
the required level of indebtedness for the preceding year. In the 22403  
event that a first installment of bond anticipation notes is 22404  
issued, the school district board shall, as soon as practicable 22405  
after the county treasurer of each county in which the school 22406  
district is located has commenced the collection of taxes on the 22407  
general duplicate of real and public utility property for the year 22408  
in which the controlling board approved the project, authorize the 22409  
issuance of a second and final installment of bond anticipation 22410  
notes or a first and final issue of bonds. 22411

The combined value of the first and second installment of 22412  
bond anticipation notes or the value of the first and final issue 22413  
of bonds shall be equal to the school district's portion of the 22414  
basic project cost. The proceeds of any such bonds shall be used 22415  
first to retire any bond anticipation notes. Otherwise, the 22416

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proceeds of such bonds and of any bond anticipation notes, except  
the premium and accrued interest thereon, shall be deposited in  
the school district's project construction fund. In determining  
the amount of net bonded indebtedness for the purpose of fixing  
the amount of an issue of either bonds or bond anticipation notes,  
gross indebtedness shall be reduced by moneys in the bond  
retirement fund only to the extent of the moneys therein on the  
first day of the year preceding the year in which the controlling  
board approved the project. Should there be a decrease in the tax  
valuation of the school district so that the amount of  
indebtedness that can be incurred on the tax duplicates for the  
year in which the controlling board approved the project is less  
than the amount of the first installment of bond anticipation  
notes, there shall be paid from the school district's project  
construction fund to the school district's bond retirement fund to  
be applied against such notes an amount sufficient to cause the  
net bonded indebtedness of the school district, as of the first  
day of the year following the year in which the controlling board  
approved the project, to be within five thousand dollars of the  
required level of indebtedness for the year in which the  
controlling board approved the project. The maximum amount of  
indebtedness to be incurred by any school district board as its  
share of the cost of the project is either an amount that will  
cause its net bonded indebtedness, as of the first day of the year  
following the year in which the controlling board approved the  
project, to be within five thousand dollars of the required level  
of indebtedness, or an amount equal to the required percentage of  
the basic project costs, whichever is greater. All bonds and bond  
anticipation notes shall be issued in accordance with Chapter 133.  
of the Revised Code, and notes may be renewed as provided in  
section 133.22 of the Revised Code.

(B)(1) The transfer of such funds of the school district 22448

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board available for the project, together with the proceeds of the 22449  
sale of the bonds or notes, except premium, accrued interest, and 22450  
interest included in the amount of the issue, to the school 22451  
district's project construction fund; 22452

(2) If section 3318.052 of the Revised Code applies, the 22453  
earmarking of the proceeds of a tax levied under section 5705.21 22454  
of the Revised Code for general ongoing permanent improvements or 22455  
the proceeds of a school district income tax levied under Chapter 22456  
5748. of the Revised Code, or the proceeds from a combination of 22457  
those two taxes, in an amount to pay all or part of the service 22458  
charges on bonds issued to pay the school district portion of the 22459  
project and an amount equivalent to all or part of the tax 22460  
required under division (B) of section 3318.05 of the Revised 22461  
Code. 22462

(C) If section 3318.052 of the Revised Code does not apply, 22463  
either of the following: 22464

(1) The levy of the tax authorized at the election for the 22465  
payment of maintenance costs, as specified in division (B) of 22466  
section 3318.05 of the Revised Code; 22467

(2) If the school district electors have approved a 22468  
continuing tax of at least two mills for each dollar of valuation 22469  
for general ongoing permanent improvements under section 5705.21 22470  
of the Revised Code and that tax can be used for maintenance, the 22471  
earmarking of an amount of the proceeds from such tax for 22472  
maintenance of classroom facilities as specified in division (B) 22473  
of section 3318.05 of the Revised Code. 22474

(D) Ownership of or interest in the project during the period 22475  
of construction, which shall be divided between the commission and 22476  
the school district board in proportion to their respective 22477  
contributions to the school district's project construction fund; 22478  
22479

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(E) Maintenance of the state's interest in the project until	22480
any obligations issued for the project under section 3318.26 of	22481
the Revised Code are no longer outstanding;	22482
(F) The insurance of the project by the school district from	22483
the time there is an insurable interest therein and so long as the	22484
state retains any ownership or interest in the project pursuant to	22485
division (D) of this section, in such amounts and against such	22486
risks as the commission shall require; provided, that the cost of	22487
any required insurance until the project is completed shall be a	22488
part of the basic project cost;	22489
(G) The certification by the director of budget and	22490
management that funds are available and have been set aside to	22491
meet the state's share of the basic project cost as approved by	22492
the controlling board pursuant to section 3318.04 of the Revised	22493
Code;	22494
(H) Authorization of the school district board to advertise	22495
for and receive construction bids for the project, for and on	22496
behalf of the commission, and to award contracts in the name of	22497
the state subject to approval by the commission;	22498
(I) Provisions for the disbursement of moneys from the school	22499
district's project account upon issuance by the commission or the	22500
commission's designated representative of vouchers for work done	22501
to be certified to the commission by the treasurer of the school	22502
district board;	22503
(J) Disposal of any balance left in the school district's	22504
project construction fund upon completion of the project;	22505
(K) Limitations upon use of the project or any part of it so	22506
long as any obligations issued to finance the project under	22507
section 3318.26 of the Revised Code are outstanding;	22508
(L) Provision for vesting the state's interest in the project	22509
to the school district board when the obligations issued to	22510

finance the project under section 3318.26 of the Revised Code are	22511
outstanding;	22512
(M) Provision for deposit of an executed copy of the	22513
agreement in the office of the commission;	22514
(N) Provision for termination of the contract and release of	22515
the funds encumbered at the time of the conditional approval, if	22516
the proceeds of the sale of the bonds of the school district board	22517
are not paid into the school district's project construction fund	22518
and if bids for the construction of the project have not been	22519
taken within such period after the execution of the agreement as	22520
may be fixed by the commission;	22521
(O) Provision for the school district to maintain the project	22522
in accordance with a plan approved by the commission;	22523
(P) Provision that all state funds reserved and encumbered to	22524
pay the state share of the cost of the project pursuant to section	22525
3318.03 of the Revised Code be spent on the construction or	22526
acquisition of the project prior to the expenditure of any funds	22527
provided by the school district to pay for its share of the	22528
project cost, unless the school district certifies to the	22529
commission that expenditure by the school district is necessary to	22530
maintain the tax-exempt status of notes or bonds issued by the	22531
school district to pay for its share of the project cost in which	22532
case, the school district may commit to spend, or spend, a portion	22533
of the funds it provides;	22534
(Q) A provision stipulating that the commission may prohibit	22535
the district from proceeding with any project if the commission	22536
determines that the site is not suitable for construction	22537
purposes. The commission may perform soil tests in its	22538
determination of whether a site is appropriate for construction	22539
purposes.	22540
(R) <u>A provision stipulating that, unless otherwise authorized</u>	22541

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by the commission, any contingency reserve portion of the 22542  
construction budget prescribed by the commission shall be used 22543  
only to pay costs resulting from unforeseen job conditions, to 22544  
comply with rulings regarding building and other codes, to pay 22545  
costs related to design clarifications or corrections to contract 22546  
documents, and to pay the costs of settlements or judgments 22547  
related to the project as provided under section 3318.086 of the 22548  
Revised Code. 22549

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary 22550  
in Chapter 3318. of the Revised Code, a school district board may 22551  
apply any local donated contribution toward ~~the~~ either or both of 22552  
the following: 22553

(1) The district's portion of the basic project cost of a 22554  
project under sections 3318.01 to 3318.20 of the Revised Code ~~and~~ 22555  
may use such local donated contribution to reduce the amount of 22556  
bonds the district otherwise must issue in order to receive state 22557  
assistance under those sections; 22558

(2) An offset of all or part of a district's obligation to 22559  
levy the tax described in division (B) of section 3318.05 of the 22560  
Revised Code, which shall be applied only in the manner prescribed 22561  
in division (B) of this section. 22562

(B) No school district board shall apply any local donated 22563  
contribution under division (A)(2) of this section unless the Ohio 22564  
school facilities commission first approves that application. 22565

Upon the request of the school district board to apply local 22566  
donated contribution under division (A)(2) of this section, the 22567  
commission in consultation with the department of taxation shall 22568  
determine the amount of total revenue that likely would be 22569  
generated by one-half mill of the tax described in division (B) of 22570  
section 3318.05 of the Revised Code over the entire 22571  
twenty-three-year period required under that section and shall 22572

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deduct from that amount any amount of local donated contribution 22573  
that the board has committed to apply under division (A)(2) of 22574  
this section. The commission then shall determine in consultation 22575  
with the department of taxation the rate of tax over twenty-three 22576  
years necessary to generate the amount of a one-half mill tax not 22577  
offset by the local donated contribution. Notwithstanding anything 22578  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 22579  
Revised Code, the rate determined by the commission shall be the 22580  
rate for which the district board shall seek elector approval 22581  
under those sections to meet its obligation under division (B) of 22582  
section 3318.05 of the Revised Code. In the case of a complete 22583  
offset of the district's obligation under division (B) of section 22584  
3318.05 of the Revised Code, the district shall not be required to 22585  
levy the tax otherwise required under that section. At the end of 22586  
the twenty-three-year period of the tax required under division 22587  
(B) of section 3318.05 of the Revised Code, whether or not the tax 22588  
is actually levied, the commission in consultation of the 22589  
department of taxation shall recalculate the amount that would 22590  
have been generated by the tax if it had been levied at one-half 22591  
mill. If the total amount actually generated over that period from 22592  
both the tax that was actually levied and any local donated 22593  
contribution applied under division (A)(2) of this section is less 22594  
than the amount that would have been raised by a one-half mill 22595  
tax, the district shall pay any difference. If the total amount 22596  
actually raised in such manner is greater than the amount that 22597  
would have been raised by a one-half mill tax the difference shall 22598  
be zero and no payments shall be made by either the district or 22599  
the commission. 22600

(C) As used in this section, "local donated contribution" 22601  
means either of the following: 22602

(A)(1) Any moneys irrevocably donated or granted to a school 22603  
district board by a source other than the state which the board 22604

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has the authority to apply to the school district's project under 22605  
 sections 3318.01 to 3318.20 of the Revised Code and which the 22606  
 board has pledged for that purpose by resolution adopted by a 22607  
 majority of its members; 22608

~~(B)(2)~~ Any irrevocable letter of credit issued on behalf of a 22609  
 school district or any cash a school district has on hand, 22610  
 including any year-end operating fund balances, that can be spent 22611  
 for classroom facilities, either of which the school district 22612  
 board has encumbered for payment of the school district's share of 22613  
 its project under sections 3318.01 to 3318.20 of the Revised Code 22614  
 and either of which has been approved by the ~~Ohio school~~ 22615  
~~facilities~~ commission in consultation with the department of 22616  
 education. 22617

(D) No state moneys shall be released for a project to which 22618  
 this section applies until any local donated ~~local~~ contribution 22619  
 authorized under this section is first deposited into the school 22620  
 district's project construction fund, if applied under division 22621  
(A)(1) of this section, or into the district's capital and 22622  
maintenance fund if applied under division (A)(2) of this section. 22623

Sec. 3318.086. The construction budget for any project under 22624  
sections 3318.01 to 3318.20 of the Revised Code shall contain a 22625  
contingency reserve in an amount prescribed by the Ohio school 22626  
facilities commission, which unless otherwise authorized by the 22627  
commission, shall be used only to pay costs resulting from 22628  
unforeseen job conditions, to comply with rulings regarding 22629  
building and other codes, to pay costs related to design 22630  
clarifications or corrections to contract documents, and to pay 22631  
the costs of settlements or judgments related to the project. 22632

Sec. 3318.10. When such working drawings, specifications, and 22633  
 estimates of cost have been approved by the school district board 22634  
 and the Ohio school facilities commission, the treasurer of the 22635

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school district board shall advertise for construction bids for 22636  
~~the project once a week for three consecutive weeks in a newspaper~~ 22637  
~~published in and of general circulation in the county in which the~~ 22638  
~~project is located~~ in accordance with section 3313.46 of the 22639  
Revised Code. Such notices shall state that plans and 22640  
specifications for the project are on file in the office of the 22641  
commission and such other place as may be designated in such 22642  
notice, and the time and place when and where bids therefor will 22643  
be received. 22644

The form of proposal to be submitted by bidders shall be 22645  
supplied by the commission. Bidders may be permitted to bid upon 22646  
all the branches of work and materials to be furnished and 22647  
supplied, upon any branch thereof, or upon all or any thereof. 22648

~~A proposal shall be invalid and not considered unless it~~ 22649  
~~meets the requirements of section 153.54 of the Revised Code.~~ 22650

When the construction bids for all branches of work and 22651  
materials have been tabulated, the commission shall cause to be 22652  
prepared a revised estimate of the basic project cost based upon 22653  
the lowest responsible bids received. If such revised estimate 22654  
exceeds the estimated basic project cost as approved by the 22655  
controlling board pursuant to section 3318.04 of the Revised Code, 22656  
no contracts may be entered into pursuant to this section unless 22657  
such revised estimate is approved by the commission and by the 22658  
controlling board referred to in section 3318.04 of the Revised 22659  
Code. When such revised estimate has been prepared, and after such 22660  
approvals are given, if necessary, and if the school district 22661  
board has caused to be transferred to the project construction 22662  
fund the proceeds from the sale of the first or first and final 22663  
installment of its bonds or bond anticipation notes pursuant to 22664  
the provision of written agreement required by division (B) of 22665  
section 3318.08 of the Revised Code, and when the director of 22666  
budget and management has certified that there is a balance in the 22667

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appropriation, not otherwise obligated to pay precedent 22668  
obligations, pursuant to which the state's share of such revised 22669  
estimate is required to be paid, the contract for all branches of 22670  
work and materials to be furnished and supplied, or for any branch 22671  
thereof as determined by the school district board, shall be 22672  
awarded by the school district board to the lowest responsible 22673  
bidder subject to the approval of the commission. Such award shall 22674  
be made within sixty days after the date on which the bids are 22675  
opened, and the successful bidder shall enter into a contract 22676  
within ten days after the successful bidder is notified of the 22677  
award of the contract. 22678

Subject to the approval of the commission, the school 22679  
district board may reject all bids and readvertise. Any contract 22680  
made under this section shall be made in the name of the state and 22681  
executed on its behalf by the president and treasurer of the 22682  
school district board. 22683

The provisions of sections ~~153.50 to 153.99~~ 9.312 and 3313.46 22684  
of the Revised Code, which are applicable to construction 22685  
contracts of boards of education ~~and which permit bids to be made~~ 22686  
~~for two or more trades or kinds of work~~, shall apply to 22687  
construction contracts for the project ~~to the exclusion of~~ 22688  
~~sections 153.01 to 153.20 of the Revised Code applicable to state~~ 22689  
~~construction contracts.~~ 22690

The remedies afforded to any subcontractor, materials 22691  
supplier, laborer, mechanic, or persons furnishing material or 22692  
machinery for the project under sections 1311.26 to 1311.32 of the 22693  
Revised Code, shall apply to contracts entered into under this 22694  
section and the itemized statement required by section 1311.26 of 22695  
the Revised Code shall be filed with the school district board. 22696

**Sec. 3318.31.** (A) The Ohio school facilities commission may 22697  
perform any act and ensure the performance of any function 22698

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necessary or appropriate to carry out the purposes of, and 22699  
exercise the powers granted under, Chapter 3318. of the Revised 22700  
Code, including any of the following: 22701

~~(1) Employ and fix the compensation of such employees as will 22702  
facilitate the activities and purposes of the commission, and who 22703  
shall serve at the pleasure of the commission. 22704~~

~~(2)~~ Adopt, amend, and rescind, pursuant to section 111.15 of 22705  
the Revised Code, rules for the administration of programs 22706  
authorized under Chapter 3318. of the Revised Code. 22707

~~(3)~~(2) Contract with, retain the services of, or designate, 22708  
and fix the compensation of, such agents, accountants, 22709  
consultants, advisers, and other independent contractors as may be 22710  
necessary or desirable to carry out the programs authorized under 22711  
Chapter 3318. of the Revised Code. 22712

~~(4)~~(3) Receive and accept any gifts, grants, donations, and 22713  
pledges, and receipts therefrom, to be used for the programs 22714  
authorized under Chapter 3318. of the Revised Code. 22715

~~(5)~~(4) Make and enter into all contracts, commitments, and 22716  
agreements, and execute all instruments, necessary or incidental 22717  
to the performance of its duties and the execution of its rights 22718  
and powers under Chapter 3318. of the Revised Code. 22719

(B) The commission shall appoint and fix the compensation of 22720  
an executive director who shall serve at the pleasure of the 22721  
commission. The executive director shall supervise the operations 22722  
of the commission. The executive director also shall employ and 22723  
fix the compensation of such employees as will facilitate the 22724  
activities and purposes of the commission, who shall serve at the 22725  
pleasure of the executive director. 22726

(C) The attorney general shall serve as the legal 22727  
representative for the commission and may appoint other counsel as 22728  
necessary for that purpose in accordance with section 109.07 of 22729

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the Revised Code.	22730
<b>Sec. 3318.36.</b> (A) As used in this section:	22731
(1) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.	22732 22733 22734 22735 22736
(2) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks in the fiscal year the commission and the school district enter into such agreement minus one)].	22737 22738 22739 22740 22741 22742 22743
(3) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.	22744 22745 22746 22747
(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio school facilities commission may enter into an agreement with the school district board of any school district under which the school district board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under sections 3318.01 to 3318.20 of the Revised Code and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the school district's classroom facilities needs, as determined under	22748 22749 22750 22751 22752 22753 22754 22755 22756 22757 22758 22759 22760

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sections 3318.01 to 3318.20 of the Revised Code and as 22761  
 recalculated under division (E) of this section, that are eligible 22762  
 for state assistance under sections 3318.01 to 3318.20 of the 22763  
 Revised Code when the school district becomes eligible for such 22764  
 state assistance. Any school district that is reasonably expected 22765  
 to receive assistance under sections 3318.01 to 3318.20 of the 22766  
 Revised Code within two fiscal years from the date the school 22767  
 district adopts its resolution under division (B) of this section 22768  
 shall not be eligible to participate in the program. 22769

(2) To participate in the program, a school district board 22770  
 shall first adopt a resolution certifying to the commission the 22771  
 board's intent to participate in the program. 22772

The resolution shall specify the approximate date that the 22773  
 board intends to seek elector approval of any bond or tax measures 22774  
 or to apply other local resources to use to pay the cost of 22775  
 classroom facilities to be constructed under this section. ~~The~~ 22776  
~~resolution shall not specify an election sooner than twelve months~~ 22777  
~~after the date the resolution is adopted by the board~~ The 22778  
resolution may specify the application of local resources or 22779  
elector-approved bond or tax measures after the resolution is 22780  
adopted by the board, and in such case the board may proceed with 22781  
a discrete portion of its project under this section as soon as 22782  
the commission and the controlling board have approved the basic 22783  
project cost of the district's classroom facilities needs as 22784  
specified in division (D) of this section. The board shall submit 22785  
 its resolution to the commission not later than ten days after the 22786  
 date the resolution is adopted by the board. 22787

The commission shall not consider any resolution that is 22788  
 submitted pursuant to division (B)(2) of this section, as amended 22789  
 by this amendment, sooner than ~~the effective date of this~~ 22790  
~~amendment~~ September 14, 2000. 22791

(3) Any project under this section shall comply with section 22792

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3318.03 of the Revised Code and with any specifications for plans 22793  
and materials for classroom facilities adopted by the commission 22794  
under section 3318.04 of the Revised Code. 22795

(4) If a school district that enters into an agreement under 22796  
this section has not begun a project applying local resources as 22797  
provided for under that agreement at the time the district is 22798  
notified by the commission that it is eligible to receive state 22799  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 22800  
all assessment and agreement documents entered into under this 22801  
section are void. 22802

(5) Only construction of or repairs to classroom facilities 22803  
that have been approved by the commission and have been therefore 22804  
included as part of a district's basic project cost qualify for 22805  
application of local resources under this section. 22806

(C) Based on the results of the on-site visits and assessment 22807  
conducted under division (B)(2) of this section, the commission 22808  
shall determine the basic project cost of the school district's 22809  
classroom facilities needs. The commission shall determine the 22810  
school district's portion of such basic project cost, which shall 22811  
be the greater of: 22812

(1) The required percentage of the basic project costs, 22813  
determined based on the school district's percentile ranking in 22814  
the fiscal year the commission and the school district enter into 22815  
the agreement under division (B) of this section; 22816

(2) An amount necessary to raise the school district's net 22817  
bonded indebtedness, as of the fiscal year the commission and the 22818  
school district enter into the agreement under division (B) of 22819  
this section, to within five thousand dollars of the required 22820  
level of indebtedness. 22821

(D)(1) When the commission determines the basic project cost 22822  
of the classroom facilities needs of a school district and the 22823

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school district's portion of that basic project cost under 22824  
division (C) of this section, the project shall be conditionally 22825  
approved. Such conditional approval shall be submitted to the 22826  
controlling board for approval thereof. The controlling board 22827  
shall forthwith approve or reject the commission's determination, 22828  
conditional approval, and the amount of the state's portion of the 22829  
basic project cost; however, no state funds shall be encumbered 22830  
under this section. Upon approval by the controlling board, the 22831  
school district board may identify a discrete part of its 22832  
classroom facilities needs, which shall include only new 22833  
construction of or additions or major repairs to a particular 22834  
building, to address with local resources. Upon identifying a part 22835  
of the school district's basic project cost to address with local 22836  
resources, the school district board may allocate any available 22837  
school district moneys to pay the cost of that identified part, 22838  
including the proceeds of an issuance of bonds if approved by the 22839  
electors of the school district. 22840

All local resources utilized under this division shall first 22841  
be deposited in the project construction account required under 22842  
section 3318.08 of the Revised Code. 22843

(2) Unless the school district board exercises its option 22844  
under division (D)(3) of this section, for a school district to 22845  
qualify for participation in the program authorized under this 22846  
section, either: 22847

(a) The electors of the school district by a majority vote 22848  
shall approve the levy of taxes outside the ten-mill limitation 22849  
for a period of twenty-three years at the rate of not less than 22850  
one-half mill for each dollar of valuation to be used to pay the 22851  
cost of maintaining the classroom facilities included in the basic 22852  
project cost as determined by the commission. The form of the 22853  
ballot to be used to submit the question whether to approve the 22854  
tax required under this division to the electors of the school 22855

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district shall be the form for an additional levy of taxes 22856  
prescribed in section 3318.361 of the Revised Code. 22857

(b) As authorized under division (C) of section 3318.05 of 22858  
the Revised Code, the school district board shall earmark from the 22859  
proceeds of a permanent improvement tax levied under section 22860  
5705.21 of the Revised Code, an amount equivalent to the 22861  
additional tax otherwise required under division (D)(2)(a) of this 22862  
section for the maintenance of the classroom facilities included 22863  
in the basic project cost as determined by the commission. 22864

(3) A school district board may opt to delay levying the 22865  
additional tax required under division (D)(2)(a) of this section 22866  
or earmarking of the proceeds of a permanent improvement tax 22867  
alternatively required under division (D)(2)(b) of this section 22868  
until such time as the school district becomes eligible for state 22869  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 22870  
In order to exercise its option under this division, the board 22871  
shall certify to the commission a resolution indicating the 22872  
board's intent to do so prior to entering into an agreement under 22873  
division (B) of this section. 22874

(4) If pursuant to division (D)(3) of this section a district 22875  
board opts to delay levying an additional tax until the district 22876  
becomes eligible for state assistance, it shall submit the 22877  
question of levying that tax to the district electors as follows: 22878  
22879

(a) In accordance with section 3318.06 of the Revised Code if 22880  
it will also be necessary pursuant to division (E) of this section 22881  
to submit a proposal for approval of a bond issue; 22882

(b) In accordance with section 3318.361 of the Revised Code 22883  
if it is not necessary to also submit a proposal for approval of a 22884  
bond issue pursuant to division (E) of this section. 22885

(5) No state assistance under sections 3318.01 to 3318.20 of 22886

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the Revised Code shall be released until a school district board 22887  
that adopts and certifies a resolution under this division either 22888  
has levied the additional tax or has earmarked the proceeds of a 22889  
tax as specified in division (D) of this section. 22890

Any amount required for maintenance under division (D)(2) of 22891  
this section shall be deposited into a separate fund as specified 22892  
in division (B) of section 3318.05 of the Revised Code. 22893

(E)(1) If the school district becomes eligible for state 22894  
assistance under sections 3318.01 to 3318.20 of the Revised Code 22895  
based on its percentile ranking as determined under division (B) 22896  
of this section, the commission shall conduct a new assessment of 22897  
the school district's classroom facilities needs and shall 22898  
recalculate the basic project cost based on this new assessment. 22899  
The basic project cost recalculated under this division shall 22900  
include the amount of expenditures made by the school district 22901  
board under division (D)(1) of this section. The commission shall 22902  
then recalculate the school district's portion of the new basic 22903  
project cost, which shall be the percentage of the original basic 22904  
project cost assigned to the school district as its portion under 22905  
division (C) of this section. The commission shall deduct the 22906  
expenditure of school district moneys made under division (D)(1) 22907  
of this section from the school district's portion of the basic 22908  
project cost as recalculated under this division. If the amount of 22909  
school district resources applied by the school district board to 22910  
the school district's portion of the basic project cost under this 22911  
section is less than the total amount of such portion as 22912  
recalculated under this division, the school district board by a 22913  
majority vote of all of its members shall, if it desires to seek 22914  
state assistance under sections 3318.01 to 3318.20 of the Revised 22915  
Code, adopt a resolution as specified in section 3318.06 of the 22916  
Revised Code to submit to the electors of the school district the 22917  
question of approval of a bond issue in order to pay any 22918

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additional amount of school district portion required for state 22919  
 assistance. Any tax levy approved under division (D) of this 22920  
 section satisfies the requirements to levy the additional tax 22921  
 under section 3318.06 of the Revised Code. 22922

(2) If the amount of school district resources applied by the 22923  
 school district board to the school district's portion of the 22924  
 basic project cost under this section is more than the total 22925  
 amount of such portion as recalculated under this division, within 22926  
 one year after the school district's portion is recalculated under 22927  
 division (E)(1) of this section the commission may grant to the 22928  
 school district the difference between the two calculated 22929  
 portions, but at no time shall the commission expend any state 22930  
 funds on a project in an amount greater than the state's portion 22931  
 of the basic project cost as recalculated under this division. 22932

Any reimbursement under this division shall be only for local 22933  
 resources the school district has applied toward construction cost 22934  
 expenditures for the classroom facilities approved by the 22935  
 commission, which shall not include any financing costs associated 22936  
 with that construction. 22937

The school district board shall use any moneys reimbursed to 22938  
 the district under this division to pay off any debt service the 22939  
 district owes for classroom facilities constructed under its 22940  
 project under this section before such moneys are applied to any 22941  
 other purpose. 22942

Sec. 3318.363. (A) This section applies only to a school 22943  
district participating in the school building assistance expedited 22944  
local partnership program under section 3318.36 of the Revised 22945  
Code. 22946

(B) If there is a decrease in the tax valuation of a school 22947  
district to which this section applies by ten per cent or greater 22948  
from one tax year to the next due to a decrease in the assessment 22949

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rate of the taxable property of an electric company that owns 22950  
property in the district, as provided for in section 5727.111 of 22951  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 22952  
General Assembly, the Ohio school facilities commission shall 22953  
calculate or recalculate the state and school district portions of 22954  
the basic project cost of the school district's project by 22955  
determining the percentile rank in which the district would be 22956  
located if such ranking were made using the current year adjusted 22957  
valuation per pupil, as calculated and reported to the commission 22958  
by the department of education under division (A) of section 22959  
3318.011 of the Revised Code, rather than the three-year average 22960  
adjusted valuation per pupil, calculated under division (B) of 22961  
that section. For such district, the required percentage of the 22962  
basic project cost used to determine the state and school district 22963  
shares of that cost under division (C) of section 3318.36 of the 22964  
Revised Code shall be based on the percentile rank as calculated 22965  
under this section rather than as otherwise provided in division 22966  
(C)(1) of section 3318.36 of the Revised Code. If the commission 22967  
has determined the state and school district portion of the basic 22968  
project cost of such a district's project under section 3318.36 of 22969  
the Revised Code prior to that decrease in tax valuation, the 22970  
commission shall adjust the state and school district shares of 22971  
the basic project cost of such project in accordance with this 22972  
section. 22973

Sec. 3318.50. (A) As used in this section and in section 22974  
3318.52 of the Revised Code: 22975

(1) "Start-up community school" means a "new start-up school" 22976  
as that term is defined in division (A) of section 3314.02 of the 22977  
Revised Code. 22978

(2) "Classroom facilities" has the same meaning as in section 22979  
3318.01 of the Revised Code. 22980

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(B) There is hereby established the community school classroom facilities loan guarantee program. Under the program, the Ohio school facilities commission may guarantee for up to fifteen years any loan made to the governing authority of a start-up community school established under Chapter 3314. of the Revised Code for the sole purpose of assisting the governing board in acquiring classroom facilities for the community school by lease, purchase, remodeling of existing facilities, or any other means except by new construction.

In considering an application for a loan guarantee, the commission shall apply all usual commercial lending standards to determine the creditworthiness of the members of the community school's governing authority. The commission shall not make any loan guarantee under this section unless the commission has determined that the members of the community school's governing authority are creditworthy, that the community school has the ability to repay the loan, and that the classroom facilities meet specifications established by the commission under section 3318.51 of the Revised Code.

The agreement between the commission and the governing authority of a community school for a loan guarantee under this section shall contain a stipulation holding all members of the governing authority at the time the agreement is executed jointly and severally liable in their personal capacity to the state for the amount of any payment made by the state to pay any default on a loan guaranteed by that agreement regardless of whether such members are still members of the governing authority at the time of the default. The agreement shall require each member of the governing authority to execute a bond or provide other means satisfactory to the commission to indemnify the state for any payment made by the state to pay any default on a loan guaranteed by the agreement.

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(C) At no time shall the commission exceed an aggregate liability of ten million dollars to repay loans guaranteed under this section. 23013  
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(D) Any payment made to a lending institution as a result of default on a loan guaranteed under this section shall be made from moneys in the community school classroom facilities loan guarantee fund established under section 3318.52 of the Revised Code. 23016  
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(E) The commission may assess a fee of up to five hundred dollars for each loan guaranteed under this section. 23020  
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Sec. 3318.51. Not later than nine months after the effective date of this section, the Ohio school facilities commission in consultation with the office of community school options established under section 3314.11 of the Revised Code shall develop specifications for classroom facilities for start-up community schools established under Chapter 3314. of the Revised Code. 23022  
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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. 23029  
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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 23035  
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and shall be used by the governing board of the service center 23042  
when it is in session. Except as provided in division (B) of this 23043  
section, such offices shall be located in the county seat or, upon 23044  
the approval of the governing board, may be located outside of the 23045  
county seat. 23046

(B) In the case of a service center formed under section 23047  
3311.053 of the Revised Code, the governing board shall designate 23048  
the site of its offices. ~~The Except as provided in division (D) of~~ 23049  
~~this section or division (A)(2) of section 3313.37 of the Revised~~ 23050  
~~Code, the~~ board of county commissioners of the county in which the 23051  
designated site is located shall provide and equip the offices as 23052  
under division (A) of this section, but the costs of such offices 23053  
and equipment ~~not covered by funds received under section 307.031~~ 23054  
~~of the Revised Code~~ shall be apportioned among the boards of 23055  
county commissioners of all counties having any territory in the 23056  
area under the control of the governing board, according to the 23057  
proportion of local school district pupils under the supervision 23058  
of such board residing in the respective counties. Where there is 23059  
a dispute as to the amount any board of county commissioners is 23060  
required to pay, the probate judge of the county in which the 23061  
greatest number of pupils under the supervision of the governing 23062  
board reside shall apportion such costs among the boards of county 23063  
commissioners and notify each such board of its share of the 23064  
costs. 23065

(C) ~~By the first day of March of each year, the~~ 23066  
~~superintendent of public instruction shall certify to the tax~~ 23067  
~~commissioner the ADM and the number of full-time licensed~~ 23068  
~~employees of each educational service center for the purposes of~~ 23069  
~~the distribution of funds to boards of county commissioners~~ 23070  
~~required under division (B) of section 307.031 of the Revised~~ 23071  
~~Code. As used in this section, "ADM" means the formula ADMs of all~~ 23072  
~~the local districts having territory in the service center, as~~ 23073

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~~certified in October of the previous year by the service center 23074  
superintendent to the state board of education under section 23075  
3317.03 of the Revised Code. As used in this division, "licensed 23076  
employee" has the same meaning as in section 307.031 of the 23077  
Revised Code. 23078~~

~~(D) The superintendent of a service center may annually 23079  
submit a proposal approved by the board of county commissioners to 23080  
the state superintendent of public instruction, in such manner and 23081  
by such date as specified by the state board of education, for a 23082  
grant for the board of county commissioners to do one of the 23083  
following: 23084~~

~~(1) To improve or enhance the offices and equipment provided 23085  
under division (A) or (B) of this section or section 3301.0712 of 23086  
the Revised Code; 23087~~

~~(2) If funds received under division (B) of section 307.031 23088  
of the Revised Code are insufficient to provide for the actual 23089  
cost of meeting the requirements of division (A) or (B) of section 23090  
3319.19 and division (A)(2) of section 3301.0712 of the Revised 23091  
Code, to provide funds to meet such costs. 23092~~

~~Any service center superintendent intending to submit a 23093  
proposal shall submit it to the board of county commissioners that 23094  
provides and equips the office of the superintendent for approval 23095  
at least twenty days before the date of submission to the 23096  
superintendent of public instruction. The superintendent of public 23097  
instruction shall evaluate the proposals and select those that 23098  
will most benefit the local districts supervised by the governing 23099  
boards under standards adopted by the state board. For each 23100  
proposal selected for a grant, the superintendent of public 23101  
instruction shall determine the grant amount and, with the 23102  
approval of the superintendent and the board of county 23103  
commissioners, may modify a grant proposal to reflect the amount 23104  
of money available for the grant. The superintendent of public 23105~~

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~~instruction shall notify the board of county commissioners and the tax commissioner of the selection of the proposal as submitted or modified and the amount of the grant. If, pursuant to division (C) of section 307.031 of the Revised Code, the board of county commissioners accepts the proposal and grant, it shall expend the funds as specified in the grant proposal. If the board of county commissioners rejects the proposal and grant, the superintendent of public instruction may select another proposal from among the district proposals that initially failed to be selected for a grant.~~

~~The state board of education shall adopt rules to implement the requirements of this section Not later than the thirty-first day of March of 2002, 2003, 2004, and 2005 a board of county commissioners required to provide or equip offices pursuant to division (A) or (B) of this section shall make a written estimate of the total cost it will incur for the ensuing fiscal year to provide and equip the offices and to provide heat, light, water, and janitorial services for such offices. The total estimate of cost shall include:~~

~~(1) The total square feet of space to be utilized by the educational service center;~~

~~(2) The total square feet of any common areas that should be reasonably allocated to the center and the methodology for making this allocation;~~

~~(3) The actual cost per square foot for both the space utilized by and the common area allocated to the center;~~

~~(4) An explanation of the methodology used to determine the per square foot cost;~~

~~(5) The estimated cost of providing heat, light, and water, including an explanation of how these costs were determined;~~

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(6) The estimated cost of providing janitorial services 23137  
including an explanation of the methodology used to determine this 23138  
cost; 23139

(7) Any other estimated costs that the board anticipates it 23140  
will occur and a detailed explanation of the costs and the 23141  
rationale used to determine such costs. 23142

A copy of the total estimate of costs under this division 23143  
shall be sent to the superintendent of the educational service 23144  
center not later than the fifth day of April. The superintendent 23145  
shall review the total estimate and shall notify the board of 23146  
county commissioners not later than twenty days after receipt of 23147  
the estimate of either agreement with the estimate or any specific 23148  
objections to the estimates and the reasons for the objections. If 23149  
the superintendent agrees with the estimate, it shall become the 23150  
final total estimate of cost. Failure of the superintendent to 23151  
make objections to the estimate by the twentieth day after receipt 23152  
of it shall be deemed to mean that the superintendent is in 23153  
agreement with the estimate. 23154

If the superintendent provides specific objections to the 23155  
board of county commissioners, the board shall review the 23156  
objections and may modify the original estimate and shall send a 23157  
revised total estimate to the superintendent within ten days after 23158  
the receipt of the superintendent's objections. The superintendent 23159  
shall respond to the revised estimate within ten days after its 23160  
receipt. If the superintendent agrees with it, it shall become the 23161  
final total estimated cost. If the superintendent fails to respond 23162  
within the required time, the superintendent shall be deemed to 23163  
have agreed with the revised estimate. If the superintendent 23164  
disagrees with the revised estimate, the superintendent shall send 23165  
specific objections to the county commissioners. 23166

23167

If a superintendent has sent specific objections to the 23168

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revised estimate within the required time, the probate judge of 23169  
the county which has the greatest number of resident local school 23170  
district pupils under the supervision of the educational service 23171  
center shall determine the final estimated cost and certify this 23172  
amount to the superintendent and the board of county commissioners 23173  
prior to the first day of July. 23174

(D)(1) A board of county commissioners shall be responsible 23175  
for the following percentages of the final total estimated cost 23176  
established by division (C) of this section: 23177

(a) Eighty per cent for fiscal year 2003; 23178

(b) Sixty per cent for fiscal year 2004; 23179

(c) Forty per cent for fiscal year 2005; 23180

(d) Twenty per cent for fiscal year 2006. 23181

In fiscal years 2003, 2004, 2005, and 2006 the educational 23182  
service center shall be responsible for the remainder of any costs 23183  
in excess of the amounts specified in division (D)(1)(a), (b), or 23184  
(c) of this section, as applicable, associated with the provision 23185  
and equipment of offices for the educational service center and 23186  
for provision of heat, light, water, and janitorial services for 23187  
such offices, including any unanticipated or unexpected increases 23188  
in the costs beyond the final estimated cost amount. 23189

Beginning in fiscal year 2007, no board of county 23190  
commissioners shall have any obligation to provide and equip 23191  
offices for an educational service center or to provide heat, 23192  
light, water, or janitorial services for such offices. 23193

(2) Nothing in this section shall prohibit the board of 23194  
county commissioners and the governing board of an educational 23195  
service center from entering into a contract for providing and 23196  
equipping offices for the use of an educational service center and 23197  
for providing heat, light, water, and janitorial services for such 23198

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offices. The term of any such contract shall not exceed a period 23199  
of four years and may be renewed for additional periods not to 23200  
exceed four years. Any such contract shall supersede the 23201  
provisions of division (D)(1) of this section and no educational 23202  
service center may be charged, at any time, any additional amount 23203  
for the county's provision of an office and equipment, heat, 23204  
light, water, and janitorial services beyond the amount specified 23205  
in such contract. 23206

(3) No contract entered into under division (D)(2) of this 23207  
section in any year prior to fiscal year 2007 between an 23208  
educational service center formed under section 3311.053 of the 23209  
Revised Code and the board of county commissioners required to 23210  
provide and equip its office pursuant to division (B) of this 23211  
section shall take effect unless the boards of county 23212  
commissioners of all other counties required to participate in the 23213  
funding for such offices pursuant to division (B) of this section 23214  
adopt resolutions approving the contract. 23215

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 23216  
 "guardian," or "other person having charge or care of a child" 23217  
 means either parent unless the parents are separated or divorced 23218  
 or their marriage has been dissolved or annulled, in which case 23219  
 "parent" means the parent who is the residential parent and legal 23220  
 custodian of the child. If the child is in the legal or permanent 23221  
 custody of a person or government agency, "parent" means that 23222  
 person or government agency. When a child is a resident of a home, 23223  
 as defined in section 3313.64 of the Revised Code, and the child's 23224  
 parent is not a resident of this state, "parent," "guardian," or 23225  
 "other person having charge or care of a child" means the head of 23226  
 the home. 23227

A child between six and eighteen years of age is "of 23228  
 compulsory school age" for the purpose of sections 3321.01 to 23229

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3321.13 of the Revised Code. A child under six years of age who  
has been enrolled in kindergarten also shall be considered "of  
compulsory school age" for the purpose of sections 3321.01 to  
3321.13 of the Revised Code unless at any time the child's parent  
or guardian, at the parent's or guardian's discretion and in  
consultation with the child's teacher and principal, formally  
withdraws the child from kindergarten. The compulsory school age  
of a child shall not commence until the beginning of the term of  
such schools, or other time in the school year fixed by the rules  
of the board of the district in which the child resides.

(2) No child shall be admitted to a kindergarten or a first  
grade of a public school in a district in which all children are  
admitted to kindergarten and the first grade in August or  
September unless the child is five or six years of age,  
respectively, by the thirtieth day of September of the year of  
admittance, or by the first day of a term or semester other than  
one beginning in August or September in school districts granting  
admittance at the beginning of such term or semester, except that  
in those school districts using or obtaining educationally  
accepted standardized testing programs for determining entrance,  
as approved by the board of education of such districts, the board  
shall admit a child to kindergarten or the first grade who fails  
to meet the age requirement, provided the child meets necessary  
standards as determined by such standardized testing programs. If  
the board of education has not established a standardized testing  
program, the board shall designate the necessary standards and a  
testing program it will accept for the purpose of admitting a  
child to kindergarten or first grade who fails to meet the age  
requirement. Each child who will be the proper age for entrance to  
kindergarten or first grade by the first day of January of the  
school year for which admission is requested shall be so tested  
upon the request of the child's parent.

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(3) Notwithstanding divisions (A)(2) and (D) of this section,	23262
beginning with the school year that starts in 2001 and continuing	23263
thereafter the board of education of any district may adopt a	23264
resolution establishing the first day of August in lieu of the	23265
thirtieth day of September as the required date by which students	23266
must have attained the age specified in those divisions.	23267
(B) As used in divisions (C) and (D) of this section,	23268
"successfully completed kindergarten" and "successful completion	23269
of kindergarten" mean that the child has completed the	23270
kindergarten requirements at one of the following:	23271
(1) A public or chartered nonpublic school;	23272
(2) A kindergarten class that is both of the following:	23273
(a) Offered by a day-care provider licensed under Chapter	23274
5104. of the Revised Code;	23275
(b) If offered after July 1, 1991, is directly taught by a	23276
teacher who holds one of the following:	23277
(i) A valid educator license issued under section 3319.22 of	23278
the Revised Code;	23279
(ii) A Montessori preprimary credential or age-appropriate	23280
diploma granted by the American Montessori society or the	23281
association Montessori internationale;	23282
(iii) Certification determined under division (G) of this	23283
section to be equivalent to that described in division	23284
(B)(2)(b)(ii) of this section;	23285
(iv) Certification for teachers in nontax-supported schools	23286
pursuant to section 3301.071 of the Revised Code.	23287
(C) Except as provided in division (D) of this section, no	23288
school district shall admit to the first grade any child who has	23289
not successfully completed kindergarten.	23290

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(D) Upon request of a parent, the requirement of division (C) 23291  
of this section may be waived by the district's pupil personnel 23292  
services committee in the case of a child who is at least six 23293  
years of age by the thirtieth day of September of the year of 23294  
admittance and who demonstrates to the satisfaction of the 23295  
committee the possession of the social, emotional, and cognitive 23296  
skills necessary for first grade. 23297

The board of education of each city, local, and exempted 23298  
village school district shall establish a pupil personnel services 23299  
committee. The committee shall be composed of all of the following 23300  
to the extent such personnel are either employed by the district 23301  
or employed by the governing board of the educational service 23302  
center within whose territory the district is located and the 23303  
educational service center generally furnishes the services of 23304  
such personnel to the district: 23305

- (1) The director of pupil personnel services; 23306
- (2) An elementary school counselor; 23307
- (3) An elementary school principal; 23308
- (4) A school psychologist; 23309
- (5) A teacher assigned to teach first grade; 23310
- (6) A gifted coordinator. 23311

The responsibilities of the pupil personnel services 23312  
committee shall be limited to the issuing of waivers allowing 23313  
admittance to the first grade without the successful completion of 23314  
kindergarten. The committee shall have no other authority except 23315  
as specified in this section. 23316

(E) The scheduling of times for kindergarten classes and 23317  
length of the school day for kindergarten shall be determined by 23318  
the board of education of a city, exempted village, or local 23319  
school district. 23320

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(F) Any kindergarten class offered by a day-care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.

(G) Upon written request of a day-care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

**Sec. 3323.09.** (A) As used in this section:

(1) "Home" has the meaning given in section 3313.64 of the Revised Code;

(2) "Preschool child" means a child who is at least age three but under age six on the thirtieth day of September of an academic year.

(B) Each county MR/DD board shall establish special education programs for all handicapped children who in accordance with section 3323.04 of the Revised Code have been placed in special education programs operated by the county board and for preschool children who are developmentally delayed or at risk of being developmentally delayed. The board annually shall submit to the department of education a plan for the provision of these programs and, if applicable, a request for approval of units under section 3317.05 of the Revised Code. The superintendent of public instruction shall review the plan and approve or modify it in accordance with rules adopted by the state board of education under section 3301.07 of the Revised Code. The superintendent of public instruction shall compile the plans submitted by county boards and shall submit a comprehensive plan to the state board of education.

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A county MR/DD board may combine transportation for children enrolled in classes funded under section 3317.20 or units approved under section 3317.05 with transportation for children and adults enrolled in programs and services offered by the board under section 5126.12 of the Revised Code.

(C) A county MR/DD board that during the school year provided special education pursuant to this section for any mentally handicapped child under twenty-two years of age shall prepare and submit the following reports and statements:

(1) The board shall prepare a statement for each child who at the time of receiving such special education was a resident of a home and was not in the legal or permanent custody of an Ohio resident or a government agency in this state, and whose parents are not known to have been residents of this state subsequent to the child's birth. The statement shall contain the child's name, the name of ~~his~~ the child's school district of residence, the name of the county board providing the special education, and the number of months, including any fraction of a month, it was provided. Not later than the thirtieth day of June, the board shall forward a certified copy of such statement to both the director of mental retardation and developmental disabilities and to the home.

Within thirty days after its receipt of a statement, the home shall pay tuition to the county board computed in the manner prescribed by section 3323.141 of the Revised Code.

(2) The board shall prepare a report for each school district that is the school district of residence of one or more of such children for whom statements are not required by division (C)(1) of this section. The report shall contain the name of the county board providing special education, the name of each child receiving special education, the number of months, including fractions of a month, that ~~he~~ the child received it, and the name

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of the child's school district of residence. Not later than the 23383  
thirtieth day of June, the board shall forward certified copies of 23384  
each report to the school district named in the report, the 23385  
superintendent of public instruction, and the director of mental 23386  
retardation and developmental disabilities. 23387

**Sec. 3323.091.** (A) The department of mental health, the 23388  
department of mental retardation and developmental disabilities, 23389  
the department of youth services, and the department of 23390  
rehabilitation and correction shall establish and maintain special 23391  
education programs for handicapped children in institutions under 23392  
their jurisdiction according to standards adopted by the state 23393  
board of education. The superintendent of each institution 23394  
providing special education under this chapter may apply to the 23395  
state department of education for unit funding, which shall be 23396  
paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 23397  
3317.053 of the Revised Code. 23398

(B) On or before the thirtieth day of June of each year, the 23399  
superintendent of each institution that during the school year 23400  
provided special education pursuant to this section shall prepare 23401  
a statement for each handicapped child under twenty-two years of 23402  
age who has received special education. The statement shall 23403  
contain the child's name and the name of the child's school 23404  
district of residence. Within sixty days after receipt of such 23405  
statement, the department of education shall perform one of the 23406  
following: 23407

(1) For any child except a handicapped preschool child 23408  
described in division (B)(2) of this section, pay to the 23409  
institution submitting the statement an amount equal to the 23410  
tuition calculated under division (A) of section 3317.08 of the 23411  
Revised Code for the period covered by the statement, and deduct 23412  
the same from the amount of state funds, if any, payable under 23413  
sections 3317.022 and 3317.023 of the Revised Code, to the child's 23414

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school district of residence or, if the amount of such state funds  
is insufficient, require the child's school district of residence  
to pay the institution submitting the statement an amount equal to  
the amount determined under this division.

(2) For any handicapped preschool child not included in a  
unit approved under division (B) of section 3317.05 of the Revised  
Code, perform the following:

(a) Pay to the institution submitting the statement an amount  
equal to the tuition calculated under division (B) of section  
3317.08 of the Revised Code for the period covered by the  
statement, except that in calculating the tuition under that  
section the operating expenses of the institution submitting the  
statement under this section shall be used instead of the  
operating expenses of the school district of residence;

(b) Deduct from the amount of state funds, if any, payable  
under sections 3317.022 and 3317.023 of the Revised Code to the  
child's school district of residence an amount equal to the amount  
paid under division (B)(2)(a) of this section.

**Sec. 3327.10.** (A) No person shall be employed as driver of a  
school bus or motor van, owned and operated by any school district  
or educational service center or privately owned and operated  
under contract with any school district or service center in this  
state, who has not received a certificate from the educational  
service center governing board in case such person is employed by  
a service center or by a local school district under the  
supervision of the service center governing board, or by the  
superintendent of schools, in case such person is employed by the  
board of a city or exempted village school district, certifying  
that such person is at least eighteen years of age and is of good  
moral character and is qualified physically and otherwise for such  
position. The service center governing board or the

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superintendent, as the case may be, shall provide for an annual 23446  
physical examination that conforms with rules adopted by the state 23447  
board of education of each driver to ascertain ~~his~~ the driver's 23448  
physical fitness for such employment. Any certificate may be 23449  
revoked by the authority granting the same on proof that the 23450  
holder has been guilty of failing to comply with division (D)(1) 23451  
of this section, or upon a conviction or a guilty plea for a 23452  
violation, or any other action, that results in a loss or 23453  
suspension of driving rights. Failure to comply with such division 23454  
may be cause for disciplinary action or termination of employment 23455  
under division (C) of section 3319.081, or section 124.34 of the 23456  
Revised Code. 23457

(B) No person shall be employed as driver of a school bus or 23458  
motor van not subject to the rules of the department of education 23459  
pursuant to division (A) of this section who has not received a 23460  
certificate from the school administrator or contractor certifying 23461  
that such person is at least eighteen years of age, is of good 23462  
moral character, and is qualified physically and otherwise for 23463  
such position. Each driver shall have an annual physical 23464  
examination which conforms to the state highway patrol rules, 23465  
ascertaining ~~his~~ the driver's physical fitness for such 23466  
employment. ~~Any~~ The examination shall be performed by one of the 23467  
following: 23468

(1) A person licensed under Chapter 4731. of the Revised Code 23469  
or by another state to practice medicine and surgery or 23470  
osteopathic medicine and surgery; 23471

(2) A registered nurse who holds a certificate of authority 23472  
issued under Chapter 4723. of the Revised Code to practice as a 23473  
certified nurse practitioner or clinical nurse specialist and is 23474  
practicing pursuant to a standard care arrangement with a 23475  
collaborating physician. 23476

Any certificate may be revoked by the authority granting the 23477

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same on proof that the holder has been guilty of failing to comply 23478  
with division (D)(2) of this section. 23479

(C) Any person who drives a school bus or motor van must give 23480  
satisfactory and sufficient bond except a driver who is an 23481  
employee of a school district and who drives a bus or motor van 23482  
owned by the school district. 23483

(D) No person employed as driver of a school bus or motor van 23484  
under this section who is convicted of a traffic violation or who 23485  
has had ~~his~~ the person's commercial driver's license suspended or 23486  
revoked shall drive a school bus or motor van until such person 23487  
has filed a written notice of such conviction, suspension, or 23488  
revocation as follows: 23489

(1) If ~~he~~ the person is employed under division (A) of this 23490  
section, such notice shall be filed with the superintendent, or a 23491  
person designated by the superintendent, of the school district 23492  
for which such person drives a school bus or motor van as an 23493  
employee or drives a privately owned and operated school bus or 23494  
motor van under contract. 23495

(2) If employed under division (B) of this section, such 23496  
notice shall be filed with the employing school administrator or 23497  
contractor, or a person designated by the administrator or 23498  
contractor. 23499

(E) In addition to resulting in possible revocation of a 23500  
certificate as authorized by divisions (A) and (B) of this 23501  
section, violation of division (D) of this section is a minor 23502  
misdemeanor. 23503

**Sec. 3333.02.** The Ohio board of regents shall hold its first 23504  
meeting at the call of the governor, within three months after all 23505  
members have been appointed and qualified. Meetings thereafter 23506  
shall be called in such manner and at such times as prescribed by 23507  
rules adopted by the board, but the board shall meet at least four 23508

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times annually. A majority of the board constitutes a quorum. At 23509  
 its first meeting, the board shall organize by selecting a 23510  
~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a 23511  
 secretary, and such other officers as it deems necessary. The 23512  
 board shall adopt rules for the conduct of its business, and to 23513  
 provide for the term and election of officers, and shall establish 23514  
 an office in Columbus. The rules shall permit the formation of a 23515  
quorum and the taking of votes at meetings conducted by 23516  
interactive video teleconference if provisions are made for public 23517  
attendance at any location involved in such a teleconference. 23518

A record shall be kept of board proceedings, which shall be 23519  
 open for public inspection. The board shall adopt a seal to be 23520  
 affixed to official documents. Each member of the board, before 23521  
 entering on ~~his~~ official duties and after qualifying for office, 23522  
 shall take and subscribe to an oath of office, to uphold the 23523  
 constitution and laws of the United States and this state, and to 23524  
 perform the duties of ~~his~~ office honestly, faithfully, and 23525  
 impartially. 23526

**Sec. 3333.03.** (A) The Ohio board of regents shall appoint a 23527  
 chancellor to serve at its pleasure and shall prescribe ~~his~~ the 23528  
chancellor's duties. The board shall fix the compensation for the 23529  
 chancellor ~~and for all other professional, administrative, and~~ 23530  
~~clerical employees necessary to assist the board and the~~ 23531  
~~chancellor in the performance of their duties.~~ 23532

(B) The chancellor is the administrative officer of the 23533  
 board, and is responsible for appointing and fixing the 23534  
compensation of all professional, administrative, and clerical 23535  
 employees and staff members, ~~subject to board approval, who~~ 23536  
necessary to assist the board and the chancellor in the 23537  
performance of their duties. All employees and staff shall serve 23538  
 under ~~his~~ the chancellor's direction and control. The chancellor 23539  
 shall be a person qualified by training and experience to 23540

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understand the problems and needs of the state in the field of 23541  
 higher education and to devise programs, plans, and methods of 23542  
 solving the problems and meeting the needs. 23543

(C) Neither the chancellor nor any staff member or employee 23544  
 of the board shall be a trustee, officer, or employee of any 23545  
 public or private college or university while serving on the 23546  
 board. 23547

**Sec. 3333.043.** (A) As used in this section: 23548

(1) "Institution of higher education" means the state 23549  
 universities listed in section 3345.011 of the Revised Code, 23550  
 municipal educational institutions established under Chapter 3349. 23551  
 of the Revised Code, community colleges established under Chapter 23552  
 3354. of the Revised Code, university branches established under 23553  
 Chapter 3355. of the Revised Code, technical colleges established 23554  
 under Chapter 3357. of the Revised Code, state community colleges 23555  
 established under Chapter 3358. of the Revised Code, any 23556  
 institution of higher education with a certificate of registration 23557  
 from the state board of proprietary school registration, and any 23558  
 institution for which the Ohio board of regents receives a notice 23559  
 pursuant to division (C) of this section. 23560

(2) "Community service" has the same meaning as in section 23561  
 3313.605 of the Revised Code. 23562

(B)(1) The board of trustees or other governing entity of 23563  
 each institution of higher education shall encourage and promote 23564  
 participation of students in community service through a program 23565  
 appropriate to the mission, student population, and environment of 23566  
 each institution. The program may include, but not be limited to, 23567  
 providing information about community service opportunities during 23568  
 student orientation or in student publications; providing awards 23569  
 for exemplary community service; encouraging faculty members to 23570  
 incorporate community service into students' academic experiences 23571

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wherever appropriate to the curriculum; encouraging recognized  
student organizations to undertake community service projects as  
part of their purposes; and establishing advisory committees of  
students, faculty members, and community and business leaders to  
develop cooperative programs that benefit the community and  
enhance student experience. The program shall be flexible in  
design so as to permit participation by the greatest possible  
number of students, including part-time students and students for  
whom participation may be difficult due to financial, academic,  
personal, or other considerations. The program shall emphasize  
community service opportunities that can most effectively use the  
skills of students, such as tutoring or literacy programs. The  
programs shall encourage students to perform services that will  
not supplant the hiring of, result in the displacement of, or  
impair any existing employment contracts of any particular  
employee of any private or governmental entity for which services  
are performed.

(2) The Ohio board of regents shall encourage all  
institutions of higher education in the development of community  
service programs. With the assistance of the ~~state~~ Ohio community  
service ~~advisory committee~~ council created in section 121.40 of  
the Revised Code, the board of regents shall make available  
information about higher education community service programs to  
institutions of higher education and to statewide organizations  
involved with or promoting volunteerism, including information  
about model community service programs, teacher training courses,  
and community service curricula and teaching materials for  
possible use by institutions of higher education in their  
programs. The board shall encourage institutions of higher  
education to jointly coordinate higher education community service  
programs through consortia of institutions or other appropriate  
means of coordination.

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(C) The board of trustees of any nonprofit institution with a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code may notify the board of regents that it is making itself subject to divisions (A) and (B) of this section. Upon receipt of such a notice, these divisions shall apply to that institution.

**Sec. 3333.12.** (A) As used in this section: 23610

(1) "Eligible student" means an undergraduate student who is: 23611

(a) An Ohio resident; 23612

(b) Enrolled in either of the following: 23613

(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or has a 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

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hours necessary to complete the requirements of the program in 23634  
which the student is enrolled. 23635

(2) "Gross income" includes all taxable and nontaxable income 23636  
of the parents, the student, and the student's spouse, except 23637  
income derived from an Ohio academic scholarship, income earned by 23638  
the student between the last day of the spring term and the first 23639  
day of the fall term, and other income exclusions designated by 23640  
the board. Gross income may be verified to the board by the 23641  
institution in which the student is enrolled using the federal 23642  
financial aid eligibility verification process or by other means 23643  
satisfactory to the board. 23644

(3) "Resident," "full-time student," "dependent," 23645  
"financially independent," and "accredited" shall be defined by 23646  
rules adopted by the board. 23647

(B) The Ohio board of regents shall establish and administer 23648  
an instructional grant program and may adopt rules to carry out 23649  
this section. The general assembly shall support the instructional 23650  
grant program by such sums and in such manner as it may provide, 23651  
but the board may also receive funds from other sources to support 23652  
the program. If the amounts available for support of the program 23653  
are inadequate to provide grants to all eligible students, 23654  
preference in the payment of grants shall be given in terms of 23655  
income, beginning with the lowest income category of gross income 23656  
and proceeding upward by category to the highest gross income 23657  
category. 23658

An instructional grant shall be paid to an eligible student 23659  
through the institution in which the student is enrolled, except 23660  
that no instructional grant shall be paid to any person serving a 23661  
term of imprisonment. Applications for such grants shall be made 23662  
as prescribed by the board, and such applications may be made in 23663  
conjunction with and upon the basis of information provided in 23664  
conjunction with student assistance programs funded by agencies of 23665

the United States government or from financial resources of the  
institution of higher education. The institution shall certify  
that the student applicant meets the requirements set forth in  
divisions (A)(1)(b) and (c) of this section. Instructional grants  
shall be provided to an eligible student only as long as the  
student is making appropriate progress toward a nursing diploma or  
an associate or bachelor's degree. No student shall be eligible to  
receive a grant for more than ten semesters, fifteen quarters, or  
the equivalent of five academic years. A grant made to an eligible  
student on the basis of less than full-time enrollment shall be  
based on the number of credit hours for which the student is  
enrolled and shall be computed in accordance with a formula  
adopted by the board. No student shall receive more than one grant  
on the basis of less than full-time enrollment.

An instructional grant shall not exceed the total  
instructional and general charges of the institution.

(C) The tables in this division prescribe the maximum grant  
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.

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:

<del>Table of Grants</del>					
<del>Maximum Grant \$4,872</del>					
<del>Gross Income</del>					
<del>Number of Dependents</del>					
	1	2	3	4	5 or

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					more	
Under \$13,001	<del>\$4,872</del>	\$4,872	<del>\$4,872</del>	\$4,872	<del>\$4,872</del>	23698
\$13,001—\$14,000	4,386	4,872	4,872	4,872	4,872	23699
\$14,001—\$15,000	3,888	4,386	4,872	4,872	4,872	23700
\$15,001—\$16,000	3,408	3,888	4,386	4,872	4,872	23701
\$16,001—\$17,000	2,928	3,408	3,888	4,386	4,872	23702
\$17,001—\$20,000	2,442	2,928	3,408	3,888	4,386	23703
\$20,001—\$23,000	1,944	2,442	2,928	3,408	3,888	23704
\$23,001—\$26,000	1,452	1,944	2,442	2,928	3,408	23705
\$26,001—\$29,000	1,200	1,452	1,944	2,442	2,928	23706
\$29,001—\$30,000	966	1,200	1,452	1,944	2,442	23707
\$30,001—\$31,000	882	966	1,200	1,452	1,944	23708
\$31,001—\$32,000	792	882	966	1,200	1,452	23709
\$32,001—\$33,000	396	792	882	966	1,200	23710
\$33,001—\$34,000	-0-	396	792	882	966	23711
\$34,001—\$35,000	-0-	-0-	396	792	882	23712
\$35,001—\$36,000	-0-	-0-	-0-	396	792	23713
\$36,001—\$37,000	-0-	-0-	-0-	-0-	396	23714
Over \$37,000	-0-	-0-	-0-	-0-	-0-	23715

Private Institution 23716

Table of Grants 23717

Maximum Grant \$5,466 23718

Gross Income Number of Dependents 23719

	<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>	23721
<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>	23722
<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>	23723
<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>	23724
<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>	23725
<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>	23726
<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>	23727
<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>	23728

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<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>	23729
<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>	23730
<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>	23731
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	23732
<u>\$34,001 - \$35,000</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	23733
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	23734
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	23735
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	23736
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	23737

For a full-time student who is financially independent and 23738  
 enrolled in a nonprofit educational institution that is not a 23739  
 state-assisted institution and that has a certificate of 23740  
 authorization issued pursuant to Chapter 1713. of the Revised 23741  
 Code, the amount of the instructional grant for two semesters, 23742  
 three quarters, or a comparable portion of the academic year shall 23743  
 be determined in accordance with the following table: 23744

~~Table of Grants~~ 23745

<del>Gross Income</del>	<del>Maximum Grant \$4,872</del>						<del>5 or more</del>
	<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>	
<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>	23749
<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>	23750
<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>	23751
<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>	23752
<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>	23753
<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>	23754
<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>	23755
<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>	23756
<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>	23757
<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>	23758
<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>	23759
<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>	23760

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<del>\$14,301</del> — <del>\$15,800</del>	396	792	882	966	1,200	1,452	23761
<del>\$15,801</del> — <del>\$18,800</del>	<del>0</del>	396	792	882	966	1,200	23762
<del>\$18,801</del> — <del>\$21,800</del>	<del>0</del>	<del>0</del>	396	792	882	966	23763
<del>\$21,801</del> — <del>\$24,800</del>	<del>0</del>	<del>0</del>	<del>0</del>	396	792	882	23764
<del>\$24,801</del> — <del>\$29,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	396	792	23765
<del>\$29,501</del> — <del>\$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	396	23766
Over <del>\$34,500</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	23767

Private Institution 23768

Table of Grants 23769

Maximum Grant \$5,466 23770

Gross Income Number of Dependents 23771

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u>	
<u>\$0 - \$4,800</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	23772
<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>	23773
<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>	23774
<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>	23775
<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>	23776
<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>	23777
<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>	23778
<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>	23779
<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>	23780
<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>	23781
<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>	23782
<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>	23783
<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>	23784
<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>	23785
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	23786
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	23787
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	23788
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	23789

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration 23791  
 23792

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from the state board of proprietary school registration, the 23793  
 amount of the instructional grant for two semesters, three 23794  
 quarters, or a comparable portion of the academic year shall be 23795  
 determined in accordance with the following table: 23796

~~Table of Grants~~ 23797

~~Maximum Grant \$4,128~~ 23798

~~Gross Income~~ ~~Number of Dependents~~ 23799

	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or</del>	
					<del>more</del>	
<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>	23800
<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>	23801
<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>	23802
<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>	23803
<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>	23804
<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>	23805
<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>	23806
<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>	23807
<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>	23808
<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>	23809
<del>\$30,001—\$31,000</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	<del>1,656</del>	23810
<del>\$31,001—\$32,000</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	<del>1,266</del>	23811
<del>\$32,001—\$33,000</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	<del>1,014</del>	23812
<del>\$33,001—\$34,000</del>	<del>—0—</del>	<del>336</del>	<del>672</del>	<del>762</del>	<del>810</del>	23813
<del>\$34,001—\$35,000</del>	<del>—0—</del>	<del>—0—</del>	<del>336</del>	<del>672</del>	<del>762</del>	23814
<del>\$35,001—\$36,000</del>	<del>—0—</del>	<del>—0—</del>	<del>—0—</del>	<del>336</del>	<del>672</del>	23815
<del>\$36,001—\$37,000</del>	<del>—0—</del>	<del>—0—</del>	<del>—0—</del>	<del>—0—</del>	<del>336</del>	23816
<del>Over \$37,000</del>	<del>—0—</del>	<del>—0—</del>	<del>—0—</del>	<del>—0—</del>	<del>—0—</del>	23817

Proprietary Institution 23819

Table of Grants 23820

Maximum Grant \$4,632 23821

Gross Income Number of Dependents 23822

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	
					<u>more</u>	
						23823

As Reported by the Senate Finance and Financial Institutions Committee

<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>	23824
<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>	23825
<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>	23826
<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>	23827
<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>	23828
<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>	23829
<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>	23830
<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>	23831
<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>	23832
<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>	23833
<u>\$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	23834
<u>\$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	23835
<u>\$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	23836
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	23837
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	23838
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	23839
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	23840

For a full-time student who is financially independent and 23841  
 enrolled in an educational institution that holds a certificate of 23842  
 registration from the state board of proprietary school 23843  
 registration, the amount of the instructional grant for two 23844  
 semesters, three quarters, or a comparable portion of the academic 23845  
 year shall be determined in accordance with the following table: 23846

~~Table of Grants~~ 23847

~~Maximum Grant \$4,128~~ 23848

~~Gross Income~~ ~~Number of Dependents~~ 23849

	<del>0</del>	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5 or more</del>	
<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>	23851
<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>	23852
<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>	23853
<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>	23854
<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>	23855

As Reported by the Senate Finance and Financial Institutions Committee

<del>\$6,301</del> — <del>\$6,800</del>	2,046	2,490	2,874	3,288	3,726	4,128	23856
<del>\$6,801</del> — <del>\$7,800</del>	1,656	2,046	2,490	2,874	3,288	3,726	23857
<del>\$7,801</del> — <del>\$8,800</del>	1,266	1,656	2,046	2,490	2,874	3,288	23858
<del>\$8,801</del> — <del>\$9,800</del>	1,014	1,266	1,656	2,046	2,490	2,874	23859
<del>\$9,801</del> — <del>\$11,300</del>	810	1,014	1,266	1,656	2,046	2,490	23860
<del>\$11,301</del> — <del>\$12,800</del>	762	810	1,014	1,266	1,656	2,046	23861
<del>\$12,801</del> — <del>\$14,300</del>	672	762	810	1,014	1,266	1,656	23862
<del>\$14,301</del> — <del>\$15,800</del>	336	672	762	810	1,014	1,266	23863
<del>\$15,801</del> — <del>\$18,800</del>	0	336	672	762	810	1,014	23864
<del>\$18,801</del> — <del>\$21,800</del>	0	0	336	672	762	810	23865
<del>\$21,801</del> — <del>\$24,800</del>	0	0	0	336	672	762	23866
<del>\$24,801</del> — <del>\$29,500</del>	0	0	0	0	336	672	23867
<del>\$29,501</del> — <del>\$34,500</del>	0	0	0	0	0	336	23868
<del>Over \$34,500</del>	0	0	0	0	0	0	23869

Proprietary Institution 23870

Table of Grants 23871

Maximum Grant \$4,632 23872

Gross Income Number of Dependents 23873

	<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>	23874
<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>	23875
<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>	23876
<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>	23877
<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>	23878
<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>	23879
<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>	23880
<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>	23881
<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>	23882
<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>	23883
<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>	23884
<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>	23885
<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>	23886



As Reported by the Senate Finance and Financial Institutions Committee

	<u>Public Institution</u>					23920
	<u>Table of Grants</u>					23921
	<u>Maximum Grant \$2,190</u>					23922
<u>Gross Income</u>	<u>Number of Dependents</u>					23923
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	23924
					<u>more</u>	
<u>\$0 - \$15,000</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	<u>\$2,190</u>	23925
<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>	23926
<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>	23927
<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>	23928
<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>	23929
<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>	23930
<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>	23931
<u>\$25,001 - \$28,000</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	23932
<u>\$28,001 - \$31,000</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	23933
<u>\$31,001 - \$32,000</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	23934
<u>\$32,001 - \$33,000</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	23935
<u>\$33,001 - \$34,000</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	23936
<u>\$34,001 - \$35,000</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	23937
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	23938
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	23939
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	23940
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	23941

For a full-time student who is financially independent and 23942  
 enrolled in a state-assisted educational institution, the amount 23943  
 of the instructional grant for two semesters, three quarters, or a 23944  
 comparable portion of the academic year shall be determined in 23945  
 accordance with the following table: 23946

	<u>Table of Grants</u>					23947
	<u>Maximum Grant \$1,956</u>					23948
<u>Gross Income</u>	<u>Number of Dependents</u>					23949
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>
						<u>more</u>
						23950

As Reported by the Senate Finance and Financial Institutions Committee

Under <del>\$4,201</del>	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	23951
<del>4,201 -- \$4,800</del>	1,764	1,956	1,956	1,956	1,956	1,956	23952
<del>\$4,801 -- \$5,300</del>	1,554	1,764	1,956	1,956	1,956	1,956	23953
<del>\$5,301 -- \$5,800</del>	1,380	1,554	1,764	1,956	1,956	1,956	23954
<del>\$5,801 -- \$6,300</del>	1,182	1,380	1,554	1,764	1,956	1,956	23955
<del>\$6,301 -- \$6,800</del>	966	1,182	1,380	1,554	1,764	1,956	23956
<del>\$6,801 -- \$7,800</del>	774	966	1,182	1,380	1,554	1,764	23957
<del>\$7,801 -- \$8,800</del>	582	774	966	1,182	1,380	1,554	23958
<del>\$8,801 -- \$9,800</del>	468	582	774	966	1,182	1,380	23959
<del>\$9,801 -- \$11,300</del>	378	468	582	774	966	1,182	23960
<del>\$11,301 -- \$12,800</del>	348	378	468	582	774	966	23961
<del>\$12,801 -- \$14,300</del>	318	348	378	468	582	774	23962
<del>\$14,301 -- \$15,800</del>	162	318	348	378	468	582	23963
<del>\$15,801 -- \$18,800</del>	-0-	162	318	348	378	468	23964
<del>\$18,801 -- \$21,800</del>	-0-	-0-	162	318	348	378	23965
<del>\$21,801 -- \$24,800</del>	-0-	-0-	-0-	162	318	348	23966
<del>\$24,801 -- \$29,500</del>	-0-	-0-	-0-	-0-	162	318	23967
<del>\$29,501 -- \$34,500</del>	-0-	-0-	-0-	-0-	-0-	162	23968
Over <del>\$34,500</del>	-0-	-0-	-0-	-0-	-0-	-0-	23969

Public Institution 23970

Table of Grants 23971

Maximum Grant \$2,190 23972

Gross Income Number of Dependents 23973

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	23974
						<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>	23975
<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>	23976
<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>	23977
<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>	23978
<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>	23979
<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>	23980
<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>	23981
<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>	23982

As Reported by the Senate Finance and Financial Institutions Committee

<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>	23983
<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>	23984
<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>	23985
<u>\$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	23986
<u>\$14,801 - \$16,300</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	23987
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	23988
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	23989
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	23990
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	23991
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	23992

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

## As Reported by the Senate Finance and Financial Institutions Committee

(2) Division (F)(1) of this section does not apply to the	24015
following:	24016
(a) Any student enrolled in an institution that under the	24017
federal law appeals its loss of eligibility for federal financial	24018
aid and the United States secretary of education determines its	24019
cohort default rate after recalculation is lower than the rate	24020
specified in division (F)(1) of this section or the secretary	24021
determines due to mitigating circumstances the institution may	24022
continue to participate in federal financial aid programs. The	24023
board shall adopt rules requiring institutions to provide	24024
information regarding an appeal to the board.	24025
(b) Any student who has previously received a grant under	24026
this section who meets all other requirements of this section.	24027
(3) The board shall adopt rules for the notification of all	24028
institutions whose students will be ineligible to participate in	24029
the grant program pursuant to division (F)(1) of this section.	24030
(4) A student's attendance at an institution whose students	24031
lose eligibility for grants under division (F)(1) of this section	24032
shall not affect that student's eligibility to receive a grant	24033
when enrolled in another institution.	24034
(G) Institutions of higher education that enroll students	24035
receiving instructional grants under this section shall report to	24036
the board all students who have received instructional grants but	24037
are no longer eligible for all or part of such grants and shall	24038
refund any moneys due the state within thirty days after the	24039
beginning of the quarter or term immediately following the quarter	24040
or term in which the student was no longer eligible to receive all	24041
or part of the student's grant. There shall be an interest charge	24042
of one per cent per month on all moneys due and payable after such	24043
thirty-day period. The board shall immediately notify the office	24044
of budget and management and the legislative budget office of the	24045

legislative service commission of all refunds so received. 24046

**Sec. 3333.13.** (A) Money appropriated to ~~state supported and~~ 24047  
~~state assisted institutions of higher education and~~ 24048  
to the Ohio board of regents for the purposes of this division shall be paid 24049  
at the times and in the amounts necessary to meet all payments 24050  
required to be made ~~by such institutions and~~ by the board to the 24051  
Ohio public facilities commission ~~or treasurer of state~~ pursuant 24052  
to leases or agreements made ~~by them~~ under division (B) of section 24053  
154.21 of the Revised Code, as certified under division (C) of 24054  
this section, including supplements to such certifications. 24055

(B) ~~Each such institution of higher education and the~~ The 24056  
board shall include in its estimate of proposed expenses submitted 24057  
pursuant to section 126.02 of the Revised Code the estimated 24058  
amounts of all such payments to be made by it. The board shall 24059  
include the estimated amounts of all such payments to be made ~~by~~ 24060  
~~each such institution and of such payments to be made~~ by it in 24061  
recommendations for appropriation required by division (J) of 24062  
section 3333.04 of the Revised Code. The director of budget and 24063  
management shall include in the state budget estimates provided 24064  
for in section 126.02 of the Revised Code the estimated amount of 24065  
all such payments to be made during the next biennium, and this 24066  
amount shall be included in the state budget to be submitted by 24067  
the governor to the general assembly pursuant to section 107.03 of 24068  
the Revised Code. 24069

(C) On the first day of July of each year, or as soon 24070  
thereafter as is practicable, the chancellor or a vice-chancellor 24071  
of the board shall certify to the director the payments contracted 24072  
to be made, during the period of the then current appropriations 24073  
made for the purposes of division (A) of this section, to the 24074  
commission ~~or treasurer of state by each state supported and state~~ 24075  
~~assisted institution of higher education and~~ by the board pursuant 24076

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to leases and agreements made under division (B) of section 154.21 24077  
of the Revised Code. The certification shall state the amounts and 24078  
dates of payment required therefor ~~as to each such institution of~~ 24079  
~~higher education and the board,~~ and the amounts to be credited 24080  
pursuant to such leases and agreements to the higher education 24081  
bond service trust fund and other special funds established 24082  
pursuant to Chapter 154. of the Revised Code. If the director 24083  
finds such certification to be correct, the director shall 24084  
promptly add the director's certification thereto and submit it to 24085  
the treasurer of state. Such annual certification shall be 24086  
supplemented in similar manner upon the execution of each new 24087  
lease or agreement, any supplement to an existing lease or 24088  
agreement, or any amendment thereof, affecting the amounts of 24089  
those payments. 24090

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of the 24091  
Revised Code, "term" and "academic year" mean "term" and "academic 24092  
year" as defined by the Ohio board of regents. 24093

The board shall establish and administer an academic 24094  
scholarship program. Under the program, a total of one thousand 24095  
new scholarships shall be awarded annually in the amount of not 24096  
less than two thousand dollars per award. At least one such new 24097  
scholarship shall be awarded annually to a student in each public 24098  
high school and joint vocational school and each nonpublic high 24099  
school for which the state board of education prescribes minimum 24100  
standards in accordance with section 3301.07 of the Revised Code. 24101

To be eligible for the award of a scholarship, a student 24102  
shall be a resident of Ohio and shall be enrolled as a full-time 24103  
undergraduate student in an Ohio institution of higher education 24104  
that meets the requirements of Title VI of the "Civil Rights Act 24105  
of 1964" and is state-assisted, is nonprofit and holds a 24106  
certificate of authorization issued under section 1713.02 of the 24107  
Revised Code, or holds a certificate of registration and program 24108

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authorization issued under section 3332.05 of the Revised Code and 24109  
awards an associate or bachelor's degree. Students who attend an 24110  
institution holding a certificate of registration shall be 24111  
enrolled in a program leading to an associate or bachelor's degree 24112  
for which associate or bachelor's degree program the institution 24113  
has program authorization to offer the program issued under 24114  
section 3332.05 of the Revised Code. 24115

"Resident" and "full-time student" shall be defined by board 24116  
rule. 24117

The board shall award the scholarships on the basis of a 24118  
formula designed by it to identify students with the highest 24119  
capability for successful college study. The formula shall weigh 24120  
the factor of achievement, as measured by grade point average, and 24121  
the factor of ability, as measured by performance on a competitive 24122  
examination specified by the board. Students receiving 24123  
scholarships shall be known as "Ohio academic scholars." Annually, 24124  
not later than the thirty-first day of July, the board shall 24125  
report to the governor and the general assembly on the performance 24126  
of current Ohio academic scholars and the effectiveness of its 24127  
formula. 24128

**Sec. 3333.22.** Each Ohio academic scholarship shall be awarded 24129  
for an academic year and may be renewed for each of three 24130  
additional academic years. The scholarship amount awarded to a 24131  
scholar for an academic year shall be not less than two thousand 24132  
dollars. A scholarship shall be renewed if the scholar maintains 24133  
an academic record satisfactory to the Ohio board of regents and 24134  
meets any of the following conditions: 24135

(A) The scholar is enrolled as a full-time undergraduate; 24136

(B) The scholar was awarded an undergraduate degree in less 24137  
than four academic years and is enrolled as a full-time graduate 24138  
or professional student in an Ohio institution of higher education 24139

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that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted or is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code;

(C) The scholar is a full-time student concurrently enrolled as an undergraduate student and as a graduate or professional student in an Ohio institution of higher education that meets the requirements of division (B) of this section.

Each amount awarded shall be paid in equal installments to the scholar at the time of enrollment for each term of the academic year for which the scholarship is awarded or renewed. No scholar is eligible to receive an Ohio academic scholarship for more than the equivalent of four academic years.

If an Ohio academic scholar is temporarily unable to attend school because of illness or other cause satisfactory to the board, the board may grant a leave of absence for a designated period of time. If a scholar discontinues full-time attendance at the scholar's school during a term because of illness or other cause satisfactory to the board, the scholar may either claim a prorated payment for the period of actual attendance or waive payment for that term. A term for which prorated payment is made shall be considered a full term for which a scholarship was received. A term for which payment is waived shall not be considered a term for which a scholarship was received.

Receipt of an Ohio academic scholarship shall not affect a scholar's eligibility for the Ohio instructional grant program.

**Sec. 3345.05.** All registration fees, nonresident tuition fees, academic fees for the support of off-campus instruction, laboratory and course fees when so assessed and collected, student health fees for the support of a student health service, all other fees, deposits, charges, receipts, and income from all or part of

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the students, all subsidy or other payments from state 24171  
 appropriations, and all other fees, deposits, charges, receipts, 24172  
 and income received by each state-supported university and 24173  
 college, the Ohio state university hospitals and their ancillary 24174  
 facilities, the Ohio agricultural research and development center, 24175  
 and the Ohio state university cooperative extension service shall 24176  
 be held and administered by the respective boards of trustees of 24177  
 the state-supported universities and colleges; provided, that such 24178  
 fees, deposits, charges, receipts, and income, to the extent 24179  
 required by resolutions, trust agreements, indentures, leases, and 24180  
 agreements adopted, made, or entered into under Chapter 154. or 24181  
 section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be 24182  
 held, administered, transferred, and applied in accordance 24183  
 therewith. 24184

The Ohio board of regents shall require annual reporting by 24185  
 the Ohio agricultural research and development center and by each 24186  
 university and college receiving state aid in such form and detail 24187  
 as determined by the board in consultation with such center, 24188  
 universities and colleges, and the director of budget and 24189  
 management. 24190

Notwithstanding any provision of the Revised Code to the 24191  
contrary, the title to investments made by a board of trustees 24192  
using any revenues described by this section shall not be vested 24193  
in the state, but shall be held in trust by the board of trustees. 24194  
Such investments shall be made pursuant to an investment policy 24195  
approved by the board of trustees and in accordance with section 24196  
135.35 of the Revised Code. 24197

**Sec. 3345.19.** In the exercise of their respective powers of 24198  
 government conferred by Chapter 3345. of the Revised Code and 24199  
 other pertinent provisions of law, the boards of trustees of 24200  
 Bowling Green state university, Kent state university, Miami 24201  
 university, Ohio university, and the Ohio state university shall 24202

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observe the following enrollment limitations insofar as the autumn 24203  
quarter enrollment or any other quarter enrollment on a full-time 24204  
equivalent basis as defined by the Ohio board of regents is 24205  
concerned: 24206

Bowling Green central campus	<del>16,000</del> <u>17,000</u>	24207
Kent central campus	<del>21,000</del> <u>22,000</u>	24208
Miami central campus	<del>16,000</del> <u>17,000</u>	24209
Ohio university central campus	<del>21,000</del> <u>22,000</u>	24210
The Ohio state central campus	<del>41,000</del> <u>42,000</u>	24211

Campus student housing facilities shall only be authorized by 24212  
boards of trustees within these limitations, ~~and no contracts for~~ 24213  
~~construction of new residence hall facilities shall be entered~~ 24214  
~~into after October 1, 1969, without the prior approval by the Ohio~~ 24215  
~~board of regents.~~ 24216

**Sec. 3353.07.** The On and after the effective date of this 24217  
amendment, the Ohio educational telecommunications network 24218  
commission shall ~~not charge or collect broadcasting fees from~~ 24219  
operate the Ohio government telecommunications ~~of~~ system that was 24220  
operated by the capitol square review and advisory board prior to 24221  
the effective date of this amendment. 24222

**Sec. 3353.11.** There is hereby created in the state treasury 24223  
the governmental television/telecommunications operating fund. The 24224  
fund shall consist of money received from contract productions of 24225  
the Ohio government telecommunications studio and shall be used 24226  
for operations or equipment breakdowns related to the studio. All 24227  
investment earnings on the fund shall be credited to the fund. 24228

**Sec. 3383.01.** As used in this chapter: 24229

(A) "Arts" means any of the following: 24230

(1) Visual, musical, dramatic, graphic, and other arts ~~and~~ 24231

## As Reported by the Senate Finance and Financial Institutions Committee

includes, including, but ~~is~~ not limited to, architecture, dance, 24232  
literature, motion pictures, music, painting, photography, 24233  
sculpture, and theater; 24234

(2) The presentation or making available, in museums or other 24235  
indoor or outdoor facilities, of principles of science and their 24236  
development, use, or application in business, industry, or 24237  
commerce or of the history, heritage, development, presentation, 24238  
and uses of the arts ~~as defined above~~ described in division (A)(1) 24239  
of this section and of transportation; 24240

(3) The preservation, presentation, or making available of 24241  
features of archaeological, architectural, environmental, or 24242  
historical interest or significance in a state historical facility 24243  
or a local historical facility. 24244

(B) "Arts organization" means either of the following: 24245

(1) A governmental agency or Ohio nonprofit corporation that 24246  
provides programs or activities in areas directly concerned with 24247  
the arts; 24248

(2) A regional arts and cultural district as defined in 24249  
section 3381.01 of the Revised Code. 24250

(C) "Arts project" means all or any portion of an Ohio arts 24251  
facility for which the general assembly has specifically 24252  
authorized the spending of money, or made an appropriation, 24253  
pursuant to division (D)(3) or (E) of section 3383.07 of the 24254  
Revised Code. 24255

(D) "Cooperative contract" means a contract between the Ohio 24256  
arts and sports facilities commission and an arts organization 24257  
providing the terms and conditions of the cooperative use of an 24258  
Ohio arts facility. 24259

(E) "Costs of operation" means amounts required to manage an 24260  
Ohio arts facility that are incurred following the completion of 24261  
construction of its arts project, provided that both of the 24262

following apply:	24263
(1) Those amounts either:	24264
(a) Have been committed to a fund dedicated to that purpose;	24265
(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.	24266 24267
(2) The commission and the arts organization have executed an agreement with respect to either of those funds.	24268 24269
<del>(E)</del> <u>(F)</u> "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.	24270 24271 24272 24273 24274 24275
<del>(F)</del> <u>(G)</u> "Governmental agency" means a state agency, a state-supported or state-assisted institution of higher education, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.	24276 24277 24278 24279 24280 24281 24282 24283 24284 24285
<del>(G)</del> <u>(H)</u> "Local contributions" means the value of an asset provided by or on behalf of an arts organization from sources other than the state, the value and nature of which shall be approved by the Ohio arts and sports facilities commission, in its sole discretion. "Local contributions" may include the value of the site where an arts project is to be constructed. All "local contributions," except a contribution attributable to such a site, shall be for the costs of construction of an arts project or the	24286 24287 24288 24289 24290 24291 24292 24293

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costs of operation of an arts facility. 24294

~~(H)~~(I) "Local historical facility" means a site or facility, 24295  
other than a state historical facility, of archaeological, 24296  
architectural, environmental, or historical interest or 24297  
significance, or a facility, including a storage facility, 24298  
appurtenant to the operations of such a site or facility, that is 24299  
owned by an arts organization, provided the facility meets the 24300  
requirements of division ~~(F)~~(K)(2)(b) of this section, is managed 24301  
by or pursuant to a contract with the Ohio arts and sports 24302  
facilities commission, and is used for or in connection with the 24303  
activities of the commission, including the presentation or making 24304  
available of arts to the public. 24305

~~(I)~~(J) "Manage," "operate," or "management" means the 24306  
provision of, or the exercise of control over the provision of, 24307  
activities: 24308

(1) Relating to the arts for an Ohio arts facility, including 24309  
as applicable, but not limited to, providing for displays, 24310  
exhibitions, specimens, and models; booking of artists, 24311  
performances, or presentations; scheduling; and hiring or 24312  
contracting for directors, curators, technical and scientific 24313  
staff, ushers, stage managers, and others directly related to the 24314  
arts activities in the facility; but not including general 24315  
building services; 24316

(2) Relating to sports and athletic events for an Ohio sports 24317  
facility, including as applicable, but not limited to, providing 24318  
for booking of athletes, teams, and events; scheduling; and hiring 24319  
or contracting for staff, ushers, managers, and others directly 24320  
related to the sports and athletic events in the facility; but not 24321  
including general building services. 24322

~~(F)~~(K) "Ohio arts facility" means any of the following: 24323

(1) The three theaters located in the state office tower at 24324

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77 South High street in Columbus; 24325

(2) Any capital facility in this state to which ~~all~~ both of 24326  
the following apply: 24327

(a) The construction of an arts project related to the 24328  
facility was authorized or funded by the general assembly pursuant 24329  
to division (D)(3) of section 3383.07 of the Revised Code and 24330  
proceeds of state bonds are used for costs of the arts project. 24331

~~(b) The state owns or has sufficient real property interests 24332  
in the facility or in the portion of the facility financed from 24333  
the proceeds of obligations or in the site of the facility for a 24334  
period of no less than the greater of the useful life of the 24335  
portion of the facility financed from the proceeds of those 24336  
obligations as determined by the director of budget and management 24337  
using the guidelines for maximum maturities as provided under 24338  
divisions (B), (C), and (E) of section 133.20 of the Revised Code, 24339  
or the period of time remaining to the date of payment or 24340  
provision for payment of outstanding obligations issued by the 24341  
Ohio building authority allocable to costs of that portion of the 24342  
facility, as determined by the director of budget and management, 24343  
in either case as certified to the Ohio arts and sports facilities 24344  
commission and the Ohio building authority. 24345~~

~~(c) The facility is managed directly by, or by is subject to 24346  
a cooperative or management contract with, the Ohio arts and 24347  
sports facilities commission, and is used for or in connection 24348  
with the activities of the commission, including the presentation 24349  
or making available of arts to the public. A cooperative or 24350  
management contract shall be for a term not less than the time 24351  
remaining to the date of payment or provision for payment of any 24352  
state bonds issued to pay the costs of the arts project, as 24353  
determined by the director of budget and management and certified 24354  
by the director to the Ohio arts and sports facilities commission 24355  
and to the Ohio building authority. 24356~~

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(3) A state historical facility or a local historical facility.	24357 24358
<del>(K)</del> (L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.	24359 24360 24361
<del>(I)</del> (M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.	24362 24363 24364 24365
<del>(M)</del> (N) "State historical facility" means a site or facility of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by or is located on real property owned by the state or by an arts organization, so long as the real property of the arts organization <del>meets the requirements of division (J)(2)(b) of this section and</del> is contiguous to state-owned real property that is in the care, custody, and control of an arts organization, and that is managed directly by or <u>by is subject to a cooperative or management</u> contract with the Ohio arts and sports facilities commission, <del>and that</del> is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public.	24366 24367 24368 24369 24370 24371 24372 24373 24374 24375 24376 24377 24378 24379
<del>(N)</del> (O) "Ohio sports facility" means all or a portion of a stadium, arena, or other capital facility in <del>Ohio</del> <u>this state</u> , a primary purpose of which is to provide a site or venue for the presentation to the public of events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment,	24380 24381 24382 24383 24384 24385 24386 24387 24388

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furnishings, and real and personal property and interests and 24389  
rights therein, that may be appropriate for or used for or in 24390  
connection with the facility or its operation, for capital costs 24391  
of which state funds are spent pursuant to this chapter. A 24392  
facility constructed as an Ohio sports facility may be both an 24393  
Ohio arts facility and an Ohio sports facility. 24394

**Sec. 3383.02.** (A) There is hereby created the Ohio arts and 24395  
sports facilities commission. Notwithstanding any provision to the 24396  
contrary contained in Chapter 152. of the Revised Code, the 24397  
commission shall engage in and provide for the development, 24398  
performance, and presentation or making available of the arts and 24399  
professional sports and athletics to the public in this state by 24400  
the exercise of its powers under this chapter, including the 24401  
provision, operation, ~~and~~ management, and cooperative use of Ohio 24402  
arts facilities and Ohio sports facilities. The commission is a 24403  
body corporate and politic, an agency of state government and an 24404  
instrumentality of the state, performing essential governmental 24405  
functions of this state. The carrying out of the purposes and the 24406  
exercise by the commission of its powers conferred by this chapter 24407  
are essential public functions and public purposes of the state 24408  
and of state government. The commission may, in its own name, sue 24409  
and be sued, enter into contracts, and perform all the powers and 24410  
duties given to it by this chapter but it does not have and shall 24411  
not exercise the power of eminent domain. 24412

(B) The commission shall consist of ~~eight~~ ten members, ~~five~~ 24413  
seven of whom shall be voting members and three of whom shall be 24414  
nonvoting members. The ~~five~~ seven voting members shall be 24415  
appointed by the governor, with the advice and consent of the 24416  
senate, from different geographical regions of the state. In 24417  
addition, one of the voting members shall represent the state 24418  
architect. Not more than ~~three~~ four of the members appointed by 24419  
the governor shall be affiliated with the same political party. 24420

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The nonvoting members shall be the staff director of the Ohio arts council, a member of the senate appointed by the president of the senate, and a member of the house of representatives appointed by the speaker of the house.

(C) Of the five initial appointments made by the governor, one shall be for a term expiring December 31, 1989, two shall be for terms expiring December 31, 1990, and two shall be for terms expiring December 31, 1991. Of the initial appointments of the sixth and seventh voting members appointed by the governor as a result of this amendment, one shall be for a term expiring December 31, 2003, and one shall be for a term expiring December 31, 2004. Thereafter, each such term shall be for three years, commencing on the first day of January and ending on the thirty-first day of December. Each appointment by the president of the senate and by the speaker of the house of representatives shall be for the balance of the then legislative biennium. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) Members of the commission shall serve without compensation.

~~(E) After each initial member of the commission has been appointed, the commission shall meet and organize by electing one of its voting members as chairperson and other voting members as vice chairperson and secretary-treasurer, who shall hold their offices until the next organizational meeting of the commission. Organizational meetings of the commission shall be held at the~~

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first meeting of each calendar year. At each organizational 24453  
meeting, the commission shall elect from among its voting members 24454  
a chairperson, a vice-chairperson, and a secretary-treasurer, who 24455  
shall serve until the next annual meeting. The commission shall 24456  
adopt rules pursuant to section 111.15 of the Revised Code for the 24457  
conduct of its internal business and shall keep a journal of its 24458  
proceedings. 24459

(F) ~~Three~~ Four voting members of the commission constitute a 24460  
quorum, and the affirmative vote of ~~three~~ four members is 24461  
necessary for approval of any action taken by the commission. A 24462  
vacancy in the membership of the commission does not impair a 24463  
quorum from exercising all the rights and performing all the 24464  
duties of the commission. Meetings of the commission may be held 24465  
anywhere in the state, and shall be held in compliance with 24466  
section 121.22 of the Revised Code. 24467

(G) All expenses incurred in carrying out this chapter are 24468  
payable solely from money accrued under this chapter or 24469  
appropriated for these purposes by the general assembly, and the 24470  
commission shall incur no liability or obligation beyond such 24471  
money. 24472

(H) The commission shall file an annual report of its 24473  
activities and finances with the governor, director of budget and 24474  
management, speaker of the house of representatives, president of 24475  
the senate, and chairpersons of the house and senate finance 24476  
committees. 24477

(I) There is hereby established in the state treasury the 24478  
Ohio arts and sports facilities commission administration fund. 24479  
All revenues of the commission shall be credited to that fund and 24480  
to any accounts created in the fund with the commission's 24481  
approval. All expenses of the commission, including reimbursement 24482  
of, or payment to, any other fund or any governmental agency for 24483  
advances made or services rendered to or on behalf of the 24484

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commission, shall be paid from the Ohio arts and sports facilities 24485  
 commission administration fund as determined by or pursuant to 24486  
 directions of the commission. All investment earnings of the 24487  
 administration fund shall be credited to the fund and shall be 24488  
 allocated among any accounts created in the fund in the manner 24489  
 determined by the commission. 24490

(J) Title to all real property and lesser interests in real 24491  
 property acquired by the commission, including leasehold and other 24492  
 interests, pursuant to this chapter shall be taken in the name of 24493  
 the state and shall be held for the use and benefit of the 24494  
 commission. The commission shall not mortgage such real property 24495  
 and interests in real property. Title to other property and 24496  
 interests in it acquired by the commission pursuant to this 24497  
 chapter shall be taken in its name. 24498

**Sec. 3383.04.** The Ohio arts and sports facilities commission 24499  
 may: 24500

(A) Employ and fix the compensation of an executive director 24501  
 and such other employees as will facilitate the activities and 24502  
 purposes of the commission. Any executive director shall serve at 24503  
 the pleasure of the commission and may serve part-time. Other 24504  
 employees shall be employed by and serve at the pleasure of the 24505  
 commission or the executive director, as determined by the 24506  
 commission. 24507

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 24508  
 the Revised Code, rules for the management and operation of Ohio 24509  
 arts facilities and Ohio sports facilities and for the exercise of 24510  
 all of the commission's rights with respect to those facilities; 24511

(C) Own, construct or provide for the construction of, lease, 24512  
 equip, furnish, administer, and manage or provide for the 24513  
 operation and management of, and cooperate in the use of, Ohio 24514  
 arts facilities and Ohio sports facilities; 24515

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(D) Dispose of, whether by sale, lease, lease-purchase, 24516  
sublease, re-lease, or otherwise, real and personal property, and 24517  
lesser interests in it, held or owned by the state for the use and 24518  
benefit of the commission or held or owned by the commission, if 24519  
not needed for the commission's purposes, upon such terms as the 24520  
commission determines, subject to approval by the governor in the 24521  
case of real property and interests in it; 24522

(E) Grant such easements and other interests in real or 24523  
personal property of the commission as will not interfere with the 24524  
use of the property as an Ohio arts facility or an Ohio sports 24525  
facility; 24526

(F) Fix, alter, and collect rentals and other charges for the 24527  
use or availability for use of Ohio arts facilities or an Ohio 24528  
sports facility, as determined solely by the commission, for the 24529  
purpose of providing for all or a portion of the costs and 24530  
expenses of the commission, and the costs to be paid by the 24531  
commission of leasing, constructing, equipping, repairing, 24532  
maintaining, administering, ~~and~~ managing, and cooperating in the 24533  
use of Ohio arts facilities, including rentals to be paid by the 24534  
commission for any Ohio arts facilities or for any Ohio sports 24535  
facility; 24536

(G) Lease, sublease, cooperate in the use of, or otherwise 24537  
make available to an arts organization, Ohio arts facilities, and 24538  
to any governmental agency or nonprofit corporation, Ohio sports 24539  
facilities, including real and personal property, or any interests 24540  
in it, to carry out the purposes of this chapter; 24541

(H) Contract with, retain the services of, or designate, and 24542  
fix the compensation of, such agents, accountants, attorneys, 24543  
consultants, advisers, and other independent contractors as may be 24544  
necessary or desirable to carry out the purposes of this chapter; 24545

(I) Procure insurance against loss to the commission by 24546

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reason of damages to or nonusability of its property resulting 24547  
from fire, theft, accident, or other casualties, or by reason of 24548  
its liability for any damages to persons or property, including 24549  
but not limited to, general liability insurance, business 24550  
interruption insurance, liability insurance for members, officers, 24551  
and employees, and copyright liability insurance; 24552

(J) Receive and accept gifts, grants, devises, bequests, 24553  
loans, and any other financial or other form of aid or assistance 24554  
from any governmental agency or other person and enter into any 24555  
contract or agreement with any such agency or other person in 24556  
connection therewith, and receive and accept aid or contributions 24557  
from any other source of money, real or personal property, labor, 24558  
or other things of value, to be held, used, and applied only for 24559  
the purposes for which the aid and contributions are made and 24560  
according to their terms and conditions, all within the purposes 24561  
of this chapter; 24562

(K) Make and enter into all contracts, commitments, and 24563  
agreements, and execute all instruments, necessary or incidental 24564  
to the performance of its duties and the execution of its rights 24565  
and powers under this chapter; 24566

(L) Do anything necessary or appropriate to carry out the 24567  
purposes of and exercise the powers granted in this chapter; 24568

(M) Contract with any governmental agency or nonprofit 24569  
corporation to provide or cause to be provided services, including 24570  
general building services, in, to, or for an Ohio arts facility or 24571  
any Ohio sports facility, or with an arts organization for the 24572  
management of an Ohio arts facility, or with a governmental agency 24573  
or nonprofit corporation for the management of an Ohio sports 24574  
facility, all in furtherance of the state function, and make 24575  
contracts pursuant to divisions (A) and (B) of section 3383.07 of 24576  
the Revised Code, except that nothing in this chapter limits the 24577  
exercise of the care, custody, control, and management of those 24578

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state historical facilities specified in section 149.30 of the Revised Code. 24579  
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**Sec. 3383.07.** (A) The department of administrative services shall provide for the construction of an arts project in conformity with Chapter 153. of the Revised Code, except as follows: 24581  
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(1) For an arts project that has an estimated construction cost, excluding the cost of acquisition, of twenty-five million dollars or more, and that is financed by the Ohio building authority, construction services may be provided by the authority if the authority determines it should provide those services. 24585  
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(2) For an arts project other than a state historical facility, construction services may be provided on behalf of the state by the Ohio arts and sports facilities commission, or by a governmental agency or an arts organization that occupies, will occupy, or is responsible for the Ohio arts facility, as determined by the ~~department of administrative services~~ commission. Construction services to be provided by a governmental agency or an arts organization shall be specified in an agreement between the commission and the governmental agency or arts organization. The agreement, or any actions taken under it, are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.151 and 153.011 of the Revised Code, and shall be subject to Chapter 4115. of the Revised Code. 24590  
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(3) For an arts project that is a state historical facility, construction services may be provided by the Ohio arts and sports facilities commission or by an arts organization that occupies, will occupy, or is responsible for the facility, as determined by the commission. The construction services to be provided by the arts organization shall be specified in an agreement between the commission and the arts organization, ~~and the~~ That agreement, and 24603  
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any actions taken under it, are not subject to Chapter 123., 153., 24610  
or 4115. of the Revised Code. 24611

(B) For an Ohio sports facility that is financed in part by 24612  
the Ohio building authority, construction services shall be 24613  
provided on behalf of the state by or at the direction of the 24614  
governmental agency or nonprofit corporation that will own or be 24615  
responsible for the management of the facility, all as determined 24616  
by the Ohio arts and sports facilities commission. Any 24617  
construction services to be provided by a governmental agency or 24618  
nonprofit corporation shall be specified in an agreement between 24619  
the commission and the governmental agency or nonprofit 24620  
corporation, ~~and the.~~ That agreement, and any actions taken under 24621  
it, are not subject to Chapter 123. or 153. of the Revised Code, 24622  
except for sections 123.151 and 153.011 of the Revised Code, and 24623  
shall be subject to Chapter 4115. of the Revised Code. 24624

(C) General building services for an Ohio arts facility shall 24625  
be provided by ~~the department of administrative services in~~ 24626  
~~conformity with Chapter 123. of the Revised Code, except that the~~ 24627  
~~Ohio building authority may elect to provide such services for~~ 24628  
~~Ohio arts facilities it financed and such services may be provided~~ 24629  
by the Ohio arts and sports facilities commission or by an arts 24630  
organization that occupies, will occupy, or is responsible for the 24631  
facility, as determined by the commission, except that the Ohio 24632  
building authority may elect to provide those services for Ohio 24633  
arts facilities financed with proceeds of state bonds issued by 24634  
the authority. The costs of management and general building 24635  
services shall be paid by the arts organization that occupies, 24636  
will occupy, or is responsible for the facility as provided in an 24637  
agreement between the commission and the arts organization, except 24638  
that the state may pay for general building services for 24639  
state-owned arts facilities constructed on state-owned land. 24640

General 24641

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General building services for an Ohio sports facility shall 24642  
be provided by or at the direction of the governmental agency or 24643  
nonprofit corporation that will be responsible for the management 24644  
of the facility, all as determined by the commission. Any general 24645  
building services to be provided by a governmental agency or 24646  
nonprofit corporation for an Ohio sports facility shall be 24647  
specified in an agreement between the commission and the 24648  
governmental agency or nonprofit corporation, ~~and that. That~~ 24649  
agreement, and any actions taken under it, are not subject to 24650  
Chapter 123. or 153. of the Revised Code, except for sections 24651  
123.151 and 153.011 of the Revised Code, and shall be subject to 24652  
Chapter 4115. of the Revised Code. 24653

(D) This division does not apply to a state historical 24654  
facility. No state funds, including any state bond proceeds, shall 24655  
be spent on the construction of any arts project under this 24656  
chapter unless, with respect to the arts project and to the Ohio 24657  
arts facility related to the project, all of the following apply: 24658

(1) The Ohio arts and sports facilities commission has 24659  
determined that there is a need for the arts project and the Ohio 24660  
arts facility related to the project in the region of the state 24661  
~~for~~ in which the Ohio arts facility is located or for which the 24662  
facility is proposed to be located. 24663

(2) The commission has determined that, as an indication of 24664  
substantial regional support for the arts project, the arts 24665  
organization has made provision satisfactory to the commission, in 24666  
its sole discretion, for local contributions amounting to not less 24667  
than fifty per cent of the total state funding for the arts 24668  
project. 24669

(3) The general assembly has specifically authorized the 24670  
spending of money on, or made an appropriation for, the 24671  
construction of the arts project, or for rental payments relating 24672  
to the financing of the construction of the arts project. 24673

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Authorization to spend money, or an appropriation, for planning 24674  
the arts project does not constitute authorization to spend money 24675  
on, or an appropriation for, construction of the arts project. 24676

(E) No state funds, including any state bond proceeds, shall 24677  
be spent on the construction of any state historical facility 24678  
under this chapter unless the general assembly has specifically 24679  
authorized the spending of money on, or made an appropriation for, 24680  
the construction of the arts project related to the facility, or 24681  
for rental payments relating to the financing of the construction 24682  
of the arts project. Authorization to spend money, or an 24683  
appropriation, for planning the arts project does not constitute 24684  
authorization to spend money on, or an appropriation for, the 24685  
construction of the arts project. 24686

(F) State funds shall not be used to pay or reimburse more 24687  
than fifteen per cent of the initial estimated construction cost 24688  
of an Ohio sports facility, excluding any site acquisition cost, 24689  
and no state funds, including any state bond proceeds, shall be 24690  
spent on any Ohio sports facility under this chapter unless, with 24691  
respect to that facility, all of the following apply: 24692

(1) The Ohio arts and sports facilities commission has 24693  
determined that there is a need for the facility in the region of 24694  
the state for which the facility is proposed to provide the 24695  
function of an Ohio sports facility as provided for in this 24696  
chapter. 24697

(2) As an indication of substantial local support for the 24698  
facility, the commission has received a financial and development 24699  
plan satisfactory to it, and provision has been made, by agreement 24700  
or otherwise, satisfactory to the commission, for a contribution 24701  
amounting to not less than eighty-five per cent of the total 24702  
estimated construction cost of the facility, excluding any site 24703  
acquisition cost, from sources other than the state. 24704

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(3) The general assembly has specifically authorized the 24705  
 spending of money on, or made an appropriation for, the 24706  
 construction of the facility, or for rental payments relating to 24707  
 state financing of all or a portion of the costs of constructing 24708  
 the facility. Authorization to spend money, or an appropriation, 24709  
 for planning or determining the feasibility of or need for the 24710  
 facility does not constitute authorization to spend money on, or 24711  
 an appropriation for, costs of constructing the facility. 24712

(4) If state bond proceeds are being used for the Ohio sports 24713  
 facility, the state or a governmental agency owns or has 24714  
 sufficient property interests in the facility or in the site of 24715  
 the facility or in the portion or portions of the facility 24716  
 financed from proceeds of state bonds, which may include, but is 24717  
 not limited to, the right to use or to require the use of the 24718  
 facility for the presentation of sport and athletic events to the 24719  
 public at the facility, extending for a period of not less than 24720  
 the greater of the useful life of the portion of the facility 24721  
 financed from proceeds of those bonds as determined using the 24722  
 guidelines for maximum maturities as provided under divisions (B), 24723  
 (C), and (D) of section 133.20 of the Revised Code, or the period 24724  
 of time remaining to the date of payment or provision for payment 24725  
 of outstanding state bonds allocable to costs of the facility, all 24726  
 as determined by the director of budget and management and 24727  
 certified by the director to the Ohio arts and sports facilities 24728  
 commission and to the Ohio building authority. 24729

Sec. 3383.09. (A) There is hereby created in the state 24730  
treasury the arts facilities building fund, which shall consist of 24731  
proceeds of obligations authorized to pay costs of arts facilities 24732  
projects for which appropriations are made by the general 24733  
assembly. All investment earnings of the fund shall be credited to 24734  
the fund. 24735

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(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.

**Sec. 3505.063.** (A) When the general assembly adopts a resolution proposing a constitutional amendment, it ~~shall~~ may, by resolution, designate a group of members who voted in support of the resolution to prepare arguments for the proposed amendment, and a group of members who voted in opposition to the resolution to prepare arguments against the proposed amendment. If no members voted in opposition to the resolution, or if the general assembly chooses not to designate a group of members to prepare arguments for the proposed amendment or chooses not to designate a group of members to prepare arguments against the proposed amendment, the Ohio ballot board may prepare the relevant arguments ~~against the proposed amendment~~ or designate a group of persons to prepare ~~such~~ the relevant arguments. All arguments shall be filed with the secretary of state no later than seventy-five days before the date of the election. No argument shall exceed three hundred words.

(B) The secretary of state shall disseminate information,

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which may include part or all of the official explanation and 24767  
arguments concerning proposed amendments, by means of direct mail 24768  
or other written publication, broadcast, or such other means, or 24769  
combination of means, as the Ohio ballot board may direct, in 24770  
order to inform the voters as fully as possible concerning 24771  
proposed amendments. 24772

**Sec. 3517.092.** (A) As used in this section: 24773

(1) "Appointing authority" has the same meaning as in section 24774  
124.01 of the Revised Code. 24775

(2) "State elected officer" means any person appointed or 24776  
elected to a state elective office. 24777

(3) "State elective office" means any of the offices of 24778  
governor, lieutenant governor, secretary of state, auditor of 24779  
state, treasurer of state, attorney general, member of the state 24780  
board of education, member of the general assembly, and justice 24781  
and chief justice of the supreme court. 24782

(4) "County elected officer" means any person appointed or 24783  
elected to a county elective office. 24784

(5) "County elective office" means any of the offices of 24785  
county auditor, county treasurer, clerk of the court of common 24786  
pleas, sheriff, county recorder, county engineer, county 24787  
commissioner, prosecuting attorney, and coroner. 24788

(6) "Contribution" includes a contribution to any political 24789  
party, campaign committee, political action committee, political 24790  
contributing entity, or legislative campaign fund. 24791

(B) No state elected officer, no campaign committee of such 24792  
an officer, and no other person or entity shall knowingly solicit 24793  
or accept a contribution on behalf of that officer or that 24794  
officer's campaign committee from any of the following: 24795

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(1) A state employee whose appointing authority is the state elected officer;	24796 24797
(2) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;	24798 24799 24800
(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.	24801 24802 24803
(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:	24804 24805 24806 24807 24808
(1) A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;	24809 24810
(2) A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law;	24811 24812 24813
(3) A state employee at the time of the solicitation, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.	24814 24815 24816
(D) No county elected officer, no campaign committee of such an officer, and no other person or entity shall knowingly solicit a contribution on behalf of that officer or that officer's campaign committee from any of the following:	24817 24818 24819 24820
(1) A county employee whose appointing authority is the county elected officer;	24821 24822
(2) A county employee whose appointing authority is authorized or required by law to be appointed by the county elected officer;	24823 24824 24825

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(3) A county employee who functions in or is employed in or	24826
by the same public agency, department, division, or office as the	24827
county elected officer.	24828
(E) No candidate for a county elective office, no campaign	24829
committee of such a candidate, and no other person or entity shall	24830
knowingly solicit a contribution on behalf of that candidate or	24831
that candidate's campaign committee from any of the following:	24832
(1) A county employee at the time of the solicitation, whose	24833
appointing authority will be the candidate, if elected;	24834
(2) A county employee at the time of the solicitation, whose	24835
appointing authority will be appointed by the candidate, if	24836
elected, as authorized or required by law;	24837
(3) A county employee at the time of the solicitation, who	24838
will function in or be employed in or by the same public agency,	24839
department, division, or office as the candidate, if elected.	24840
(F)(1) No public employee shall solicit a contribution from	24841
any person while the public employee is performing the public	24842
employee's official duties or in those areas of a public building	24843
where official business is transacted or conducted.	24844
(2) No person shall solicit a contribution from any public	24845
employee while the public employee is performing the public	24846
employee's official duties or is in those areas of a public	24847
building where official business is transacted or conducted.	24848
(3) As used in division (F) of this section, "public	24849
employee" does not include any person holding an elective office.	24850
(G) The prohibitions in divisions (B), (C), (D), (E), and (F)	24851
of this section are in addition to the prohibitions in sections	24852
124.57, 1553.09, 3304.22, and 4503.032 of the Revised Code.	24853
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Sec. 3701.04. (A) The director of health shall:	24855
(1) Require such reports and make such inspections and investigations as the director considers necessary;	24856 24857
(2) Provide such methods of administration, appoint such personnel, make such reports, and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;	24858 24859 24860 24861
(3) Procure by contract the temporary or intermittent services of experts or consultants or organizations thereof when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;	24862 24863 24864 24865 24866
(4) Enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;	24867 24868 24869
(5) <del>Accept on</del> <u>On</u> behalf of the state, <u>solicit, accept, hold, administer,</u> and deposit in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code, any grant, gift, <u>devise, bequest,</u> or contribution <del>made to assist in meeting the cost of carrying out the director's responsibilities and expend the grant, gift, or contribution for such</del> <u>for the purpose for which made.</u> Fees collected by the director in connection with meetings and conferences shall also be credited to the fund and expended for the purposes for which paid.	24870 24871 24872 24873 24874 24875 24876 24877 24878
(6) Make an annual report to the governor on activities and expenditures, including recommendations for such additional legislation as the director considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.	24879 24880 24881 24882 24883
(B) The director of health may enter into agreements to sell services offered by the department to other departments, agencies,	24884 24885

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and institutions of the state. Fees collected by the director for 24886  
the sale of services under this division shall be deposited into 24887  
the state treasury to the credit of the general operations fund 24888  
created in section 3701.83 of the Revised Code. 24889

**Sec. 3701.142.** (A) The director of health shall appoint the 24890  
chief and the administrative assistant of the office of women's 24891  
health initiatives. The director may appoint, to the extent of 24892  
available funds, persons to other positions determined by ~~him~~ the 24893  
director to be relevant and necessary. 24894

(B) The chief shall have all of the following qualifications, 24895  
plus any additional qualifications the director considers 24896  
appropriate: 24897

(1) The equivalent of a masters or higher degree in public 24898  
health, medicine, health sciences, environmental science, law, 24899  
public administration, or a related field; 24900

(2) Familiarity with national maternal and child health 24901  
objectives of the department; 24902

(3) Knowledge of or experience in women's and infants' 24903  
preventive health care; 24904

(4) Understanding of health care delivery systems; 24905

(5) A global public health perspective. 24906

(C)(1) The majority of the chief's time shall be spent in the 24907  
performance of the following responsibilities: 24908

(a) Identifying issues that affect women's health; 24909

(b) Advocating for women's health concerns within the 24910  
department, state government, and the community; 24911

(c) Serving as a liaison for the public, interest groups, the 24912  
department, and other state agencies on issues that affect women's 24913  
health; 24914

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(d) Developing recommendations to the director regarding programs addressing women's health issues for inclusion in the biennial budget and departmental strategic planning;	24915 24916 24917
(e) Preparing materials for publication.	24918
(2) In addition, the chief shall do the following:	24919
(a) Develop and recommend research, funding, and program activities for the intervention, treatment, and education of the public on women's health initiatives including health needs throughout the life cycle, reproductive health, gender bias in research, chemical dependence, access to health care, health and safety in the workplace, poverty and women's health, causes of death in women, violence and women's health, and any other women's health issue the chief considers appropriate;	24920 24921 24922 24923 24924 24925 24926 24927
(b) Supervise the administrative assistant and any other employees assigned to the office of women's health initiatives;	24928 24929
(c) Oversee the administrative operations of the office of women's health initiatives;	24930 24931
(d) Research, advise, and assist the director concerning governor's office correspondence referrals, legislative initiatives, rules, and similar executive decisions relating to the health of women;	24932 24933 24934 24935
(e) Represent the director, as requested, before the general assembly <del>and the women's policy and research commission.</del>	24936 24937
(D) The administrative assistant shall provide clerical and administrative support as needed to the chief.	24938 24939
(E) To promote coordination of programs and of offices' initiatives, the director, assistant director, deputy directors, and chiefs selected by the director in the department shall attend quarterly meetings regarding the activities of the office of women's health initiatives.	24940 24941 24942 24943 24944

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(F) After considering the report submitted pursuant to 24945  
division (C) of section 3701.141 of the Revised Code, the director 24946  
of health shall develop and implement biennial initiatives on 24947  
women's health needs. 24948

**Sec. 3701.77.** There is hereby ~~created~~ provided in the 24949  
department of health the governor's advisory council on physical 24950  
fitness and sports ~~advisory board~~, which shall consist of ~~eleven~~ 24951  
fifteen members, seven of whom shall be appointed by the governor 24952  
and shall be representative of physicians, pediatricians, coaches, 24953  
athletic trainers, athletes, educators, ~~and such other persons or~~ 24954  
~~professions interested in the physical fitness of the citizens of~~ 24955  
~~the state as the governor considers appropriate~~ physical 24956  
therapists, dentists, nutritionists, exercise physiologists, and 24957  
one worksite wellness person. Four ~~board~~ council members shall be 24958  
members of the general assembly, of whom one shall be appointed by 24959  
the president of the senate, one by the minority leader of the 24960  
senate, one by the speaker of the house of representatives, and 24961  
one by the minority leader of the house of representatives. Four 24962  
council members shall be appointed by the director of health. All 24963  
members of the ~~board~~ council shall serve two-year terms, 24964  
commencing on the first day of January of each odd-numbered year 24965  
and ending on the thirty-first day of December of the following 24966  
year, except that each member shall continue in office subsequent 24967  
to the expiration date of ~~his~~ the member's term until ~~his~~ the 24968  
member's successor is appointed, or until a period of sixty days 24969  
has elapsed, whichever occurs first. Members may be reappointed to 24970  
additional terms. Vacancies shall be filled in the manner provided 24971  
for original appointments, and a vacancy shall be considered to 24972  
occur whenever a member of the general assembly ceases to be a 24973  
member of the house from which ~~he~~ the member was appointed. The 24974  
director ~~of health~~ annually shall select from the membership of 24975  
the ~~board~~ council a ~~chairman~~ chairperson, and the ~~board~~ council 24976

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shall select from its membership a ~~vice-chairman~~ vice-chairperson 24977  
 and secretary. Members of the ~~board~~ council shall serve without 24978  
 compensation, but shall be reimbursed for actual and necessary 24979  
 expenses incurred in the performance of their duties. The 24980  
 director, upon the ~~board's~~ council's request, may provide an 24981  
 officer or employee of the department to act as an administrator 24982  
 of the ~~board~~ council, and may provide other employees as required 24983  
 by the ~~board~~ council. The ~~board~~ council shall meet ~~in Columbus~~ at 24984  
 least once each calendar quarter ~~and~~ at such ~~other~~ times and 24985  
 places as the director or the ~~board~~ council considers necessary. 24986  
~~Seven members~~ A simple majority of the ~~board~~ current appointed 24987  
members of the council constitute a quorum, and a majority vote of 24988  
 those in attendance is necessary to take any action. 24989

24990  
A member of the advisory council that is a member of the 24991  
general assembly may designate a substitute to serve on the 24992  
council in that member's absence. The substitute is entitled to 24993  
perform the duties of a member of the council. A member of the 24994  
general assembly shall inform the chairperson of the council of 24995  
the substitution prior to the substitute assuming duties of that 24996  
member. Whenever the member of the general assembly ceases to be a 24997  
member of the house from which the member was appointed, the 24998  
substitute may no longer serve on the council. 24999

**Sec. 3701.771.** (A) The governor's advisory council on 25000  
 physical fitness and sports ~~advisory board~~ shall prepare and 25001  
 recommend to the director of health guidelines, programs, and 25002  
 activities related to health and physical fitness. The ~~board~~ 25003  
council shall recommend information and educational materials to 25004  
 be prepared and distributed to the public that encourage wide 25005  
 participation in the recommended programs and activities. 25006

(B) The ~~board~~ council may, on behalf of the state, solicit, 25007  
 accept, hold, and administer any grants, devises, or bequests of 25008

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moneys, securities, or property for the purposes of sections 25009  
~~3701.85~~ 3701.77 to ~~3701.861~~ 3701.772 of the Revised Code and shall 25010  
deposit any moneys resulting from those grants, devises, or 25011  
bequests in the physical fitness and sports fund, which is hereby 25012  
created in the state treasury for use solely by the ~~board~~ council 25013  
in administering those sections. The ~~board~~ council shall 25014  
administer the fund. 25015

(C) The ~~board~~ council shall assist the director of health in 25016  
promoting and sponsoring public sporting and physical fitness 25017  
events, and members shall lend their names and presence to these 25018  
events to encourage greater public participation. 25019

(D) The ~~board~~ council may develop a program of statewide 25020  
amateur athletic competition to be known as the "buckeye state 25021  
games," which shall be patterned after the Olympic games to the 25022  
extent possible considering the availability of facilities, 25023  
equipment, and expertise. The buckeye state games shall be 25024  
designed to encourage the participation of athletes representing a 25025  
broad range of age groups, skill levels, and communities. 25026  
Participants shall be residents of the state. Regional competition 25027  
may be held throughout the state, and the top qualifiers in each 25028  
sport shall proceed to the final competition to be held at a 25029  
centrally located site in the state that has the necessary 25030  
facilities and equipment for conducting the competition. The 25031  
frequency of the games shall be determined by the ~~board~~ council. 25032

**Sec. 3701.772.** The director of health shall cause to be 25034  
prepared certificates and awards bearing the printed facsimile 25035  
signature of the governor, to be awarded to persons who 25036  
participate in physical fitness and sports programs recommended by 25037  
the governor's advisory council on physical fitness and sports 25038  
~~advisory board~~ and adopted by the director. The director shall 25039  
provide for the distribution of the certificates and awards to 25040

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qualifying persons through agreements with civic groups, 25041  
 professional associations, running clubs, amateur and professional 25042  
 sports groups, individual citizens, voluntary organizations, 25043  
 political subdivisions, school districts, and others interested in 25044  
 promoting and improving the health and physical fitness of the 25045  
 citizens of the state. 25046

The director may adopt such rules as necessary to carry out 25047  
 the purposes of sections ~~3701.85~~ 3701.77 to ~~3701.861~~ 3701.772 of 25048  
 the Revised Code. 25049

**Sec. 3701.92.** (A) There is hereby created in the department 25050  
of health the Ohio hepatitis C advisory commission. 25051

(B) The commission shall consist of the following members: 25052

(1) Eleven members appointed by the director of health; 25053

(2) Two members of the house of representatives, one from 25054  
each political party, appointed by the speaker of the house of 25055  
representatives; 25056

(3) Two members of the senate, one from each political party, 25057  
appointed by the president of the senate. 25058

Each member shall serve without compensation for a term of 25059  
one year. 25060

**Sec. 3702.68.** (A) Notwithstanding sections 3702.51 to 3702.62 25061  
 of the Revised Code, this section applies to the review of 25062  
 certificate of need applications during the period beginning July 25063  
 1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 25064

(B)(1) Except as provided in division (B)(2) of this section, 25065  
 the director of health shall neither grant nor deny any 25066  
 application for a certificate of need submitted prior to July 1, 25067  
 1993, if the application was for any of the following and the 25068  
 director had not issued a written decision concerning the 25069

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application prior to that date:	25070
(a) Approval of beds in a new health care facility or an	25071
increase of beds in an existing health care facility, if the beds	25072
are proposed to be licensed as nursing home beds under Chapter	25073
3721. of the Revised Code;	25074
(b) Approval of beds in a new county home or new county	25075
nursing home as defined in section 5155.31 of the Revised Code, or	25076
an increase of beds in an existing county home or existing county	25077
nursing home, if the beds are proposed to be certified as skilled	25078
nursing facility beds under Title XVIII or nursing facility beds	25079
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),	25080
42 U.S.C.A. 301, as amended;	25081
(c) Recategorization of hospital beds as described in section	25082
3702.522 of the Revised Code, an increase of hospital beds	25083
registered pursuant to section 3701.07 of the Revised Code as	25084
long-term care beds or skilled nursing facility beds, or a	25085
recategorization of hospital beds that would result in an increase	25086
of beds registered pursuant to that section as long-term care beds	25087
or skilled nursing facility beds.	25088
On July 1, 1993, the director shall return each such	25089
application to the applicant and, notwithstanding section 3702.52	25090
of the Revised Code regarding the uses of the certificate of need	25091
fund, shall refund to the applicant the application fee paid under	25092
that section. Applications returned under division (B)(1) of this	25093
section may be resubmitted in accordance with section 3702.52 of	25094
the Revised Code no sooner than <del>July 1, 2001</del> <u>October 16, 2003</u> .	25095
(2) The director shall continue to review and shall issue a	25096
decision regarding any application submitted prior to July 1,	25097
1993, to increase beds for either of the purposes described in	25098
division (B)(1)(a) or (b) of this section if the proposed increase	25099
in beds is attributable solely to a replacement or relocation of	25100

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existing beds within the same county. The director shall authorize  
 under such an application no additional beds beyond those being  
 replaced or relocated.

(C)(1) Except as provided in division (C)(2) and (3) of this  
 section, the director, during the period beginning July 1, 1993,  
 and ending ~~June 30, 2001~~ October 15, 2003, shall not accept for  
 review under section 3702.52 of the Revised Code any application  
 for a certificate of need for any of the purposes described in  
 divisions (B)(1)(a) to (c) of this section.

(2)(a) The director shall accept for review any application  
 for either of the purposes described in division (B)(1)(a) or (b)  
 of this section if either of the following apply:

(i) In case of an existing health care facility that is a  
 nursing home described in section 5123.192 of the Revised Code,  
 the proposed increase is attributable solely to the replacement of  
 existing beds within the same county.

(ii) In the case of a health care facility or county home  
 described in division (B)(1)(a) or (b) of this section, other than  
 an existing health care facility described in division  
 (C)(2)(a)(i) of this section, the proposed increase in beds is  
 attributable solely to a replacement or relocation of existing  
 beds within the same county. The

(b) In the case of an existing health care facility described  
 in division (C)(2)(a)(i) of this section, the director shall  
 continue to review and shall issue a decision regarding any  
 application submitted during the period beginning on July 1, 1993,  
 and ending on the effective date of this amendment to increase  
 beds for either of the purposes described in division (B)(1)(a) or  
 (b) of this section only if the proposed increase in beds is  
 attributable solely to a relocation of existing beds within the  
 same county. An existing health care facility described in

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division (C)(2)(a)(i) of this section that on or after the 25132  
effective date of this amendment seeks to increase beds for either 25133  
of the purposes described in division (B)(1)(a) or (b) of this 25134  
section shall apply for a license under section 5123.19 of the 25135  
Revised Code, as described in division (B) of section 5123.192 of 25136  
the Revised Code, if the proposed increase is attributable to a 25137  
relocation of existing beds within the same county. 25138

(c) The director shall authorize under such an application 25139  
described in division (C)(2)(a) or (b) of this section no 25140  
 additional beds beyond those being replaced or relocated. ~~The~~ 25141

(3) The director also shall accept for review any application 25142  
 that seeks certificate of need approval for existing beds located 25143  
 in an infirmary that is operated exclusively by a religious order, 25144  
 provides care exclusively to members of religious orders who take 25145  
 vows of celibacy and live by virtue of their vows within the 25146  
 orders as if related, and was providing care exclusively to 25147  
 members of such a religious order on January 1, 1994. 25148

(D) The director shall issue a decision regarding any case 25150  
 remanded by a court as the result of a decision issued by the 25151  
 director prior to July 1, 1993, to grant, deny, or withdraw a 25152  
 certificate of need for any of the purposes described in divisions 25153  
 (B)(1)(a) to (c) of this section. 25154

(E) The director shall not project the need for beds listed 25155  
 in division (B)(1) of this section for the period beginning July 25156  
 1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 25157

This section is an interim section effective until ~~July 1,~~ 25158  
~~2001~~ October 16, 2003. 25159

**Sec. 3704.034.** (A) Within sixty days after the director of 25160  
 environmental protection or ~~his~~ the director's agent or authorized 25161

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representative receives an application for the issuance of a 25162  
permit to install pursuant to rules adopted under division (F) of 25163  
section 3704.03 of the Revised Code, an application to modify such 25164  
a permit, or an application for the issuance of an initial permit 25165  
to operate, or for the modification or renewal of such a permit, 25166  
pursuant to rules adopted under division (G) of section 3704.03 of 25167  
the Revised Code, the director shall determine whether the 25168  
application is substantially complete or materially deficient and, 25169  
in writing, shall notify the applicant of ~~his~~ the director's 25170  
determination. If the director fails to make such a completeness 25171  
determination and provide written notice of ~~his~~ the determination 25172  
to the applicant within sixty days after the application was 25173  
submitted, the applicant may submit a written request to the 25174  
director for the making of such a completeness determination. 25175

(B) Within thirty days after receiving a written request for 25176  
the making of a completeness determination on an application under 25177  
division (A) of this section, the director shall determine whether 25178  
the application is substantially complete or materially deficient 25179  
and, in writing, notify the applicant of ~~his~~ the determination. If 25180  
the director fails to make a completeness determination and 25181  
provide written notice of ~~his~~ the director's determination to the 25182  
applicant within thirty days after receiving the applicant's 25183  
written request for the making of the determination, the 25184  
application shall be deemed to have been complete in all material 25185  
respects at the time that it was submitted to the director or ~~his~~ 25186  
the director's agent or authorized representative. 25187

(C) If, within the time prescribed in division (A) and, if 25188  
applicable, division (B) of this section, the director determines 25189  
that an application is materially deficient, the director shall 25190  
return the application to the applicant together with the written 25191  
notice of material deficiency. The running of the time prescribed 25192  
under division (A) and, if applicable, division (B) of this 25193

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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, or renewal.

(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 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, or a modification or~~  
renewal of such a permit, 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, or renewal 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 under division (A),  
 (B), or (C)(1) of this section or within one hundred eighty days  
 after the application is deemed to be complete under division (B)  
 of this section, as appropriate. If the director fails to issue or  
 deny or propose to issue or deny the permit ~~or~~, modification, or

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renewal within the appropriate one-hundred-eighty-day period, the 25226  
 applicant may bring a mandamus action to obtain a judgment that 25227  
 orders the director to take a final action on the application. 25228

25229

(F) The director, upon ~~his~~ the director's own motion or upon 25230  
 the written request of the applicant and in writing, may extend 25231  
 the time provided under division (E) of this section for issuing 25232  
 or denying or proposing to issue or deny the permit ~~or,~~ 25233  
 modification, or renewal for an additional sixty days if a public 25234  
 informational meeting or public hearing was held on the 25235  
 application for the permit ~~or,~~ modification, or renewal. 25236

(G) Upon the written request of the applicant, the director, 25237  
 in writing, may extend the time provided under division (E) of 25238  
 this section for issuing or denying or proposing to issue or deny 25239  
 the permit ~~or,~~ modification, or renewal for the additional time 25240  
 specified in the applicant's request for the extension. 25241

(H) Upon the written request of the person responsible for a 25242  
 facility, the director may consolidate or group applications for 25243  
 the issuance of permits pursuant to rules adopted under 25244  
~~divisions(F) or~~ division(G) of section 3704.03 of the Revised 25245  
 Code, or modifications or renewals of those permits, for 25246  
 individual air contaminant sources located at the facility in 25247  
 order to reduce the unnecessary paperwork and administrative 25248  
 burden to the applicant and the director in connection with the 25249  
 issuance of those permits, modifications, and renewals. Fees 25250  
 payable to the director under section 3745.11 of the Revised Code 25251  
 shall not be reduced by reason of any such consolidation or 25252  
 grouping of applications for permits, modifications, or renewals. 25253

**Sec. 3721.07. (A)** Every person desiring to operate a home and 25254  
 the superintendent or administrator of each county home or 25255  
 district home for which a license as a residential care facility 25256

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is sought shall apply for a license to the director of health. The 25257  
director shall issue a license for the home, if after 25258  
investigation of the applicant and, if required by section 3721.02 25259  
of the Revised Code, inspection of the home, the following 25260  
requirements or conditions are satisfied or complied with: 25261

~~(A)~~(1) The applicant has not been convicted of a felony or a 25262  
crime involving moral turpitude; 25263

~~(B)~~(2) The applicant is not violating any of the rules made 25264  
by the public health council or any order issued by the director 25265  
of health; 25266

~~(C)~~(3) The buildings in which the home is housed have been 25267  
approved by the state fire marshal or a township, municipal, or 25268  
other legally constituted fire department approved by the marshal. 25269  
In the approval of a home such agencies shall apply standards 25270  
prescribed by the board of building standards, and by the state 25271  
fire marshal, and by section 3721.071 of the Revised Code. 25272

~~(D)~~(4) The applicant, if it is an individual, or the 25273  
principal participants, if it is an association or a corporation, 25274  
is or are suitable financially and morally to operate a home; 25275

~~(E)~~(5) The applicant is equipped to furnish humane, kind, and 25276  
adequate treatment and care; 25277

~~(F)~~(6) The home does not maintain or contain: 25278

~~(1)~~(a) Facilities for the performance of major surgical 25279  
procedures; 25280

~~(2)~~(b) Facilities for providing therapeutic radiation; 25281

~~(3)~~(c) An emergency ward; 25282

~~(4)~~(d) A clinical laboratory unless it is under the 25283  
supervision of a clinical pathologist who is a licensed physician 25284  
in this state; 25285

~~(5)~~(e) Facilities for radiological examinations unless such 25286

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examinations are performed only by a person licensed to practice 25287  
medicine, surgery, or dentistry in this state. 25288

~~(G)~~(7) The home does not accept or treat outpatients, except 25289  
upon the written orders of a physician licensed in this state, 25290  
maternity cases, boarding children, and does not house transient 25291  
guests, other than participants in an adult day-care program, for 25292  
twenty-four hours or less; 25293

~~(H)~~(8) The home is in compliance with sections 3721.28 and 25294  
3721.29 of the Revised Code. 25295

(B) When the director issues a license, the license shall 25296  
remain in effect until revoked by the director ~~or~~, voided at the 25297  
request of the applicant, or terminated as described in division 25298  
(D) of this section; provided, there shall be an annual renewal 25299  
fee payable during the month of January of each calendar year. Any 25300  
licensed home that does not pay its renewal fee in January shall 25301  
pay, beginning the first day of February, a late fee of one 25302  
hundred dollars for each week or part thereof that the renewal fee 25303  
is not paid. If either the renewal fee or the late fee is not paid 25304  
by the fifteenth day of February, the director may, in accordance 25305  
with Chapter 119. of the Revised Code, revoke the home's license. 25306  
25307

(C) A person whose license is revoked, and a county home or 25308  
district home that has its license as a residential care facility 25309  
revoked, for any reason other than nonpayment of the license 25310  
renewal fee or late fees may not apply for a new license under 25311  
this chapter until a period of one year following the date of 25312  
revocation has elapsed. 25313

(D) A license issued by the director to a nursing home 25314  
described in section 5123.192 of the Revised Code shall terminate 25315  
if the nursing home obtains a license under section 5123.19 of the 25316  
Revised Code. 25317

(E) Any applicant who is denied a license may appeal in accordance with Chapter 119. of the Revised Code. 25318  
25319

**Sec. 3721.10.** As used in sections 3721.10 to 3721.18 of the Revised Code: 25320  
25321

(A) "Home" means all of the following: 25322

(1) A home as defined in section 3721.01 of the Revised Code; 25323  
25324

(2) Any facility or part of a facility not defined as a home under section 3721.01 of the Revised Code that is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 1395 and 1396, as amended, or as a nursing facility as defined in section 5111.20 of the Revised Code; 25325  
25326  
25327  
25328  
25329  
25330

(3) A county home or district home operated pursuant to Chapter 5155. of the Revised Code. 25331  
25332

(B) "Resident" means a resident or a patient of a home. 25333

(C) "Administrator" means all of the following: 25334

(1) With respect to a home as defined in section 3721.01 of the Revised Code, a nursing home administrator as defined in section 4751.01 of the Revised Code; 25335  
25336  
25337

(2) With respect to a facility or part of a facility not defined as a home in section 3721.01 of the Revised Code that is authorized to provide skilled nursing facility or nursing facility services, the administrator of the facility or part of a facility; 25338  
25339  
25340  
25341

(3) With respect to a county home or district home, the superintendent appointed under Chapter 5155. of the Revised Code. 25342  
25343

(D) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare. 25344  
25345  
25346

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- (E) "Residents' rights advocate" means: 25347
- (1) An employee or representative of any state or local 25348  
government entity that has a responsibility regarding residents 25349  
and that has registered with the department of health under 25350  
division (B) of section 3701.07 of the Revised Code; 25351
- (2) An employee or representative of any private nonprofit 25352  
corporation or association that qualifies for tax-exempt status 25353  
under section 501(a) of the "Internal Revenue Code of 1986," 100 25354  
Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered 25355  
with the department of health under division (B) of section 25356  
3701.07 of the Revised Code and whose purposes include educating 25357  
and counseling residents, assisting residents in resolving 25358  
problems and complaints concerning their care and treatment, and 25359  
assisting them in securing adequate services to meet their needs; 25360
- (3) A member of the general assembly. 25361
- (F) "Physical restraint" means, but is not limited to, any 25362  
article, device, or garment that interferes with the free movement 25363  
of the resident and that ~~he~~ the resident is unable to remove 25364  
easily, a geriatric chair, or a locked room door. 25365
- (G) "Chemical restraint" means any medication bearing the 25366  
American hospital formulary service therapeutic class 4.00, 25367  
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the 25368  
central nervous system in a manner that limits physical and 25369  
cognitive functioning to the degree that the resident cannot 25370  
attain ~~his~~ the resident's highest practicable physical, mental, 25371  
and psychosocial well-being. 25372
- (H) "Ancillary service" means, but is not limited to, 25373  
podiatry, dental, hearing, vision, physical therapy, occupational 25374  
therapy, speech therapy, and psychological and social services. 25375
- (I) "Facility" means a facility, or part of a facility, 25376  
certified as a nursing facility or skilled nursing facility under 25377

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<u>Title XVIII or Title XIX of the "Social Security Act." "Facility"</u>	25378
<u>does not include an intermediate care facility for the mentally</u>	25379
<u>retarded, as defined in section 5111.20 of the Revised Code.</u>	25380
<u>(J) "Medicare" means the program established by Title XVIII</u>	25381
<u>of the "Social Security Act."</u>	25382
<u>(K) "Medicaid" means the program established by Title XIX of</u>	25383
<u>the "Social Security Act" and Chapter 5111. of the Revised Code.</u>	25384
<b>Sec. 3721.12.</b> (A) The administrator of a home shall:	25385
(1) With the advice of residents, their sponsors, or both,	25386
establish and review at least annually, written policies regarding	25387
the applicability and implementation of residents' rights under	25388
sections 3721.10 to 3721.17 of the Revised Code, the	25389
responsibilities of residents regarding the rights, and the home's	25390
grievance procedure established under division (A)(2) of this	25391
section. The administrator is responsible for the development of,	25392
and adherence to, procedures implementing the policies.	25393
(2) Establish a grievance committee for review of complaints	25394
by residents. The grievance committee shall be comprised of the	25395
home's staff and residents, sponsors, or outside representatives	25396
in a ratio of not more than one staff member to every two	25397
residents, sponsors, or outside representatives.	25398
(3) Furnish to each resident and sponsor prior to or at the	25399
time of admission, and to each member of the home's staff, at	25400
least one of each of the following:	25401
(a) A copy of the rights established under sections 3721.10	25402
to 3721.17 of the Revised Code;	25403
(b) A written explanation of the provisions of <del>section</del>	25404
<u>sections 3721.16 to 3721.162</u> of the Revised Code;	25405
(c) A copy of the home's policies and procedures established	25406

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under this section;	25407
(d) A copy of the home's rules;	25408
(e) A copy of the addresses and telephone numbers of the	25409
board of health of the health district of the county in which the	25410
home is located, the county department of job and family services	25411
of the county in which the home is located, the state departments	25412
of health and job and family services, the state and local offices	25413
of the department of aging, and any Ohio nursing home ombudsperson	25414
program.	25415
(B) Written acknowledgment of the receipt of copies of the	25416
materials listed in this section shall be made part of the	25417
resident's record and the staff member's personnel record.	25418
(C) The administrator shall post all of the following	25419
prominently within the home:	25420
(1) A copy of the rights of residents as listed in division	25421
(A) of section 3721.13 of the Revised Code;	25422
(2) A copy of the home's rules and its policies and	25423
procedures regarding the rights and responsibilities of residents;	25424
(3) A notice that a copy of this chapter, rules of the	25425
department of health applicable to the home, and federal	25426
regulations adopted under <del>Titles XVIII and XIX of the "Social</del>	25427
<del>Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended</del>	25428
<u>the medicare and medicaid programs</u> , and the materials required to	25429
be available in the home under section 3721.021 of the Revised	25430
Code, are available for inspection in the home at reasonable	25431
hours;	25432
(4) A list of residents' rights advocates;	25433
(5) A notice that the following are available in a place	25434
readily accessible to residents:	25435
(a) If the home is licensed under section 3721.02 of the	25436

Revised Code, a copy of the most recent licensure inspection report prepared for the home under that section; 25437  
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(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. 25439  
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(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. 25443  
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**Sec. 3721.13.** (A) The rights of residents of a home shall include, but are not limited to, the following: 25451  
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(1) The right to a safe and clean living environment pursuant to ~~Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, the medicare and medicaid programs~~ and applicable state laws and regulations prescribed by the public health council; 25453  
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(2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality; 25458  
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(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of 25461  
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payment for care.	25467
(4) The right to have all reasonable requests and inquiries responded to promptly;	25468 25469
(5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;	25470 25471
(6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care;	25472 25473 25474 25475
(7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services.	25476 25477 25478 25479 25480 25481 25482 25483
(8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can reasonably be expected to understand; the right of access to all information in <del>his</del> <u>the resident's</u> medical record; and the right to give or withhold informed consent for treatment after the consequences of that choice have been carefully explained. When the attending physician finds that it is not medically advisable to give the information to the resident, the information shall be made available to the resident's sponsor on the resident's behalf, if the sponsor has a legal interest or is authorized by the	25484 25485 25486 25487 25488 25489 25490 25491 25492 25493 25494 25495 25496 25497

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resident to receive the information. The home is not liable for a 25498  
violation of this division if the violation is found to be the 25499  
result of an act or omission on the part of a physician selected 25500  
by the resident who is not otherwise affiliated with the home. 25501

(9) The right to withhold payment for physician visitation if 25502  
the physician did not visit the resident; 25503

(10) The right to confidential treatment of personal and 25504  
medical records, and the right to approve or refuse the release of 25505  
these records to any individual outside the home, except in case 25506  
of transfer to another home, hospital, or health care system, as 25507  
required by law or rule, or as required by a third-party payment 25508  
contract; 25509

(11) The right to privacy during medical examination or 25510  
treatment and in the care of personal or bodily needs; 25511

(12) The right to refuse, without jeopardizing access to 25512  
appropriate medical care, to serve as a medical research subject; 25513

(13) The right to be free from physical or chemical 25514  
restraints or prolonged isolation except to the minimum extent 25515  
necessary to protect the resident from injury to ~~himself~~ self, 25516  
others, or to property and except as authorized in writing by the 25517  
attending physician for a specified and limited period of time and 25518  
documented in the resident's medical record. Prior to authorizing 25519  
the use of a physical or chemical restraint on any resident, the 25520  
attending physician shall make a personal examination of the 25521  
resident and an individualized determination of the need to use 25522  
the restraint on that resident. 25523

Physical or chemical restraints or isolation may be used in 25524  
an emergency situation without authorization of the attending 25525  
physician only to protect the resident from injury to ~~himself~~ self 25526  
or others. Use of the physical or chemical restraints or isolation 25527  
shall not be continued for more than twelve hours after the onset 25528

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of the emergency without personal examination and authorization by 25529  
the attending physician. The attending physician or a staff 25530  
physician may authorize continued use of physical or chemical 25531  
restraints for a period not to exceed thirty days, and at the end 25532  
of this period and any subsequent period may extend the 25533  
authorization for an additional period of not more than thirty 25534  
days. The use of physical or chemical restraints shall not be 25535  
continued without a personal examination of the resident and the 25536  
written authorization of the attending physician stating the 25537  
reasons for continuing the restraint. 25538

If physical or chemical restraints are used under this 25539  
division, the home shall ensure that the restrained resident 25540  
receives a proper diet. In no event shall physical or chemical 25541  
restraints or isolation be used for punishment, incentive, or 25542  
convenience. 25543

(14) The right to the pharmacist of the resident's choice and 25544  
the right to receive pharmaceutical supplies and services at 25545  
reasonable prices not exceeding applicable and normally accepted 25546  
prices for comparably packaged pharmaceutical supplies and 25547  
services within the community; 25548

(15) The right to exercise all civil rights, unless the 25549  
resident has been adjudicated incompetent pursuant to Chapter 25550  
2111. of the Revised Code and has not been restored to legal 25551  
capacity, as well as the right to the cooperation of the home's 25552  
administrator in making arrangements for the exercise of the right 25553  
to vote; 25554

(16) The right of access to opportunities that enable the 25555  
resident, at ~~his~~ the resident's own expense or at the expense of a 25556  
third-party payer, to achieve ~~his~~ the resident's fullest 25557  
potential, including educational, vocational, social, 25558  
recreational, and habilitation programs; 25559

(17) The right to consume a reasonable amount of alcoholic 25560

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beverages at ~~his~~ the resident's own expense, unless not medically 25561  
advisable as documented in ~~his~~ the resident's medical record by 25562  
the attending physician or unless contradictory to written 25563  
admission policies; 25564

(18) The right to use tobacco at ~~his~~ the resident's own 25565  
expense under the home's safety rules and under applicable laws 25566  
and rules of the state, unless not medically advisable as 25567  
documented in ~~his~~ the resident's medical record by the attending 25568  
physician or unless contradictory to written admission policies; 25569

(19) The right to retire and rise in accordance with ~~his~~ the 25570  
resident's reasonable requests, if ~~he~~ the resident does not 25571  
disturb others or the posted meal schedules and upon the home's 25572  
request remains in a supervised area, unless not medically 25573  
advisable as documented by the attending physician; 25574

(20) The right to observe religious obligations and 25575  
participate in religious activities; the right to maintain 25576  
individual and cultural identity; and the right to meet with and 25577  
participate in activities of social and community groups at the 25578  
resident's or the group's initiative; 25579

(21) The right upon reasonable request to private and 25580  
unrestricted communications with ~~his~~ the resident's family, social 25581  
worker, and any other person, unless not medically advisable as 25582  
documented in ~~his~~ the resident's medical record by the attending 25583  
physician, except that communications with public officials or 25584  
with ~~his~~ the resident's attorney or physician shall not be 25585  
restricted. Private and unrestricted communications shall include, 25586  
but are not limited to, the right to: 25587

(a) Receive, send, and mail sealed, unopened correspondence; 25588

(b) Reasonable access to a telephone for private 25589  
communications; 25590

(c) Private visits at any reasonable hour. 25591

(22) The right to assured privacy for visits by the spouse, 25592  
or if both are residents of the same home, the right to share a 25593  
room within the capacity of the home, unless not medically 25594  
advisable as documented in ~~his~~ the resident's medical record by 25595  
the attending physician; 25596

(23) The right upon reasonable request to have room doors 25597  
closed and to have them not opened without knocking, except in the 25598  
case of an emergency or unless not medically advisable as 25599  
documented in ~~his~~ the resident's medical record by the attending 25600  
physician; 25601

(24) The right to retain and use personal clothing and a 25602  
reasonable amount of possessions, in a reasonably secure manner, 25603  
unless to do so would infringe on the rights of other residents or 25604  
would not be medically advisable as documented in ~~his~~ the 25605  
resident's medical record by the attending physician; 25606

(25) The right to be fully informed, prior to or at the time 25607  
of admission and during ~~his~~ the resident's stay, in writing, of 25608  
the basic rate charged by the home, of services available in the 25609  
home, and of any additional charges related to such services, 25610  
including charges for services not covered under ~~Titles XVIII and~~ 25611  
~~XIX of the "Social Security Act~~ the medicare or medicaid program." 25612  
The basic rate shall not be changed unless thirty days notice is 25613  
given to the resident or, if the resident is unable to understand 25614  
this information, to ~~his~~ the resident's sponsor. 25615

(26) The right of the resident and person paying for the care 25616  
to examine and receive a bill at least monthly for the resident's 25617  
care from the home that itemizes charges not included in the basic 25618  
rates; 25619

(27)(a) The right to be free from financial exploitation; 25620

(b) The right to manage ~~his~~ the resident's own personal 25621  
financial affairs, or, if ~~he~~ the resident has delegated this 25622

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responsibility in writing to the home, to receive upon written 25623  
 request at least a quarterly accounting statement of financial 25624  
 transactions made on ~~his~~ the resident's behalf. The statement 25625  
 shall include: 25626

(i) A complete record of all funds, personal property, or 25627  
 possessions of a resident from any source whatsoever, that have 25628  
 been deposited for safekeeping with the home for use by the 25629  
 resident or ~~his~~ the resident's sponsor; 25630

(ii) A listing of all deposits and withdrawals transacted, 25631  
 which shall be substantiated by receipts which shall be available 25632  
 for inspection and copying by the resident or sponsor. 25633

(28) The right of the resident to be allowed unrestricted 25634  
 access to ~~his~~ the resident's property on deposit at reasonable 25635  
 hours, unless requests for access to property on deposit are so 25636  
 persistent, continuous, and unreasonable that they constitute a 25637  
 nuisance; 25638

(29) The right to receive reasonable notice before ~~his~~ the 25639  
resident's room or roommate is changed, including an explanation 25640  
 of the reason for either change. 25641

(30) The right not to be transferred or discharged from the 25642  
 home ~~except for medical reasons, for his welfare or another~~ 25643  
~~resident's, for nonpayment of charges due the home, if the home's~~ 25644  
~~license is revoked under this chapter, if the home is being closed~~ 25645  
~~pursuant to sections 5111.35 to 5111.62 or section 5155.31 of the~~ 25646  
~~Revised Code, if he is a recipient of medical assistance under~~ 25647  
~~section 5111.01 of the Revised Code in a home whose participation~~ 25648  
~~in the medical assistance program is terminated or denied, or if~~ 25649  
~~he is a beneficiary under Title XVIII of the "Social Security Act"~~ 25650  
~~in a home whose certification under Title XVIII is terminated or~~ 25651  
~~denied~~ unless the transfer is necessary because of one of the 25652  
following: 25653

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- (a) The welfare and needs of the resident cannot be met in the home. 25654  
25655
- (b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home. 25656  
25657
- (c) The safety of individuals in the home is endangered. 25658
- (d) The health of individuals in the home would otherwise be endangered. 25659  
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- (e) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the home, regardless of the method of payment. 25661  
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- (f) The home's license has been revoked, the home is being closed pursuant to sections 5111.35 to 5111.62 or section 5155.31 of the Revised Code, or the home otherwise ceases to operate. 25664  
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- (g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied. 25667  
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- (h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied. 25670  
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- (31) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents.
- (32) The right to have any significant change in ~~his~~ the

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resident's health status reported to ~~his~~ the resident's sponsor. 25684  
As soon as such a change is known to the home's staff, the home 25685  
shall make a reasonable effort to notify the sponsor within twelve 25686  
hours. 25687

(B) A sponsor may act on a resident's behalf to assure that 25688  
the home does not deny the residents' rights under sections 25689  
3721.10 to 3721.17 of the Revised Code. 25690

(C) Any attempted waiver of the rights listed in division (A) 25691  
of this section is void. 25692

**Sec. 3721.15.** (A) Authorization from a resident or a sponsor 25693  
with a power of attorney for a home to manage the resident's 25694  
financial affairs shall be in writing and shall be attested to by 25695  
a witness who is not connected in any manner whatsoever with the 25696  
home or its administrator. The home shall maintain accounts 25697  
pursuant to division (A)(27) of section 3721.13 of the Revised 25698  
Code. Upon the resident's transfer, discharge, or death, the 25699  
account shall be closed and a final accounting made. All remaining 25700  
funds shall be returned to the resident or resident's sponsor, 25701  
except in the case of death, when all remaining funds shall be 25702  
transferred or used in accordance with section 5111.112 of the 25703  
Revised Code. 25704

(B) A home that manages a resident's financial affairs shall 25705  
deposit the resident's funds in excess of one hundred dollars, and 25706  
may deposit the resident's funds that are one hundred dollars or 25707  
less, in an interest-bearing account separate from any of the 25708  
home's operating accounts. Interest earned on the resident's funds 25709  
shall be credited to the resident's account. A resident's funds 25710  
that are one hundred dollars or less and have not been deposited 25711  
in an interest-bearing account may be deposited in a 25712  
noninterest-bearing account or petty cash fund. 25713

(C) Each resident whose financial affairs are managed by a 25714

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home shall be promptly notified by the home when the total of the  
amount of funds in the resident's accounts and the petty cash fund  
plus other nonexempt resources reaches two hundred dollars less  
than the maximum amount permitted a recipient of ~~medical~~  
~~assistance under Chapter 5111. of the Revised Code~~ medicaid. The  
notice shall include an explanation of the potential effect on the  
resident's eligibility for ~~medical assistance~~ medicaid if the  
amount in the resident's accounts and the petty cash fund, plus  
the value of other nonexempt resources, exceeds the maximum assets  
a medicaid recipient of ~~medical assistance~~ may retain.

(D) Each home that manages the financial affairs of residents  
shall purchase a surety bond or otherwise provide assurance  
satisfactory to the director of health, or, in the case of a home  
that participates in the ~~medical assistance~~ medicaid program  
~~established under section 5111.01 of the Revised Code~~, to the  
director of job and family services, to assure the security of all  
residents' funds managed by the home.

**Sec. 3721.16.** For each resident of a home, notice of a  
proposed transfer or discharge shall be in accordance with this  
section.

(A)(1) ~~Except in an emergency or unless authorized by statute  
or by rules of the director of health, the~~ 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  
~~administrator shall send a copy of the notice to the state~~  
~~department of health.~~ The notice shall be provided at least thirty  
days in advance of the proposed transfer or discharge, unless  
~~either~~ any of the following applies:

(a) The resident's health has improved sufficiently to allow  
a more immediate discharge or transfer to a less skilled level of

care;	25746
(b) The resident has resided in the home less than thirty days;	25747 25748
<u>(c) An emergency arises in which the safety of individuals in the home is endangered;</u>	25749 25750
<u>(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;</u>	25751 25752
<u>(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.</u>	25753 25754
In <del>the case</del> <u>any</u> of <del>a resident</del> <u>the circumstances</u> described in <del>division</del> <u>divisions</u> (A)(1)(a) <del>or (b)</del> <u>to (e)</u> of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.	25755 25756 25757 25758
(2) The notice required under division (A)(1) of this section shall include all of the following:	25759 25760
(a) The reasons for the proposed transfer or discharge;	25761
<u>(b) The proposed date the resident is to be transferred or discharged;</u>	25762 25763
<u>(c) The proposed location to which the resident is to be transferred or discharged;</u>	25764 25765
<u>(d) Notice of the right of the resident and <del>his</del> <u>the resident's</u> sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or <del>his</del> sponsor may request a hearing under division <del>(C)</del> <u>(D)</u> of this section;</u>	25766 25767 25768 25769 25770
<u>(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier</u>	25771 25772 25773 25774

date; 25775

~~(e)~~(f) The address of the legal services office of the 25776  
department of health; 25777

~~(d)~~(g) The name, address, and telephone number of a 25778  
representative of the state long-term care ~~ombudsman~~ ombudsperson 25779  
program and, if the resident or patient has a developmental 25780  
disability or mental illness, the name, address, and telephone 25781  
number of the Ohio legal rights service. 25782

(B) No home shall transfer or discharge a resident before the 25783  
date specified in the notice required by division (A) of this 25784  
section unless the home and the resident or, if the resident is 25785  
not competent to make a decision, the home and the resident's 25786  
sponsor, agree to an earlier date. 25787

(C) Transfer or discharge actions shall be documented in the 25788  
resident's medical record by the home if there is a medical basis 25789  
for the action. 25790

~~(e)~~(D) A resident or ~~his~~ resident's sponsor may challenge a 25791  
transfer or discharge by requesting an impartial hearing ~~at the~~ 25792  
~~home~~ pursuant to section 3721.161 of the Revised Code, unless the 25793  
transfer or discharge is required because of ~~an emergency or one~~ 25794  
of the following reasons: 25795

(1) The home's license has been revoked under this chapter; 25796

(2) The home is being closed pursuant to sections 5111.35 to 25797  
5111.62 or section 5155.31 of the Revised Code; 25798

~~(3) The resident is a recipient of medical assistance under~~ 25799  
~~section 5111.01 of the Revised Code and the home's participation~~ 25800  
~~in the medical assistance program has been terminated or denied;~~ 25801

~~(4) The resident is a beneficiary under Title XVIII of the~~ 25802  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 25803  
~~amended and the home's certification under Title XVIII has been~~ 25804

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~~terminated or denied.~~ 25805

~~A request for a hearing under this section shall be sent in writing to the legal services office of the department of health not later than ten days after the resident and his sponsor receive notice of the proposed transfer or discharge. A hearing shall be held within ten days by the department of health. A representative of the department shall preside over the hearing and issue a recommendation within five days as to any advisable action to the administrator, the resident, and any interested sponsor.~~ 25806  
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~~(E) If a resident is transferred or discharged pursuant to this section, the home from which the resident is being transferred or discharged shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge.~~ 25815  
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~~(D) An impartial hearing on resident transfer or discharge is not subject to section 121.22 of the Revised Code.~~ 25823  
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~~(E) At the time of a transfer or discharge of a resident who is a recipient of medical assistance under section 5111.01 of the Revised Code from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if any, during which the resident will be permitted under the medical assistance program to return and resume residence in the home and specifying the medical assistance program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the~~ 25825  
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~~facility shall be given priority for the first available bed in a  
semi-private room.~~ 25837  
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Sec. 3721.161. (A) Not later than ninety days after the date 25839  
a resident or the resident's sponsor receives notice of a proposed 25840  
transfer or discharge, whichever is later, the resident or 25841  
resident's sponsor may challenge the proposed transfer or 25842  
discharge by submitting a written request for a hearing to the 25843  
state department of health. On receiving the request, the 25844  
department shall conduct a hearing in accordance with section 25845  
3721.162 of the Revised Code to determine whether the proposed 25846  
transfer or discharge complies with division (A)(30) of section 25847  
3721.13 of the Revised Code. 25848

(B) Except in the circumstances described in divisions 25849  
(A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a 25850  
resident or resident's sponsor submits a hearing request pursuant 25851  
to division (A) of this section, the home shall not transfer or 25852  
discharge the resident unless the department determines after the 25853  
hearing that the transfer or discharge complies with division 25854  
(A)(30) of section 3721.13 of the Revised Code. 25855

(C) If a resident or resident's sponsor does not request a 25856  
hearing pursuant to division (A) of this section, the home may 25857  
transfer or discharge the resident on the date specified in the 25858  
notice required by division (A) of section 3721.16 of the Revised 25859  
Code or thereafter, unless the home and the resident or, if the 25860  
resident is not competent to make a decision, the home and the 25861  
resident's sponsor, agree to an earlier date. 25862

(D) If the resident or resident's sponsor requests a hearing 25863  
in writing pursuant to division (A) of this section and the home 25864  
transfers or discharges the resident before the department issues 25865  
a hearing decision, the home shall readmit the resident in the 25866  
first available bed if the department determines after the hearing 25867

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that the transfer or discharge does not comply with division 25868  
(A)(30) of section 3721.13 of the Revised Code. 25869

Sec. 3721.162. (A) On receiving a request pursuant to section 25870  
3721.161 of the Revised Code, the department of health shall 25871  
conduct hearings under this section in accordance with 42 C.F.R. 25872  
431, subpart E, to determine whether the proposed transfer or 25873  
discharge complies with division (A)(30) of section 3721.13 of the 25874  
Revised Code. 25875

(B) The department shall employ or contract with an attorney 25876  
to serve as hearing officer. The hearing officer shall conduct a 25877  
hearing in the home and issue a decision not later than thirty 25878  
days after the date the department receives a request pursuant to 25879  
section 3721.161 of the Revised Code, unless the resident and the 25880  
home or, if the resident is not competent to make a decision, the 25881  
resident's sponsor and the home, agree otherwise. The hearing 25882  
shall be recorded on audiotape, but neither the recording nor a 25883  
transcript of the recording shall be part of the official record 25884  
of the hearing. A hearing conducted under this section is not 25885  
subject to section 121.22 of the Revised Code. 25886

(C) The hearing officer's decision shall be served on the 25887  
resident or resident's sponsor and the home by certified mail. The 25888  
hearing officer's decision shall be considered the final decision 25889  
of the department. 25890

(D) A resident, resident's sponsor, or home may appeal the 25891  
decision of the department to the court of common pleas pursuant 25892  
to section 119.12 of the Revised Code. The appeal shall be 25893  
governed by section 119.12 of the Revised Code, except for all of 25894  
the following: 25895

(1) The resident, resident's sponsor, or home shall file the 25896  
appeal in the court of common pleas of the county in which the 25897  
home is located. 25898

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(2) The resident or resident's sponsor may apply to the court for designation as an indigent and, if the court grants the application, the resident or resident's sponsor shall not be required to furnish the costs of the appeal.

(3) The appeal shall be filed with the department and the court within thirty days after the hearing officer's decision is served. The appealing party shall serve the opposing party a copy of the notice of appeal by hand-delivery or certified mail, return receipt requested. If the home is the appealing party, it shall provide a copy of the notice of appeal to both the resident and the resident's sponsor or attorney.

(4) The department shall not file a transcript of the hearing with the court unless the court orders it to do so. The court shall issue such an order only if it finds that the parties are unable to stipulate to the facts of the case and that the transcript is essential to the determination of the appeal. If the court orders the department to file the transcript, the department shall do so not later than thirty days after the day the court issues the order.

(E) The court shall not require an appellant to pay a bond as a condition of issuing a stay pending its decision.

(F) The resident, resident's sponsor, home, or department may commence a civil action in the court of common pleas of the county in which the home is located to enforce the decision of the department or the court. If the court finds that the resident or home has not complied with the decision, it shall enjoin the violation and order other appropriate relief, including attorney's fees.

**Sec. 3721.17.** (A) Any resident who believes that the resident's rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may file a grievance under procedures

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adopted pursuant to division (A)(2) of section 3721.12 of the Revised Code. 25930  
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When the grievance committee determines a violation of sections 3721.10 to 3721.17 of the Revised Code has occurred, it shall notify the administrator of the home. If the violation cannot be corrected within ten days, or if ten days have elapsed without correction of the violation, the grievance committee shall refer the matter to the department of health. 25932  
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(B) Any person who believes that a resident's rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may report or cause reports to be made of the information directly to the department of health. No person who files a report is liable for civil damages resulting from the report. 25938  
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(C)(1) Within thirty days of receiving a complaint under this section, the department of health shall investigate any complaint referred to it by a home's grievance committee and any complaint from any source that alleges that the home provided substantially less than adequate care or treatment, or substantially unsafe conditions, or, within seven days of receiving a complaint, refer it to the attorney general, if the attorney general agrees to investigate within thirty days. 25943  
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(2) Within thirty days of receiving a complaint under this section, the department of health may investigate any alleged violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, not covered by division (C)(1) of this section, or it may, within seven days of receiving a complaint, refer the complaint to the grievance committee at the home where the alleged violation occurred, or to the attorney general if the attorney general agrees to investigate within thirty days. 25951  
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(D) If, after an investigation, the department of health finds probable cause to believe that a violation of sections 25960  
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3721.10 to 3721.17 of the Revised Code, or of rules, policies, or  
procedures adopted pursuant to those sections, has occurred at a  
home that is certified under ~~Title XVIII or XIX of the "Social  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~  
the medicare or medicaid program, it shall cite one or more  
findings or deficiencies under sections 5111.35 to 5111.62 of the  
Revised Code. If the home is not so certified, the department  
shall hold an adjudicative hearing within thirty days under  
Chapter 119. of the Revised Code.

(E) Upon a finding at an adjudicative hearing under division  
(D) of this section that a violation of sections 3721.10 to  
3721.17 of the Revised Code, or of rules, policies, or procedures  
adopted pursuant thereto, has occurred, the department of health  
shall make an order for compliance, set a reasonable time for  
compliance, and assess a fine pursuant to division (F) of this  
section. The fine shall be paid to the general revenue fund only  
if compliance with the order is not shown to have been made within  
the reasonable time set in the order. The department of health may  
issue an order prohibiting the continuation of any violation of  
sections 3721.10 to 3721.17 of the Revised Code.

Findings at the hearings conducted under this section may be  
appealed pursuant to Chapter 119. of the Revised Code, except that  
an appeal may be made to the court of common pleas of the county  
in which the home is located.

The department of health shall initiate proceedings in court  
to collect any fine assessed under this section which is unpaid  
thirty days after the violator's final appeal is exhausted.

(F) Any home found, pursuant to an adjudication hearing under  
division (D) of this section, to have violated sections 3721.10 to  
3721.17 of the Revised Code, or rules, policies, or procedures  
adopted pursuant to those sections may be fined not less than one  
hundred nor more than five hundred dollars for a first offense.

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For each subsequent offense, the home may be fined not less than	25994
two hundred nor more than one thousand dollars.	25995
A violation of sections 3721.10 to 3721.17 of the Revised	25996
Code is a separate offense for each day of the violation and for	25997
each resident who claims the violation.	25998
(G) No home or employee of a home shall retaliate against any	25999
person who:	26000
(1) Exercises any right set forth in sections 3721.10 to	26001
3721.17 of the Revised Code, including, but not limited to, filing	26002
a complaint with the home's grievance committee or reporting an	26003
alleged violation to the department of health;	26004
(2) Appears as a witness in any hearing conducted under this	26005
section <del>and</del> <u>or</u> section <del>3721.16</del> <u>3721.162</u> of the Revised Code;	26006
(3) Files a civil action alleging a violation of sections	26007
3721.10 to 3721.17 of the Revised Code, or notifies a county	26008
prosecuting attorney or the attorney general of a possible	26009
violation of sections 3721.10 to 3721.17 of the Revised Code.	26010
If, under the procedures outlined in this section, a home or	26011
its employee is found to have retaliated, the violator may be	26012
fined up to one thousand dollars.	26013
(H) When legal action is indicated, any evidence of criminal	26014
activity found in an investigation under division (C) of this	26015
section shall be given to the prosecuting attorney in the county	26016
in which the home is located for investigation.	26017
(I)(1) Any resident whose rights under sections 3721.10 to	26018
3721.17 of the Revised Code are violated has a cause of action	26019
against any person or home committing the violation. The action	26020
may be commenced by the resident or by the resident's sponsor on	26021
behalf of the resident.	26022
(2)(a) If compensatory damages are awarded for a violation of	26023

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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  
Title XVIII or nursing facility beds under Title XIX of the  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as  
amended, on July 1, 1993, and, for each subsequent year, the first  
day of May of the calendar year in which the fee is determined  
pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in fiscal year 1994 and, for each  
subsequent year, the number of days in the fiscal year beginning  
on the first day of July of the calendar year in which the fee is  
determined pursuant to division (A) of section 3721.53 of the  
Revised Code.

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(B) 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 hospital 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 registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds, plus any other beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code, on July 1, 1993, and, for each subsequent year, the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code;

(2) The number of days in fiscal year 1994 and, for each subsequent year, the number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code.

If the United States health care financing administration determines that the franchise permit fee established by sections 3721.50 through 3721.58 of the Revised Code would be an 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 26085  
community-based services for the aged fund," which is hereby 26086  
created in the state treasury. The departments of job and family 26087  
services and aging shall use the moneys in the fund to fund the 26088  
following in accordance with rules adopted under section 3721.58 26089  
of the Revised Code: 26090

~~(A)(1)~~ The medical assistance program established under 26091  
Chapter 511. of the Revised Code; 26092

~~(B)(2)~~ The PASSPORT program established under section 173.40 26093  
of the Revised Code; 26094

~~(C)(3)~~ The residential state supplement program established 26095  
under section 173.35 of the Revised Code. 26096

(B) Three-fourths of all payments and penalties paid by 26097  
nursing homes and hospitals under sections 3721.53 and 3721.54 of 26098  
the Revised Code for fiscal years 2002 and 2003 shall be deposited 26099  
into the nursing facility stabilization fund, which is hereby 26100  
created in the state treasury. The department of job and family 26101  
services shall use the money in the fund in the manner provided by 26102  
Am. Sub. H.B. 94 of the 124th general assembly. 26103

**Sec. 3722.01.** (A) As used in this chapter: 26104

(1) "Owner" means the person who owns the business of and who 26105  
ultimately controls the operation of an adult care facility and to 26106  
whom the manager, if different from the owner, is responsible. 26107

(2) "Manager" means the person responsible for the daily 26108  
operation of an adult care facility. The manager and the owner of 26109  
a facility may be the same person. 26110

(3) "Adult" means an individual eighteen years of age or 26111  
older. 26112

(4) "Unrelated" means that an adult resident is not related 26113  
to the owner or manager of an adult care facility or to the 26114

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owner's or manager's spouse as a parent, grandparent, child, 26115  
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 26116  
uncle, or as the child of an aunt or uncle. 26117

(5) "Skilled nursing care" means skilled nursing care as 26118  
defined in section 3721.01 of the Revised Code. 26119

(6)(a) "Personal care services" means services including, but 26120  
not limited to, the following: 26121

(i) Assisting residents with activities of daily living; 26122

(ii) Assisting residents with self-administration of 26123  
medication, in accordance with rules adopted by the public health 26124  
council pursuant to this chapter; 26125

(iii) Preparing special diets, other than complex therapeutic 26126  
diets, for residents pursuant to the instructions of a physician 26127  
or a licensed dietitian, in accordance with rules adopted by the 26128  
public health council pursuant to this chapter. 26129

(b) "Personal care services" does not include "skilled 26130  
nursing care" as defined in section 3721.01 of the Revised Code. A 26131  
facility need not provide more than one of the services listed in 26132  
division (A)(6)(a) of this section to be considered to be 26133  
providing personal care services. 26134

(7) "Adult family home" means a residence or facility that 26135  
provides accommodations to three to five unrelated adults and 26136  
supervision and personal care services to at least three of those 26137  
adults. 26138

(8) "Adult group home" means a residence or facility that 26139  
provides accommodations to six to sixteen unrelated adults and 26140  
provides supervision and personal care services to at least three 26141  
of the unrelated adults. 26142

(9) "Adult care facility" means an adult family home or an 26143  
adult group home. For the purposes of this chapter, any residence, 26144

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facility, institution, hotel, congregate housing project, or 26145  
similar facility that provides accommodations and supervision to 26146  
three to sixteen unrelated adults, at least three of whom are 26147  
provided personal care services, is an adult care facility 26148  
regardless of how the facility holds itself out to the public. 26149  
"Adult care facility" does not include: 26150

(a) A facility operated by a hospice care program licensed 26151  
under section 3712.04 of the Revised Code that is used exclusively 26152  
for care of hospice patients; 26153

(b) A nursing home, residential care facility, or home for 26154  
the aging as defined in section 3721.01 of the Revised Code; 26155

(c) A community alternative home as defined in section 26156  
3724.01 of the Revised Code; 26157

(d) An alcohol and drug addiction program as defined in 26158  
section 3793.01 of the Revised Code; 26159

(e) A habilitation center as defined in section 5123.041 of 26160  
the Revised Code; 26161

(f) A residential facility for the mentally ill licensed by 26162  
the department of mental health under section 5119.22 of the 26163  
Revised Code; 26164

(g) A facility licensed to provide methadone treatment under 26165  
section 3793.11 of the Revised Code; 26166

(h) A residential facility licensed under section 5123.19 of 26167  
the Revised Code or otherwise regulated by the department of 26168  
mental retardation and developmental disabilities; 26169

(i) Any residence, institution, hotel, congregate housing 26170  
project, or similar facility that provides personal care services 26171  
to fewer than three residents or that provides, for any number of 26172  
residents, only housing, housekeeping, laundry, meal preparation, 26173  
social or recreational activities, maintenance, security, 26174

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transportation, and similar services that are not personal care services or skilled nursing care;	26175 26176
(j) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless;	26177 26178 26179 26180
(k) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;	26181 26182 26183
(l) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used exclusively for the placement and care of veterans;	26184 26185 26186 26187
(m) Until January 1, 1994, the portion of a facility in which care is provided exclusively to members of a religious order if the facility is owned by or part of a nonprofit institution of higher education authorized to award degrees by the Ohio board of regents under Chapter 1713. of the Revised Code.	26188 26189 26190 26191 26192
(10) "Residents' rights advocate" means:	26193
(a) An employee or representative of any state or local government entity that has a responsibility for residents of adult care facilities and has registered with the department of health under section 3701.07 of the Revised Code;	26194 26195 26196 26197
(b) An employee or representative, other than a manager or employee of an adult care facility or nursing home, of any private nonprofit corporation or association that qualifies for tax-exempt status under section 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has registered with the department of health under section 3701.07 of the Revised Code, and whose purposes include educating and counseling residents, assisting residents in resolving problems	26198 26199 26200 26201 26202 26203 26204 26205

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and complaints concerning their care and treatment, and assisting 26206  
them in securing adequate services. 26207

(11) "Sponsor" means an adult relative, friend, or guardian 26208  
of a resident of an adult care facility who has an interest in or 26209  
responsibility for the resident's welfare. 26210

(12) "Ombudsperson" means a "representative of the office of 26211  
the state long-term care ombudsperson program" as defined in 26212  
section 173.14 of the Revised Code. 26213

(13) "Mental health agency" means a community mental health 26214  
agency, as defined in section 5119.22 of the Revised Code, under 26215  
contract with a board of alcohol, drug addiction, and mental 26216  
health services pursuant to division (A)~~(6)~~(8)(a) of section 26217  
340.03 of the Revised Code. 26218

(B) For purposes of this chapter, personal care services or 26219  
skilled nursing care shall be considered to be provided by a 26220  
facility if they are provided by a person employed by or 26221  
associated with the facility or by another person pursuant to an 26222  
agreement to which neither the resident who receives the services 26223  
nor the resident's sponsor is a party. 26224

(C) Nothing in division (A)(6) of this section shall be 26225  
construed to permit personal care services to be imposed upon a 26226  
resident who is capable of performing the activity in question 26227  
without assistance. 26228

**Sec. 3722.15.** (A) The following may enter an adult care 26229  
facility at any time: 26230

(1) Employees designated by the director of health; 26231

(2) Employees designated by the director of aging; 26232

(3) Employees designated by the attorney general; 26233

(4) Employees designated by a county department of job and 26234

family services to implement sections 5101.60 to 5101.71 of the Revised Code;	26235 26236
(5) Persons employed pursuant to division (M) of section 173.01 of the Revised Code in the long-term care facilities ombudsperson program;	26237 26238 26239
(6) Employees of the department of mental health designated by the director of mental health;	26240 26241
(7) Employees of a mental health agency, if the agency has a client residing in the facility;	26242 26243
(8) Employees of a board of alcohol, drug addiction, and mental health services, when authorized by section 340.05 of the Revised Code or if an individual receiving mental health services provided by the board pursuant to division (A) <del>(6)</del> (8)(b) of section 340.03 of the Revised Code or a mental health agency under contract with the board resides in the facility.	26244 26245 26246 26247 26248 26249
These employees shall be afforded access to all records of the facility, including records pertaining to residents, and may copy the records. Neither these employees nor the director of health shall release, without consent, any information obtained from the records of an adult care facility that reasonably would tend to identify a specific resident of the facility, except as ordered by a court of competent jurisdiction.	26250 26251 26252 26253 26254 26255 26256
(B) The following persons may enter any adult care facility during reasonable hours:	26257 26258
(1) A resident's sponsor;	26259
(2) Residents' rights advocates;	26260
(3) A resident's attorney;	26261
(4) A minister, priest, rabbi, or other person ministering to a resident's religious needs;	26262 26263

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(5) A physician or other person providing health care services to a resident;	26264 26265
(6) Employees authorized by county departments of job and family services and local boards of health or health departments to enter adult care facilities;	26266 26267 26268
(7) A prospective resident and prospective resident's sponsor.	26269 26270
(C) The manager of an adult care facility may require a person seeking to enter the facility to present identification sufficient to identify the person as an authorized person under this section.	26271 26272 26273 26274
<b>Sec. 3722.16.</b> (A) No person shall:	26275
(1) Operate an adult care facility unless the facility is validly licensed by the director of health under section 3722.04 of the Revised Code;	26276 26277 26278
(2) Admit to an adult care facility more residents than the number authorized in the facility's license;	26279 26280
(3) Admit a resident to an adult care facility after the director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.	26281 26282 26283 26284 26285
(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;	26286 26287 26288
(5) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.	26289 26290
(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the	26291 26292

following are the case: 26293

(1) The care will be provided on a part-time, intermittent 26294  
basis for not more than a total of one hundred twenty days in any 26295  
twelve-month period by one or more of the following: 26296

(a) A home health agency certified under Title XVIII of the 26297  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 26298  
amended: 26299

(b) A hospice care program licensed under Chapter 3712. of 26300  
the Revised Code; 26301

(c) A nursing home licensed under Chapter 3721. of the 26302  
Revised Code and owned and operated by the same person and located 26303  
on the same site as the adult care facility; 26304

(d) A mental health agency or, pursuant to division 26305  
(A)~~(6)~~(8)(b) of section 340.03 of the Revised Code, a board of 26306  
alcohol, drug addiction, and mental health services. 26307

(2) The staff of the home health agency, hospice care 26308  
program, nursing home, mental health agency, or board of alcohol, 26309  
drug addiction, and mental health services does not train facility 26310  
staff to provide the skilled nursing care; 26311

(3) The individual to whom the skilled nursing care is 26312  
provided is suffering from a short-term illness; 26313

(4) If the skilled nursing care is to be provided by the 26314  
nursing staff of a nursing home, all of the following are the 26315  
case: 26316

(a) The adult care facility evaluates the individual 26317  
receiving the skilled nursing care at least once every seven days 26318  
to determine whether the individual should be transferred to a 26319  
nursing home; 26320

(b) The adult care facility meets at all times staffing 26321  
requirements established by rules adopted under section 3722.10 of 26322

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the Revised Code;	26323
(c) The nursing home does not include the cost of providing skilled nursing care to the adult care facility residents in a cost report filed under section 5111.26 of the Revised Code;	26324 26325 26326
(d) The nursing home meets at all times the nursing home licensure staffing ratios established by rules adopted under section 3721.04 of the Revised Code;	26327 26328 26329
(e) The nursing home staff providing skilled nursing care to adult care facility residents are registered nurses or licensed practical nurses licensed under Chapter 4723. of the Revised Code and meet the personnel qualifications for nursing home staff established by rules adopted under section 3721.04 of the Revised Code;	26330 26331 26332 26333 26334 26335
(f) The skilled nursing care is provided in accordance with rules established for nursing homes under section 3721.04 of the Revised Code;	26336 26337 26338
(g) The nursing home meets the skilled nursing care needs of the adult care facility residents;	26339 26340
(h) Using the nursing home's nursing staff does not prevent the nursing home or adult care facility from meeting the needs of the nursing home and adult care facility residents in a quality and timely manner.	26341 26342 26343 26344
Notwithstanding section 3721.01 of the Revised Code, an adult care facility in which residents receive skilled nursing care as described in division (B) of this section is not a nursing home. No adult care facility shall provide skilled nursing care.	26345 26346 26347 26348
(C) A home health agency or hospice care program that provides skilled nursing care pursuant to division (B) of this section may not be associated with the adult care facility unless the facility is part of a home for the aged as defined in section	26349 26350 26351 26352

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5701.13 of the Revised Code or the adult care facility is owned  
and operated by the same person and located on the same site as a  
nursing home licensed under Chapter 3721. of the Revised Code that  
is associated with the home health agency or hospice care program.  
In addition, the following requirements shall be met:

(1) The adult care facility shall evaluate the individual  
receiving the skilled nursing care not less than once every seven  
days to determine whether the individual should be transferred to  
a nursing home;

(2) If the costs of providing the skilled nursing care are  
included in a cost report filed pursuant to section 5111.26 of the  
Revised Code by the nursing home that is part of the same home for  
the aged, the home health agency or hospice care program shall not  
seek reimbursement for the care under the medical assistance  
program established under Chapter 5111. of the Revised Code.

(D)(1) No person knowingly shall place or recommend placement  
of any person in an adult care facility that is operating without  
a license.

(2) No employee of a unit of local or state government, board  
of alcohol, drug addiction, and mental health services, mental  
health agency, or PASSPORT administrative agency shall place or  
recommend placement of any person in an adult care facility if the  
employee knows that the facility cannot meet the needs of the  
potential resident.

(3) No person who has reason to believe that an adult care  
facility is operating without a license shall fail to report this  
information to the director of health.

(E) In accordance with Chapter 119. of the Revised Code, the  
public health council shall adopt rules that define a short-term  
illness for purposes of division (B)(3) of this section and  
specify, consistent with rules pertaining to home health care

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adopted by the director of job and family services under the 26384  
 medical assistance program established under Chapter 5111. of the 26385  
 Revised Code and Title XIX of the "Social Security Act," 49 Stat. 26386  
 620 (1935), 42 U.S.C. 301, as amended, what constitutes a 26387  
 part-time, intermittent basis for purposes of division (B)(1) of 26388  
 this section. 26389

**Sec. 3734.57.** (A) For the purposes of paying the state's 26390  
 long-term operation costs or matching share for actions taken 26391  
 under the "Comprehensive Environmental Response, Compensation, and 26392  
 Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 26393  
 amended; paying the costs of measures for proper clean-up of sites 26394  
 where polychlorinated biphenyls and substances, equipment, and 26395  
 devices containing or contaminated with polychlorinated biphenyls 26396  
 have been stored or disposed of; paying the costs of conducting 26397  
 surveys or investigations of solid waste facilities or other 26398  
 locations where it is believed that significant quantities of 26399  
 hazardous waste were disposed of and for conducting enforcement 26400  
 actions arising from the findings of such surveys or 26401  
 investigations; paying the costs of acquiring and cleaning up, or 26402  
 providing financial assistance for cleaning up, any hazardous 26403  
 waste facility or solid waste facility containing significant 26404  
 quantities of hazardous waste, that constitutes an imminent and 26405  
 substantial threat to public health or safety or the environment; 26406  
 and, from July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004, for the 26407  
 purposes of paying the costs of administering and enforcing the 26408  
 laws pertaining to solid wastes, infectious wastes, and 26409  
 construction and demolition debris, including, without limitation, 26410  
 ground water evaluations related to solid wastes, infectious 26411  
 wastes, and construction and demolition debris, under this chapter 26412  
 and Chapter 3714. of the Revised Code and any rules adopted under 26413  
 them, and paying a share of the administrative costs of the 26414  
 environmental protection agency pursuant to section 3745.014 of 26415

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the Revised Code, the following fees are hereby levied on the disposal of solid wastes in this state:

(1) One dollar per ton on and after July 1, 1993;

(2) An additional seventy-five cents per ton on and after July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004.

The owner or operator of a solid waste disposal facility shall collect the fees levied under this division as a trustee for 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

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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  
debris, under this chapter and Chapter 3714. of the Revised Code  
and rules adopted under them and to pay a share of the  
administrative costs of the environmental protection agency  
pursuant to section 3745.014 of the Revised Code.

The fees levied under this division and divisions (B) and (C)  
of this section are in addition to all other applicable fees and  
taxes and shall be added to any other fee or amount specified in a  
contract that is charged by the owner or operator of a solid waste  
disposal facility or to any other fee or amount that is specified  
in a contract entered into on or after March 4, 1992, and that is  
charged by a transporter of solid wastes.

(B) For the purpose of preparing, revising, and implementing  
the solid waste management plan of the county or joint solid waste  
management district, including, without limitation, the  
development and implementation of solid waste recycling or  
reduction programs; providing financial assistance to boards of  
health within the district, if solid waste facilities are located  
within the district, for the enforcement of this chapter and rules  
adopted and orders and terms and conditions of permits, licenses,  
and variances issued under it, other than the hazardous waste  
provisions of this chapter and rules adopted and orders and terms  
and conditions of permits issued under those provisions; providing  
financial assistance to the county to defray the added costs of  
maintaining roads and other public facilities and of providing

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emergency and other public services resulting from the location 26480  
and operation of a solid waste facility within the county under 26481  
the district's approved solid waste management plan; paying the 26482  
costs incurred by boards of health for collecting and analyzing 26483  
water samples from public or private wells on lands adjacent to 26484  
solid waste facilities that are contained in the approved or 26485  
amended plan of the district; paying the costs of developing and 26486  
implementing a program for the inspection of solid wastes 26487  
generated outside the boundaries of this state that are disposed 26488  
of at solid waste facilities included in the district's approved 26489  
solid waste management plan or amended plan; providing financial 26490  
assistance to boards of health within the district for enforcing 26491  
laws prohibiting open dumping; providing financial assistance to 26492  
local law enforcement agencies within the district for enforcing 26493  
laws and ordinances prohibiting littering; providing financial 26494  
assistance to boards of health of health districts within the 26495  
district that are on the approved list under section 3734.08 of 26496  
the Revised Code for the training and certification required for 26497  
their employees responsible for solid waste enforcement by rules 26498  
adopted under division (L) of section 3734.02 of the Revised Code; 26499  
providing financial assistance to individual municipal 26500  
corporations and townships within the district to defray their 26501  
added costs of maintaining roads and other public facilities and 26502  
of providing emergency and other public services resulting from 26503  
the location and operation within their boundaries of a 26504  
composting, energy or resource recovery, incineration, or 26505  
recycling facility that either is owned by the district or is 26506  
furnishing solid waste management facility or recycling services 26507  
to the district pursuant to a contract or agreement with the board 26508  
of county commissioners or directors of the district; and payment 26509  
of any expenses that are agreed to, awarded, or ordered to be paid 26510  
under section 3734.35 of the Revised Code and of any 26511  
administrative costs incurred pursuant to that section, the solid 26512

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waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities: 26513  
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(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district; 26515  
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(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state; 26517  
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(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state. 26520  
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If any such fees are levied prior to January 1, 1994, fees levied under division (B)(1) of this section always shall be equal to one-half of the fees levied under division (B)(2) of this section, and fees levied under division (B)(3) of this section, which shall be in addition to fees levied under division (B)(2) of this section, always shall be equal to fees levied under division (B)(1) of this section, except as otherwise provided in this division. The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. Although the fees under divisions (A)(1) and (2) of this section are levied on the basis of tons as the unit of measurement, the solid waste management plan of the district and any amendments to it or the solid waste management policy committee in its resolution levying fees under this division may direct that the fees levied under those divisions be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes if 26523  
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the fees under divisions (B)(1) to (3) of this section are being 26545  
levied on the basis of cubic yards as the unit of measurement 26546  
under the plan, amended plan, or resolution. 26547

On and after January 1, 1994, the fee levied under division 26548  
(B)(1) of this section shall be not less than one dollar per ton 26549  
nor more than two dollars per ton, the fee levied under division 26550  
(B)(2) of this section shall be not less than two dollars per ton 26551  
nor more than four dollars per ton, and the fee levied under 26552  
division (B)(3) of this section shall be not more than the fee 26553  
levied under division (B)(1) of this section, except as otherwise 26554  
provided in this division and notwithstanding any schedule of 26555  
those fees established in the solid waste management plan of a 26556  
county or joint district approved under section 3734.55 of the 26557  
Revised Code or a resolution adopted and ratified under this 26558  
division that is in effect on that date. If the fee that a 26559  
district is levying under division (B)(1) of this section on that 26560  
date under its approved plan or such a resolution is less than one 26561  
dollar per ton, the fee shall be one dollar per ton on and after 26562  
January 1, 1994, and if the fee that a district is so levying 26563  
under that division exceeds two dollars per ton, the fee shall be 26564  
two dollars per ton on and after that date. If the fee that a 26565  
district is so levying under division (B)(2) of this section is 26566  
less than two dollars per ton, the fee shall be two dollars per 26567  
ton on and after that date, and if the fee that the district is so 26568  
levying under that division exceeds four dollars per ton, the fee 26569  
shall be four dollars per ton on and after that date. On that 26570  
date, the fee levied by a district under division (B)(3) of this 26571  
section shall be equal to the fee levied under division (B)(1) of 26572  
this section. Except as otherwise provided in this division, the 26573  
fees established by the operation of this amendment shall remain 26574  
in effect until the district's resolution levying fees under this 26575  
division is amended or repealed in accordance with this division 26576

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to amend or abolish the schedule of fees, the schedule of fees is 26577  
amended or abolished in an amended plan of the district approved 26578  
under section 3734.521 or division (A) or (D) of section 3734.56 26579  
of the Revised Code, or the schedule of fees is amended or 26580  
abolished through an amendment to the district's plan under 26581  
division (E) of section 3734.56 of the Revised Code; the 26582  
notification of the amendment or abolishment of the fees has been 26583  
given in accordance with this division; and collection of the 26584  
amended fees so established commences, or collection of the fees 26585  
ceases, in accordance with this division. 26586

The solid waste management policy committee of a district 26587  
levying fees under divisions (B)(1) to (3) of this section on 26588  
October 29, 1993, under its solid waste management plan approved 26589  
under section 3734.55 of the Revised Code or a resolution adopted 26590  
and ratified under this division that are within the ranges of 26591  
rates prescribed by this amendment, by adoption of a resolution 26592  
not later than December 1, 1993, and without the necessity for 26593  
ratification of the resolution under this division, may amend 26594  
those fees within the prescribed ranges, provided that the 26595  
estimated revenues from the amended fees will not substantially 26596  
exceed the estimated revenues set forth in the district's budget 26597  
for calendar year 1994. Not later than seven days after the 26598  
adoption of such a resolution, the committee shall notify by 26599  
certified mail the owner or operator of each solid waste disposal 26600  
facility that is required to collect the fees of the adoption of 26601  
the resolution and of the amount of the amended fees. Collection 26602  
of the amended fees shall take effect on the first day of the 26603  
first month following the month in which the notification is sent 26604  
to the owner or operator. The fees established in such a 26605  
resolution shall remain in effect until the district's resolution 26606  
levying fees that was adopted and ratified under this division is 26607  
amended or repealed, and the amendment or repeal of the resolution 26608

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is ratified, in accordance with this division, to amend or abolish 26609  
the fees, the schedule of fees is amended or abolished in an 26610  
amended plan of the district approved under section 3734.521 or 26611  
division (A) or (D) of section 3734.56 of the Revised Code, or the 26612  
schedule of fees is amended or abolished through an amendment to 26613  
the district's plan under division (E) of section 3734.56 of the 26614  
Revised Code; the notification of the amendment or abolishment of 26615  
the fees has been given in accordance with this division; and 26616  
collection of the amended fees so established commences, or 26617  
collection of the fees ceases, in accordance with this division. 26618

Prior to the approval of the solid waste management plan of 26619  
the district under section 3734.55 of the Revised Code, the solid 26620  
waste management policy committee of a district may levy fees 26621  
under this division by adopting a resolution establishing the 26622  
proposed amount of the fees. Upon adopting the resolution, the 26623  
committee shall deliver a copy of the resolution to the board of 26624  
county commissioners of each county forming the district and to 26625  
the legislative authority of each municipal corporation and 26626  
township under the jurisdiction of the district and shall prepare 26627  
and publish the resolution and a notice of the time and location 26628  
where a public hearing on the fees will be held. Upon adopting the 26629  
resolution, the committee shall deliver written notice of the 26630  
adoption of the resolution; of the amount of the proposed fees; 26631  
and of the date, time, and location of the public hearing to the 26632  
director and to the fifty industrial, commercial, or institutional 26633  
generators of solid wastes within the district that generate the 26634  
largest quantities of solid wastes, as determined by the 26635  
committee, and to their local trade associations. The committee 26636  
shall make good faith efforts to identify those generators within 26637  
the district and their local trade associations, but the 26638  
nonprovision of notice under this division to a particular 26639  
generator or local trade association does not invalidate the 26640

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proceedings under this division. The publication shall occur at  
least thirty days before the hearing. After the hearing, the  
committee may make such revisions to the proposed fees as it  
considers appropriate and thereafter, by resolution, shall adopt  
the revised fee schedule. Upon adopting the revised fee schedule,  
the committee shall deliver a copy of the resolution doing so to  
the board of county commissioners of each county forming the  
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

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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 ratified as the fee schedule of the joint district upon determining that the boards of county commissioners of a majority of the counties forming the district have approved the proposed revised fees; that, in each of a majority of the counties forming the joint district, the proposed revised fees have been approved by the municipal corporation having the largest population within the county and the joint district; and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the joint district comprising at least sixty per cent of the total population of the joint district have approved the proposed revised fees.

For the purposes of this division, only the population of the unincorporated area of a township shall be considered. For the purpose of determining the largest municipal corporation within each county under this division, a municipal corporation that is located in more than one solid waste management district, but that is under the jurisdiction of one county or joint solid waste management district in accordance with division (A) of section 3734.52 of the Revised Code shall be considered to be within the boundaries of the county in which a majority of the population of the municipal corporation resides.

The committee may amend the schedule of fees levied pursuant to a resolution or amended resolution adopted and ratified under this division by adopting a resolution establishing the proposed amount of the amended fees. The committee may abolish the fees

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levied pursuant to such a resolution or amended resolution by 26705  
adopting a resolution proposing to repeal them. Upon adopting such 26706  
a resolution, the committee shall proceed to obtain ratification 26707  
of the resolution in accordance with this division. 26708

Not later than fourteen days after declaring the fees or 26709  
amended fees to be ratified under this division, the committee 26710  
shall notify by certified mail the owner or operator of each solid 26711  
waste disposal facility that is required to collect the fees of 26712  
the ratification and the amount of the fees. Collection of any 26713  
fees or amended fees ratified on or after March 24, 1992, shall 26714  
commence on the first day of the second month following the month 26715  
in which notification is sent to the owner or operator. 26716

Not later than fourteen days after declaring the repeal of 26717  
the district's schedule of fees to be ratified under this 26718  
division, the committee shall notify by certified mail the owner 26719  
or operator of each facility that is collecting the fees of the 26720  
repeal. Collection of the fees shall cease on the first day of the 26721  
second month following the month in which notification is sent to 26722  
the owner or operator. 26723

Not later than fourteen days after the director issues an 26724  
order approving a district's solid waste management plan under 26725  
section 3734.55 of the Revised Code or amended plan under division 26726  
(A) or (D) of section 3734.56 of the Revised Code that establishes 26727  
or amends a schedule of fees levied by the district, or the 26728  
ratification of an amendment to the district's approved plan or 26729  
amended plan under division (E) of section 3734.56 of the Revised 26730  
Code that establishes or amends a schedule of fees, as 26731  
appropriate, the committee shall notify by certified mail the 26732  
owner or operator of each solid waste disposal facility that is 26733  
required to collect the fees of the approval of the plan or 26734  
amended plan, or the amendment to the plan, as appropriate, and 26735  
the amount of the fees or amended fees. In the case of an initial 26736

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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 establishes or amends a 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 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

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from a joint district, that abolishes the schedule of fees levied 26769  
under divisions (B)(1) to (3) of this section by a district 26770  
resulting from the change, the committee, within fourteen days 26771  
after the change takes effect pursuant to division (G) of that 26772  
section, shall notify by certified mail the owner or operator of 26773  
each solid waste disposal facility that is required to collect the 26774  
fees that the change has taken effect and of the abolishment of 26775  
the fees. Collection of the fees shall cease on the first day of 26776  
the second month following the month in which notification is sent 26777  
to the owner or operator. 26778

Except as otherwise provided in this division, if the 26779  
schedule of fees that a district is levying under divisions (B)(1) 26780  
to (3) of this section pursuant to a resolution or amended 26781  
resolution adopted and ratified under this division, the solid 26782  
waste management plan of the district approved under section 26783  
3734.55 of the Revised Code, an amended plan approved under 26784  
division (A) or (D) of section 3734.56 of the Revised Code, or an 26785  
amendment to the district's approved plan or amended plan under 26786  
division (E) of section 3734.56 of the Revised Code, is amended by 26787  
the adoption and ratification of an amendment to the resolution or 26788  
amended resolution or an amendment of the district's approved plan 26789  
or amended plan, the fees in effect immediately prior to the 26790  
approval of the plan or the amendment of the resolution, amended 26791  
resolution, plan, or amended plan, as appropriate, shall continue 26792  
to be collected until collection of the amended fees commences 26793  
pursuant to this division. 26794

If, in the case of a change in district composition involving 26795  
the withdrawal of a county from a joint district, the director 26796  
completes the actions required under division (G)(1) or (3) of 26797  
section 3734.521 of the Revised Code, as appropriate, forty-five 26798  
days or more before the beginning of a calendar year, the policy 26799  
committee of each of the districts resulting from the change that 26800

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obtained the director's approval of an initial or amended plan in 26801  
connection with the change, within fourteen days after the 26802  
director's completion of the required actions, shall notify by 26803  
certified mail the owner or operator of each solid waste disposal 26804  
facility that is required to collect the district's fees that the 26805  
change is to take effect on the first day of January immediately 26806  
following the issuance of the notice and of the amount of the fees 26807  
or amended fees levied under divisions (B)(1) to (3) of this 26808  
section pursuant to the district's initial or amended plan as so 26809  
approved or, if appropriate, the abolishment of the district's 26810  
fees by that initial or amended plan. Collection of any fees set 26811  
forth in such a plan or amended plan shall commence on the first 26812  
day of January immediately following the issuance of the notice. 26813  
If such an initial or amended plan abolishes a schedule of fees, 26814  
collection of the fees shall cease on that first day of January. 26815

If, in the case of a change in district composition involving 26816  
the withdrawal of a county from a joint district, the director 26817  
completes the actions required under division (G)(1) or (3) of 26818  
section 3734.521 of the Revised Code, as appropriate, less than 26819  
forty-five days before the beginning of a calendar year, the 26820  
director, on behalf of each of the districts resulting from the 26821  
change that obtained the director's approval of an initial or 26822  
amended plan in connection with the change proceedings, shall 26823  
notify by certified mail the owner or operator of each solid waste 26824  
disposal facility that is required to collect the district's fees 26825  
that the change is to take effect on the first day of January 26826  
immediately following the mailing of the notice and of the amount 26827  
of the fees or amended fees levied under divisions (B)(1) to (3) 26828  
of this section pursuant to the district's initial or amended plan 26829  
as so approved or, if appropriate, the abolishment of the 26830  
district's fees by that initial or amended plan. Collection of any 26831  
fees set forth in such a plan or amended plan shall commence on 26832

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the first day of the second month following the month in which 26833  
notification is sent to the owner or operator. If such an initial 26834  
or amended plan abolishes a schedule of fees, collection of the 26835  
fees shall cease on the first day of the second month following 26836  
the month in which notification is sent to the owner or operator. 26837

In the case of a change in district composition, the schedule 26838  
of fees that the former districts that existed prior to the change 26839  
were levying under divisions (B)(1) to (3) of this section 26840  
pursuant to a resolution or amended resolution adopted and 26841  
ratified under this division, the solid waste management plan of a 26842  
former district approved under section 3734.521 or 3734.55 of the 26843  
Revised Code, an amended plan approved under section 3734.521 or 26844  
division (A) or (D) of section 3734.56 of the Revised Code, or an 26845  
amendment to a former district's approved plan or amended plan 26846  
under division (E) of section 3734.56 of the Revised Code, and 26847  
that were in effect on the date that the director completed the 26848  
actions required under division (G)(1) or (3) of section 3734.521 26849  
of the Revised Code shall continue to be collected until the 26850  
collection of the fees or amended fees of the districts resulting 26851  
from the change is required to commence, or if an initial or 26852  
amended plan of a resulting district abolishes a schedule of fees, 26853  
collection of the fees is required to cease, under this division. 26854  
Moneys so received from the collection of the fees of the former 26855  
districts shall be divided among the resulting districts in 26856  
accordance with division (B) of section 343.012 of the Revised 26857  
Code and the agreements entered into under division (B) of section 26858  
343.01 of the Revised Code to establish the former and resulting 26859  
districts and any amendments to those agreements. 26860

For the purposes of the provisions of division (B) of this 26861  
section establishing the times when newly established or amended 26862  
fees levied by a district are required to commence and the 26863  
collection of fees that have been amended or abolished is required 26864

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to cease, "fees" or "schedule of fees" includes, in addition to 26865  
fees levied under divisions (B)(1) to (3) of this section, those 26866  
levied under section 3734.573 or 3734.574 of the Revised Code. 26867

(C) For the purposes of defraying the added costs to a 26868  
municipal corporation or township of maintaining roads and other 26869  
public facilities and of providing emergency and other public 26870  
services, and compensating a municipal corporation or township for 26871  
reductions in real property tax revenues due to reductions in real 26872  
property valuations resulting from the location and operation of a 26873  
solid waste disposal facility within the municipal corporation or 26874  
township, a municipal corporation or township in which such a 26875  
solid waste disposal facility is located may levy a fee of not 26876  
more than twenty-five cents per ton on the disposal of solid 26877  
wastes at a solid waste disposal facility located within the 26878  
boundaries of the municipal corporation or township regardless of 26879  
where the wastes were generated. 26880

The legislative authority of a municipal corporation or 26881  
township may levy fees under this division by enacting an 26882  
ordinance or adopting a resolution establishing the amount of the 26883  
fees. Upon so doing the legislative authority shall mail a 26884  
certified copy of the ordinance or resolution to the board of 26885  
county commissioners or directors of the county or joint solid 26886  
waste management district in which the municipal corporation or 26887  
township is located or, if a regional solid waste management 26888  
authority has been formed under section 343.011 of the Revised 26889  
Code, to the board of trustees of that regional authority, the 26890  
owner or operator of each solid waste disposal facility in the 26891  
municipal corporation or township that is required to collect the 26892  
fee by the ordinance or resolution, and the director of 26893  
environmental protection. Although the fees levied under this 26894  
division are levied on the basis of tons as the unit of 26895  
measurement, the legislative authority, in its ordinance or 26896

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resolution levying the fees under this division, may direct that  
the fees be levied on the basis of cubic yards as the unit of  
measurement based upon a conversion factor of three cubic yards  
per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or  
adopting a resolution under this division, the legislative  
authority shall so notify by certified mail the owner or operator  
of each solid waste disposal facility that is required to collect  
the fee. Collection of any fee levied on or after March 24, 1992,  
shall commence on the first day of the second month following the  
month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of  
this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of  
the wastes when the solid waste facility exclusively disposes of  
solid wastes generated at one or more premises owned by the  
generator regardless of whether the facility is located on a  
premises where the wastes are generated;

(b) Are disposed of at facilities that exclusively dispose of  
wastes that are generated from the combustion of coal, or from the  
combustion of primarily coal in combination with scrap tires, that  
is not combined in any way with garbage at one or more premises  
owned by the generator.

(2) Except as provided in section 3734.571 of the Revised  
Code, any fees levied under division (B)(1) of this section apply  
to solid wastes originating outside the boundaries of a county or  
joint district that are covered by an agreement for the joint use  
of solid waste facilities entered into under section 343.02 of the  
Revised Code by the board of county commissioners or board of  
directors of the county or joint district where the wastes are  
generated and disposed of.

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(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy 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 remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(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

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remaining after the processing of the scrap tires and shall be 26960  
collected by the owner or operator of the solid waste disposal 26961  
facility where the ash or other solid wastes are disposed of. 26962

(E) The fees levied under divisions (B) and (C) of this 26963  
section shall be collected by the owner or operator of the solid 26964  
waste disposal facility where the wastes are disposed of as a 26965  
trustee for the county or joint district and municipal corporation 26966  
or township where the wastes are disposed of. Moneys from the fees 26967  
levied under division (B) of this section shall be forwarded to 26968  
the board of county commissioners or board of directors of the 26969  
district in accordance with rules adopted under division (H) of 26970  
this section. Moneys from the fees levied under division (C) of 26971  
this section shall be forwarded to the treasurer or such other 26972  
officer of the municipal corporation as, by virtue of the charter, 26973  
has the duties of the treasurer or to the clerk of the township, 26974  
as appropriate, in accordance with those rules. 26975

(F) Moneys received by the treasurer or such other officer of 26976  
the municipal corporation under division (E) of this section shall 26977  
be paid into the general fund of the municipal corporation. Moneys 26978  
received by the clerk of the township under that division shall be 26979  
paid into the general fund of the township. The treasurer or such 26980  
other officer of the municipal corporation or the clerk, as 26981  
appropriate, shall maintain separate records of the moneys 26982  
received from the fees levied under division (C) of this section. 26983

(G) Moneys received by the board of county commissioners or 26985  
board of directors under division (E) of this section or section 26986  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 26987  
shall be paid to the county treasurer, or other official acting in 26988  
a similar capacity under a county charter, in a county district or 26989  
to the county treasurer or other official designated by the board 26990  
of directors in a joint district and kept in a separate and 26991

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distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public

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services resulting from the location and operation of a solid	27024
waste facility within the county under the district's approved	27025
solid waste management plan or amended plan;	27026
(5) Pursuant to contracts entered into with boards of health	27027
within the district, if solid waste facilities contained in the	27028
district's approved plan or amended plan are located within the	27029
district, for paying the costs incurred by those boards of health	27030
for collecting and analyzing samples from public or private water	27031
wells on lands adjacent to those facilities;	27032
(6) Developing and implementing a program for the inspection	27033
of solid wastes generated outside the boundaries of this state	27034
that are disposed of at solid waste facilities included in the	27035
district's approved solid waste management plan or amended plan;	27036
(7) Providing financial assistance to boards of health within	27037
the district for the enforcement of section 3734.03 of the Revised	27038
Code or to local law enforcement agencies having jurisdiction	27039
within the district for enforcing anti-littering laws and	27040
ordinances;	27041
(8) Providing financial assistance to boards of health of	27042
health districts within the district that are on the approved list	27043
under section 3734.08 of the Revised Code to defray the costs to	27044
the health districts for the participation of their employees	27045
responsible for enforcement of the solid waste provisions of this	27046
chapter and rules adopted and orders and terms and conditions of	27047
permits, licenses, and variances issued under those provisions in	27048
the training and certification program as required by rules	27049
adopted under division (L) of section 3734.02 of the Revised Code;	27050
(9) Providing financial assistance to individual municipal	27051
corporations and townships within the district to defray their	27052
added costs of maintaining roads and other public facilities and	27053
of providing emergency and other public services resulting from	27054

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the location and operation within their boundaries of a 27055  
composting, energy or resource recovery, incineration, or 27056  
recycling facility that either is owned by the district or is 27057  
furnishing solid waste management facility or recycling services 27058  
to the district pursuant to a contract or agreement with the board 27059  
of county commissioners or directors of the district; 27060

(10) Payment of any expenses that are agreed to, awarded, or 27061  
ordered to be paid under section 3734.35 of the Revised Code and 27062  
of any administrative costs incurred pursuant to that section. In 27063  
the case of a joint solid waste management district, if the board 27064  
of county commissioners of one of the counties in the district is 27065  
negotiating on behalf of affected communities, as defined in that 27066  
section, in that county, the board shall obtain the approval of 27067  
the board of directors of the district in order to expend moneys 27068  
for administrative costs incurred. 27069

Prior to the approval of the district's solid waste 27070  
management plan under section 3734.55 of the Revised Code, moneys 27071  
in the special fund of the district arising from the fees shall be 27072  
expended for those purposes in the manner prescribed by the solid 27073  
waste management policy committee by resolution. 27074

Notwithstanding division (G)(6) of this section as it existed 27075  
prior to October 29, 1993, or any provision in a district's solid 27076  
waste management plan prepared in accordance with division 27077  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27078  
prior to that date, any moneys arising from the fees levied under 27079  
division (B)(3) of this section prior to January 1, 1994, may be 27080  
expended for any of the purposes authorized in divisions (G)(1) to 27081  
(10) of this section. 27082

(H) The director shall adopt rules in accordance with Chapter 27083  
119. of the Revised Code prescribing procedures for collecting and 27084  
forwarding the fees levied under divisions (B) and (C) of this 27085  
section to the boards of county commissioners or directors of 27086

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county or joint solid waste management districts and to the  
 treasurers or other officers of municipal corporations or to the  
 clerks of townships. The rules also shall prescribe the dates for  
 forwarding the fees to the boards and officials and may prescribe  
 any other requirements the director considers necessary or  
 appropriate to implement and administer divisions (A), (B), and  
 (C) of this section. Collection of the fees levied under division  
 (A)(1) of this section shall commence on July 1, 1993. Collection  
 of the fees levied under division (A)(2) of this section shall  
 commence on January 1, 1994.

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery  
 facility license issued under section 3734.81 of the Revised Code  
 shall be in accordance with the following schedule:

Daily Design	Annual	27100
Input Capacity	License	27101
(Tons)	Fee	27102
1 or less	\$ 100	27103
2 to 25	500	27104
26 to 50	1,000	27105
51 to 100	1,500	27106
101 to 200	2,500	27107
201 to 500	3,500	27108
501 or more	5,500	27109

For the purpose of determining the applicable license fee  
 under this division, the daily design input capacity shall be the  
 quantity of scrap tires the facility is designed to process daily  
 as set forth in the registration certificate or permit for the  
 facility, and any modifications to the permit, if applicable,  
 issued under section 3734.78 of the Revised Code.

(B) The annual fee for a scrap tire monocell or monofill  
 facility license shall be in accordance with the following

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schedule:		27118
Authorized Maximum	Annual	27119
Daily Waste Receipt	License	27120
(Tons)	Fee	27121
100 or less	\$ 5,000	27122
101 to 200	12,500	27123
201 to 500	30,000	27124
501 or more	60,000	27125
For the purpose of determining the applicable license fee		27126
under this division, the authorized maximum daily waste receipt		27127
shall be the maximum amount of scrap tires the facility is		27128
authorized to receive daily that is established in the permit for		27129
the facility, and any modification to that permit, issued under		27130
section 3734.77 of the Revised Code.		27131
(C)(1) Except as otherwise provided in division (C)(2) of		27132
this section, the annual fee for a scrap tire storage facility		27133
license shall equal one thousand dollars times the number of acres		27134
on which scrap tires are to be stored at the facility during the		27135
license year, as set forth on the application for the annual		27136
license, except that the total annual license fee for any such		27137
facility shall not exceed three thousand dollars.		27138
(2) The annual fee for a scrap tire storage facility license		27139
for a storage facility that is owned or operated by a motor		27140
vehicle salvage dealer licensed under Chapter 4738. of the Revised		27141
Code is one hundred dollars.		27142
(D)(1) Except as otherwise provided in division (D)(2) of		27143
this section, the annual fee for a scrap tire collection facility		27144
license is two hundred dollars.		27145
(2) The annual fee for a scrap tire collection facility		27146
license for a collection facility that is owned or operated by a		27147
motor vehicle salvage dealer licensed under Chapter 4738. of the		27148

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Revised Code is fifty dollars. 27149

(E) Except as otherwise provided in divisions (C)(2) and 27150  
(D)(2) of this section, the same fees apply to private operators 27151  
and to the state and its political subdivisions and shall be paid 27152  
within thirty days after the issuance of a license. The fees 27153  
include the cost of licensing, all inspections, and other costs 27154  
associated with the administration of the scrap tire provisions of 27155  
this chapter and rules adopted under them. Each license shall 27156  
specify that it is conditioned upon payment of the applicable fee 27157  
to the board of health or the director of environmental 27158  
protection, as appropriate, within thirty days after the issuance 27159  
of the license. 27160

(F) The board of health shall retain fifteen thousand dollars 27161  
of each license fee collected by the board under division (B) of 27162  
this section, or the entire amount of any such fee that is less 27163  
than fifteen thousand dollars, and the entire amount of each 27164  
license fee collected by the board under divisions (A), (C), and 27165  
(D) of this section. The moneys retained shall be paid into a 27166  
special fund, which is hereby created in each health district, and 27167  
used solely to administer and enforce the scrap tire provisions of 27168  
this chapter and rules adopted under them. The remainder, if any, 27169  
of each license fee collected by the board under division (B) of 27170  
this section shall be transmitted to the director within 27171  
forty-five days after receipt of the fee. 27172

(G) The director shall transmit the moneys received by the 27173  
director from license fees collected under division (B) of this 27174  
section to the treasurer of state to be credited to the scrap tire 27175  
management fund, which is hereby created in the state treasury. 27176  
The fund shall consist of all federal moneys received by the 27177  
environmental protection agency for the scrap tire management 27178  
program; all grants, gifts, and contributions made to the director 27179  
for that program; and all other moneys that may be provided by law 27180

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for that program. The director shall use moneys in the fund as follows: 27181  
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(1) Expend not more than seven hundred fifty thousand dollars during each fiscal year to implement, administer, and enforce the scrap tire provisions of this chapter and rules adopted under them; 27183  
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~~(2) For fiscal years 1998 and 1999, grant not more than one hundred fifty thousand dollars during each fiscal year to the polymer institute at the university of Akron for the purpose of expediting research concerning and evaluation of alternative methods of recycling scrap tires. The institute shall report to the director annually concerning research programs under review, and the results of scrap tire recycling experiments conducted, by or in conjunction with the institute. The university shall report to the director biennially concerning the expenditures of moneys received by the institute under division (G)(2) of this section.~~ 27187  
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~~(3) During each fiscal year, request the director of budget and management to, and the director of budget and management shall, transfer one million dollars to the scrap tire loans and grants grant fund created in section ~~166.032~~ 1502.12 of the Revised Code for the purposes specified in that section;~~ 27197  
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~~(4) Annually transfer to the central support indirect fund created in section 3745.014 of the Revised Code an amount equal to not more than twelve per cent of each fiscal year's appropriation to the scrap tire management fund.~~ 27202  
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~~(H)(1) If, during a fiscal year, more than three million five hundred thousand dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer to the scrap tire loans and grants fund one-half of the moneys credited to the scrap tire~~ 27206  
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~~management fund in excess of that amount.~~ 27212

~~(2) In each fiscal year, if more than three million five hundred thousand dollars are credited to the scrap tire management fund during the preceding fiscal year, the director shall expend during the current fiscal year one-half of that excess amount to conduct removal operations under section 3734.85 of the Revised Code.~~ 27213  
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(3) Expend not more than three million dollars per year during fiscal years 2002 and 2003 to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than three million dollars may be expended in fiscal years 2002 and 2003 for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. During each subsequent fiscal year the director shall expend not more than four million five hundred thousand dollars to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than four million five hundred thousand dollars may be expended in a fiscal year for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. The director shall request the approval of the controlling board prior to the use of the moneys to conduct removal actions under section 3734.85 of the Revised Code. 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 it 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 27219  
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conducting them are reasonable. Controlling board approval is not 27244  
required for grants made to boards of health under section 27245  
3734.042 of the Revised Code. 27246

(H) If, during a fiscal year, more than seven million dollars 27247  
are credited to the scrap tire management fund, the director, at 27248  
the conclusion of the fiscal year, shall request the director of 27249  
budget and management to, and the director of budget and 27250  
management shall, transfer one-half of those excess moneys to the 27251  
scrap tire grant fund. The director shall expend the remaining 27252  
excess moneys in the scrap tire management fund to conduct removal 27253  
actions under section 3734.85 of the Revised Code in accordance 27254  
with the procedures established under division (I) of this 27255  
section. 27256

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H) 27257  
of this section are completed during each prior fiscal year, the 27258  
director may expend up to the balance remaining from prior fiscal 27259  
years in the scrap tire management fund to conduct removal actions 27260  
under section 3734.85 of the Revised Code. Prior to using any 27261  
moneys in the fund for that purpose in a fiscal year, the director 27262  
shall request the approval of the controlling board for that use 27263  
of the moneys. The request shall be accompanied by a plan 27264  
describing the removal actions to be conducted during the fiscal 27265  
year and an estimate of the costs of conducting them. The 27266  
controlling board shall approve the plan only if the board finds 27267  
that the proposed removal actions are in accordance with the 27268  
priorities set forth in division (B) of section 3734.85 of the 27269  
Revised Code and that the costs of conducting them are reasonable. 27270

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 27271  
defray the cost of administering and enforcing the scrap tire 27272  
provisions of this chapter, rules adopted under those provisions, 27273  
and terms and conditions of orders, variances, and licenses issued 27274

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under those provisions; to abate accumulations of scrap tires; to 27275  
 make grants to promote research regarding alternative methods of 27276  
 recycling scrap tires and loans to promote the recycling or 27277  
 recovery of energy from scrap tires; and to defray the costs of 27278  
 administering and enforcing sections 3734.90 to 3734.9014 of the 27279  
 Revised Code, a fee of fifty cents per tire is hereby levied on 27280  
 the sale of tires. The fee is levied from the first day of the 27281  
 calendar month that begins next after thirty days from October 29, 27282  
 1993, through June 30, 2006. 27283

(2) There is hereby levied an additional fee of fifty cents 27284  
per tire on the sale of tires the proceeds of which shall be 27285  
deposited in the scrap tire management fund created in section 27286  
3734.82 of the Revised Code and be used exclusively for the 27287  
purposes specified in division (G)(3) of that section. 27288

(B) Only one sale of the same article shall be used in 27289  
 computing the amount of the fee due. 27290

**Sec. 3734.904.** (A) By the twentieth day of each month, each 27291  
 person required to pay the fee imposed by section 3734.901 of the 27292  
 Revised Code shall file with the ~~treasurer of state tax~~ 27293  
~~commissioner~~ a return as prescribed by the tax commissioner and 27294  
 shall make payment of the full amount of the fee due for the 27295  
 preceding month after deduction of any discount provided for under 27296  
 division (E) of this section. The return shall be signed by the 27297  
 person required to file it, or an authorized employee, officer, or 27298  
 agent. ~~The treasurer shall mark on the return the date it was~~ 27299  
~~received and indicate payment or nonpayment of the fee shown to be~~ 27300  
~~due on the return. The treasurer immediately shall transmit all~~ 27301  
~~returns to the tax commissioner.~~ The return shall be deemed filed 27302  
 when received by the ~~treasurer of state tax commissioner.~~ 27303

(B) Any person required by this section to file a return who 27304  
 fails to file such a return within the period prescribed may be 27305

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required to pay an additional charge of fifty dollars or ten per cent of the fee required to be paid for the reporting period, whichever is greater. The commissioner may collect the additional charge by assessment pursuant to section 3734.907 of the Revised Code. The commissioner may remit all or a portion of the additional charge and may adopt rules relating thereto.

(C) If any fee due is not paid timely in accordance with this section, the person liable for the fee shall pay interest, calculated at the rate per annum as prescribed by section 5703.47 of the Revised Code, from the date the fee 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 fee, and the commissioner may collect the interest by assessment pursuant to section 3734.907 of the Revised Code.

(D) If, in the estimation of the tax commissioner, the average liability of the person liable for the fee is such as not to merit monthly filing, the commissioner may authorize the person to file and pay at less frequent intervals. Returns are due by the twentieth day of the month following the close of the applicable reporting period authorized under this division.

(E) If a return is filed and the amount of the fee shown to be due on the return is paid on or before the date that the return is required to be filed under division (A) of this section or pursuant to division (D) of this section, whichever is applicable, the person liable for the fee is entitled to a discount of four per cent of the amount shown to be due on the return.

(F) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the fee imposed by section 3734.901 of the Revised Code.

**Sec. 3735.27.** (A) Whenever the director of development has determined that there is need for a housing authority in any

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portion of any county that comprises two or more political 27337  
subdivisions or portions thereof but is less than all the 27338  
territory within the county, a metropolitan housing authority 27339  
shall be declared to exist and the territorial limits thereof 27340  
shall be defined by a letter from the director. The director shall 27341  
issue a determination from the department of development declaring 27342  
that there is need for a housing authority within such territorial 27343  
limits ~~if he finds~~ after finding either: 27344

(1) Unsanitary or unsafe inhabited housing accommodations 27345  
exist in such area; 27346

(2) There is a shortage of safe and sanitary housing 27347  
accommodations in such area available to persons who lack the 27348  
amount of income which is necessary, as determined by the 27349  
director, to enable them, without financial assistance, to live in 27350  
decent, safe, and sanitary dwellings without congestion. 27351

In determining whether dwelling accommodations are unsafe or 27352  
unsanitary the director may take into consideration the degree of 27353  
congestion, the percentage of land coverage, the light, air, 27354  
space, and access available to the inhabitants of such dwelling 27355  
accommodations, the size and arrangement of the rooms, the 27356  
sanitary facilities, and the extent to which conditions exist in 27357  
such buildings which endanger life or property by fire or other 27358  
causes. 27359

The territorial limits of a housing authority, defined by the 27360  
director, shall be fixed for such authority upon proof of a letter 27361  
from the director declaring the need for such authority to 27362  
function in those territorial limits. Any such letter from the 27363  
director, any certificate of determination issued by the director, 27364  
and any certificate of appointment of members of the authority 27365  
shall be admissible in evidence in any suit, action, or 27366  
proceeding. 27367

A certified copy of the letter from the director, declaring 27368

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the existence and boundaries of a housing authority district, 27369  
shall be immediately forwarded to each appointing authority. A 27370  
housing authority shall consist of five members, who shall be 27371  
residents of the territory embraced in such metropolitan housing 27372  
authority district. 27373

(B) Except as otherwise provided in division (C) of this 27374  
section, one member shall be appointed by the probate court, one 27375  
member by the court of common pleas, one member by the board of 27376  
county commissioners, and two members by the chief executive 27377  
officer of the most populous city in the territory included in the 27378  
district, in accordance with the last preceding federal census. At 27379  
the time of the initial appointment of the authority, the member 27380  
appointed by the probate court shall be appointed for a period of 27381  
four years, the appointee of the court of common pleas for three 27382  
years, the appointee of the board of county commissioners for two 27383  
years, one appointee of the chief executive officer for one year 27384  
and one appointee of the chief executive officer for five years. 27385  
Thereafter, all members of the authority shall be appointed for 27386  
five-year terms and vacancies due to expired terms shall be filled 27387  
by the same appointing powers. 27388

(C) For any metropolitan housing authority district that 27389  
~~contains~~ contained, as of the 1990 federal census, a population of 27390  
at least one million, two members of the authority shall be 27391  
appointed by the municipal legislative authority of the most 27392  
populous city in the territory included in the district, two 27393  
members by the chief executive officer of the most populous city 27394  
in the territory included in the district, and one member by the 27395  
chief executive officer, with the approval of the municipal 27396  
legislative authority, of the city in the district which has the 27397  
second highest number of housing units owned or managed by the 27398  
authority. 27399

At the time of the initial appointment of the authority, one 27400

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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 officer of the most populous city in the district shall be appointed for three years, and one for one year. Thereafter, all members of the authority shall be appointed for three-year terms, and any vacancy shall be filled by the same appointing power that made the initial appointment. At the expiration of the term of any member appointed by the chief executive officer of the most populous city in the territory included in the district prior to March 15, 1983, the chief executive officer of the most populous city in the district shall fill the vacancy by appointment for a three-year term. At the expiration of the term of any member appointed by the board of county commissioners prior to March 15, 1983, the chief executive officer of the city in the district with the second highest number of housing units owned or managed by the authority shall, with the approval of the municipal legislative authority, fill the vacancy by appointment for a three-year term. At the expiration of the term of any member appointed prior to March 15, 1983 by the court of common pleas or the probate court, the legislative authority of the most populous city in the territory included in the district shall fill the vacancy by appointment for a three-year term.

After March 15, 1983, at least one of the members appointed by the chief executive officer of the most populous city shall be a resident of a dwelling unit owned or managed by the housing authority. At least one of the initial appointments by the chief executive officer of the most populous city, after March 15, 1983,

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shall be a resident of a dwelling unit owned or managed by the housing authority. Thereafter, any member appointed by the chief executive officer for the term established by this initial appointment, or for any succeeding term thereof, shall be a person who resides in a dwelling unit owned or managed by the housing authority. If there is an elected, representative body of all residents of the housing authority, then the chief executive officer shall, whenever there is a vacancy in this resident term, provide written notice of the vacancy to the representative body. If the representative body submits to the chief executive officer, in writing and within sixty days after the date on which it was notified of the vacancy, the names of at least five residents of the housing authority who are willing and qualified to serve as a member, then the chief executive officer shall appoint to the resident term one of the residents recommended by the representative body. At no time shall residents constitute a majority of the members of the authority.

(D) Public officials, other than the officers having the appointing power under this section, shall be eligible to serve as members, officers, or employees of the housing authority notwithstanding any statute, charter, or law to the contrary. Not more than two such public officials shall be members of the authority at any one time.

All members of such housing authority shall serve without compensation but shall be entitled to be reimbursed for all necessary expenses incurred. After such district has been formed, the director may enlarge the territory within such district to include other political subdivisions, or portions thereof, but the territorial limits of which shall be less than that of the county.

**Sec. 3745.014.** There is hereby created in the state treasury the central support indirect fund, which shall be administered by

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the director of environmental protection. Money credited to the 27464  
fund shall be used for administrative costs of the environmental 27465  
protection agency ~~that are related to expenditures by the agency~~ 27466  
~~from funds of the general services fund group and the state~~ 27467  
~~special revenue fund group.~~ The director may assess any operating 27468  
funds of from which the agency ~~within the general services fund~~ 27469  
~~group or the state special revenue fund group~~ receives 27470  
appropriations, except the central support indirect fund, for a 27471  
share of the administrative costs of the agency. The ~~assessments~~ 27472  
~~shall be paid from the general services funds and state special~~ 27473  
~~revenue funds designated by the director and~~ amounts assessed 27474  
shall be transferred to the central support indirect fund by means 27475  
of intrastate transfer vouchers. The director, with the approval 27476  
of the director of budget and management, shall determine the rate 27477  
of assessments, ~~which shall not exceed twelve per cent of the~~ 27478  
~~total fiscal year appropriation from any such fund for the fiscal~~ 27479  
~~year unless the controlling board approves a request from the~~ 27480  
~~director for a higher rate.~~ 27481

**Sec. 3745.04.** As used in this section, "any person" means any 27482  
individual, any partnership, corporation, association, or other 27483  
legal entity, or any political subdivision, instrumentality, or 27484  
agency of a state, whether or not the individual or legal entity 27485  
is an applicant for or holder of a license, permit, or variance 27486  
from the environmental protection agency, and includes any 27487  
department, agency, or instrumentality of the federal government 27488  
that is an applicant for or holder of a license, permit, or 27489  
variance from the environmental protection agency. 27490

As used in this section, "action" or "act" includes the 27491  
adoption, modification, or repeal of a rule or standard, the 27492  
issuance, modification, or revocation of any lawful order other 27493  
than an emergency order, and the issuance, denial, modification, 27494  
or revocation of a license, permit, lease, variance, or 27495

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certificate, or the approval or disapproval of plans and specifications pursuant to law or rules adopted thereunder. 27496  
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Any person who was a party to a proceeding before the director of environmental protection may participate in an appeal to the environmental review appeals commission for an order vacating or modifying the action of the director ~~of environmental protection~~ or a local board of health, or ordering the director or board of health to perform an act. The environmental review appeals commission has exclusive original jurisdiction over any matter that may, under this section, be brought before it. 27498  
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The person so appealing to the commission shall be known as appellant, and the director and any party to a proceeding substantially supporting the finding from which the appeal is taken shall be known as appellee, except that when an appeal involves a license to operate a disposal site or facility, the local board of health or the director of environmental protection, and any party to a proceeding substantially supporting the finding from which the appeal is taken, shall, as appropriate, be known as the appellee. Appellant and appellee shall be deemed to be parties to the appeal. 27506  
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The appeal shall be in writing and shall set forth the action complained of and the grounds upon which the appeal is based. 27516  
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The appeal shall be filed with the commission within thirty days after notice of the action. Notice of the filing of the appeal shall be filed with the appellee within three days after the appeal is filed with the commission. 27518  
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The appeal shall be accompanied by a filing fee of ~~forty~~ sixty dollars, which the commission, in its discretion, may waive in cases of extreme hardship. 27522  
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Within seven days after receipt of the notice of appeal, the director or local board of health shall prepare and certify to the 27525  
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commission a record of the proceedings out of which the appeal  
arises, including all documents and correspondence, and a  
transcript of all testimony.

Upon the filing of the appeal, the commission shall fix the  
time and place at which the hearing on the appeal will be held.  
The commission shall give the appellant and the appellee at least  
ten days' written notice thereof by certified mail. The commission  
shall hold the hearing within thirty days after the notice of  
appeal is filed. The commission may postpone or continue any  
hearing upon its own motion or upon application of the appellant  
or of the appellee.

The filing of an appeal does not automatically suspend or  
stay execution of the action appealed from. Upon application by  
the appellant, the commission may suspend or stay ~~such~~ the  
execution pending immediate determination of the appeal without  
interruption by continuances, other than for unavoidable  
circumstances.

As used in this section and sections 3745.05 and 3745.06 of  
the Revised Code, "director of environmental protection" and  
"director" are deemed to include the director of agriculture and  
"environmental protection agency" is deemed to include the  
department of agriculture with respect to actions that are  
appealable to the commission under Chapter 903. of the Revised  
Code.

Sec. 3745.10. (A) Not later than ten business days after  
receipt of an application for a permit to install, or a  
modification of such a permit, under rules adopted under division  
(F) of section 3704.03 of the Revised Code or for the approval of  
plans under section 6111.44, 6111.45, or 6111.46 of the Revised  
Code, the director of environmental protection shall send to the  
applicant written acknowledgement of receipt of the application.

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The written acknowledgement shall contain a completeness determination indicating either that the application contains all of the information that is necessary to perform a technical review or that the application is incomplete. If the application is incomplete, the written acknowledgement also shall provide a description of the information that is missing from the application.

(B) If the director fails to make the completeness determination and provide written notice of that determination not later than ten business days after receipt of the application, the application shall be deemed to be complete in all material respects as of the eleventh business day after receipt of the application by the director or the director's agent or authorized representative.

(C) If, during the processing of an application, the director determines, either before or after it has been determined or deemed to be complete under this section, that additional information is necessary in order to evaluate or take final action on the application, the director may request the information in writing.

**Sec. 3745.11.** (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Prior to January 1, 1994, each person issued a permit to operate, variance, or permit to install under section 3704.03 of

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the Revised Code shall pay the fees specified in the following				27588
schedule:				27589
(1) Fuel-Burning Equipment				27590
Input capacity	Permit		Permit	27591
(million British	to		to	27592
thermal units per hour)	operate	Variance	install	27593
0 or more, but less than 10	\$ 75	\$225	\$ 100	27594
10 or more, but less than 100	210	450	390	27595
100 or more, but less than 300	270	675	585	27596
300 or more, but less than 500	330	900	780	27597
500 or more	500	975	1000	27598
Any fuel-burning equipment using only natural gas, propane,				27599
liquefied petroleum gas, or number two or lighter fuel oil shall				27600
be assessed a fee one-half of that shown.				27601
(2) Incinerators				27602
	Permit		Permit	27603
Input capacity	to		to	27604
(pounds per hour)	operate	Variance	install	27605
0 to 50	\$ 50	\$225	\$ 65	27606
51 to 500	210	450	390	27607
501 to 2000	270	675	585	27608
2001 to 30,000	330	900	780	27609
more than 30,000	500	975	1000	27610
(3) Process				27611
	Permit		Permit	27612
Process weight rate	to		to	27613
(pounds per hour)	operate	Variance	install	27614
0 to 1000	\$100	\$225	\$ 200	27615
1001 to 5000	210	450	390	27616
5001 to 10,000	270	675	585	27617
10,001 to 50,000	330	900	780	27618
more than 50,000	500	975	1000	27619

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In any process where process weight rate cannot be				27620
ascertained, the minimum fee shall be assessed.				27621
(4) Storage tanks				27622
	Permit		Permit	27623
Gallons	to	<del>variance</del>	to	27624
(capacity)	operate	<u>Variance</u>	install	27625
<del>less</del> <u>Less</u> than 40,000	\$150	\$225	\$ 195	27626
40,000 or more, but less				27627
than 100,000	210	450	390	27628
100,000 or more, but less				27629
than 400,000	270	675	585	27630
400,000 or more, but less				27631
than 1,000,000	330	900	780	27632
1,000,000 or more	500	975	1000	27633
(5) Gasoline				27634
	Permit		Permit	27635
Gasoline dispensing	to		to	27636
facilities	operate	Variance	install	27637
For each gasoline				27638
dispensing facility	\$20	\$100	\$50	27639
(6) Dry cleaning				27640
	Permit		Permit	27641
Dry cleaning	to		to	27642
facilities	operate	Variance	install	27643
For each dry cleaning				27644
facility	\$50	\$200	\$100	27645
(7) Coal mining operations regulated under Chapter 1513. of				27646
the Revised Code shall be assessed a fee of two hundred fifty				27647
dollars per mine or location.				27648
(C)(1) Except as otherwise provided in division (C)(2) of				27649
this section, beginning July 1, 1994, each person who owns or				27650

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operates an air contaminant source and who is required to apply 27651  
for and obtain a Title V permit under section 3704.036 of the 27652  
Revised Code shall pay the fees set forth in division (C)(1) of 27653  
this section. For the purposes of that division, total emissions 27654  
of air contaminants may be calculated using engineering 27655  
calculations, emissions factors, material balance calculations, or 27656  
performance testing procedures, as authorized by the director. 27657

The following fees shall be assessed on the total actual 27658  
emissions from a source in tons per year of the regulated 27659  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 27660  
organic compounds, and lead: 27661

(a) Fifteen dollars per ton on the total actual emissions of 27662  
each such regulated pollutant during the period July through 27663  
December 1993, to be collected no sooner than July 1, 1994; 27664

(b) Twenty dollars per ton on the total actual emissions of 27665  
each such regulated pollutant during calendar year 1994, to be 27666  
collected no sooner than April 15, 1995; 27667

(c) Twenty-five dollars per ton on the total actual emissions 27668  
of each such regulated pollutant in calendar year 1995, and each 27669  
subsequent calendar year, to be collected no sooner than the 27670  
fifteenth day of April of the year next succeeding the calendar 27671  
year in which the emissions occurred. 27672

The fees levied under division (C)(1) of this section do not 27673  
apply to that portion of the emissions of a regulated pollutant at 27674  
a facility that exceed four thousand tons during a calendar year. 27675

(2) The fees assessed under division (C)(1) of this section 27676  
are for the purpose of providing funding for the Title V permit 27677  
program. 27678

(3) The fees assessed under division (C)(1) of this section 27679  
do not apply to emissions from any electric generating unit 27680  
designated as a Phase I unit under Title IV of the federal Clean 27681

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Air Act prior to calendar year 2000. Those fees shall be assessed 27682  
 on the emissions from such a generating unit commencing in 27683  
 calendar year 2001 based upon the total actual emissions from the 27684  
 generating unit during calendar year 2000 and shall continue to be 27685  
assessed each subsequent calendar year based on the total actual 27686  
emissions from the generating unit during the preceding calendar 27687  
year. 27688

(4) The director shall issue invoices to owners or operators 27689  
 of air contaminant sources who are required to pay a fee assessed 27690  
 under division (C) or (D) of this section. Any such invoice shall 27691  
 be issued no sooner than the applicable date when the fee first 27692  
 may be collected in a year under the applicable division, shall 27693  
 identify the nature and amount of the fee assessed, and shall 27694  
 indicate that the fee is required to be paid within thirty days 27695  
 after the issuance of the invoice. 27696

(D)(1) Except as provided in division (D)(2) of this section, 27697  
 beginning January 1, 1994, each person who owns or operates an air 27698  
 contaminant source; who is required to apply for a permit to 27699  
 operate pursuant to rules adopted under division (G), or a 27700  
 variance pursuant to division (H), of section 3704.03 of the 27701  
 Revised Code; and who is not required to apply for and obtain a 27702  
 Title V permit under section 3704.036 of the Revised Code shall 27703  
 pay a single fee based upon the sum of the actual annual emissions 27704  
 from the facility of the regulated pollutants particulate matter, 27705  
 sulfur dioxide, nitrogen oxides, organic compounds, and lead in 27706  
 accordance with the following schedule: 27707

Total tons per year		27708
of regulated pollutants	Annual fee	27709
emitted	per facility	27710
More than 0, but less than 50	\$ 75	27711
50 or more, but less than 100	300	27712
100 or more	700	27713

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(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 from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	27727
10 or more, but less than 20	340	27731
20 or more, but less than 30	670	27732
30 or more, but less than 40	1,010	27733
40 or more, but less than 50	1,340	27734
50 or more, but less than 60	1,680	27735
60 or more, but less than 70	2,010	27736
70 or more, but less than 80	2,350	27737
80 or more, but less than 90	2,680	27738
90 or more, but less than 100	3,020	27739
100 or more	3,350	27740

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000, ~~and shall continue through June~~

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~~30, 2001~~. The fees assessed under division (D) of this section in 27746  
a calendar year shall be based upon the sum of the actual 27747  
emissions of those regulated pollutants during the preceding 27748  
calendar year. For the purpose of division (D) of this section, 27749  
emissions of air contaminants may be calculated using engineering 27750  
calculations, emission factors, material balance calculations, or 27751  
performance testing procedures, as authorized by the director. The 27752  
director, by rule, may require persons who are required to pay the 27753  
fees assessed under division (D) of this section to pay those fees 27754  
biennially rather than annually. 27755

(E)(1) Consistent with the need to cover the reasonable costs 27756  
of the Title V permit program, the director annually shall 27757  
increase the fees prescribed in division (C)(1) of this section by 27758  
the percentage, if any, by which the consumer price index for the 27759  
most recent calendar year ending before the beginning of a year 27760  
exceeds the consumer price index for calendar year 1989. Upon 27761  
calculating an increase in fees authorized by division (E)(1) of 27762  
this section, the director shall compile revised fee schedules for 27763  
the purposes of division (C)(1) of this section and shall make the 27764  
revised schedules available to persons required to pay the fees 27765  
assessed under that division and to the public. 27766

(2) For the purposes of division (E)(1) of this section: 27767

(a) The consumer price index for any year is the average of 27768  
the consumer price index for all urban consumers published by the 27769  
United States department of labor as of the close of the 27770  
twelve-month period ending on the thirty-first day of August of 27771  
that year. 27772

(b) If the 1989 consumer price index is revised, the director 27773  
shall use the revision of the consumer price index that is most 27774  
consistent with that for calendar year 1989. 27775

(F) Each person who is issued a permit to install pursuant to 27776  
rules adopted under division (F) of section 3704.03 of the Revised 27777

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Code on or after January 1, 1994, shall pay the fees specified in		27778
the following schedules:		27779
(1) Fuel-burning equipment (boilers)		27780
Input capacity (maximum)		27781
(million British thermal units per hour)	Permit to install	27782
Greater than 0, but less than 10	\$ 200	27783
10 or more, but less than 100	400	27784
100 or more, but less than 300	800	27785
300 or more, but less than 500	1500	27786
500 or more, but less than 1000	2500	27787
1000 or more, but less than 5000	4000	27788
5000 or more	6000	27789
Units burning exclusively natural gas, number two fuel oil,		27790
or both shall be assessed a fee that is one-half the applicable		27791
amount shown in division (F)(1) of this section.		27792
(2) Incinerators		27793
Input capacity (pounds per hour)	Permit to install	27794
0 to 100	\$ 100	27795
101 to 500	400	27796
501 to 2000	750	27797
2001 to 20,000	1000	27798
more than 20,000	2500	27799
(3)(a) Process		27800
Process weight rate (pounds per hour)	Permit to install	27801
0 to 1000	\$ 200	27802
1001 to 5000	400	27803
5001 to 10,000	600	27804
10,001 to 50,000	800	27805
more than 50,000	1000	27806
In any process where process weight rate cannot be		27807
ascertained, the minimum fee shall be assessed.		27808

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(b) Notwithstanding division (F)(3)(a) of this section, any	27809
person issued a permit to install pursuant to rules adopted under	27810
division (F) of section 3704.03 of the Revised Code shall pay the	27811
fees set forth in division (F)(3)(c) of this section for a process	27812
used in any of the following industries, as identified by the	27813
applicable four-digit standard industrial classification code	27814
according to the Standard Industrial Classification Manual	27815
published by the United States office of management and budget in	27816
the executive office of the president, 1972, as revised:	27817
1211 Bituminous coal and lignite mining;	27818
1213 Bituminous coal and lignite mining services;	27819
1411 Dimension stone;	27820
1422 Crushed and broken limestone;	27821
1427 Crushed and broken stone, not elsewhere classified;	27822
1442 Construction sand and gravel;	27823
1446 Industrial sand;	27824
3281 Cut stone and stone products;	27825
3295 Minerals and earth, ground or otherwise treated.	27826
(c) The fees set forth in the following schedule apply to the	27827
issuance of a permit to install pursuant to rules adopted under	27828
division (F) of section 3704.03 of the Revised Code for a process	27829
identified in division (F)(3)(b) of this section:	27830
Gallons (maximum	27831
useful capacity)	Permit to install
0 to 20,000	\$ 100
20,001 to 40,000	150
40,001 to 100,000	200
100,001 to 250,000	250
250,001 to 500,000	350
500,001 to 1,000,000	500
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1,000,001 or greater	750	27839
(4) Storage tanks		27840
Gallons (maximum useful capacity)	Permit to install	27841
0 to 20,000	\$100	27842
20,001 to 40,000	150	27843
40,001 to 100,000	200	27844
100,001 to 250,000	250	27845
250,001 to 500,000	350	27846
500,001 to 1,000,000	500	27847
1,000,001 or greater	750	27848
(5) Gasoline/fuel dispensing facilities		27849
For each gasoline/fuel	Permit to install	27850
dispensing facility	\$ 100	27851
(6) Dry cleaning facilities		27852
For each dry cleaning		27853
facility (includes all units	Permit to install	27854
at the facility)	\$ 100	27855
(7) Registration status		27856
For each source covered	Permit to install	27857
by registration status	\$ 75	27858
(G) An owner or operator who is responsible for an asbestos		27859
demolition or renovation project pursuant to rules adopted under		27860
section 3704.03 of the Revised Code shall pay the fees set forth		27861
in the following schedule:		27862
Action	Fee	27863
Each notification	\$75	27864
Asbestos removal	\$3/unit	27865
Asbestos cleanup	\$4/cubic yard	27866
For purposes of this division, "unit" means any combination of		27867
linear feet or square feet equal to fifty.		27868
(H) A person who is issued an extension of time for a permit		27869

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to install an air contaminant source pursuant to rules adopted 27870  
under division (F) of section 3704.03 of the Revised Code shall 27871  
pay a fee equal to one-half the fee originally assessed for the 27872  
permit to install under this section, except that the fee for such 27873  
an extension shall not exceed two hundred dollars. 27874

(I) A person who is issued a modification to a permit to 27875  
install an air contaminant source pursuant to rules adopted under 27876  
section 3704.03 of the Revised Code shall pay a fee equal to 27877  
one-half of the fee that would be assessed under this section to 27878  
obtain a permit to install the source. The fee assessed by this 27879  
division only applies to modifications that are initiated by the 27880  
owner or operator of the source and shall not exceed two thousand 27881  
dollars. 27882

(J) Notwithstanding division (B) or (F) of this section, a 27883  
person who applies for or obtains a permit to install pursuant to 27884  
rules adopted under division (F) of section 3704.03 of the Revised 27885  
Code after the date actual construction of the source began shall 27886  
pay a fee for the permit to install that is equal to twice the fee 27887  
that otherwise would be assessed under the applicable division 27888  
unless the applicant received authorization to begin construction 27889  
under division (W) of section 3704.03 of the Revised Code. This 27890  
division only applies to sources for which actual construction of 27891  
the source begins on or after July 1, 1993. The imposition or 27892  
payment of the fee established in this division does not preclude 27893  
the director from taking any administrative or judicial 27894  
enforcement action under this chapter, Chapter 3704., 3714., 27895  
3734., or 6111. of the Revised Code, or a rule adopted under any 27896  
of them, in connection with a violation of rules adopted under 27897  
division (F) of section 3704.03 of the Revised Code. 27898

As used in this division, "actual construction of the source" 27899  
means the initiation of physical on-site construction activities 27900  
in connection with improvements to the source that are permanent 27901

in nature, including, without limitation, the installation of 27902  
building supports and foundations and the laying of underground 27903  
pipework. 27904

(K) Fifty cents per ton of each fee assessed under division 27905  
(C) of this section on actual emissions from a source and received 27906  
by the environmental protection agency pursuant to that division 27907  
shall be deposited into the state treasury to the credit of the 27908  
small business assistance fund created in section 3706.19 of the 27909  
Revised Code. The remainder of the moneys received by the division 27910  
pursuant to that division and moneys received by the agency 27911  
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 27912  
section shall be deposited in the state treasury to the credit of 27913  
the clean air fund created in section 3704.035 of the Revised 27914  
Code. 27915

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 27916  
or (c) of this section, a person issued a water discharge permit 27917  
or renewal of a water discharge permit pursuant to Chapter 6111. 27918  
of the Revised Code shall pay a fee based on each point source to 27919  
which the issuance is applicable in accordance with the following 27920  
schedule: 27921

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	27923
1,001 to 5000	100	27924
5,001 to 50,000	200	27925
50,001 to 100,000	300	27926
100,001 to 300,000	525	27927
over 300,000	750	27928

(b) Notwithstanding the fee schedule specified in division 27929  
(L)(1)(a) of this section, the fee for a water discharge permit 27930  
that is applicable to coal mining operations regulated under 27931  
Chapter 1513. of the Revised Code shall be two hundred fifty 27932  
dollars per mine. 27933

(c) Notwithstanding the fee schedule specified in division 27934  
(L)(1)(a) of this section, the fee for a water discharge permit 27935  
for a public discharger identified by I in the third character of 27936  
the permittee's NPDES permit number shall not exceed seven hundred 27937  
fifty dollars. 27938

(2) A person applying for a plan approval for a wastewater 27939  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 27940  
of the Revised Code shall pay a fee of one hundred dollars plus 27941  
sixty-five one-hundredths of one per cent of the estimated project 27942  
cost through June 30, ~~2002~~ 2004, and one hundred dollars plus 27943  
two-tenths of one per cent of the estimated project cost on and 27944  
after July 1, ~~2002~~ 2004, except that the total fee shall not 27945  
exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and 27946  
five thousand dollars on and after July 1, ~~2002~~ 2004. The fee 27947  
shall be paid at the time the application is submitted. 27948

(3) A person issued a modification of a water discharge 27949  
permit shall pay a fee equal to one-half the fee that otherwise 27950  
would be charged for a water discharge permit, except that the fee 27951  
for the modification shall not exceed four hundred dollars. 27952

(4) A person who has entered into an agreement with the 27953  
director under section 6111.14 of the Revised Code shall pay an 27954  
administrative service fee for each plan submitted under that 27955  
section for approval that shall not exceed the minimum amount 27956  
necessary to pay administrative costs directly attributable to 27957  
processing plan approvals. The director annually shall calculate 27958  
the fee and shall notify all persons who have entered into 27959  
agreements under that section, or who have applied for agreements, 27960  
of the amount of the fee. 27961

(5)(a)(i) Not later than January 30, ~~2000~~ 2002, and January 27962  
30, ~~2001~~ 2003, a person holding an NPDES discharge permit issued 27963  
pursuant to Chapter 6111. of the Revised Code with an average 27964  
daily discharge flow of five thousand gallons or more shall pay a 27965

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nonrefundable annual discharge fee. Any person who fails to pay 27966  
the fee at that time shall pay an additional amount that equals 27967  
ten per cent of the required annual discharge fee. 27968

(ii) The billing year for the annual discharge fee 27969  
established in division (L)(5)(a)(i) of this section shall consist 27970  
of a twelve-month period beginning on the first day of January of 27971  
the year preceding the date when the annual discharge fee is due. 27972  
In the case of an existing source that permanently ceases to 27973  
discharge during a billing year, the director shall reduce the 27974  
annual discharge fee, including the surcharge applicable to 27975  
certain industrial facilities pursuant to division (L)(5)(c) of 27976  
this section, by one-twelfth for each full month during the 27977  
billing year that the source was not discharging, but only if the 27978  
person holding the NPDES discharge permit for the source notifies 27979  
the director in writing, not later than the first day of October 27980  
of the billing year, of the circumstances causing the cessation of 27981  
discharge. 27982

(iii) The annual discharge fee established in division 27983  
(L)(5)(a)(i) of this section, except for the surcharge applicable 27984  
to certain industrial facilities pursuant to division (L)(5)(c) of 27985  
this section, shall be based upon the average daily discharge flow 27986  
in gallons per day calculated using first day of May through 27987  
thirty-first day of October flow data for the period two years 27988  
prior to the date on which the fee is due. In the case of NPDES 27989  
discharge permits for new sources, the fee shall be calculated 27990  
using the average daily design flow of the facility until actual 27991  
average daily discharge flow values are available for the time 27992  
period specified in division (L)(5)(a)(iii) of this section. The 27993  
annual discharge fee may be prorated for a new source as described 27994  
in division (L)(5)(a)(ii) of this section. 27995

(b) An NPDES permit holder that is a public discharger shall 27996  
pay the fee specified in the following schedule: 27997

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Average daily discharge flow	<del>Fee due by</del> <del>January 30, 2000</del>	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30, 2003</u>	
			27998
			27999
			28000
			28001
5,000 to 49,999	<del>\$ 180</del>	\$ 200	28002
50,000 to 100,000	<del>450</del>	500	28003
100,001 to 250,000	<del>900</del>	1,050	28004
250,001 to 1,000,000	<del>2,250</del>	2,600	28005
1,000,001 to 5,000,000	<del>4,500</del>	5,200	28006
5,000,001 to 10,000,000	<del>9,000</del>	10,350	28007
10,000,001 to 20,000,000	<del>13,500</del>	15,550	28008
20,000,001 to 50,000,000	<del>22,500</del>	25,900	28009
50,000,001 to 100,000,000	<del>36,000</del>	41,400	28010
100,000,001 or more	<del>54,000</del>	62,100	28011

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> <del>January 30, 2000</del>	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30, 2003</u>	
			28024
			28025
			28026
			28027
5,000 to 49,999	<del>\$ 180</del>	\$ 250	28028
50,000 to 250,000	<del>900</del>	1,200	28029

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250,001 to 1,000,000	<del>2,250</del>	2,950	28030
1,000,001 to 5,000,000	<del>4,500</del>	5,850	28031
5,000,001 to 10,000,000	<del>6,750</del>	8,800	28032
10,000,001 to 20,000,000	<del>9,000</del>	11,700	28033
20,000,001 to 100,000,000	<del>10,800</del>	14,050	28034
100,000,001 to 250,000,000	<del>12,600</del>	16,400	28035
250,000,001 or more	<del>14,400</del>	18,700	28036

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of ~~six thousand seven hundred fifty dollars not later than January 30, 2000, and a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, 2001~~ 2002, and not later than January 30, 2003. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2000~~ 2002, and not later than January 30, ~~2001~~ 2003. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area

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permitted. The fee shall not exceed ten thousand dollars and shall 28062  
be payable on or before January 30, 2004, and the thirtieth day of 28063  
January of each year thereafter. Any person who fails to pay the 28064  
fee on the date specified in division (L)(6) of this section shall 28065  
pay an additional amount per year equal to ten per cent of the 28066  
annual fee that is unpaid. 28067

(7) The director shall transmit all moneys collected under 28068  
division (L) of this section to the treasurer of state for deposit 28069  
into the state treasury to the credit of the surface water 28070  
protection fund created in section 6111.038 of the Revised Code. 28071

~~(7)~~(8) As used in division (L) of this section: 28072

(a) "NPDES" means the federally approved national pollutant 28073  
discharge elimination system program for issuing, modifying, 28074  
revoking, reissuing, terminating, monitoring, and enforcing 28075  
permits and imposing and enforcing pretreatment requirements under 28076  
Chapter 6111. of the Revised Code and rules adopted under it. 28077

(b) "Public discharger" means any holder of an NPDES permit 28078  
identified by P in the second character of the NPDES permit number 28079  
assigned by the director. 28080

(c) "Industrial discharger" means any holder of an NPDES 28081  
permit identified by I in the second character of the NPDES permit 28082  
number assigned by the director. 28083

(d) "Major discharger" means any holder of an NPDES permit 28084  
classified as major by the regional administrator of the United 28085  
States environmental protection agency in conjunction with the 28086  
director. 28087

(M) Through June 30, ~~2002~~ 2004, a person applying for a 28088  
license or license renewal to operate a public water system under 28089  
section 6109.21 of the Revised Code shall pay the appropriate fee 28090  
established under this division at the time of application to the 28091  
director. Any person who fails to pay the fee at that time shall 28092

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pay an additional amount that equals ten per cent of the required 28093  
 fee. The director shall transmit all moneys collected under this 28094  
 division to the treasurer of state for deposit into the drinking 28095  
 water protection fund created in section 6109.30 of the Revised 28096  
 Code. 28097

Fees required under this division shall be calculated and 28098  
 paid in accordance with the following schedule: 28099

(1) For the initial license required under division (A)(1) of 28100  
 section 6109.21 of the Revised Code for any public water system 28101  
 that is a community water system as defined in section 6109.01 of 28102  
 the Revised Code, and for each license renewal required for such a 28103  
 system prior to January 31, ~~2002~~ 2004, the fee is: 28104

Number of service connections	Fee amount	
Not more than 49	\$56	28106
50 to 99	88	28107
Number of service connections	Average cost per connection	
100 to 2,499	\$.96	28109
2,500 to 4,999	.92	28110
5,000 to 7,499	.88	28111
7,500 to 9,999	.84	28112
10,000 to 14,999	.80	28113
15,000 to 24,999	.76	28114
25,000 to 49,999	.72	28115
50,000 to 99,999	.68	28116
100,000 to 149,999	.64	28117
150,000 to 199,999	.60	28118
200,000 or more	.56	28119

A public water system may determine how it will pay the total 28120  
 amount of the fee calculated under division (M)(1) of this 28121  
 section, including the assessment of additional user fees that may 28122  
 be assessed on a volumetric basis. 28123

As used in division (M)(1) of this section, "service 28124

connection" means the number of active or inactive pipes, 28125  
goosenecks, pigtails, and any other fittings connecting a water 28126  
main to any building outlet. 28127

(2) For the initial license required under division (A)(2) of 28128  
section 6109.21 of the Revised Code for any public water system 28129  
that is not a community water system and serves a nontransient 28130  
population, and for each license renewal required for such a 28131  
system prior to January 31, ~~2002~~ 2004, the fee is: 28132

Population served	Fee amount	
Fewer than 150	\$ 56	28133
150 to 299	88	28134
300 to 749	192	28135
750 to 1,499	392	28136
1,500 to 2,999	792	28137
3,000 to 7,499	1,760	28138
7,500 to 14,999	3,800	28139
15,000 to 22,499	6,240	28140
22,500 to 29,999	8,576	28141
30,000 or more	11,600	28142

As used in division (M)(2) of this section, "population 28143  
served" means the total number of individuals receiving water from 28144  
the water supply during a twenty-four-hour period for at least 28145  
sixty days during any calendar year. In the absence of a specific 28146  
population count, that number shall be calculated at the rate of 28147  
three individuals per service connection. 28148  
28149

(3) For the initial license required under division (A)(3) of 28150  
section 6109.21 of the Revised Code for any public water system 28151  
that is not a community water system and serves a transient 28152  
population, and for each license renewal required for such a 28153  
system prior to January 31, ~~2002~~ 2004, the fee is: 28154

Number of wells supplying system	Fee amount	
1	\$ 56	28155
		28156

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2	56	28157
3	88	28158
4	192	28159
5	392	28160
System supplied by surface		28161
water, springs, or dug wells	792	28162
As used in division (M)(3) of this section, "number of wells		28163
supplying system" means those wells that are physically connected		28164
to the plumbing system serving the public water system.		28165
(N)(1) A person applying for a plan approval for a public		28166
water supply system under section 6109.07 of the Revised Code		28167
shall pay a fee of one hundred dollars plus two-tenths of one per		28168
cent of the estimated project cost, except that the total fee		28169
shall not exceed fifteen thousand dollars through June 30, <del>2002</del>		28170
<u>2004</u> , and five thousand dollars on and after July 1, <del>2002</del> <u>2004</u> .		28171
The fee shall be paid at the time the application is submitted.		28172
(2) A person who has entered into an agreement with the		28173
director under division (A)(2) of section 6109.07 of the Revised		28174
Code shall pay an administrative service fee for each plan		28175
submitted under that section for approval that shall not exceed		28176
the minimum amount necessary to pay administrative costs directly		28177
attributable to processing plan approvals. The director annually		28178
shall calculate the fee and shall notify all persons that have		28179
entered into agreements under that division, or who have applied		28180
for agreements, of the amount of the fee.		28181
(3) Through June 30, <del>2002</del> <u>2004</u> , the following fee, on a per		28182
survey basis, shall be charged any person for services rendered by		28183
the state in the evaluation of laboratories and laboratory		28184
personnel for compliance with accepted analytical techniques and		28185
procedures established pursuant to Chapter 6109. of the Revised		28186
Code for determining the qualitative characteristics of water:		28187
microbiological	\$1,650	28188

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organic chemical	3,500	28189
inorganic chemical	3,500	28190
standard chemistry	1,800	28191
limited chemistry	1,000	28192

On and after July 1, ~~2002~~ 2004, the following fee, on a per  
survey basis, shall be charged any such person:

microbiological	\$250	28195
chemical/radiological	250	28196
nitrate/turbidity (only)	150	28197

The fee for those services shall be paid at the time the request  
for the survey is made. Through June 30, ~~2002~~ 2004, an individual  
laboratory shall not be assessed a fee under this division more  
than once in any three-year period.

The director shall transmit all moneys collected under this  
division to the treasurer of state for deposit into the drinking  
water protection fund created in section 6109.30 of the Revised  
Code.

(O) Any person applying to the director for examination for  
certification as an operator of a water supply system or  
wastewater system under Chapter 6109. or 6111. of the Revised  
Code, at the time the application is submitted, shall pay an  
application fee of twenty-five dollars through June 30, ~~2002~~ 2004,  
and ten dollars on and after July 1, ~~2002~~ 2004. Upon approval from  
the director that the applicant is eligible to take the  
examination therefor, the applicant shall pay a fee in accordance  
with the following schedule through June 30, ~~2002~~ 2004:

Class I operator	\$45	28215
Class II operator	55	28216
Class III operator	65	28217
Class IV operator	75	28218

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee  
in accordance with the following schedule:

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Class I operator	\$25	28221
Class II operator	35	28222
Class III operator	45	28223
Class IV operator	55	28224

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Through June 30, ~~2002~~ 2004, any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an 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

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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  
increases in the permit fees under this division resulting from  
the amendments made by Amended Substitute House Bill 592 of the  
117th general assembly do not apply to any person who submitted an  
application for a permit to install a new, or modify an existing,  
solid waste disposal facility under that chapter prior to  
September 1, 1987; any such person shall pay the permit fee  
established in this division as it existed prior to June 24, 1988.  
In addition to the applicable permit fee under this division, a  
person issued a permit to install or modify a solid waste facility  
or an infectious waste treatment facility under that chapter who  
fails to pay the permit fee to the director in compliance with  
division (V) of this section shall pay an additional ten per cent  
of the amount of the fee for each week that the permit fee is  
late.

Permit and late payment fees paid to the director under this  
division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap  
tire collection facility under section 3734.75 of the Revised Code  
shall pay a fee of two hundred dollars, except that if the  
facility is owned or operated by a motor vehicle salvage dealer  
licensed under Chapter 4738. of the Revised Code, the person shall  
pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new  
scrap tire storage facility under section 3734.76 of the Revised

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Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this

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section shall be credited to the scrap tire management fund 28316  
 created in section 3734.82 of the Revised Code. 28317

(S)(1) Except as provided by divisions (L), (M), (N), (O), 28318  
 (P), and (S)(2) of this section, division (A)(2) of section 28319  
 3734.05 of the Revised Code, section 3734.79 of the Revised Code, 28320  
 and rules adopted under division (T)(1) of this section, any 28321  
 person applying for a registration certificate under section 28322  
 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 28323  
 variance, or plan approval under Chapter 3734. of the Revised Code 28324  
 shall pay a nonrefundable fee of fifteen dollars at the time the 28325  
 application is submitted. 28326

Except as otherwise provided, any person applying for a 28327  
 permit, variance, or plan approval under Chapter 6109. or 6111. of 28328  
 the Revised Code shall pay a nonrefundable fee of one hundred 28329  
 dollars at the time the application is submitted through June 30, 28330  
~~2002~~ 2004, and a nonrefundable fee of fifteen dollars at the time 28331  
 the application is submitted on and after July 1, ~~2002~~ 2004. 28332  
 Through June 30, ~~2002~~ 2004, any person applying for a national 28333  
 pollutant discharge elimination system permit under Chapter 6111. 28334  
 of the Revised Code shall pay a nonrefundable fee of two hundred 28335  
 dollars at the time of application for the permit. On and after 28336  
 July 1, ~~2002~~ 2004, such a person shall pay a nonrefundable fee of 28337  
 fifteen dollars at the time of application. 28338

In addition to the application fee established under division 28339  
(S)(1) of this section, any person applying for a national 28340  
pollutant discharge elimination system general storm water 28341  
construction permit shall pay a nonrefundable fee of twenty 28342  
dollars per acre for each acre that is permitted above five acres 28343  
at the time the application is submitted. However, the per acreage 28344  
fee shall not exceed three hundred dollars. In addition, any 28345  
person applying for a national pollutant discharge elimination 28346  
system general storm water industrial permit shall pay a 28347

nonrefundable fee of one hundred fifty dollars at the time the 28348  
application is submitted. 28349

The director shall transmit all moneys collected under 28350  
division (S)(1) of this section pursuant to Chapter 6109. of the 28351  
Revised Code to the treasurer of state for deposit into the 28352  
drinking water protection fund created in section 6109.30 of the 28353  
Revised Code. 28354

The director shall transmit all moneys collected under 28355  
division (S)(1) of this section pursuant to Chapter 6111. of the 28356  
Revised Code to the treasurer of state for deposit into the 28357  
surface water protection fund created in section 6111.038 of the 28358  
Revised Code. 28359

If a registration certificate is issued under section 28360  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 28361  
the application fee paid shall be deducted from the amount of the 28362  
registration certificate fee due under division (R)(1), (2), or 28363  
(5) of this section, as applicable. 28364

(2) Division (S)(1) of this section does not apply to an 28365  
application for a registration certificate for a scrap tire 28366  
collection or storage facility submitted under section 3734.75 or 28367  
3734.76 of the Revised Code, as applicable, if the owner or 28368  
operator of the facility or proposed facility is a motor vehicle 28369  
salvage dealer licensed under Chapter 4738. of the Revised Code. 28370

(T) The director may adopt, amend, and rescind rules in 28371  
accordance with Chapter 119. of the Revised Code that do all of 28372  
the following: 28373

(1) Prescribe fees to be paid by applicants for and holders 28374  
of any license, permit, variance, plan approval, or certification 28375  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 28376  
the Revised Code that are not specifically established in this 28377  
section. The fees shall be designed to defray the cost of 28378

processing, issuing, revoking, modifying, denying, and enforcing 28379  
the licenses, permits, variances, plan approvals, and 28380  
certifications. 28381

The director shall transmit all moneys collected under rules 28382  
adopted under division (T)(1) of this section pursuant to Chapter 28383  
6109. of the Revised Code to the treasurer of state for deposit 28384  
into the drinking water protection fund created in section 6109.30 28385  
of the Revised Code. 28386

The director shall transmit all moneys collected under rules 28387  
adopted under division (T)(1) of this section pursuant to Chapter 28388  
6111. of the Revised Code to the treasurer of state for deposit 28389  
into the surface water protection fund created in section 6111.038 28390  
of the Revised Code. 28391

(2) Exempt the state and political subdivisions thereof, 28392  
including education facilities or medical facilities owned by the 28393  
state or a political subdivision, or any person exempted from 28394  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 28395  
any fee required by this section; 28396

(3) Provide for the waiver of any fee, or any part thereof, 28397  
otherwise required by this section whenever the director 28398  
determines that the imposition of the fee would constitute an 28399  
unreasonable cost of doing business for any applicant, class of 28400  
applicants, or other person subject to the fee; 28401

(4) Prescribe measures that the director considers necessary 28402  
to carry out this section. 28403

(U) When the director reasonably demonstrates that the direct 28404  
cost to the state associated with the issuance of a permit to 28405  
install, license, variance, plan approval, or certification 28406  
exceeds the fee for the issuance or review specified by this 28407  
section, the director may condition the issuance or review on the 28408  
payment by the person receiving the issuance or review of, in 28409

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  
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

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Clean Air Act and 40 C.F.R. part 70, including at least:	28441
(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;	28442 28443 28444
(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;	28445 28446 28447 28448
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	28449 28450 28451
(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;	28452 28453 28454
(e) Emission and ambient monitoring;	28455
(f) Modeling, analyses, or demonstrations;	28456
(g) Preparing inventories and tracking emissions;	28457
(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.	28458 28459 28460 28461 28462 28463 28464
(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	28465 28466 28467 28468 28469 28470

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.

(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.

(b) The annual sludge fee required to be paid by a sewage  
sludge facility that treats or disposes of exceptional quality  
sludge in this state shall be thirty-five per cent less per dry  
ton of exceptional quality sludge than the fee assessed under  
division (Y)(1) of this section, subject to the following  
exceptions:

(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. 28502  
However, the facility transferring the sewage sludge shall pay the 28503  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 28504  
of this section. 28505

In the case of a sewage sludge facility that treats sewage 28506  
sludge in this state and transfers it out of this state to another 28507  
entity for disposal, the sewage sludge facility in this state 28508  
shall be required to pay the annual sludge fee for the tons of 28509  
sewage sludge that have been transferred. 28510

(d) A sewage sludge facility that generates sewage sludge 28511  
resulting from an average daily discharge flow of less than five 28512  
thousand gallons per day is not subject to the fees assessed under 28513  
division (Y) of this section. 28514

(3) No sewage sludge facility required to pay the annual 28515  
sludge fee shall be required to pay more than the maximum annual 28516  
fee for each disposal method that the sewage sludge facility uses. 28517  
The maximum annual fee does not include the additional amount that 28518  
may be charged under division (Y)(5) of this section for late 28519  
payment of the annual sludge fee. The maximum annual fee for the 28520  
following methods of disposal of sewage sludge is as follows: 28521

(a) Incineration: five thousand dollars; 28522

(b) Preexisting land reclamation project or disposal in a 28523  
landfill: five thousand dollars; 28524

(c) Land application, land reclamation, surface disposal, or 28525  
any other disposal method not specified in division (Y)(3)(a) or 28526  
(b) of this section: twenty thousand dollars. 28527

(4)(a) In the case of an entity that generates sewage sludge 28528  
or a sewage sludge facility that treats sewage sludge and 28529  
transfers the sewage sludge to an incineration facility for 28530  
disposal, the incineration facility, and not the entity generating 28531  
the sewage sludge or the sewage sludge facility treating the 28532

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sewage sludge, shall pay the annual sludge fee for the tons of  
sewage sludge that are transferred. However, the entity or  
facility generating or treating the sewage sludge shall pay the  
one-hundred-dollar minimum fee required under division (Y)(2)(a)  
of this section.

(b) In the case of an entity that generates sewage sludge and  
transfers the sewage sludge to a landfill for disposal or to a  
sewage sludge facility for land reclamation or surface disposal,  
the entity generating the sewage sludge, and not the landfill or  
sewage sludge facility, shall pay the annual sludge fee for the  
tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar  
year following ~~the effective date of this amendment~~ March 17,  
2000, and each first day of April thereafter, the director shall  
issue invoices to persons who are required to pay the annual  
sludge fee. The invoice shall identify the nature and amount of  
the annual sludge fee assessed and state the first day of May as  
the deadline for receipt by the director of objections regarding  
the amount of the fee and the first day of July as the deadline  
for payment of the fee.

Not later than the first day of May following receipt of an  
invoice, a person required to pay the annual sludge fee may submit  
objections to the director concerning the accuracy of information  
regarding the number of dry tons of sewage sludge used to  
calculate the amount of the annual sludge fee or regarding whether  
the sewage sludge qualifies for the exceptional quality sludge  
discount established in division (Y)(2)(b) of this section. The  
director may consider the objections and adjust the amount of the  
fee to ensure that it is accurate.

If the director does not adjust the amount of the annual  
sludge fee in response to a person's objections, the person may  
appeal the director's determination in accordance with Chapter

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119. of the Revised Code.

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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 stating the first day of July as the deadline for payment.

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Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

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(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

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(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount ~~exceeds~~ exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will not exceed six hundred thousand dollars in any fiscal year.

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If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that

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meets all of the following qualifications:	28628
(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	28629 28630
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	28631 28632
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	28633 28634
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	28635 28636
(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.	28637 28638 28639
(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.	28640 28641 28642
(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.	28643 28644 28645 28646 28647
(g) "Land reclamation" means the returning of disturbed land to productive use.	28648 28649
(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.	28650 28651 28652 28653
(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.	28654 28655 28656 28657

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(j) "Incineration facility" includes all incinerators owned 28658  
or operated by the same entity and located on a contiguous tract 28659  
of land. Areas of land are considered to be contiguous even if 28660  
they are separated by a public road or highway. 28661

(k) "Annual sludge fee" means the fee assessed under division 28662  
(Y)(1) of this section. 28663

(l) "Landfill" means a sanitary landfill facility, as defined 28664  
in rules adopted under section 3734.02 of the Revised Code, that 28665  
is licensed under section 3734.05 of the Revised Code. 28666

(m) "Preexisting land reclamation project" means a 28667  
property-specific land reclamation project that has been in 28668  
continuous operation for not less than five years pursuant to 28669  
approval of the activity by the director and includes the 28670  
implementation of a community outreach program concerning the 28671  
activity. 28672

**Sec. 3745.15.** (A)(1) Not later than one hundred fifty days 28673  
after receipt of a complete application for a permit to install, 28674  
or a modification of such a permit, under rules adopted under 28675  
division (F) of section 3704.03 of the Revised Code or for the 28676  
approval of plans under section 6111.44, 6111.45, or 6111.46 of 28677  
the Revised Code, the director of environmental protection shall 28678  
either issue or deny, or propose to deny, the permit or 28679  
modification or approve or disapprove the plans, whichever is 28680  
applicable. The director shall send written notification to the 28681  
applicant of the issuance or denial or the approval or 28682  
disapproval, whichever is applicable. If the director fails to 28683  
issue or deny or propose to deny the permit or modification or 28684  
approve or disapprove the plans, whichever is applicable, not 28685  
later than one hundred fifty days after receipt of a complete 28686  
application, the director and the director's authorized 28687  
representatives shall not collect the applicable permit to install 28688

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fee established under division (F) or (I) of section 3745.11 of 28689  
the Revised Code or the applicable plan approval fee established 28690  
under division (L)(2) of section 3745.11 of the Revised Code, 28691  
whichever is applicable. 28692

For purposes of this section, a complete application is an 28693  
application that has been determined or deemed to be complete 28694  
under section 3745.10 of the Revised Code. 28695

(2) If the director fails to issue or deny or propose to deny 28696  
a permit to install or modification of such a permit within the 28697  
one-hundred-fifty-day period, the applicant may bring a mandamus 28698  
action to obtain a judgment that orders the director to take a 28699  
final action on the application. 28700

(B)(1) The director, upon the director's own motion or upon 28701  
the written request of the applicant, may extend the time provided 28702  
under division (A) of this section for issuing or denying or 28703  
proposing to deny a permit to install or modification of such a 28704  
permit for an additional sixty days if a public informational 28705  
meeting or public hearing was held on the application. 28706

(2) Upon the written request of the applicant, the director, 28707  
in writing, may extend the time provided under division (A)(1) of 28708  
this section for issuing or denying or proposing to deny a permit 28709  
to install or modification of such a permit for the additional 28710  
time specified in the applicant's request for the extension. 28711

(3) If the time for the issuance, denial, or proposed denial 28712  
of a permit to install or modification of such a permit is 28713  
extended under division (B)(1) or (2) of this section, the 28714  
preclusion against the collection of the applicable permit to 28715  
install fee established under division (A)(1) of this section does 28716  
not apply unless the preclusion is included in a written agreement 28717  
providing for the extension of time. 28718

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(C) Upon the written request of the person who is responsible for a facility, the director may consolidate or group applications for the issuance of permits to install under rules adopted under division (F) of section 3704.03 of the Revised Code, or modifications or renewals of those permits, for individual air contaminant sources located at the facility in order to reduce the unnecessary paperwork and administrative burden to the applicant and the director in connection with the issuance of those permits, modifications, and renewals. Applicable fees that are payable to the director under section 3745.11 of the Revised Code shall not be reduced by reason of any such consolidation or grouping of applications for permits, modifications, or renewals.

**Sec. 3745.22.** (A) As used in this section, "eligible institution of higher education" means any of the state universities listed in section 3345.011 of the Revised Code, or a community college, technical college, university branch, state community college, or an institution that is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code.

(B) There is hereby created in the state treasury the environmental education fund consisting of moneys credited to the fund pursuant to sections 3704.06 and 6111.09 of the Revised Code and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund. The fund shall be administered by the director with the advice and assistance of the environmental education council created in section 3745.21 of the Revised Code. Moneys in the fund shall be used exclusively to develop, implement, and administer a program to enhance public awareness and the objective understanding within this state of issues affecting environmental quality. Toward that end, moneys in the fund may be used for purposes that include, without limitation, developing elementary and secondary school and

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collegiate curricula on environmental issues; providing training 28751  
for this state's elementary and secondary school teachers on 28752  
environmental issues; providing educational seminars for concerned 28753  
members of the public regarding the scientific and technical 28754  
aspects of environmental issues; providing educational seminars 28755  
regarding pollution prevention and waste minimization for persons 28756  
regulated by the environmental protection agency; providing 28757  
educational seminars for persons regulated by the environmental 28758  
protection agency, including, without limitation, small 28759  
businesses, regarding the regulatory requirements of the agency 28760  
and the means of achieving and maintaining compliance with them; 28761  
and providing one or more scholarships in environmental sciences 28762  
or environmental engineering ~~at one or more state colleges or~~ 28763  
~~universities, as "state college or university" is defined in~~ 28764  
~~section 3345.27 of the Revised Code for students enrolled at an~~ 28765  
~~eligible institution of higher education.~~ 28766

The director may expend not more than one million five 28767  
hundred thousand dollars of the moneys credited to the 28768  
environmental education fund under sections 3704.06 and 6111.09 of 28769  
the Revised Code in any fiscal year for the purposes specified in 28770  
this division. The director may request authority from the 28771  
controlling board to expend any moneys credited to that fund in 28772  
any fiscal year in excess of that amount. 28773

~~(B)~~(C) Not later than the first day of April each year, the 28774  
director, with the advice and assistance of the council, shall 28775  
prepare and submit to the governor, the president of the senate, 28776  
and the speaker of the house of representatives an environmental 28777  
education agenda that describes the proposed uses of the 28778  
environmental education fund during the following fiscal year. 28779  
Prior to submitting the agenda the director, in conjunction with 28780  
the council, shall hold a public hearing in Franklin county to 28781  
receive comments on the agenda. After the public hearing and 28782

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before submitting the agenda to the governor, the president, and 28783  
the speaker, the director, with the advice and assistance of the 28784  
council, may make any modifications to the agenda that the 28785  
director considers appropriate based upon the comments received at 28786  
the public hearing. 28787

~~(C)~~(D) Not later than the first day of September each year, 28788  
the director, with the advice and assistance of the council, shall 28789  
prepare and submit to the governor, the president of the senate, 28790  
and the speaker of the house of representatives a report on the 28791  
revenues credited to and expenditures from the environmental 28792  
education fund during the immediately preceding fiscal year. 28793

**Sec. 3748.07.** (A) Every facility that proposes to handle 28794  
radioactive material or radiation-generating equipment for which 28795  
licensure or registration, respectively, by its handler is 28796  
required shall apply in writing to the director of health on forms 28797  
prescribed and provided by the director for licensure or 28798  
registration. Terms and conditions of licenses and certificates of 28799  
registration may be amended in accordance with rules adopted under 28800  
section 3748.04 of the Revised Code or orders issued by the 28801  
director pursuant to section 3748.05 of the Revised Code. 28802

(B) Until rules are adopted under section 3748.04 of the 28803  
Revised Code, and except as provided in section 3748.08 or the 28804  
Revised Code, an application for a certificate of registration 28805  
shall be accompanied by a biennial registration fee of one hundred 28806  
~~sixty~~ seventy-six dollars. On and after the effective date of 28807  
those rules, an applicant for a license, registration certificate, 28808  
or renewal of either shall pay the appropriate fee established in 28809  
those rules. 28810

All fees collected under this section shall be deposited in 28811  
the state treasury to the credit of the general operations fund 28812  
created in section 3701.83 of the Revised Code. The fees shall be 28813

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used solely to administer and enforce this chapter and rules 28814  
adopted under it. 28815

Any fee required under this section that has not been paid 28816  
within ninety days after the invoice date shall be assessed at two 28817  
times the original invoiced fee. Any fee that has not been paid 28818  
within one hundred eighty days after the invoice date shall be 28819  
assessed at five times the original invoiced fee. 28820

(C) The director shall grant a license or registration to any 28821  
applicant who has paid the required fee and is in compliance with 28822  
this chapter and rules adopted under it. 28823

Until rules are adopted under section 3748.04 of the Revised 28824  
Code, certificates of registration shall be effective for two 28825  
years from the date of issuance. On and after the effective date 28826  
of those rules, licenses and certificates of registration shall be 28827  
effective for the applicable period established in those rules. 28828  
Licenses and certificates of registration shall be renewed in 28829  
accordance with the standard renewal procedure established in 28830  
Chapter 4745. of the Revised Code. 28831

Sec. 3748.08. Each time an amendment to section 124.152 of 28832  
the Revised Code is enacted that increases compensation of exempt 28833  
employees effective on or after July 1, 2002, the director of 28834  
health shall increase the fees provided in division (B) of section 28835  
3748.07 and division (B) of section 3748.13 of the Revised Code by 28836  
a percentage equal to the highest percentage increase in 28837  
compensation required by the amendment. Not later than thirty days 28838  
after the effective date of the fee increase, the department of 28839  
health shall notify each registrant of the amount of fee increase. 28840  
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**Sec. 3748.13.** (A) The director of health shall inspect 28843  
sources of radiation for which licensure or registration by the 28844

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handler is required, and the sources' shielding and surroundings, 28845  
 according to the schedule established in rules adopted under 28846  
 division (D) of section 3748.04 of the Revised Code. In accordance 28847  
 with rules adopted under that section, the director shall inspect 28848  
 all records and operating procedures of handlers that install 28849  
 sources of radiation and all sources of radiation for which 28850  
 licensure of radioactive material or registration of 28851  
 radiation-generating equipment by the handler is required. The 28852  
 director may make other inspections upon receiving complaints or 28853  
 other evidence of violation of this chapter or rules adopted under 28854  
 it. 28855

The director shall require any hospital registered under 28856  
 division (A) of section 3701.07 of the Revised Code to develop and 28857  
 maintain a quality assurance program for all sources of 28858  
 radiation-generating equipment. A certified radiation expert shall 28859  
 conduct oversight and maintenance of the program and shall file a 28860  
 report of audits of the program with the director on forms 28861  
 prescribed by the director. The audit reports shall become part of 28862  
 the inspection record. 28863

(B) As used in this division, "health care facility" means a 28864  
freestanding diagnostic imaging center or freestanding or mobile 28865  
radiation therapy center, as those terms are defined in rules 28866  
adopted under division (B) of section 3702.30 of the Revised Code. 28867  
 Until rules are adopted under division (A)(8) of section 3748.04 28868  
 of the Revised Code and except as provided in section 3748.08 of 28869  
the Revised Code, a facility shall pay inspection fees according 28870  
 to the following schedule and categories: 28871

First dental x-ray tube	\$ 94.00	28872
Each additional dental x-ray tube	\$ <del>47.00</del> <u>71.00</u>	28873
at the same a location		
First medical x-ray tube	\$187.00	28874
Each additional medical x-ray tube	\$ <del>94.00</del> <u>187.00</u>	28875

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at the <del>same</del> a location			
<u>Each unit of ionizing</u>	<u>\$210.00</u>		28876
<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>		28877
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>		28878
<del>radiation-generating equipment of</del>			
<del>any kind</del>			
Each <del>additional</del> nonionizing	\$ <del>94.00</del> <u>187.00</u>		28879
radiation-generating equipment of			
any kind at the <del>same</del> a location			
Assembler-maintainer inspection	<del>\$233.00</del> <u>256.00</u>		28880
consisting of an inspection of			
records and operating procedures			
of handlers that install sources			
of radiation			
Until rules are adopted under division (A)(8) of section			28881
3748.04 of the Revised Code <u>and except as provided in section</u>			28882
<u>3748.08 of the Revised Code</u> , the fee for an inspection to			28883
determine whether violations cited in a previous inspection have			28884
been corrected is fifty per cent of the fee applicable under the			28885
schedule in this division. Until those rules are adopted, the fee			28886
for the inspection of a facility that is not licensed or			28887
registered and for which no license or registration application is			28888
pending at the time of inspection is <del>two</del> <u>three</u> hundred <del>ninety</del>			28889
<u>thirty-four</u> dollars plus the fee applicable under the schedule in			28890
this division.			28891

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The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary. Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code and except as provided in section 3748.08 of the Revised Code, the fee for the review is ~~four~~ five hundred ~~sixty-six~~ thirty-six dollars for each room where a source of radiation is used and is in addition to any other fee applicable under the schedule in this division.

All fees shall be paid to the department of health no later than thirty days after the invoice for the fee is mailed. Fees shall be deposited in the general operations fund created in section 3701.83 of the Revised Code. The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

Any fee required under this section that has not been paid within ninety days after the invoice date shall be assessed at two times the original invoiced fee. Any fee that has not been paid 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

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equipment as the director has under this chapter and rules adopted 28924  
 under it. The contract shall stipulate that only individuals 28925  
 approved by the director as qualified shall be permitted to 28926  
 inspect radiation-generating equipment under the contract's 28927  
 provisions. The contract shall provide for such compensation for 28928  
 services as is agreed to by the director and the board of health 28929  
 of the contracting health district. The director may reevaluate 28930  
 the credentials of the inspection personnel and their radiation 28931  
 detecting and measuring equipment as often as the director 28932  
 considers necessary and may terminate any contract with the board 28933  
 of health of any health district that, in the director's opinion, 28934  
 is not satisfactorily performing the terms of the contract. 28935

(D) The director may enter at all reasonable times upon any 28936  
 public or private property to determine compliance with this 28937  
 chapter and rules adopted under it. 28938

**Sec. 3750.02.** (A) There is hereby created the emergency 28939  
 response commission consisting of the directors of environmental 28940  
 protection and health, the ~~chairpersons~~ chairperson of the public 28941  
 utilities commission, ~~industrial commission, and state and local~~ 28942  
~~government commission,~~ the fire marshal, the director of public 28943  
 safety, the director of ~~job and family services~~ transportation, 28944  
the director of natural resources, the superintendent of the 28945  
highway patrol, and the attorney general as members ex officio, or 28946  
 their designees; notwithstanding section 101.26 of the Revised 28947  
 Code, the chairpersons of the respective standing committees of 28948  
 the senate and house of representatives that are primarily 28949  
 responsible for considering environmental issues who may 28950  
 participate fully in all the commission's deliberations and 28951  
 activities, except that they shall serve as nonvoting members; and 28952  
 ten members to be appointed by the governor with the advice and 28953  
 consent of the senate. The appointed members, to the extent 28954  
 practicable, shall have technical expertise in the field of 28955

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emergency response. Of the appointed members, two shall represent 28956  
environmental advocacy organizations, one shall represent the 28957  
interests of petroleum refiners or marketers or chemical 28958  
manufacturers, one shall represent the interests of another 28959  
industry subject to this chapter, one shall represent the 28960  
interests of municipal corporations, one shall represent the 28961  
interests of counties, one shall represent the interests of chiefs 28962  
of fire departments, one shall represent the interests of 28963  
professional firefighters, one shall represent the interests of 28964  
volunteer firefighters, and one shall represent the interests of 28965  
local emergency management agencies. 28966

An appointed member of the commission also may serve as a 28967  
member of the local emergency planning committee of an emergency 28968  
planning district. An appointed member of the commission who is 28969  
also a member of a local emergency planning committee shall not 28970  
participate as a member of the commission in the appointment of 28971  
members of the local emergency planning committee of which the 28972  
member is a member, in the review of the chemical emergency 28973  
response and preparedness plan submitted by the local emergency 28974  
planning committee of which the member is a member, in any vote to 28975  
approve a grant to the member's district, or in any vote of the 28976  
commission on any motion or resolution pertaining specifically to 28977  
the member's district or the local emergency planning committee on 28978  
which the member serves. A commission member who is also a member 28979  
of a local emergency planning committee shall not lobby or 28980  
otherwise act as an advocate for the member's district to other 28981  
members of the commission to obtain from the commission anything 28982  
of value for the member's district or the local emergency planning 28983  
committee of which the member is a member. A member of the 28984  
commission who is also a member of a local emergency planning 28985  
committee may vote on resolutions of the commission that apply 28986  
uniformly to all local emergency planning committees and districts 28987  
in the state and do not provide a grant or other pecuniary benefit 28988

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to the member's district or the committee of which the member is a member. 28989  
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The governor shall make the initial appointments to the commission within thirty days after December 14, 1988. Of the initial appointments to the commission, five shall be for a term of two years and five shall be for a term of one year. Thereafter, terms of office of the appointed members of the commission shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. 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 that 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 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. 28991  
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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 29013  
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or authorized to be so delegated by that division. The commission  
may organize itself into such additional committees as it  
considers necessary or convenient to implement and administer this  
chapter. The director of environmental protection and the director  
of public safety or their designees shall serve as co-chairpersons  
of the commission and the executive committee. Except as otherwise  
provided in this chapter, a majority of the voting members of the  
commission constitutes a quorum and the affirmative vote of a  
majority of the voting members of the commission is necessary for  
any action taken by the commission. Meetings of the executive  
committee conducted for the purpose of determining whether to  
issue an enforcement order or request that a civil action, civil  
penalty action, or criminal action be brought to enforce this  
chapter or rules adopted or orders issued under it are not subject  
to section 121.22 of the Revised Code pursuant to division (D) of  
that section.

Except for the purposes of Chapters 102. and 2921. and  
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving  
as an appointed member of the commission does not constitute  
holding a public office or position of employment under the laws  
of this state and does not constitute grounds for removal of  
public officers or employees from their offices or positions of  
employment.

(B) The commission shall:

(1) Adopt rules in accordance with Chapter 119. of the  
Revised Code that are consistent with and equivalent in scope,  
content, and coverage to the "Emergency Planning and Community  
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and  
applicable regulations adopted under it:

(a) Identifying or listing extremely hazardous substances and  
establishing a threshold planning quantity for each such  
substance. To the extent consistent with that act and applicable

regulations adopted under it, the rules may establish threshold  
planning quantities based upon classes of those substances or  
categories of facilities at which such substances are present.

(b) Listing hazardous chemicals, establishing threshold  
quantities for those chemicals, establishing categories of health  
and physical hazards of those chemicals, establishing criteria or  
procedures for identifying those chemicals and the appropriate  
hazard categories of those chemicals, and establishing ranges of  
quantities for those chemicals to be used in preparing emergency  
and hazardous chemical inventory forms under section 3750.08 of  
the Revised Code. To the extent consistent with that act and  
applicable regulations adopted under it, the rules may establish  
threshold quantities based upon classes of those chemicals or  
categories of facilities where those chemicals are present.

To the extent consistent with that act, the threshold  
quantities for purposes of the submission of lists of hazardous  
chemicals under section 3750.07 and the submission of emergency  
and hazardous chemical inventory forms under section 3750.08 of  
the Revised Code may differ.

(c) Identifying or listing hazardous substances and  
establishing reportable quantities of each of those substances and  
each extremely hazardous substance. In addition to being  
consistent with and equivalent in scope, content, and coverage to  
that act and applicable regulations adopted under it, the rules  
shall be consistent with and equivalent in scope, content, and  
coverage to regulations identifying or listing hazardous  
substances and reportable quantities of those substances adopted  
under the "Comprehensive Environmental Response, Compensation, and  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as  
amended.

(d) Prescribing the information to be included in the lists  
of hazardous chemicals required to be submitted under section

3750.07 of the Revised Code; 29085

(e) Prescribing the information to be included in the 29086  
emergency and hazardous chemical inventory forms required to be 29087  
submitted under section 3750.08 of the Revised Code. If the 29088  
commission establishes its own emergency and hazardous chemical 29089  
inventory form, the rules shall authorize owners and operators of 29090  
facilities who also have one or more facilities located outside 29091  
the state for which they are required to submit inventory forms 29092  
under the federal act and regulations adopted under it to submit 29093  
their annual inventories on forms prescribed by the administrator 29094  
of the United States environmental protection agency under that 29095  
act instead of on forms prescribed by the commission and shall 29096  
require those owners or operators to submit any additional 29097  
information required by the commission's inventory form on an 29098  
attachment to the federal form. 29099

(f) Establishing procedures for giving verbal notice of 29100  
releases under section 3750.06 of the Revised Code and prescribing 29101  
the information to be provided in such a notice and in the 29102  
follow-up written notice required by that section; 29103

(g) Establishing standards for determining valid needs for 29104  
the release of tier II information under division (B)(4) of 29105  
section 3750.10 of the Revised Code; 29106

(h) Identifying the types or categories of information 29107  
submitted or obtained under this chapter and rules adopted under 29108  
it that constitute confidential business information; 29109

(i) Establishing criteria and procedures to protect trade 29110  
secret and confidential business information from unauthorized 29111  
disclosure; 29112

(j) Establishing other requirements or authorizations that 29113  
the commission considers necessary or appropriate to implement, 29114  
administer, and enforce this chapter. 29115

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(2) Adopt rules in accordance with Chapter 119. of the 29116  
Revised Code to implement and administer this chapter that may be 29117  
more stringent than the "Emergency Planning and Community 29118  
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and 29119  
regulations adopted under it. Rules adopted under division (B)(2) 29120  
of this section shall not be inconsistent with that act or the 29121  
regulations adopted under it. The rules shall: 29122

(a) Prescribe the information to be included in the chemical 29123  
emergency response and preparedness plans prepared and submitted 29124  
by local emergency planning committees under section 3750.04 of 29125  
the Revised Code; 29126

(b) Establish criteria and procedures for reviewing the 29127  
chemical emergency response and preparedness plans of local 29128  
emergency planning committees required by section 3750.04 of the 29129  
Revised Code and the annual exercise of those plans and for 29130  
providing concurrence or requesting modifications in the plans and 29131  
the exercise of those plans. The criteria shall include, without 29132  
limitation, the requirement that each exercise of a committee's 29133  
plan involve, in addition to local emergency response and medical 29134  
personnel, either a facility that is subject to the plan or a 29135  
transporter of materials that are identified or listed as 29136  
hazardous materials by regulations adopted under the "Hazardous 29137  
Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 29138  
1801, as amended. 29139

(c) Establish policies and procedures for maintaining 29140  
information submitted to the commission and local emergency 29141  
planning committees under this chapter, and for receiving and 29142  
fulfilling requests from the public for access to review and to 29143  
obtain copies of that information. The criteria and procedures 29144  
shall include the following requirements and authorizations 29145  
regarding that information and access to it: 29146

(i) Information that is protected as trade secret information 29147

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- 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  
facility for which information is being requested and the  
particular types of documents requested.
- (v) Only employees of the commission or committee shall copy  
information in the files of the commission or committee.
- (vi) The commission or committee may require any person who  
requests to review or obtain a copy of information in its files to  
schedule an appointment for that purpose with the information  
coordinator of the commission or committee at least twenty-four  
hours before arriving at the office of the commission or committee  
for the review or copy.
- (vii) Any person who seeks access to information in the files  
of the commission or a local emergency planning committee shall  
submit a written application, either in person or by mail, to the  
information coordinator on a form provided by the commission or  
committee. The person also shall provide the person's name and

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current mailing address on the application and may be requested by 29179  
the commission or committee to provide basic demographic 29180  
information on the form to assist in the evaluation of the 29181  
information access provisions of this chapter and rules adopted 29182  
under it. Application forms may be obtained by mail or in person 29183  
or by request by telephone at the office of the commission or 29184  
committee during regular business hours. Upon receipt of a request 29185  
for an application by telephone or mail, the information 29186  
coordinator shall promptly mail an application to the person who 29187  
requested it. 29188

(viii) The application form shall provide the applicant with 29189  
a means of indicating that the applicant's name and address are to 29190  
be kept confidential. If the applicant so indicates, that 29191  
information is not a public record under section 149.43 of the 29192  
Revised Code and shall not be disclosed to any person who is not a 29193  
member or employee of the commission or committee or an employee 29194  
of the environmental protection agency. When a name and address 29195  
are to be kept confidential, they also shall be deleted from the 29196  
copy of the application required to be placed in the file of the 29197  
facility under division (B)(2)(c)(xii) of this section and shall 29198  
be withheld from any log of information requests kept by the 29199  
commission or committee pursuant to that division. 29200

(ix) Neither the commission nor a local emergency planning 29201  
committee shall charge any fee for access to review information in 29202  
its files when no copies or computer searches of that information 29203  
are requested. 29204

(x) An applicant shall be informed of the cost of copying, 29205  
mailing, or conducting a computer search of information on file 29206  
with the commission or committee before such a copy or search is 29207  
made, and the commission or committee shall collect the 29208  
appropriate fees as established under section 3750.13 of the 29209  
Revised Code. Each applicant shall acknowledge on the application 29210

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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 review by the public and by the owners and operators of facilities required to submit information to the commission or committee under this chapter and rules adopted under it.

(d) Require that claims for the protection, as a trade secret, of information obtained under this chapter regarding extremely hazardous substances identified or listed in rules adopted under division (B)(1)(a) of this section and hazardous chemicals identified or listed in rules adopted under division (B)(1)(b) of this section be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section;

(e) Establish criteria and procedures for the issuance of variances under divisions (B) and (C) of section 3750.11 of the

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Revised Code. The rules shall require that, before approval of an application for a variance, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the extremely hazardous substances, hazardous chemicals, or hazardous substances 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 chemicals or substances, when the substances or chemicals are present at a facility in an amount equal to or exceeding the quantity for which reporting would be required under the reporting requirement for which the variance is sought. The rules shall also require that before approval of an application for a variance, the commission or committee find by a preponderance of the evidence that the development and implementation of a local emergency response plan for releases of the substances or chemicals covered by the reporting requirement will reduce the risk of catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency management personnel, in the event of a release of the substances or chemicals and find by a preponderance of the evidence that the reporting requirement is necessary for the development of such a local emergency response plan. The rules shall require that when determining whether the substances or chemicals that would be subject to the reporting requirement pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to emergency management personnel responding to a release of the substance or chemical, the commission or committee consider all of the following factors:

- (i) The specific characteristics and degree and nature of the

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hazards posed by a release of the extremely hazardous substances,	29275
hazardous chemicals, or hazardous substances;	29276
(ii) The proximity of the facilities that would be subject to	29277
the reporting requirement to residential areas, to areas where	29278
significantly large numbers of people are employed or otherwise	29279
congregate, and to environmental resources that are subject to	29280
injury;	29281
(iii) The quantities of the extremely hazardous substances,	29282
hazardous chemicals, or hazardous substances that are routinely	29283
present at facilities that would be subject to the reporting	29284
requirement;	29285
(iv) The frequency with which the extremely hazardous	29286
substances, hazardous chemicals, or hazardous substances are	29287
present at the facilities that would be subject to the reporting	29288
requirement in quantities for which reporting would be required	29289
thereunder.	29290
(f) Establish criteria and procedures for the issuance of	29291
orders under division (D) of section 3750.11 of the Revised Code	29292
requiring the placement of emergency response lock box units. The	29293
rules shall require that before approval of an application for	29294
issuance of such an order, the commission or committee find by a	29295
preponderance of the scientific evidence based upon generally	29296
accepted scientific principles or laboratory tests that the	29297
presence of the extremely hazardous substances, hazardous	29298
chemicals, or hazardous substances in the quantities in which they	29299
are routinely or intermittently present at the facility for which	29300
the order is sought pose a substantial risk of catastrophic injury	29301
to public health or safety or to the environment, or pose an	29302
extraordinary risk of injury to responding emergency management	29303
personnel, in the event of a release of any of those substances or	29304
chemicals from the facility. The rules shall require that before	29305
approval of an application for issuance of such an order, the	29306

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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:

(i) The specific characteristics and the degree and nature of  
the hazards posed by a release of the extremely hazardous  
substances, hazardous chemicals, or hazardous substances present  
at the facility;

(ii) The proximity of the facility to residential areas, to  
areas where significantly large numbers of people are employed or  
otherwise congregate, and to environmental resources that are  
subject to injury;

(iii) The quantities of the extremely hazardous substances,  
hazardous chemicals, or hazardous substances that are routinely  
present at the facility;

(iv) The frequency with which the extremely hazardous  
substances, hazardous chemicals, or hazardous substances are  
present at the facility.

(g) Establish procedures to be followed by the commission and

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the executive committee of the commission for the issuance of 29338  
orders under this chapter. 29339

(3) In accordance with Chapter 119. of the Revised Code adopt 29340  
rules establishing reportable quantities for releases of oil that 29341  
are consistent with and equivalent in scope, content, and coverage 29342  
to section 311 of the "Federal Water Pollution Control Act 29343  
Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, 29344  
and applicable regulations adopted under it; 29345

(4) Adopt rules in accordance with Chapter 119. of the 29346  
Revised Code establishing criteria and procedures for identifying 29347  
or listing extremely hazardous substances in addition to those 29348  
identified or listed in rules adopted under division (B)(1)(a) of 29349  
this section and for establishing threshold planning quantities 29350  
and reportable quantities for the added extremely hazardous 29351  
substances; for identifying or listing hazardous chemicals in 29352  
addition to those identified or listed in rules adopted under 29353  
division (B)(1)(b) of this section and for establishing threshold 29354  
quantities and categories of health and physical hazards for the 29355  
added hazardous chemicals; and for identifying or listing 29356  
hazardous substances in addition to those identified or listed in 29357  
rules adopted under division (B)(1)(c) of this section and for 29358  
establishing reportable quantities for the added hazardous 29359  
substances. The criteria for identifying or listing additional 29360  
extremely hazardous substances and establishing threshold planning 29361  
quantities and reportable quantities therefor and for identifying 29362  
or listing additional hazardous chemicals and establishing 29363  
threshold quantities and categories of health and physical hazards 29364  
for the added hazardous chemicals shall be consistent with and 29365  
equivalent to applicable criteria therefor under the "Emergency 29366  
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 29367  
42 U.S.C.A. 11001, and regulations adopted under it. The criteria 29368  
for identifying additional hazardous substances and for 29369

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establishing reportable quantities of the added hazardous 29370  
substances shall be consistent with and equivalent to the 29371  
applicable criteria for identifying or listing hazardous 29372  
substances and establishing reportable quantities therefor under 29373  
the "Comprehensive Environmental Response, Compensation, and 29374  
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 29375  
amended, and regulations adopted under it. 29376

The rules shall require that, before identifying or listing 29377  
any such additional extremely hazardous substance, hazardous 29378  
chemical, or hazardous substance and establishing a threshold 29379  
planning quantity, threshold quantity, or reportable quantity 29380  
therefor, the commission find by a preponderance of the scientific 29381  
evidence based on generally accepted scientific principles or 29382  
laboratory tests that the substance or chemical poses a 29383  
substantial risk of catastrophic injury to public health or safety 29384  
or to the environment, or poses an extraordinary risk of injury to 29385  
emergency management personnel responding to a release of the 29386  
chemical or substance, when the chemical or substance is present 29387  
at a facility in an amount equal to the proposed threshold 29388  
planning quantity or threshold quantity or, in the instance of a 29389  
proposed additional extremely hazardous substance or hazardous 29390  
substance, poses a substantial risk of catastrophic injury to 29391  
public health or safety or to the environment if a release of the 29392  
proposed reportable quantity of the substance occurs. The rules 29393  
shall further require that, before so identifying or listing a 29394  
substance or chemical, the commission find by a preponderance of 29395  
the evidence that the development and implementation of state or 29396  
local emergency response plans for releases of the substance or 29397  
chemical will reduce the risk of a catastrophic injury to public 29398  
health or safety or to the environment, or will reduce the 29399  
extraordinary risk of injury to responding emergency response 29400  
personnel, in the event of a release of the substance or chemical 29401

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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  
and hazardous chemicals identified or listed in rules adopted  
under division (C)(5) of this section. The rules shall be  
equivalent in scope, content, and coverage to section 322 of the  
"Emergency Planning and Community Right-To-Know Act of 1986," 100  
Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it.

(6)(a) After consultation with the fire marshal, adopt rules  
in accordance with Chapter 119. of the Revised Code establishing  
standards for the construction, placement, and use of emergency  
response lock box units at facilities that are subject to this  
chapter. The rules shall establish all of the following:

- (i) Specific standards of construction for lock box units;
- (ii) The specific types of information that shall be placed  
in the lock box units required to be placed at a facility by an  
order issued under division (D) of section 3750.11 of the Revised  
Code, which shall include the location of on-site emergency  
fire-fighting and spill cleanup equipment; a diagram of the public

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and private water supply and sewage systems serving the facility 29434  
that are known to the owner or operator of the facility; a copy of 29435  
the emergency and hazardous chemical inventory form for the 29436  
facility most recently required to be submitted under section 29437  
3750.08 of the Revised Code from which the owner or operator may 29438  
withhold information claimed or determined to be trade secret 29439  
information pursuant to rules adopted under division (B)(2)(d) of 29440  
this section, or pursuant to division (B)(14) of this section and 29441  
rules adopted under division (B)(5) of this section, and 29442  
confidential business information identified in rules adopted 29443  
under division (B)(1)(h) of this section; a copy of the local fire 29444  
department's and facility's emergency management plans for the 29445  
facility, if any; a current list of the names, positions, 29446  
addresses, and telephone numbers of all key facility personnel 29447  
knowledgeable in facility safety procedures and the locations at 29448  
the facility where extremely hazardous substances, hazardous 29449  
chemicals, and hazardous substances are produced, used, or stored. 29450  
The rules shall stipulate that, in the instance of lock box units 29451  
placed voluntarily at facilities by the owners or operators of the 29452  
facilities, such information shall be maintained in them as is 29453  
prescribed by agreement by the owner or operator and the fire 29454  
department having jurisdiction over the facility. 29455

(iii) The conditions that shall be met in order to provide 29456  
safe and expedient access to a lock box unit during a release or 29457  
threatened release of an extremely hazardous substance, hazardous 29458  
chemical, or hazardous substance. 29459

(b) Unless the owner or operator of a facility is issued an 29460  
order under division (D) of section 3750.11 of the Revised Code 29461  
requiring the owner or operator to place a lock box unit at the 29462  
facility, the owner or operator may place a lock box unit at the 29463  
facility at the owner's or operator's discretion. If the owner or 29464  
operator chooses to place a lock box unit at the facility, the 29465

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responsibility to deposit information in the lock box unit is in addition to any other obligations established in this chapter. 29466  
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(c) Any costs associated with the purchase, construction, or placement of a lock box unit shall be paid by the owner or operator of the facility. 29468  
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(7) In accordance with Chapter 119. of the Revised Code, adopt rules governing the application for and awarding of grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code; 29471  
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(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing reasonable maximum fees that may be charged by the commission and local emergency planning committees for copying information in the commission's or committee's files to fulfill requests from the public for that information; 29475  
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(9) Adopt internal management rules governing the operations of the commission. The internal management rules shall establish an executive committee of the commission consisting of the director of environmental protection or the director's designee, the director of public safety or the director's designee, the attorney general or the attorney general's designee, one of the appointed members of the commission representing industries subject to this chapter to be appointed by the commission, one of the appointed members of the commission representing the interests of environmental advocacy organizations to be appointed by the commission, and one other appointed member or member ex officio of the commission to be appointed by the commission. The executive committee has exclusive authority to issue enforcement orders under section 3750.18 of the Revised Code and to request the attorney general to bring a civil action, civil penalty action, or criminal action under section 3750.20 of the Revised Code in the name of the commission regarding violations of this chapter, rules adopted under it, or orders issued under it. The internal 29480  
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management rules may set forth the other specific powers and 29498  
duties of the commission that the executive committee may exercise 29499  
and carry out and the conditions under which the executive 29500  
committee may do so. The internal management rules shall not 29501  
authorize the executive committee to issue variances under 29502  
division (B) or (C) of section 3750.11 of the Revised Code or 29503  
orders under division (D) of that section. 29504

(10) Oversee and coordinate the implementation and 29505  
enforcement of this chapter and make such recommendations to the 29506  
director of environmental protection and the director of public 29507  
safety as it considers necessary or appropriate to improve the 29508  
implementation and enforcement of this chapter; 29509

(11) Make allocations of moneys under division (B) of section 29510  
3750.14 of the Revised Code and make grants under division (C) of 29511  
section 3750.14 and division (B) of section 3750.15 of the Revised 29512  
Code; 29513

(12) Designate an officer of the environmental protection 29514  
agency to serve as the commission's information coordinator under 29515  
this chapter; 29516

(13) Not later than December 14, 1989, develop and distribute 29517  
a state emergency response plan that defines the emergency 29518  
response roles and responsibilities of the state agencies that are 29519  
represented on the commission and that provides appropriate 29520  
coordination with the national contingency plan and the regional 29521  
contingency plan required by section 105 of the "Comprehensive 29522  
Environmental Response, Compensation, and Liability Act of 1980," 29523  
94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure 29524  
a well-coordinated response by state agencies that may be involved 29525  
in assisting local emergency responders during a major release of 29526  
oil or a major sudden and accidental release of a hazardous 29527  
substance or extremely hazardous substance. The plan may 29528  
incorporate existing state emergency response plans by reference. 29529

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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.

(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 that the claim does not meet the criteria established in those rules, it shall issue an order to that effect in accordance with section 3750.18 of the Revised Code.

(15) Annually compile, make available to the public, and submit to the president of the senate and the speaker of the house of representatives a summary report on the number of facilities estimated to be subject to regulation under sections 3750.05, 3750.07, and 3750.08 of the Revised Code, the number of facilities reporting to the commission, an estimate of the percentage of facilities in compliance with those sections, and recommendations regarding the types of activities the commission considers necessary to improve such compliance. The commission shall base its estimate of the number of facilities that are subject to regulation under those sections on the current estimates provided by the local emergency planning committees under division (D)(6) of section 3750.03 of the Revised Code.

(C) The commission may:

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(1) Procure by contract the temporary or intermittent	29562
services of experts or consultants when those services are to be	29563
performed on a part-time or fee-for-service basis and do not	29564
involve the performance of administrative duties;	29565
(2) Enter into contracts or agreements with political	29566
subdivisions or emergency planning districts for the purposes of	29567
this chapter;	29568
(3) Accept on behalf of the state any gift, grant, or	29569
contribution from any governmental or private source for the	29570
purposes of this chapter;	29571
(4) Enter into contracts, agreements, or memoranda of	29572
understanding with any state department, agency, board,	29573
commission, or institution to obtain the services of personnel	29574
thereof or utilize resources thereof for the purposes of this	29575
chapter. Employees of a state department, agency, board,	29576
commission, or institution providing services to the commission	29577
under any such contract, agreement, or memorandum shall perform	29578
only those functions and provide only the services provided for in	29579
the contract, agreement, or memorandum.	29580
(5) Identify or list extremely hazardous substances in	29581
addition to those identified or listed in rules adopted under	29582
division (B)(1)(a) of this section and establish threshold	29583
planning quantities and reportable quantities for the additional	29584
extremely hazardous substances, identify or list hazardous	29585
chemicals in addition to those identified or listed in rules	29586
adopted under division (B)(1)(b) of this section and establish	29587
threshold quantities and categories or health and physical hazards	29588
for the added chemicals, and identify or list hazardous substances	29589
in addition to those identified or listed in rules adopted under	29590
division (B)(1)(c) of this section and establish reportable	29591
quantities for the added hazardous substances. The commission may	29592
establish threshold planning quantities for the additional	29593

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extremely hazardous substances based upon classes of those 29594  
substances or categories of facilities at which they are present 29595  
and may establish threshold quantities for the additional 29596  
hazardous chemicals based upon classes of those chemicals or 29597  
categories of facilities where they are present. The commission 29598  
shall identify or list such additional substances or chemicals and 29599  
establish threshold planning quantities, threshold quantities, 29600  
reportable quantities, and hazard categories therefor in 29601  
accordance with the criteria and procedures established in rules 29602  
adopted under division (B)(4) of this section and, after 29603  
compliance with those criteria and procedures, by the adoption of 29604  
rules in accordance with Chapter 119. of the Revised Code. The 29605  
commission shall not adopt rules under division (C)(5) of this 29606  
section modifying any threshold planning quantity established in 29607  
rules adopted under division (B)(1)(a) of this section, any 29608  
threshold quantity established in rules adopted under division 29609  
(B)(1)(b) of this section, or any reportable quantity established 29610  
in rules adopted under division (B)(1)(c) of this section. 29611

If, after the commission has adopted rules under division 29612  
(C)(5) of this section identifying or listing an extremely 29613  
hazardous substance, hazardous chemical, or hazardous substance, 29614  
the administrator of the United States environmental protection 29615  
agency identifies or lists the substance or chemical as an 29616  
extremely hazardous substance or hazardous chemical under the 29617  
"Emergency Planning and Community Right-To-Know Act of 1986," 100 29618  
Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance 29619  
as a hazardous substance under the "Comprehensive Environmental 29620  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 29621  
42 U.S.C.A. 9602, as amended, the commission shall rescind its 29622  
rules adopted under division (C)(5) of this section pertaining to 29623  
the substance or chemical and adopt the appropriate rules under 29624  
division (B)(1)(a), (b), or (c) of this section. 29625

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(6) From time to time, request the director of environmental protection and the executive director of the emergency management agency to review implementation, administration, and enforcement of the chemical emergency response planning and reporting programs created by this chapter and rules adopted under it regarding their effectiveness in preparing for response to releases of extremely hazardous substances, hazardous chemicals, and hazardous substances. After completion of any such review, the director of environmental protection and the director of public safety shall report their findings to the commission. Upon receipt of their findings, the commission may make such recommendations for legislative and administrative action as the commission finds necessary or appropriate to promote achievement of the purposes of this chapter.

(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

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the state emergency response commission under that act and 29658  
regulations adopted under it and under this chapter. 29659

Sec. 3750.081. (A) Notwithstanding any provision in this 29660  
chapter to the contrary, an owner or operator of a facility that 29661  
is regulated under Chapter 1509. of the Revised Code who has filed 29662  
a log in accordance with section 1509.10 of the Revised Code and a 29663  
production statement in accordance with section 1509.11 of the 29664  
Revised Code shall be deemed to have satisfied all of the 29665  
inventory, notification, listing, and other submission and filing 29666  
requirements established under this chapter, except for the 29667  
release reporting requirements established under section 3750.06 29668  
of the Revised Code. 29669

(B) The emergency response commission and every local 29670  
emergency planning committee and fire department in this state 29671  
shall establish a means by which to access, view, and retrieve 29672  
information, through the use of the internet or a computer disk, 29673  
from the electronic database maintained by the division of mineral 29674  
resources management in the department of natural resources in 29675  
accordance with section 1509.23 of the Revised Code. With respect 29676  
to facilities regulated under Chapter 1509. of the Revised Code, 29677  
the database shall be the means of providing and receiving the 29678  
information described in division (A) of this section. 29679

**Sec. 3750.13.** (A)(1) Except as provided in division (A)(3) or 29680  
(4) of this section, the owner or operator of a facility required 29681  
to annually file an emergency and hazardous chemical inventory 29682  
form under section 3750.08 of the Revised Code shall submit with 29683  
the inventory form a filing fee of one hundred fifty dollars. In 29684  
addition to the filing fee, the owner or operator shall submit 29685  
with the inventory form the following additional fees for 29686  
reporting inventories of the individual hazardous chemicals and 29687  
extremely hazardous substances produced, used, or stored at the 29688

facility: 29689

(a) Except as provided in division (A)(1)(b) of this section, 29690  
an additional fee of ~~ten~~ twenty dollars per hazardous chemical 29691  
enumerated on the inventory form ~~in excess of five~~; 29692

(b) An additional fee of one hundred fifty dollars per 29693  
extremely hazardous substance enumerated on the inventory form. 29694  
The fee established in division (A)(1)(a) of this section does not 29695  
apply to the reporting of the inventory of a hazardous chemical 29696  
that is also an extremely hazardous substance to which the 29697  
inventory reporting fee established in division (A)(1)(b) of this 29698  
section applies. 29699

The total fees required to accompany any inventory form shall 29700  
not exceed twenty-five hundred dollars. 29701

(2) An owner or operator of a facility who fails to submit 29702  
such an inventory form within thirty days after the applicable 29703  
filing date prescribed in section 3750.08 of the Revised Code 29704  
shall submit with the inventory form a late filing fee in the 29705  
amount of ~~fifteen~~ ten per cent per year of the total fees due 29706  
under division (A)(1) or (4) of this section, in addition to the 29707  
fees due under division (A)(1) or (4) of this section. ~~The late~~ 29708  
~~filing fee shall be compounded every three months until the total~~ 29709  
~~fees due under division (A)(1) or (4) of this section are~~ 29710  
~~submitted to the emergency response commission.~~ 29711

(3) The owner or operator of a facility who, during the 29712  
preceding year, was required to pay a fee to a municipal 29713  
corporation pursuant to an ordinance, rule, or requirement that 29714  
was in effect on the effective date of this section for the 29715  
reporting or providing of the names or amounts of extremely 29716  
hazardous substances or hazardous chemicals produced, used, or 29717  
stored at the facility may claim a credit against the fees due 29718  
under division (A)(1) or (4) of this section for the fees paid to 29719  
the municipal corporation pursuant to its reporting requirement. 29720

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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 ~~thirty-five~~ twenty-five facilities ~~that meet all of the following conditions~~ shall submit with the forms to the emergency response commission on or before the first day of March a flat fee of ~~twenty-five~~ fifty dollars if the facilities meet all of the following conditions:

(a) The facility exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained, or produced in connection with the production or storage of crude oil or natural gas.

(b) The crude oil, liquid hydrocarbons, or other fluids stored at the facility are conveyed directly to it through piping or tubing.

(c) The facility is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained.

(d) The facility is used for the storage of the crude oil, liquid hydrocarbons, or other fluids prior to their transportation off the premises of the facility for sale, use, or disposal.

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An owner or operator who submits ~~inventory forms~~ information 29752  
for more than ~~thirty-five~~ twenty-five facilities that meet all of 29753  
the conditions prescribed in divisions (A)(4)(a) to (d) of this 29754  
section shall submit to the commission a base fee of ~~twenty-five~~ 29755  
fifty dollars ~~in addition to a~~ and an additional filing fee of ten 29756  
dollars for each facility reported in excess of ~~thirty-five~~ 29757  
twenty-five, but not exceeding a total fee of ~~seven~~ nine hundred 29758  
dollars. ~~An owner or operator of such facilities shall submit the~~ 29759  
~~forms for all such facilities owned or operated by him in this~~ 29760  
~~state to the commission at the same time together with the~~ 29761  
~~applicable fee under division (A)(4) of this section.~~ 29762

As used in division (A)(4) of this section, "owner or 29763  
operator" means the person who actually owns or operates any such 29764  
facility and any other person who controls, is controlled by, or 29765  
is under common control with the person who actually owns or 29766  
operates the facility. 29767

(B) The emergency response commission and the local emergency 29768  
planning committee of an emergency planning district may establish 29769  
fees to be paid by persons, other than public officers or 29770  
employees, obtaining copies of documents or information submitted 29771  
to the commission or a committee under this chapter. The fees 29772  
shall be established at a level calculated to defray the costs to 29773  
the commission or committee for copying the documents or 29774  
information, but shall not exceed the maximum fees established in 29775  
rules adopted under division (B)(8) of section 3750.02 of the 29776  
Revised Code. 29777

(C) Except as provided in this division and division (B) of 29778  
this section, and except for fees authorized by section 3737.22 of 29779  
the Revised Code or rules adopted under sections 3737.82 to 29780  
3737.882 of the Revised Code and collected exclusively for either 29781  
of those purposes, no committee or political subdivision shall 29782  
levy any fee, tax, excise, or other charge to carry out the 29783

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purposes of this chapter. A committee may charge the actual costs  
involved in accessing any computerized data base established by  
the commission under this chapter or by the United States  
environmental protection agency under the "Emergency Planning and  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A.  
11001.

(D) Moneys collected by the commission under this section  
shall be credited to the emergency planning and community  
right-to-know fund created in section 3750.14 of the Revised Code.

**Sec. 3769.08.** (A) Any person holding a permit to conduct a  
horse-racing meeting may provide a place in the race meeting  
grounds or enclosure at which the permit holder may conduct and  
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

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subject to sections 3769.25 to <del>3769.27</del> <u>3769.28</u> of the Revised Code.	29815 29816
(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:	29817 29818 29819 29820 29821 29822 29823 29824 29825 29826
(1) One per cent of the first two hundred thousand dollars wagered, or any part <del>thereof</del> <u>of that amount</u> ;	29827 29828
(2) Two per cent of the next one hundred thousand dollars wagered, or any part <del>thereof</del> <u>of that amount</u> ;	29829 29830
(3) Three per cent of the next one hundred thousand dollars wagered, or any part <del>thereof</del> <u>of that amount</u> ;	29831 29832
(4) Four per cent of all sums over four hundred thousand dollars wagered.	29833 29834
Except as otherwise provided in section 3769.089 of the Revised Code, each permit holder authorized to conduct thoroughbred racing shall use for purse money a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment shall be in addition to the purse distribution from breakage specified in this section.	29835 29836 29837 29838 29839 29840 29841
Subject to division (M) of this section, from the moneys paid to the tax commissioner by <del>thoroughbred racing</del> <u>thoroughbred racing</u> permit holders, one-half of one per cent of the total of all moneys so wagered on a racing day shall be paid into the Ohio	29842 29843 29844 29845

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fairs fund created by section 3769.082 of the Revised Code, one 29846  
 and one-eighth per cent of the total of all moneys so wagered on a 29847  
 racing day shall be paid into the Ohio thoroughbred race fund 29848  
 created by section 3769.083 of the Revised Code, and one-quarter 29849  
 of one per cent of the total of all moneys wagered on a racing day 29850  
 by each permit holder shall be paid into the state racing 29851  
 commission operating fund created by section 3769.03 of the 29852  
 Revised Code. The required payment to the state racing commission 29853  
 operating fund does not apply to county and independent fairs and 29854  
 agricultural societies. The remaining moneys may be retained by 29855  
 the permit holder, except as provided in this section with respect 29856  
 to the odd cents redistribution. Amounts paid into the PASSPORT 29857  
 fund shall be used solely for the support of the PASSPORT program 29858  
 as determined in appropriations made by the general assembly. If 29859  
 the PASSPORT program is abolished, the amount that would have been 29860  
 paid to the PASSPORT fund under this chapter shall be paid to the 29861  
 general revenue fund of the state. As used in this chapter, 29862  
 "PASSPORT program" means the PASSPORT program created under 29863  
 section 173.40 of the Revised Code. 29864

~~During calendar year 1994, the~~ The total amount paid to the 29865  
 Ohio thoroughbred race fund under this section and section 29866  
 3769.087 of the Revised Code ~~shall not exceed by more than six per~~ 29867  
~~cent the total amount paid to this fund under this section and~~ 29868  
~~that section during calendar year 1990. During each calendar year~~ 29869  
~~after calendar year 1994, the total amount paid to this fund under~~ 29870  
~~this section and that section~~ shall not exceed by more than six 29871  
 per cent the total amount paid to this fund under this section and 29872  
 that section during the immediately preceding calendar year. 29873

Each year, the total amount calculated for payment into the 29874  
 Ohio fairs fund under this division, division (C) of this section, 29875  
 and section 3769.087 of the Revised Code shall be an amount 29876  
 calculated using the percentages specified in this division, 29877

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division (C) of this section, and section 3769.087 of the Revised Code. ~~Until January 1, 1996, the total amount actually paid into the Ohio fairs fund under this division, division (C) of this section, and section 3769.087 of the Revised Code during each calendar year shall not exceed the total amount that was actually paid into that fund under this division, division (C) of this section, and section 3769.087 of the Revised Code during calendar year 1990, plus five hundred thousand dollars. Beginning on January 1, 1996, and continuing through December 31, 1998, the total amount actually paid into the Ohio fairs fund during each calendar year under this division, division (C) of this section, and section 3769.087 of the Revised Code shall not exceed by more than five per cent an amount equal to the total amount actually paid into the Ohio fairs fund during the immediately preceding calendar year.~~

A permit holder may contract with a thoroughbred horsemen's organization for the organization to act as a representative of all thoroughbred owners and trainers participating in a horse-racing meeting conducted by the permit holder. A "thoroughbred horsemen's organization" is any corporation or association that represents, through membership or otherwise, more than one-half of the aggregate of all thoroughbred owners and trainers who were licensed and actively participated in racing within this state during the preceding calendar year. Except as otherwise provided in this paragraph, any moneys received by a thoroughbred horsemen's organization shall be used exclusively for the benefit of thoroughbred owners and trainers racing in this state through the administrative purposes of the organization, benevolent activities on behalf of the horsemen, promotion of the horsemen's rights and interests, and promotion of equine research. A thoroughbred horsemen's organization may expend not more than an aggregate of five per cent of its annual gross receipts, or a

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larger amount as approved by the organization, for dues, 29910  
assessments, and other payments to all other local, national, or 29911  
international organizations having as their primary purposes the 29912  
promotion of thoroughbred horse racing, thoroughbred horsemen's 29913  
rights, and equine research. 29914

(C) Except as otherwise provided in division (B) of this 29915  
section, at the close of each racing day, each permit holder 29916  
authorized to conduct harness or quarter horse racing, out of the 29917  
amount retained that day by the permit holder, shall pay by check, 29918  
draft, or money order to the tax commissioner, as a tax, a sum 29919  
equal to the following percentages of the total of all moneys 29920  
wagered on live racing programs and shall separately compute and 29921  
pay by check, draft, or money order to the tax commissioner, as a 29922  
tax, a sum equal to the following percentages of the total of all 29923  
money wagered on simulcast racing programs on that day: 29924

(1) One per cent of the first two hundred thousand dollars 29925  
wagered, or any part ~~thereof~~ of that amount; 29926

(2) Two per cent of the next one hundred thousand dollars 29927  
wagered, or any part ~~thereof~~ of that amount; 29928

(3) Three per cent of the next one hundred thousand dollars 29929  
wagered, or any part ~~thereof~~ of that amount; 29930

(4) Four per cent of all sums over four hundred thousand 29931  
dollars wagered. 29932

Except as otherwise provided in division (B) and subject to 29933  
division (M) of this section, from the moneys paid to the tax 29934  
commissioner by permit holders authorized to conduct harness or 29935  
quarter horse racing, one-half of one per cent of all moneys 29936  
wagered on that racing day shall be paid into the Ohio fairs fund; 29937  
from the moneys paid to the tax commissioner by permit holders 29938  
authorized to conduct harness racing, five-eighths of one per cent 29939  
of all moneys wagered on that racing day shall be paid into the 29940

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Ohio standardbred development fund; and from the moneys paid to 29941  
the tax commissioner by permit holders authorized to conduct 29942  
quarter horse racing, five-eighths of one per cent of all moneys 29943  
wagered on that racing day shall be paid into the Ohio quarter 29944  
horse development fund. 29945

(D) In addition, subject to division (M) of this section, 29946  
beginning on January 1, 1996, from the money paid to the tax 29947  
commissioner as a tax under this section and section 3769.087 of 29948  
the Revised Code by harness horse permit holders, one-half of one 29949  
per cent of the amount wagered on a racing day shall be paid into 29950  
the Ohio standardbred development fund. Beginning January 1, 1998, 29951  
the payment to the Ohio standardbred development fund required 29952  
under this division ~~(D) of this section~~ does not apply to county 29953  
agricultural societies or independent agricultural societies. 29954

~~During calendar year 1994, the~~ The total amount paid to the 29955  
Ohio standardbred development fund under this division, division 29956  
(C) of this section, and section 3769.087 of the Revised Code and 29957  
the total amount paid to the Ohio quarter horse development fund 29958  
under this division and that section ~~shall not exceed by more than~~ 29959  
~~six per cent the total amount paid to each of these funds under~~ 29960  
~~this division and that section during calendar year 1990. During~~ 29961  
~~each calendar year after calendar year 1994, the total amount paid~~ 29962  
~~to each of these funds~~ shall not exceed by more than six per cent 29963  
the total amount paid into the fund under this division, division 29964  
(C) of this section, and section 3769.087 of the Revised Code in 29965  
the immediately preceding calendar year. 29966

(E) Subject to division (M) of this section, from the money 29967  
paid as a tax under this chapter by harness and quarter horse 29968  
permit holders, one-quarter of one per cent of the total of all 29969  
moneys wagered on a racing day by each permit holder shall be paid 29970  
into the state racing commission operating fund created by section 29971  
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3769.03 of the Revised Code. This division does not apply to  
county and independent fairs and agricultural societies.

(F) Except as otherwise provided in section 3769.089 of the  
Revised Code, each permit holder authorized to conduct harness  
racing shall ~~pay~~ pay to the harness horsemen's purse pool a sum  
equal to fifty per cent of the pari-mutuel revenues retained by  
the permit holder as a commission after payment of the state tax.  
This fifty per cent payment is to be in addition to the purse  
distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct  
harness racing shall be allowed to retain the odd cents of all  
redistribution to be made on all mutual contributions exceeding a  
sum equal to the next lowest multiple of ten.

Forty per cent of that portion of that total sum of such odd  
cents shall be used by the permit holder for purse money for Ohio  
sired, bred, and owned colts, for purse money for Ohio bred  
horses, and for increased purse money for horse races. Upon the  
formation of the corporation described in section 3769.21 of the  
Revised Code to establish a harness horsemen's health and  
retirement fund, twenty-five per cent of that portion of that  
total sum of odd cents shall be paid at the close of each racing  
day by the permit holder to ~~such~~ that corporation to establish and  
fund the health and retirement fund. Until ~~such~~ that corporation  
is formed, ~~such~~ that twenty-five per cent shall be paid at the  
close of each racing day by the permit holder to the tax  
commissioner or the tax commissioner's agent in the county seat of  
the county in which the permit holder operates race meetings. The  
remaining thirty-five per cent of that portion of that total sum  
of odd cents shall be retained by the permit holder.

(H) In addition, each permit holder authorized to conduct  
thoroughbred racing shall be allowed to retain the odd cents of  
all redistribution to be made on all mutuel contributions

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exceeding a sum equal to the next lowest multiple of ten. Twenty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a thoroughbred horsemen's health and retirement fund, forty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to ~~such~~ that corporation to establish and fund the health and retirement fund. Until ~~such~~ that corporation is formed, ~~such~~ that forty-five per cent shall be paid by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings, at the close of each racing day. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

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(I) In addition, each permit holder authorized to conduct quarter horse racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten, subject to a tax of twenty-five per cent on that portion of the total sum of such odd cents that is in excess of two thousand dollars during a calendar year, which tax shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county within which the permit holder operates race meetings. Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

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(J)(1) To encourage the improvement of racing facilities for the benefit of the public, breeders, and horse owners, and to increase the revenue to the state from the increase in pari-mutuel

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wagering resulting from ~~such~~ those improvements, the taxes paid by 30037  
a permit holder to the state as provided for in this chapter shall 30038  
be reduced by three-fourths of one per cent of the total amount 30039  
wagered for those permit holders who make capital improvements to 30040  
existing race tracks or construct new race tracks. The percentage 30041  
of the reduction that may be taken each racing day shall equal 30042  
seventy-five per cent of the tax levied under divisions (B) and 30043  
(C) of this section and section 3769.087 of the Revised Code, and 30044  
division (F)(2) of section 3769.26 of the Revised Code, as 30045  
applicable, divided by the calculated amount each fund should 30046  
receive under divisions (B) and (C) of this section and section 30047  
3769.087 of the Revised Code, and division (F)(2) of section 30048  
3769.26 of the Revised Code and the reduction provided for in this 30049  
division. If the resulting percentage is less than one, that 30050  
percentage shall be multiplied by the amount of the reduction 30051  
provided for in this division. Otherwise, the permit holder shall 30052  
receive the full reduction provided for in this division. The 30053  
amount of the allowable reduction not received shall be carried 30054  
forward and applied against future tax liability. After any 30055  
reductions expire, any reduction carried forward shall be treated 30056  
as a reduction as provided for in this division. ~~If~~ 30057

If more than one permit holder is authorized to conduct 30058  
racing at the facility that is being built or improved, the cost 30059  
of the new race track or capital improvement shall be allocated 30060  
between or among all the permit holders in the ratio that the 30061  
permit holders' number of racing days bears to the total number of 30062  
racing days conducted at the facility. ~~Such~~ 30063

A reduction for a new race track or a capital improvement 30064  
shall start from the day racing is first conducted following the 30065  
date actual construction of the new race track or each capital 30066  
improvement is completed and the construction cost has been 30067  
~~certified~~ approved by the racing commission, unless otherwise 30068

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provided in this section. Such A reduction for a new race track or a capital improvement shall continue for a period of twenty-five years for new race tracks and for fifteen years for ~~new~~ capital improvements if the construction of the capital improvement or new race track commenced prior to March 29, 1988, and for a period of ten years for new race tracks or ~~new~~ capital improvements if the construction of the capital improvement or new race track commenced on or after March 29, 1988, but before the effective date of this amendment, or until the total tax reduction reaches seventy per cent of the approved cost of the new race track or ~~new~~ capital improvement, as allocated to each permit holder, whichever occurs first. The tax A reduction for a new race track or a capital improvement approved after the effective date of this amendment shall continue until the total tax reduction reaches one hundred per cent of the approved cost of the new race track or capital improvement, as allocated to each permit holder.

A reduction granted for any a new race track or a capital improvement, the application for which was approved by the racing commission after March 29, 1988, but before the effective date of this amendment, shall not commence nor shall the ten-year period begin to run until all prior tax reductions with respect to the same race track have ended. The total tax reduction because of capital improvements shall not during any one year exceed for all permit holders using any one track three-fourths of one per cent of the total amount wagered, regardless of the number of capital improvements made. Several capital improvements to a race track may be consolidated in an application if the racing commission approved the application prior to March 29, 1988. No permit holder may receive a tax reduction for a capital improvement approved by the racing commission on or after March 29, 1988, at a race track until all tax reductions have ended for all prior capital improvements approved by the racing commission under this section or section 3769.20 of the Revised Code at that race track. If

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there are two or more permit holders operating meetings at the 30102  
same track, they may consolidate their applications. The racing 30103  
commission shall notify the tax commissioner when the ~~diminution~~ 30104  
reduction of tax begins and when it ends. ~~Each~~ 30105

Each fiscal year the racing commission shall submit a report 30106  
to the tax commissioner, the office of budget and management, and 30107  
the ~~legislative budget office of the~~ legislative service 30108  
commission. The report shall identify each capital improvement 30109  
project undertaken under this division and in progress at each 30110  
race track, indicate the total cost of each ~~such~~ project, state 30111  
the tax reduction that resulted from each ~~such~~ project during the 30112  
immediately preceding fiscal year, estimate the tax reduction that 30113  
will result from each ~~such~~ project during the current fiscal year, 30114  
state the total tax reduction that resulted from all such projects 30115  
at all race tracks during the immediately preceding fiscal year, 30116  
and estimate the total tax reduction that will result from all 30117  
such projects at all race tracks during the current fiscal year. 30118

(2) In order to qualify for the reduction in tax, a permit 30119  
holder shall apply to the racing commission in such form as the 30120  
commission may require and shall provide full details of the new 30121  
~~racing~~ race track or capital improvement, including a schedule for 30122  
its construction and completion, and set forth the costs and 30123  
expenses incurred in connection ~~therewith~~ with it. The racing 30124  
commission shall not approve an application unless the permit 30125  
holder shows that a contract for the new race track or capital 30126  
improvement has been let under an unrestricted competitive bidding 30127  
procedure, unless the contract is exempted by the controlling 30128  
board because of its unusual nature. In determining whether to 30129  
approve an application, the racing commission shall consider 30130  
whether the new race track or capital improvement will promote the 30131  
safety, convenience, and comfort of the racing public and horse 30132  
owners and generally tend towards the improvement of racing in 30133

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this state. 30134

(3) If a new race track or capital improvement is approved by 30135  
the racing commission and construction has started, the tax 30136  
adjustment reduction may be authorized by the commission upon 30137  
presentation of copies of paid bills in excess of one hundred 30138  
thousand dollars or ten per cent of the approved cost, whichever 30139  
is greater. After the initial authorization, the permit holder 30140  
shall present copies of paid bills. If the permit holder is in 30141  
substantial compliance with the schedule for construction and 30142  
completion of the new race track or capital improvement, the 30143  
racing commission may authorize the continuation of the tax 30144  
adjustment reduction upon the presentation of ~~such~~ the additional 30145  
paid bills. The total amount of the tax adjustment reduction 30146  
authorized shall not exceed ~~seventy per cent~~ the percentage of the 30147  
approved cost of the new race track or capital improvement 30148  
specified in division (J)(1) of this section. The racing 30149  
commission may terminate any tax adjustment reduction immediately 30150  
if a permit holder fails to complete the new race track or capital 30151  
improvement, or to substantially comply with the schedule for 30152  
construction and completion of the new race track or capital 30153  
improvement. If a permit holder fails to complete a new race track 30154  
or capital improvement, the racing commission shall order the 30155  
permit holder to repay to the state the total amount of tax 30156  
reduced. The normal tax paid by the permit holder shall be 30157  
increased by three-fourths of one per cent of the total amount 30158  
wagered until the total amount of the additional tax collected 30159  
equals the total amount of tax reduced. 30160

(4) As used in this section, ~~"capital:~~ 30161

(a) "Capital improvement" means an addition, replacement, or 30162  
remodeling of a structural unit of a race track facility costing 30163  
at least one hundred thousand dollars, including, but not limited 30164  
to, the construction of barns used exclusively for ~~such~~ the race 30165

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track facility, backstretch facilities for horsemen, paddock 30166  
facilities, new pari-mutuel and totalizator equipment and 30167  
appurtenances ~~thereto~~ to that equipment purchased by the track, 30168  
new access roads, new parking areas, the complete reconstruction, 30169  
reshaping, and leveling of the ~~race track~~ racing surface and 30170  
appurtenances, the installation of permanent new heating or air 30171  
conditioning, ~~and~~ roof replacement or restoration, installations 30172  
of a permanent nature forming a part of the track structure, and 30173  
construction of buildings that are located on a permit holder's 30174  
premises. "Capital improvement" does not include the cost of 30175  
replacement of equipment that is not permanently installed, 30176  
ordinary repairs, painting, and maintenance required to keep a 30177  
race track facility in ordinary operating condition. "~~New~~ 30178

(b) "New race track" or "~~new racing track~~" includes the 30179  
reconstruction of a race track damaged by fire or other cause that 30180  
has been declared by the racing commission, as a result of the 30181  
damage, to be an inadequate facility for the safe operation of 30182  
horse racing. 30183

(c) "Approved cost" includes all debt service and interest 30184  
costs that are associated with a capital improvement or new race 30185  
track and that the racing commission approves for a tax reduction 30186  
under division (J) of this section. 30187

(5) The racing commission shall not approve an application 30188  
for a tax reduction under this section if it has reasonable cause 30189  
to believe that the actions or negligence of the permit holder 30190  
substantially contributed to the damage suffered by the track due 30191  
to fire or other cause. The racing commission shall obtain any 30192  
data or information available from a fire marshal, law enforcement 30193  
official, or insurance company concerning any fire or other damage 30194  
suffered by a track, prior to approving an application for a tax 30195  
reduction. 30196

(6) The approved cost and ~~expenses~~ to which a tax reduction 30197

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applies shall be determined by generally accepted accounting 30198  
 principles and verified by an audit of the permit holder's records 30199  
 upon completion of the project by the racing commission, or by an 30200  
 independent certified public accountant selected by the permit 30201  
 holder and approved by the commission. 30202

~~The tax reductions for capital improvements and new tracks 30203  
 provided for in this division apply only to tax reductions 30204  
 approved by the state racing commission prior to the effective 30205  
 date of this amendment. 30206~~

(K) No other license or excise tax or fee, except as provided 30207  
 in sections 3769.01 to 3769.14 of the Revised Code, shall be 30208  
 assessed or collected from such licensee by any county, township, 30209  
 district, municipal corporation, or other body having power to 30210  
 assess or collect a tax or fee. That portion of the tax paid under 30211  
 this section by permit holders for racing conducted at and during 30212  
 the course of an agricultural exposition or fair, and that portion 30213  
 of the tax that would have been paid by eligible permit holders 30214  
 into the PASSPORT fund as a result of racing conducted at and 30215  
 during the course of an agricultural exposition or fair, shall be 30216  
 deposited into the state treasury to the credit of the horse 30217  
 racing tax fund, which is hereby created for the use of the 30218  
 agricultural societies of the several counties in which the taxes 30219  
 originate. The state racing commission shall determine eligible 30220  
 permit holders for purposes of the preceding sentence, taking into 30221  
 account the breed of horse, the racing dates, the geographic 30222  
 proximity to the fair, and the best interests of Ohio racing. On 30223  
 the first day of any month on which there is money in the fund, 30224  
 the ~~director of budget and management~~ tax commissioner shall 30225  
 provide for payment to the treasurer of each agricultural society 30226  
 the amount of the taxes collected under this section upon racing 30227  
 conducted at and during the course of any exposition or fair 30228  
 conducted by ~~such~~ the society. 30229

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(L) From the tax paid under this section by harness track permit holders, the tax commissioner shall pay into the Ohio thoroughbred race fund a sum equal to a percentage of the amount wagered upon which ~~such~~ the tax is paid. The percentage shall be determined by the tax commissioner and shall be rounded to the nearest one-hundredth. The percentage shall be such that, when multiplied by the amount wagered upon which tax was paid by the harness track permit holders in the most recent year for which final figures are available, it results in a sum that substantially equals the same amount of tax paid by the tax commissioner during that year into the Ohio fairs fund from taxes paid by thoroughbred permit holders. This division does not apply to county and independent fairs and agricultural societies.

(M) Twenty-five per cent of the taxes levied on ~~thoroughbred-racing~~ thoroughbred racing permit holders, ~~harness-racing~~ harness racing permit holders, and quarter horse racing permit holders under this section, section 3769.087 of the Revised Code, and division (F)(2) of section 3769.26 of the Revised Code shall be paid ~~to~~ into the PASSPORT fund. The tax commissioner shall pay any money remaining, after the payment ~~to~~ into the PASSPORT fund and the reductions provided for in division (J) of this section and in section 3769.20 of the Revised Code, into the Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred development fund, Ohio quarter horse fund, and state racing commission operating fund as prescribed in this section and section 3769.087 of the Revised Code; ~~except that the state racing commission operating fund shall not receive more than two million five hundred thousand dollars in any calendar year.~~ The tax commissioner shall thereafter use and apply the balance of the money paid as a tax by any permit holder to cover any shortage in the accounts of such funds resulting from an insufficient payment as a tax by any other permit holder. The moneys received by the

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tax commissioner shall be deposited weekly and paid by the tax 30262  
commissioner into the funds to cover the total aggregate amount 30263  
due from all permit holders to the funds, as calculated under this 30264  
section and section 3769.087 of the Revised Code, as applicable. 30265  
If, after ~~the~~ payment ~~to~~ into the PASSPORT fund, sufficient funds 30266  
are not available from the tax deposited by the tax commissioner 30267  
to pay the required ~~amount~~ amounts into the Ohio fairs fund, Ohio 30268  
standardbred development fund, Ohio thoroughbred race fund, Ohio 30269  
quarter horse fund, and the state racing commission operating 30270  
fund, the tax commissioner shall prorate on a proportional basis 30271  
the amount paid to each of the funds. Any shortage to the funds as 30272  
a result of a proration shall be applied against future deposits 30273  
for the same calendar year when funds are available. After this 30274  
application, the tax commissioner shall pay any remaining money 30275  
paid as a tax by all permit holders into the PASSPORT fund. ~~If the~~ 30276  
~~Ohio fairs fund does not receive two million five hundred thousand~~ 30277  
~~dollars in calendar year 1997 or 1998, the tax commissioner shall~~ 30278  
~~pay into the Ohio fairs fund, on a prorated basis, money that~~ 30279  
~~would have been paid into the Ohio thoroughbred race fund, Ohio~~ 30280  
~~standardbred development fund, Ohio quarter horse development~~ 30281  
~~fund, and state racing commission operating fund and the portion~~ 30282  
~~that was retained by the tracks the previous calendar year as a~~ 30283  
~~reduction provided for in division (J) of this section and section~~ 30284  
~~3769.20 of the Revised Code until the previous year's deficiency~~ 30285  
~~is met. Each track that has an existing reduction shall increase~~ 30286  
~~its reduction credit balance by the amount determined by the tax~~ 30287  
~~commissioner that is needed to meet its prorated portion of the~~ 30288  
~~Ohio fairs fund deficiency. The credit balance increase shall be~~ 30289  
~~paid to the tax commissioner as a tax. This division does not~~ 30290  
apply to permit holders conducting racing at the course of an 30291  
agricultural exposition or fair as described in division (K) of 30292  
this section. 30293

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**Sec. 3769.085.** There is hereby created in the state treasury 30294  
the Ohio standardbred development fund, to consist of moneys paid 30295  
into it pursuant to section 3769.08 of the Revised Code and any 30296  
fees assessed for or on behalf of the Ohio sires stakes races. All 30297  
investment earnings on the cash balance in the fund shall be 30298  
credited to the fund. Moneys to the credit of the Ohio 30299  
~~standardbred development~~ fund shall be distributed on order of the 30300  
state racing commission with the approval of the Ohio standardbred 30301  
development commission. 30302

The development commission shall consist of three members, 30303  
all to be residents of this state knowledgeable in breeding and 30304  
racing, to be appointed by the governor with the advice and 30305  
consent of the senate. One member shall be a standardbred breeder, 30306  
and one shall be a standardbred owner. Of the initial 30307  
appointments, one member shall be appointed for a term ending June 30308  
30, 1977, and two members shall be appointed for terms ending June 30309  
30, 1979. Thereafter, appointments for other than unexpired terms 30310  
shall be for four years. Terms shall begin the first day of July 30311  
and end the thirtieth day of June. Any member appointed to fill a 30312  
vacancy occurring prior to the expiration of the term for which 30313  
the member's predecessor was appointed shall hold office for the 30314  
remainder of ~~such~~ that term. Any member shall continue in office 30315  
subsequent to the expiration date of the member's term until a 30316  
successor takes office. Members shall receive no compensation, 30317  
except they shall be paid actual and necessary expenses from the 30318  
Ohio standardbred development fund. The state racing commission 30319  
shall also be reimbursed for actual expense approved by the 30320  
development commission. The development commission may elect one 30321  
member to serve as secretary. 30322

Upon application not later than the first day of December 30323  
from the harness tracks conducting races with pari-mutuel 30324  
wagering, other than agricultural expositions and fairs, the 30325

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development commission shall, after a hearing and not later than 30326  
the twentieth day of January, allocate and approve all available 30327  
moneys for colt races for two-year-old and three-year-old colts 30328  
and fillies, both trotting and pacing. Separate races for fillies 30329  
shall be provided at each age and gait. At least five races and a 30330  
championship race shall be scheduled for each of the eight 30331  
categories of age, sex, and gait. The allocations shall take into 30332  
account the time of year that racing colts is feasible, the equity 30333  
and continuity of the proposed dates for racing the events, and 30334  
the amounts to be added by the tracks, looking to the maximum 30335  
benefit for those participating in the races. Representatives of 30336  
the tracks and the Ohio harness horsemens association shall be 30337  
given an opportunity to be heard before the allocations are made. 30338  
No races shall be contested earlier than the first day of May or 30339  
later than the first day of November; all permit holders operating 30340  
extended pari-mutuel meetings between ~~such~~ those dates shall be 30341  
entitled to at least three races. No funds for a race shall be 30342  
allocated to and paid to a permit holder by the development 30343  
commission unless the permit holder adds at least twenty-five per 30344  
cent to the amount allocated by the development commission, and 30345  
not less than five thousand dollars to each race. 30346

Colts and fillies eligible to the races shall be only those 30347  
sired by a standardbred stallion that was registered with the 30348  
state racing commission and stood in ~~Ohio~~ the state the entire 30349  
breeding season of the year the colt or filly was conceived and 30350  
fillies foaled before November 1, 1979, that are not so qualified 30351  
but wholly owned by a resident or residents of ~~Ohio~~ the state on 30352  
the first day of January of the year that such filly would be 30353  
eligible to race as a two-year-old and also wholly owned by a 30354  
resident or residents of ~~Ohio~~ the state on the date the race is 30355  
contested. 30356

If the development commission concludes that sufficient funds 30357

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are available to add aged races without reducing purse levels of 30358  
the colt and filly races, the development commission may allocate 30359  
funds to four-year-old and five-year-old races of each sex and 30360  
gait with Ohio eligibility required as set forth in this section. 30361

The state racing commission may allocate an amount not to 30362  
exceed five per cent of the total Ohio standardbred development 30363  
fund available in any one calendar year to research projects 30364  
directed toward improving the breeding, raising, racing, and 30365  
health and soundness of horses in the state and toward education 30366  
or promotion of the industry. 30367

**Sec. 3769.087.** (A) In addition to the commission of eighteen 30368  
per cent retained by each permit holder as provided in section 30369  
3769.08 of the Revised Code, each permit holder shall retain an 30370  
additional amount equal to four per cent of the total of all 30371  
moneys wagered on each racing day on all wagering pools other than 30372  
win, place, and show, of which amount retained an amount equal to 30373  
three per cent of the total of all moneys wagered on each racing 30374  
day on ~~such~~ those pools shall be paid by check, draft, or money 30375  
order to the tax commissioner, as a tax. Subject to the 30376  
restrictions contained in divisions (B), (C), and (M) of section 30377  
3769.08 of the Revised Code, from such additional moneys paid to 30378  
the tax commissioner: 30379

(1) Four-sixths shall be ~~PASSPORT~~ allocated to fund 30380  
distribution as provided in division (M) of section 3769.08 of the 30381  
Revised Code~~+~~. 30382

(2) One-twelfth shall be paid into the Ohio fairs fund 30383  
created by section 3769.082 of the Revised Code~~+~~. 30384

(3) One-twelfth of the additional moneys paid to the tax 30385  
commissioner by thoroughbred racing permit holders shall be paid 30386  
into the Ohio thoroughbred race fund created by section 3769.083 30387  
of the Revised Code~~+~~. 30388

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(4) One-twelfth of the additional moneys paid to the tax commissioner by harness horse racing permit holders shall be paid to the Ohio standardbred development fund created by section 3769.085 of the Revised Code.

(5) One-twelfth of the additional moneys paid to the tax commissioner by quarter horse racing permit holders shall be paid to the Ohio quarter horse development fund created by section 3769.086 of the Revised Code.

(6) One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code.

The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half.

(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder ~~may shall~~ retain, ~~upon notification to the state racing commission,~~ an additional amount equal to ~~not less than two one-half of one~~ per cent but not more than three per cent of the total of all moneys wagered on each racing day on all wagering pools ~~designated by the permit holder that require three or more runner selections to complete the wager. If a permit holder retains an additional amount under this division that equals or exceeds two per cent of the total of all moneys wagered on a racing day on the wagering pools designated under this division,~~ the permit holder shall pay by check, draft, or money order to the tax commissioner, as a tax, an amount equal to two per cent of the total of all moneys wagered on that racing day on those designated

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wagering pools. ~~The tax commissioner shall deposit the amount of~~ 30421  
~~the tax received under this division in the PASSPORT fund. Any~~ 30422  
~~amount that is retained but not paid under this division to the~~ 30423  
~~tax commissioner as a tax other than win, place, and show. From~~ 30424  
~~the additional amount retained under this division, each permit~~ 30425  
~~holder shall retain an amount equal to one-quarter of one per cent~~ 30426  
~~of the total of all moneys wagered on each racing day on all pools~~ 30427  
~~other than win, place, and show and shall pay that amount by~~ 30428  
~~check, draft, or money order to the tax commissioner, as a tax.~~ 30429  
The tax commissioner shall pay the amount of the tax received 30430  
under this division to the state racing commission operating fund 30431  
created by section 3769.03 of the Revised Code. 30432

The remaining one-quarter of one per cent that is retained 30433  
from the total of all moneys wagered on each racing day on all 30434  
pools other than win, place, and show shall be retained by the 30435  
permit holder, and the permit holder shall use one-half for purse 30436  
money and retain one-half. 30437

**Sec. 3769.20.** (A) To encourage the renovation of existing 30438  
racing facilities for the benefit of the public, breeders, and 30439  
horse owners and to increase the revenue to the state from the 30440  
increase in pari-mutuel wagering resulting from such improvement, 30441  
the taxes paid by a permit holder to the state, in excess of the 30442  
amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per 30443  
cent of the total amount wagered for those permit holders who 30444  
carry out a major capital improvement project. The percentage of 30445  
the reduction that may be taken each racing day shall equal 30446  
seventy-five per cent of the amount of the tax levied under 30447  
divisions (B) and (C) of section 3769.08, section 3769.087, and 30448  
division (F)(2) of section 3769.26 of the Revised Code, as 30449  
applicable, divided by the calculated amount each fund should 30450  
receive under divisions (B) and (C) of section 3769.08, section 30451  
3769.087, and division (F)(2) of section 3769.26 of the Revised 30452

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Code and the reduction provided for in this section. If the 30453  
resulting percentage is less than one, that percentage shall be 30454  
multiplied by the amount of the reduction provided for in this 30455  
section. Otherwise, the permit holder shall receive the full 30456  
reduction provided for in this section. The amount of the 30457  
allowable reduction not received shall be carried forward and 30458  
added to any other reduction balance and applied against future 30459  
tax liability. After any reductions expire, any reduction carried 30460  
forward shall be treated as a reduction as provided for in this 30461  
section. If the amount of allowable ~~abatement~~ reduction exceeds 30462  
the amount of taxes derived from a permit holder, the amount of 30463  
the allowable ~~abatement~~ reduction not used may be carried forward 30464  
and applied against future tax liability. ~~If~~ 30465

If more than one permit holder is authorized to conduct 30466  
racing at the facility that is being improved, the cost of the 30467  
major capital improvement project shall be allocated between or 30468  
among all the permit holders in the ratio that each permit 30469  
holder's number of racing days bears to the total number of racing 30470  
days conducted at the facility. ~~Such~~ 30471

A reduction for a major capital improvement project shall 30472  
start from the day racing is first conducted following the date on 30473  
which the major capital improvement project is completed and the 30474  
construction cost has been ~~certified~~ approved by the state racing 30475  
commission, except as otherwise provided in division (E) of this 30476  
section, and shall continue until the total tax reduction equals 30477  
the cost of the major capital improvement project plus debt 30478  
service applicable to the project. In no event, however, shall any 30479  
tax reduction, excluding any reduction balances, be permitted 30480  
under this section after December 31, 2014. The total tax 30481  
reduction because of the major capital improvement project shall 30482  
not during any one year exceed for all permit holders using any 30483  
one track, one per cent of the total amount wagered. The racing 30484

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commission shall notify the tax commissioner when the ~~diminution~~ 30485  
reduction of tax begins and when it ends. 30486

(B) Each fiscal year, the racinq commission shall submit a 30487  
report to the tax commissioner, the office of budget and 30488  
management, and the ~~legislative budget office of the~~ legislative 30489  
service commission. The report shall identify each capital 30490  
improvement project undertaken under this section and in progress 30491  
at each race track, indicate the total cost of each ~~such~~ project, 30492  
state the tax reduction that resulted from each ~~such~~ project 30493  
during the immediately preceding fiscal year, estimate the tax 30494  
reduction that will result from each ~~such~~ project during the 30495  
current fiscal year, state the total tax reduction that resulted 30496  
from all such projects at all race tracks during the immediately 30497  
preceding fiscal year, and estimate the total tax reduction that 30498  
will result from all such projects at all race tracks during the 30499  
current fiscal year. 30500

(C) The tax reduction granted pursuant to this section shall 30501  
be in addition to any tax reductions for capital improvements and 30502  
new race tracks provided for in section 3769.08 of the Revised 30503  
Code and approved by the racinq commission ~~prior to March 29,~~ 30504  
~~1988.~~ 30505

(D) In order to qualify for the reduction in tax, a permit 30506  
holder shall apply to the racinq commission in such form as the 30507  
commission may require and shall provide full details of the major 30508  
capital improvement project, including plans and specifications, a 30509  
schedule for the project's construction and completion, and a 30510  
breakdown of proposed costs. In addition, the permit holder shall 30511  
have commenced construction of the major capital improvement 30512  
project or shall have had the application for the project approved 30513  
by the racinq commission prior to March 29, 1988. The racinq 30514  
commission shall not approve an application unless the permit 30515  
holder shows that a contract for the major capital improvement 30516

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project has been let under an unrestricted competitive bidding 30517  
procedure, unless the contract is exempted by the controlling 30518  
board because of its unusual nature. In determining whether to 30519  
approve an application, the racing commission shall consider 30520  
whether the major capital improvement project will promote the 30521  
safety, convenience, and comfort of the racing public and horse 30522  
owners and generally tend toward the improvement of racing in this 30523  
state. 30524

(E) If the major capital improvement project is approved by 30525  
the racing commission and construction has started, the tax 30526  
~~adjustment~~ reduction may be authorized by the commission upon 30527  
presentation of copies of paid bills in excess of five hundred 30528  
thousand dollars. After the initial authorization, the permit 30529  
holder shall present copies of paid bills in the amount of not 30530  
less than five hundred thousand dollars. If the permit holder is 30531  
in substantial compliance with the schedule for construction and 30532  
completion of the major capital improvement project, the racing 30533  
commission may authorize the continuance of the tax ~~adjustment~~ 30534  
reduction upon the presentation of ~~such~~ the additional paid bills 30535  
in increments of five hundred thousand dollars. The racing 30536  
commission may terminate the tax ~~adjustment~~ reduction if a permit 30537  
holder fails to complete the major capital improvement project or 30538  
fails to comply substantially with the schedule for construction 30539  
and completion of the major capital improvement project. If the 30540  
time for completion of the major capital improvement project is 30541  
delayed by acts of God, strikes, or the unavailability of labor or 30542  
materials, the time for completion as set forth in the schedule 30543  
shall be extended by the period of the delay. If a permit holder 30544  
fails to complete the major capital improvement project, the 30545  
racing commission shall order the permit holder to repay to the 30546  
state the total amount of tax reduced, unless the permit holder 30547  
has spent at least six million dollars on the project. The normal 30548  
tax paid by the permit holder under section 3769.08 of the Revised 30549

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Code shall be increased by one per cent of the total amount 30550  
wagered until the total amount of the additional tax collected 30551  
equals the total amount of tax reduced. Any action taken by the 30552  
racing commission pursuant to this section in terminating the tax 30553  
adjustment or requiring repayment of the amount of tax reduced 30554  
shall be subject to Chapter 119. of the Revised Code. 30555

(F) As used in this section, "major capital improvement 30556  
project" means the renovation, reconstruction, or remodeling, 30557  
costing at least six million dollars, of a race track facility, 30558  
including, but not limited to, the construction of barns used 30559  
exclusively for that race track facility, backstretch facilities 30560  
for horsemen, paddock facilities, pari-mutuel and totalizator 30561  
equipment and appurtenances to that equipment purchased by the 30562  
track, new access roads, new parking areas, the complete 30563  
reconstruction, reshaping, and leveling of the ~~race track~~ racing 30564  
surface and appurtenances, grandstand enclosure, installation of 30565  
permanent new heating or air conditioning, roof replacement, and 30566  
installations of a permanent nature forming a part of the track 30567  
structure. 30568

(G) The cost and expenses to which the tax reduction granted 30569  
under this section applies shall be determined by generally 30570  
accepted accounting principles and be verified by an audit of the 30571  
permit holder's records, upon completion of the major capital 30572  
improvement project, either by the racing commission or by an 30573  
independent certified public accountant selected by the permit 30574  
holder and approved by the commission. 30575

(H) This section and section 3769.201 of the Revised Code 30576  
govern any tax reduction granted to a permit holder for the cost 30577  
to the permit holder of any cleanup, repair, or improvement 30578  
required as a result of damage caused by the 1997 Ohio river flood 30579  
to the place, track, or enclosure for which the permit is issued. 30580

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Sec. 3770.06. (A) There is hereby created the state lottery 30581  
gross revenue fund, which shall be in the custody of the treasurer 30582  
of state but shall not be part of the state treasury. All gross 30583  
revenues received from sales of lottery tickets, fines, fees, and 30584  
related proceeds shall be deposited into the fund. The treasurer 30585  
of state shall invest any portion of the fund not needed for 30586  
immediate use in the same manner as, and subject to all provisions 30587  
of law with respect to the investment of, state funds. The 30588  
treasurer of state shall disburse money from the fund on order of 30589  
the director of the state lottery commission or the director's 30590  
designee. All revenues of the state lottery gross revenue fund 30591  
that are not paid to holders of winning lottery tickets, that are 30592  
not required to meet short-term prize liabilities, that are not 30593  
paid to lottery sales agents in the form of ~~agent~~ bonuses, 30594  
commissions, or reimbursements, and that are not paid to financial 30595  
institutions to reimburse ~~such those~~ institutions for sales agent 30596  
nonsufficient funds shall be transferred to the state lottery 30597  
fund, which is hereby created in the state treasury. All 30598  
investment earnings of the fund shall be credited to the fund. 30599  
Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to 30600  
vouchers approved by the director ~~of the state lottery commission~~. 30601  
Total disbursements for monetary prize awards to holders of 30602  
winning lottery tickets and purchases of goods and services 30603  
awarded as prizes to holders of winning lottery tickets shall be 30604  
of an amount equal to at least fifty per cent of the total revenue 30605  
accruing from the sale of lottery tickets. 30606

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 30607  
there is hereby established in the state treasury the lottery 30608  
profits education fund. Whenever, in the judgment of the director 30609  
of budget and management, the amount to the credit of the state 30610  
lottery fund is in excess of that needed to meet the maturing 30611  
obligations of the commission and as working capital for its 30612

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further operations, the director shall transfer the excess to the lottery profits education fund, ~~provided that the amount to be transferred into the lottery profits education fund shall equal no less than thirty per cent of the total revenue accruing from the sale of lottery tickets.~~ Investment earnings of the lottery profits education fund shall be credited to the fund. There shall also be credited to the fund any repayments of moneys loaned from the educational excellence investment fund. The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

From the amounts that the director of budget and management transfers in any fiscal year from the state lottery fund to the lottery profits education fund, the director shall transfer the initial ten million dollars of ~~such~~ those amounts from the lottery profits education fund to the school building program bond service fund created in division (Q) of section 3318.26 of the Revised Code to be pledged for the purpose of paying bond service charges as defined in division (C) of section 3318.21 of the Revised Code on one or more issuances of obligations, which obligations are issued to provide moneys for the school building program assistance fund created in section 3318.25 of the Revised Code.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes

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shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the fund. Within sixty days after the end of each fiscal year, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for continued funding of deferred prizes. Any earnings credited in excess of this certified amount shall be transferred to the lottery profits education fund. To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund in obligations of the type permitted for the investment of state funds but whose maturities are thirty years or less. Investments of the deferred prizes trust fund are not subject to the provisions of division (A)(10) of section 135.143 of the Revised Code limiting to five per cent the amount of the state's total average portfolio that may be invested in debt interests and limiting to one-half of one per cent the amount that may be invested in debt interests of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and ~~such~~ any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and ~~such~~ records of lottery sales agents ~~as~~ that pertain to their

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activities as agents, for purposes of conducting authorized audits. 30677  
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The state lottery commission shall establish an internal audit program before the beginning of each fiscal year, subject to the approval of the auditor of state. At the end of each fiscal year, the commission shall prepare and submit an annual report to the auditor of state for the auditor of state's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit program. The form and content of the report shall be prescribed by the auditor of state under division (C) of section 117.20 of the Revised Code. 30679  
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(E) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division ~~(E) of this section~~ are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section. 30689  
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**Sec. 3773.56.** The Ohio athletic commission may appoint an executive director and employ such persons as are necessary to administer sections 3773.31 to 3773.57 and Chapter 4771. of the Revised Code and fix their compensation. Such executive director and employees shall serve in the unclassified status and at the pleasure of the commission. 30700  
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All receipts received by the commission under sections 3773.31 to 3773.57 ~~and Chapter 4771.~~ of the Revised Code shall be 30706  
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deposited in the occupational licensing and regulatory fund. All 30708  
 vouchers of the commission shall be approved by the chairperson of 30709  
 the commission. 30710

**Sec. 3793.04.** The department of alcohol and drug addiction 30711  
 services shall develop, administer, and revise as necessary a 30712  
 comprehensive statewide alcohol and drug addiction services plan 30713  
 for the implementation of this chapter. The plan shall emphasize 30714  
 abstinence from the use of alcohol and drugs of abuse as the 30715  
 primary goal of alcohol and drug addiction services. The council 30716  
 on alcohol and drug addiction services shall advise the department 30717  
 in the development and implementation of the plan. 30718

The plan shall provide for the allocation of state and 30719  
 federal funds for service furnished by alcohol and drug addiction 30720  
 programs under contract with boards of alcohol, drug addiction, 30721  
 and mental health services and for distribution of the funds to 30722  
 such boards. The plan shall specify the methodology that the 30723  
 department will use for determining how funds will be allocated 30724  
 and distributed. A portion of the funds shall be allocated on the 30725  
 basis of the ratio of the population of each alcohol, drug 30726  
 addiction, and mental health service district to the total 30727  
 population of the state ~~as~~. The portion of the funds allocated on 30728  
that basis for a fiscal year shall be not less than the average of 30729  
the amount that was allocated on that basis the three previous 30730  
fiscal years. The ratio shall be determined from the most recent 30731  
 federal census or the most recent official estimate made by the 30732  
 United States census bureau, whichever is more recent. 30733

The plan shall ensure that alcohol and drug addiction 30734  
 services of a high quality are accessible to, and responsive to 30735  
 the needs of, all persons, especially those who are members of 30736  
 underserved groups, including, but not limited to, African 30737  
 Americans, Hispanics, native Americans, Asians, juvenile and adult 30738  
 offenders, women, and persons with special services needs due to 30739

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age or disability. The plan shall include a program to promote and protect the rights of those who receive services.

To aid in formulating the plan and in evaluating the effectiveness and results of alcohol and drug addiction services, the department, in consultation with the department of mental health, shall establish and maintain an information system. The department of alcohol and drug addiction services shall specify the information that must be provided by boards of alcohol, drug addiction, and mental health services and by alcohol and drug addiction programs for inclusion in the system. The department shall not collect any information for the purpose of identifying by name any person who receives a service through a board, except as required by the state or federal law to validate appropriate reimbursement.

In consultation with boards, programs, and persons receiving services, the department shall establish guidelines for the use of state and federal funds and for the boards' development of plans for services required by sections 340.033 and 3793.05 of the Revised Code.

In any fiscal year, the department shall spend, or allocate to boards, for methadone maintenance programs or any similar programs not more than eight per cent of the total amount appropriated to the department for the fiscal year.

**Sec. 3902.23.** Beginning one hundred eighty days after rules adopted under section 3902.22 of the Revised Code take effect, no third-party payer shall fail to use the standard claim form and proof of loss prescribed in those rules, ~~except as provided in section 3729.15 of the Revised Code.~~

**Sec. 3923.28.** (A) Every policy of group sickness and accident insurance providing hospital, surgical, or medical expense

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coverage for other than specific diseases or accidents only, and 30770  
delivered, issued for delivery, or renewed in this state on or 30771  
after January 1, 1979, and that provides coverage for mental or 30772  
emotional disorders, shall provide benefits for services on an 30773  
outpatient basis for each eligible person under the policy who 30774  
resides in this state for mental or emotional disorders, or for 30775  
evaluations, that are at least equal to five hundred fifty dollars 30776  
in any calendar year or twelve-month period. The services shall be 30777  
legally performed by or under the clinical supervision of a 30778  
licensed physician or licensed psychologist, whether performed in 30779  
an office, in a hospital, or in a community mental health facility 30780  
so long as the hospital or community mental health facility is 30781  
approved by the joint commission on accreditation of healthcare 30782  
organizations, the council on accreditation for children and 30783  
family services, the rehabilitation accreditation commission, or, 30784  
until two years after the effective date of this amendment, 30785  
certified by the department of mental health as being in 30786  
compliance with standards established under division ~~(I)~~(H) of 30787  
section 5119.01 of the Revised Code. 30788

~~(B) For purposes of this section "community mental health 30789  
facility" means a facility approved by a regional health planning 30790  
agency or a facility providing services under a board of alcohol, 30791  
drug addiction, and mental health services established under 30792  
Chapter 340. of the Revised Code, except that where a board 30793  
provides direct community mental health service, the approval of 30794  
such a board, as to the adequacy of a specific program of such 30795  
services that it provides as a community mental health facility 30796  
shall be by the director of mental health. 30797~~

~~(C) Outpatient benefits offered under division (A) of this 30798  
section shall be subject to reasonable contract limitations and 30799  
may be subject to reasonable deductibles and co-insurance costs. 30800  
Persons entitled to such benefit under more than one service or 30801~~

insurance contract may be limited to a single 30802  
five-hundred-fifty-dollar outpatient benefit for services under 30803  
all contracts. 30804

~~(D)~~(C) In order to qualify for participation under division 30805  
(A) of this section, every facility specified in such division 30806  
shall have in effect a plan for utilization review and a plan for 30807  
peer review and every person specified in such division shall have 30808  
in effect a plan for peer review. Such plans shall have the 30809  
purpose of ensuring high quality patient care and effective and 30810  
efficient utilization of available health facilities and services. 30811

~~(E)~~(D) Nothing in this section shall be construed to require 30812  
an insurer to pay benefits which are greater than usual, 30813  
customary, and reasonable. 30814

~~(F)~~(E)(1) Services performed under the clinical supervision 30815  
of a licensed physician or licensed psychologist, in order to be 30816  
reimbursable under the coverage required in division (A) of this 30817  
section, shall meet both of the following requirements: 30818

(a) The services shall be performed in accordance with a 30819  
treatment plan that describes the expected duration, frequency, 30820  
and type of services to be performed; 30821

(b) The plan shall be reviewed and approved by a licensed 30822  
physician or licensed psychologist every three months. 30823

(2) Payment of benefits for services reimbursable under 30824  
division ~~(F)~~(E)(1) of this section shall not be restricted to 30825  
services described in the treatment plan or conditioned upon 30826  
standards of clinical supervision that are more restrictive than 30827  
standards of a licensed physician or licensed psychologist, which 30828  
at least equal the requirements of division ~~(F)~~(E)(1) of this 30829  
section. 30830

**Sec. 3923.29.** (A) Every policy of group sickness and accident 30831

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insurance providing hospital, surgical, or medical expense 30832  
 coverage for other than specific diseases or accidents only, and 30833  
 delivered, issued for delivery, or renewed in this state on or 30834  
 after January 1, 1979, shall provide for each eligible person 30835  
 under the policy who resides in this state, outpatient, inpatient, 30836  
 and intermediate primary care benefits for alcoholism that are at 30837  
 least equal to five hundred fifty dollars in any calendar year or 30838  
 twelve month period. The services shall be legally performed by or 30839  
 under the clinical supervision of a licensed physician or a 30840  
 licensed psychologist, whether performed in an office, in a 30841  
 hospital, in a community mental health facility, or in an 30842  
 alcoholism treatment facility so long as the hospital, community 30843  
 mental health facility, or alcoholism treatment facility is 30844  
 approved by the joint commission on accreditation of hospitals or 30845  
 certified by the department of health. 30846

~~(B) For purposes of this section "community mental health 30848  
 facility" means a facility as defined in section 3923.28 of the 30849  
 Revised Code. 30850~~

~~(C)~~ The benefits mandated by division (A) of this section 30851  
 shall be subject to reasonable contract limitations and may be 30852  
 subject to reasonable deductibles and co-insurance costs. Persons 30853  
 entitled to such benefit under more than one service or insurance 30854  
 contract may be limited to a single five hundred fifty dollar 30855  
 benefit for services under all contracts. 30856

~~(D)~~(C) For an eligible person, who receives treatment for 30857  
 alcoholism from an approved or certified alcoholism treatment 30858  
 facility, to remain entitled to the benefits mandated by division 30859  
 (A) of this section, a licensed physician or a licensed 30860  
 psychologist shall every three months certify that such person 30861  
 needs to continue utilizing such treatment. 30862

~~(E)~~(D) In order to qualify for participation under division 30863

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(A) of this section, every facility specified in such division 30864  
shall have in effect a plan for utilization review and a plan for 30865  
peer review and every person specified in such division shall have 30866  
in effect a plan for peer review. Such plans shall have the 30867  
purpose of ensuring high quality patient care and effective and 30868  
efficient utilization of available health facilities and services. 30869  
Such person or facility shall also have in effect a program of 30870  
rehabilitation or a program of rehabilitation and detoxification. 30871

~~(F)~~(E) Nothing in this section shall be construed to require 30872  
an insurer to pay benefits which are greater than usual, 30873  
customary, and reasonable. 30874

**Sec. 3923.30.** Every person, the state and any of its 30875  
instrumentalities, any county, township, school district, or other 30876  
political subdivisions and any of its instrumentalities, and any 30877  
municipal corporation and any of its instrumentalities, which 30878  
provides payment for health care benefits for any of its employees 30879  
resident in this state, which benefits are not provided by 30880  
contract with an insurer qualified to provide sickness and 30881  
accident insurance, or a health insuring corporation, shall 30882  
include the following benefits in its plan of health care benefits 30883  
commencing on or after January 1, 1979: 30884

(A) If such plan of health care benefits provides payment for 30885  
the treatment of mental or nervous disorders, then such plan shall 30886  
provide benefits for services on an outpatient basis for each 30887  
eligible employee and dependent for mental or emotional disorders, 30888  
or for evaluations, that are at least equal to the following: 30889

(1) Payments not less than five hundred fifty dollars in a 30891  
twelve-month period, for services legally performed by or under 30892  
the clinical supervision of a licensed physician or a licensed 30893  
psychologist, whether performed in an office, in a hospital, or in 30894

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a community mental health facility so long as the hospital or  
community mental health facility is approved by the joint  
commission on accreditation of ~~hospitals~~ healthcare organizations,  
the council on accreditation for children and family services, the  
rehabilitation accreditation commission, or, until two years after  
the effective date of this amendment, certified by the department  
of mental health as being in compliance with standards established  
under division ~~(F)~~(H) of section 5119.01 of the Revised Code;

(2) Such benefit shall be subject to reasonable limitations,  
and may be subject to reasonable deductibles and co-insurance  
costs.

(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

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physician or licensed psychologist every three months. 30926

(b) Payment of benefits for services reimbursable under 30927  
division (A)~~(6)~~(5)(a) of the section shall not be restricted to 30928  
services described in the treatment plan or conditioned upon 30929  
standards of a licensed physician or licensed psychologist, which 30930  
at least equal the requirements of division (A)~~(6)~~(5)(a) of this 30931  
section. 30932

(B) Payment for benefits for alcoholism treatment for 30933  
outpatient, inpatient, and intermediate primary care for each 30934  
eligible employee and dependent that are at least equal to the 30935  
following: 30936

(1) Payments not less than five hundred fifty dollars in a 30937  
twelve-month period for services legally performed by or under the 30938  
clinical supervision of a licensed physician or licensed 30939  
psychologist, whether performed in an office, or in a hospital or 30940  
a community mental health facility or alcoholism treatment 30941  
facility so long as the hospital, community mental health 30942  
facility, or alcoholism treatment facility is approved by the 30943  
joint commission on accreditation of hospitals or certified by the 30944  
department of health; 30945

(2) The benefits provided under this division shall be 30946  
subject to reasonable limitations and may be subject to reasonable 30947  
deductibles and co-insurance costs. 30948

(3) A licensed physician or licensed psychologist shall every 30949  
three months certify a patient's need for continued services 30950  
performed by such facilities. 30951

(4) In order to qualify for participation under this 30952  
division, every facility specified in this division shall have in 30953  
effect a plan for utilization review and a plan for peer review 30954  
and every person specified in this division shall have in effect a 30955  
plan for peer review. Such plans shall have the purpose of 30956

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ensuring high quality patient care and efficient utilization of 30957  
available health facilities and services. Such person or 30958  
facilities shall also have in effect a program of rehabilitation 30959  
or a program of rehabilitation and detoxification. 30960

(5) Nothing in this section shall be construed to require 30961  
reimbursement for benefits which is greater than usual, customary, 30962  
and reasonable. 30963

**Sec. 4105.17.** (A) The fee for any inspection, or attempted 30964  
inspection that, due to no fault of a general inspector or the 30965  
division of industrial compliance, is not successfully completed, 30966  
by a general inspector of an elevator required to be inspected 30967  
under this chapter is thirty dollars plus five dollars for each 30968  
floor where the elevator stops. The superintendent of the division 30969  
of industrial compliance may assess a fee of ~~thirty~~ one hundred  
twenty-five dollars plus five dollars for each floor where an 30970  
elevator stops for the reinspection of an elevator when a previous 30971  
attempt to inspect that elevator has been unsuccessful through no 30972  
fault of a general inspector or the division of industrial 30973  
compliance. The fee for issuing or renewing a certificate of 30974  
operation under section 4105.15 of the Revised Code is thirty-five 30975  
dollars. 30976  
30977

(B) All other fees to be charged for any examination given or 30978  
other service performed by the division of industrial compliance 30979  
pursuant to this chapter shall be prescribed by the board of 30980  
building standards established by section 3781.07 of the Revised 30981  
Code. The fees shall be reasonably related to the costs of such 30982  
examination or other service. 30983

(C) The board of building standards, subject to the approval 30984  
of the controlling board, may establish fees in excess of the fees 30985  
provided in division (A) of this section, provided that the fees 30986  
do not exceed the amounts established in division (A) of this 30987

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section by more than fifty per cent. Any moneys collected under 30988  
this section shall be paid into the state treasury to the credit 30989  
of the industrial compliance operating fund created in section 30990  
121.084 of the Revised Code. 30991

(D) Any person who fails to pay an inspection fee required 30992  
for any inspection conducted by the division pursuant to this 30993  
chapter within forty-five days after the inspection is conducted 30994  
shall pay a late payment fee equal to twenty-five per cent of the 30995  
inspection fee. 30996

(E) In addition to the fee assessed in division (A) of this 30997  
section, the board of building standards shall assess a fee of 30998  
three dollars and twenty-five cents for each certificate of 30999  
operation or renewal thereof issued under division (A) of this 31000  
section and for each permit issued under section 4105.16 of the 31001  
Revised Code. The board shall adopt rules, in accordance with 31002  
Chapter 119. of the Revised Code, specifying the manner by which 31003  
the superintendent of the division of industrial compliance shall 31004  
collect and remit to the board the fees assessed under this 31005  
division and requiring that remittance of the fees be made at 31006  
least quarterly. 31007

**Sec. 4115.10.** (A) No person, firm, corporation, or public 31008  
authority that constructs a public improvement with its own 31009  
forces, the total overall project cost of which is fairly 31010  
estimated to be more than the amounts set forth in division (B)(1) 31011  
or (2) of section 4115.03 of the Revised Code, adjusted biennially 31012  
by the director of commerce pursuant to section 4115.034 of the 31013  
Revised Code, shall violate the wage provisions of sections 31014  
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 31015  
require any employee to work for less than the rate of wages so 31016  
fixed, or violate the provisions of section 4115.07 of the Revised 31017  
Code. Any employee upon any public improvement, except an employee 31018

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to whom or on behalf of whom restitution is made pursuant to 31019  
division (C) of section 4115.13 of the Revised Code, who is paid 31020  
less than the fixed rate of wages applicable thereto may recover 31021  
from such person, firm, corporation, or public authority that 31022  
constructs a public improvement with its own forces the difference 31023  
between the fixed rate of wages and the amount paid to the 31024  
employee and in addition thereto a sum equal to twenty-five per 31025  
cent of that difference. The person, firm, corporation, or public 31026  
authority who fails to pay the rate of wages so fixed also shall 31027  
pay a penalty to the director of seventy-five per cent of the 31028  
difference between the fixed rate of wages and the amount paid to 31029  
the employees on the public improvement. The director shall 31030  
deposit all moneys received from penalties paid to the director 31031  
pursuant to this section into the penalty enforcement fund, which 31032  
is hereby created. ~~The penalty enforcement fund shall be in the~~ 31033  
~~custody of the treasurer of state but shall not be part of the~~ 31034  
state treasury. The director shall use the fund for the 31035  
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 31036  
The employee may file suit for recovery within sixty days of the 31037  
director's determination of a violation of sections 4115.03 to 31038  
4115.16 of the Revised Code or is barred from further action under 31039  
this division. Where the employee prevails in a suit, the employer 31040  
shall pay the costs and reasonable attorney's fees allowed by the 31041  
court. 31042

(B) Any employee upon any public improvement who is paid less 31043  
than the prevailing rate of wages applicable thereto may file a 31044  
complaint in writing with the director upon a form furnished by 31045  
the director. At the written request of any employee paid less 31046  
than the prevailing rate of wages applicable, the director shall 31047  
take an assignment of a claim in trust for the assigning employee 31048  
and bring any legal action necessary to collect the claim. The 31049  
employer shall pay the costs and reasonable attorney's fees 31050  
allowed by the court if the employer is found in violation of 31051

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sections 4115.03 to 4115.16 of the Revised Code. 31052

(C) If after investigation pursuant to section 4115.13 of the Revised Code, the director determines there is a violation of sections 4115.03 to 4115.16 of the Revised Code and a period of sixty days has elapsed from the date of the determination, and if:

(1) No employee has brought suit pursuant to division (A) of this section;

(2) No employee has requested that the director take an assignment of a wage claim pursuant to division (B) of this section;

The director shall bring any legal action necessary to collect any amounts owed to employees and the ~~bureau~~ director. The director shall pay over to the affected employees the amounts collected to which the affected employees are entitled under division (A) of this section. In any action in which the director prevails, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

(D) Where persons are employed and their rate of wages has been determined as provided in section 4115.04 of the Revised Code, no person, either for self or any other person, shall request, demand, or receive, either before or after the person is engaged, that the person so engaged pay back, return, donate, contribute, or give any part or all of the person's wages, salary, or thing of value, to any person, upon the statement, representation, or understanding that failure to comply with such request or demand will prevent the procuring or retaining of employment, and no person shall, directly or indirectly, aid, request, or authorize any other person to violate this section. This division does not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization.

(E) The director shall enforce sections 4115.03 to 4115.16 of the Revised Code. 31083  
31084

(F) For the purpose of supplementing existing resources and to assist in enforcing division (E) of this section, the director may contract with a person registered as a public accountant under Chapter 4701. of the Revised Code to conduct an audit of a person, firm, corporation, or public authority. 31085  
31086  
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Sec. 4117.102. The state employment relations board shall compile a list of the school districts in the state that have filed with the board agreements entered into with teacher employee organizations under this chapter. The board shall annually update the list to reflect, for each district, for the current fiscal year, the starting salary in the district for teachers with no prior teaching experience who hold bachelors degrees. The board shall send a copy of each annually updated list to the state board of education. 31090  
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31092  
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**Sec. 4121.44.** (A) The administrator of workers' compensation shall oversee the implementation of the Ohio workers' compensation qualified health plan system as established under section 4121.442 of the Revised Code. 31099  
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31101  
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(B) The administrator shall direct the implementation of the health partnership program administered by the bureau as set forth in section 4121.441 of the Revised Code. To implement the health partnership program, the bureau: 31103  
31104  
31105  
31106

(1) Shall certify one or more external vendors, which shall be known as "managed care organizations," to provide medical management and cost containment services in the health partnership program for a period of two years beginning on the date of certification, consistent with the standards established under this section; 31107  
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31109  
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31111  
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(2) May recertify external vendors for additional periods of two years; and	31113 31114
(3) May integrate the certified vendors with bureau staff and existing bureau services for purposes of operation and training to allow the bureau to assume operation of the health partnership program at the conclusion of the certification periods set forth in division (B)(1) or (2) of this section.	31115 31116 31117 31118 31119
(C) Any vendor selected shall demonstrate all of the following:	31120 31121
(1) Arrangements and reimbursement agreements with a substantial number of the medical, professional and pharmacy providers currently being utilized by claimants.	31122 31123 31124
(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.	31125 31126 31127
(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.	31128 31129 31130 31131
(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.	31132 31133 31134
(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.	31135 31136 31137
(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.	31138 31139 31140
(7) Capacity to store, retrieve, array, simulate, and model in a relational mode all of the detailed medical bill data so that	31141 31142

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analysis can be performed in a variety of ways and so that the 31143  
bureau and its governing authority can make informed decisions. 31144

(8) Wide variety of software programs which translate medical 31145  
terminology into standard codes, and which reveal if a provider is 31146  
manipulating the procedures codes, commonly called "unbundling." 31147  
31148

(9) Necessary professional staff to conduct, at a minimum, 31149  
authorizations for treatment, medical necessity, utilization 31150  
review, concurrent review, post-utilization review, and have the 31151  
attendant computer system which supports such activity and 31152  
measures the outcomes and the savings. 31153

(10) Management experience and flexibility to be able to 31154  
react quickly to the needs of the bureau in the case of required 31155  
change in federal or state requirements. 31156

(D)(1) Information contained in a vendor's application for 31157  
certification in the health partnership program, and other 31158  
information furnished to the bureau by a vendor for purposes of 31159  
obtaining certification or to comply with performance and 31160  
financial auditing requirements established by the administrator, 31161  
is for the exclusive use and information of the bureau in the 31162  
discharge of its official duties, and shall not be open to the 31163  
public or be used in any court in any proceeding pending therein, 31164  
unless the bureau is a party to the action or proceeding, but the 31165  
information may be tabulated and published by the bureau in 31166  
statistical form for the use and information of other state 31167  
departments and the public. No employee of the bureau, except as 31168  
otherwise authorized by the administrator, shall divulge any 31169  
information secured by the employee while in the employ of the 31170  
bureau in respect to a vendor's application for certification or 31171  
in respect to the business or other trade processes of any vendor 31172  
to any person other than the administrator or to the employee's 31173  
superior. 31174

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(2) Notwithstanding the restrictions imposed by division	31175
(D)(1) of this section, the governor, members of select or	31176
standing committees of the senate or house of representatives, the	31177
auditor of state, the attorney general, or their designees,	31178
pursuant to the authority granted in this chapter and Chapter	31179
4123. of the Revised Code, may examine any vendor application or	31180
other information furnished to the bureau by the vendor. None of	31181
those individuals shall divulge any information secured in the	31182
exercise of that authority in respect to a vendor's application	31183
for certification or in respect to the business or other trade	31184
processes of any vendor to any person.	31185
(E) On and after January 1, 2001, a vendor shall not be any	31186
insurance company holding a certificate of authority issued	31187
pursuant to Title XXXIX of the Revised Code or any health insuring	31188
corporation holding a certificate of authority under Chapter 1751.	31189
of the Revised Code.	31190
(F) The administrator may limit freedom of choice of health	31191
care provider or supplier by requiring, beginning with the period	31192
set forth in division (B)(1) or (2) of this section, that	31193
claimants shall pay an appropriate out-of-plan copayment for	31194
selecting a medical provider not within the health partnership	31195
program as provided for in this section.	31196
(G) The administrator, six months prior to the expiration of	31197
the bureau's certification or recertification of the vendor or	31198
vendors as set forth in division (B)(1) or (2) of this section,	31199
may certify and provide evidence to the governor, the speaker of	31200
the house of representatives, and the president of the senate that	31201
the existing bureau staff is able to match or exceed the	31202
performance and outcomes of the external vendor or vendors and	31203
that the bureau should be permitted to internally administer the	31204
health partnership program upon the expiration of the	31205
certification or recertification as set forth in division (B)(1)	31206

or (2) of this section. 31207

(H) The administrator shall establish and operate a bureau of 31208  
workers' compensation health care data program. ~~The administrator~~ 31209  
~~may contract with the Ohio health care data center for such~~ 31210  
~~purposes.~~ The administrator shall develop reporting requirements 31211  
from all employees, employers and medical providers, medical 31212  
vendors, and plans that participate in the workers' compensation 31213  
system. The administrator shall do all of the following: 31214  
31215

(1) Utilize the collected data to measure and perform 31216  
comparison analyses of costs, quality, appropriateness of medical 31217  
care, and effectiveness of medical care delivered by all 31218  
components of the workers' compensation system. 31219

(2) Compile data to support activities of the selected vendor 31220  
or vendors and to measure the outcomes and savings of the health 31221  
partnership program. 31222

(3) Publish and report compiled data to the governor, the 31223  
speaker of the house of representatives, and the president of the 31224  
senate on the first day of each January and July, the measures of 31225  
outcomes and savings of the health partnership program and the 31226  
qualified health plan system. The administrator shall protect the 31227  
confidentiality of all proprietary pricing data. 31228

(I) Any rehabilitation facility the bureau operates is 31229  
eligible for inclusion in the Ohio workers' compensation qualified 31230  
health plan system or the health partnership program under the 31231  
same terms as other providers within health care plans or the 31232  
program. 31233

(J) In areas outside the state or within the state where no 31234  
qualified health plan or an inadequate number of providers within 31235  
the health partnership program exist, the administrator shall 31236  
permit employees to use a nonplan or nonprogram health care 31237

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provider and shall pay the provider for the services or supplies 31238  
provided to or on behalf of an employee for an injury or 31239  
occupational disease that is compensable under this chapter or 31240  
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 31241  
schedule the administrator adopts. 31242

(K) No certified health care provider shall charge, assess, 31243  
or otherwise attempt to collect from an employee, employer, a 31244  
managed care organization, or the bureau any amount for covered 31245  
services or supplies that is in excess of the allowed amount paid 31246  
by a managed care organization, the bureau, or a qualified health 31247  
plan. 31248

(L) The administrator shall permit any employer or group of 31249  
employers who agree to abide by the rules adopted under this 31250  
section and sections 4121.441 and 4121.442 of the Revised Code to 31251  
provide services or supplies to or on behalf of an employee for an 31252  
injury or occupational disease that is compensable under this 31253  
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 31254  
through qualified health plans of the Ohio workers' compensation 31255  
qualified health plan system pursuant to section 4121.442 of the 31256  
Revised Code or through the health partnership program pursuant to 31257  
section 4121.441 of the Revised Code. No amount paid under the 31258  
qualified health plan system pursuant to section 4121.442 of the 31259  
Revised Code by an employer who is a state fund employer shall be 31260  
charged to the employer's experience or otherwise be used in 31261  
merit-rating or determining the risk of that employer for the 31262  
purpose of the payment of premiums under this chapter, and if the 31263  
employer is a self-insuring employer, the employer shall not 31264  
include that amount in the paid compensation the employer reports 31265  
under section 4123.35 of the Revised Code. 31266

**Sec. 4123.27.** Information contained in the annual statement 31267  
provided for in section 4123.26 of the Revised Code, and such 31268

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other information as may be furnished to the bureau of workers' 31269  
compensation by employers in pursuance of that section, is for the 31270  
exclusive use and information of the bureau in the discharge of 31271  
its official duties, and shall not be open to the public nor be 31272  
used in any court in any action or proceeding pending therein 31273  
unless the bureau is a party to the action or proceeding; but the 31274  
information contained in the statement may be tabulated and 31275  
published by the bureau in statistical form for the use and 31276  
information of other state departments and the public. No person 31277  
in the employ of the bureau, except those who are authorized by 31278  
the administrator of workers' compensation, shall divulge any 31279  
information secured by the person while in the employ of the 31280  
bureau in respect to the transactions, property, claim files, 31281  
records, or papers of the bureau or in respect to the business or 31282  
mechanical, chemical, or other industrial process of any company, 31283  
firm, corporation, person, association, partnership, or public 31284  
utility to any person other than the administrator or to the 31285  
superior of such employee of the bureau. 31286

Notwithstanding the restrictions imposed by this section, the 31287  
governor, select or standing committees of the general assembly, 31288  
the auditor of state, the attorney general, or their designees, 31289  
pursuant to the authority granted in this chapter and Chapter 31290  
4121. of the Revised Code, may examine any records, claim files, 31291  
or papers in possession of the industrial commission or the 31292  
bureau. They also are bound by the privilege that attaches to 31293  
these papers. 31294

The administrator shall report to the director of job and 31295  
family services or to the county director of job and family 31296  
services the name, address, and social security number or other 31297  
identification number of any person receiving workers' 31298  
compensation whose name or social security number or other 31299  
identification number is the same as that of a person required by 31300

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a court or child support enforcement agency to provide support  
payments to a recipient or participant of public assistance, and  
whose name is submitted to the administrator by the director under  
section 5101.36 of the Revised Code. The administrator also shall  
inform the director of the amount of workers' compensation paid to  
the person during such period as the director specifies.

Within fourteen days after receiving from the director of job  
and family services a list of the names and social security  
numbers of recipients or participants of public assistance  
pursuant to section 5101.181 of the Revised Code, the  
administrator shall inform the auditor of state of the name,  
current or most recent address, and social security number of each  
person receiving workers' compensation pursuant to this chapter  
whose name and social security number are the same as that of a  
person whose name or social security number was submitted by the  
director. The administrator also shall inform the auditor of state  
of the amount of workers' compensation paid to the person during  
such period as the director specifies.

The bureau and its employees, except for purposes of  
furnishing the auditor of state with information required by this  
section, shall preserve the confidentiality of recipients or  
participants of public assistance in compliance with division (A)  
of section 5101.181 of the Revised Code.

For the purposes of this section, "public assistance" means  
medical assistance provided through the medical assistance program  
established under section 5111.01 of the Revised Code, Ohio works  
first provided under Chapter 5107. of the Revised Code,  
prevention, retention, and contingency ~~assistance~~ benefits and  
services provided under Chapter 5108. of the Revised Code, or  
disability assistance provided under Chapter 5115. of the Revised  
Code.

Sec. 4301.12. The division of liquor control shall provide 31332  
for the custody, safekeeping, and deposit of all moneys, checks, 31333  
and drafts received by it or any of its employees or agents prior 31334  
to paying them to the treasurer of state as provided by section 31335  
113.08 of the Revised Code. 31336

A sum equal to three dollars and thirty-eight cents for each 31337  
gallon of spirituous liquor sold by the division during the period 31338  
covered by the payment shall be paid into the state treasury to 31339  
the credit of the general revenue fund. All moneys received from 31340  
permit fees shall be paid to the credit of the undivided liquor 31341  
permit fund established by section 4301.30 of the Revised Code. 31342

Except as otherwise provided by law, all moneys collected 31343  
under Chapters 4301. and 4303. of the Revised Code shall be paid 31344  
by the division into the state treasury to the credit of the 31345  
liquor control fund, which is hereby created. Amounts in the 31346  
liquor control fund may be used to pay the operating expenses of 31347  
the liquor control commission. 31348

Whenever, in the judgment of the director of budget and 31349  
management, the amount in ~~the custody of the treasurer of state to~~ 31350  
~~the credit of~~ the liquor control fund is in excess of that needed 31351  
to meet the maturing obligations of the division, as working 31352  
capital for its further operations ~~and~~, to pay the operating 31353  
expenses of the commission, and ~~as required~~ for the alcohol 31354  
testing program under section 3701.143 of the Revised Code, the 31355  
director shall transfer the excess to the ~~state treasury to the~~ 31356  
credit of the general revenue fund. 31357

Sec. 4301.17. (A) Subject to local option as provided in 31358  
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 31359  
stores or agencies may be established in each county. One 31360  
additional store may be established in any county for each thirty 31361

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thousand of population of ~~such~~ that county or major fraction 31362  
thereof in excess of the first forty thousand, according to the 31363  
last preceding federal census. A person engaged in a mercantile 31364  
business may act as the agent for the division of liquor control 31365  
for the sale of spirituous liquor in a municipal corporation, in 31366  
the unincorporated area of a township of not less than two 31367  
thousand population, or in an area designated and approved as a 31368  
resort area under section 4303.262 of the Revised Code, provided 31369  
that not more than one agency contract shall be awarded in the 31370  
unincorporated area of a county for each fifty thousand population 31371  
of the county. The division shall fix the compensation for such an 31372  
agent in ~~such~~ the manner ~~as~~ it ~~deems~~ considers best, but ~~such~~ the 31373  
compensation shall not exceed seven per cent of the gross sales 31374  
made by ~~such~~ the agent in any one year. 31375

Except as otherwise provided in this section, no mercantile 31376  
business that sells beer or intoxicating liquor for consumption on 31377  
the premises under a permit issued by the division shall operate 31378  
an agency store at ~~such~~ the premises or at any adjacent premises. 31379  
An agency to which a D-1 permit has been issued may offer for sale 31380  
tasting samples of beer, an agency to which a D-2 permit has been 31381  
issued may offer for sale tasting samples of wine and mixed 31382  
beverages, and an agency to which a D-5 permit has been issued may 31383  
offer for sale tasting samples of beer, wine, and mixed beverages, 31384  
but not spirituous liquor. A tasting sample shall not be sold for 31385  
the purpose of general consumption. As used in this section, 31386  
"tasting sample" means a small amount of beer, wine, or mixed 31387  
beverages that is provided in not more than four servings of not 31388  
more than two ounces each to an authorized purchaser and that 31389  
allows the purchaser to determine, by tasting only, the quality 31390  
and character of the beverage. 31391

(B) When an agency contract is proposed or when an existing 31392  
agency contract is assigned, before entering into any ~~such~~ 31393

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contract or consenting to any assignment, the division shall 31394  
notify the legislative authority of the municipal corporation in 31395  
which the agency store is to be located, or the board of county 31396  
commissioners and the board of township trustees of the county and 31397  
the township in which the agency store is to be located if the 31398  
agency store is to be located outside the corporate limits of a 31399  
municipal corporation, of the proposed contract or assignment, and 31400  
an opportunity shall be provided officials or employees of the 31401  
municipal corporation or county and township for a complete 31402  
hearing upon the advisability of entering into the ~~agency~~ contract 31403  
or consenting to the assignment. When the division sends notice to 31404  
the legislative authority of the political subdivision, the 31405  
department shall notify, by certified mail or by personal service, 31406  
the chief peace officer of the political subdivision, who may 31407  
appear and testify, either in person or through a representative, 31408  
at any hearing held on the advisability of entering into the 31409  
~~agency~~ contract or consenting to the assignment. 31410

~~On or after July 21, 1986, if~~ If the proposed agency store 31411  
would be located within five hundred feet of a school, church, 31412  
library, public playground, or township park, the division shall 31413  
not enter into an agency contract until it has provided notice of 31414  
the proposed contract to the authorities in control of the school, 31415  
church, library, public playground, or township park and has 31416  
provided ~~such officials~~ those authorities with an opportunity for 31417  
a complete hearing upon the advisability of entering into the 31418  
contract. If an agency store so located is operating under an 31419  
agency contract, the division may consent to the assignment of 31420  
that contract to operate an agency store at the same location, 31421  
~~provided that~~ but the division shall not consent to an assignment 31422  
until it has notified the authorities in control of the school, 31423  
church, library, public playground, or township park and has 31424  
provided ~~such officials~~ those authorities with an opportunity for 31425  
a complete hearing upon the advisability of consenting to the 31426

assignment. 31427

Any hearing provided for in this division shall be held in 31428  
the central office of the division, except that upon written 31429  
request of the legislative authority of the municipal corporation, 31430  
the board of county commissioners, or board of township trustees, 31431  
the hearing shall be held in the county seat of the county where 31432  
the proposed agency store is to be located. 31433

(C) All agency contracts entered into by the division 31434  
pursuant to this section shall be in writing and shall contain a 31435  
clause providing for the termination of the contract at will by 31436  
the division upon its giving ninety days' notice in writing to 31437  
~~such~~ the agent of its intention to do so. Any agency contract may 31438  
include a clause requiring the agent to report to the appropriate 31439  
law enforcement agency the name and address of any individual 31440  
under twenty-one years of age who attempts to make an illegal 31441  
purchase. 31442

An agent may engage in the selling of beer, mixed beverages, 31443  
and wine pursuant to permits issued to the agent under Chapter 31444  
4303. of the Revised Code. 31445

The division shall issue a C-1 and C-2 permit to each agent 31446  
who prior to November 1, 1994, had not been issued both of these 31447  
permits, notwithstanding the population quota restrictions 31448  
contained in section 4303.29 of the Revised Code or in any rule of 31449  
the liquor control commission and notwithstanding the requirements 31450  
of section 4303.31 of the Revised Code. The location of a C-1 or 31451  
C-2 permit issued to such an agent shall not be transferred. The 31452  
division shall revoke any C-1 or C-2 permit issued to an agent 31453  
under this paragraph if the agent no longer operates an agency 31454  
store. 31455

No person shall operate, or have any interest, directly or 31456  
indirectly, in more than ~~four~~ eight state agencies in any one 31457  
county or more than ~~eight~~ sixteen state agencies in the state for 31458

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the sale of spirituous liquor. For purposes of this section, a 31459  
person has an interest in a state agency if the person is a 31460  
partner, member, officer, or director of, or a shareholder owning 31461  
ten per cent or more of the capital stock of, any legal entity 31462  
with which the department has entered into an agency contract. 31463

The division may enter into agreements with the department of 31464  
development to implement a minority loan program to provide 31465  
low-interest loans to minority business enterprises, as defined in 31466  
section 122.71 of the Revised Code, that are awarded liquor agency 31467  
contracts or assignments. 31468

(D) If the division closes a state liquor store and replaces 31469  
that store with an agency store, any employees of the division 31470  
employed at that state liquor store who lose their jobs at that 31471  
store as a result shall be given preference by the agent who 31472  
operates the agency store in filling any vacancies that occur 31473  
among the agent's employees, if ~~such~~ that preference does not 31474  
conflict with the agent's obligations pursuant to a collective 31475  
bargaining agreement. 31476

If the division closes a state liquor store and replaces the 31477  
store with an agency store, any employees of the division employed 31478  
at the state liquor store who lose their jobs at that store as a 31479  
result may displace other employees as provided in sections 31480  
124.321 to 124.328 of the Revised Code. If an employee cannot 31481  
displace other employees and is laid off, the employee shall be 31482  
reinstated in another job as provided in sections 124.321 to 31483  
124.328 of the Revised Code, except that the employee's rights of 31484  
reinstatement in a job at a state liquor store shall continue for 31485  
a period of two years after the date of the employee's layoff and 31486  
shall apply to jobs at state liquor stores located in the 31487  
employee's layoff jurisdiction and any layoff jurisdiction 31488  
adjacent to the employee's layoff jurisdiction. 31489

(E) The division shall require every ~~such~~ agent to give bond 31490

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with surety to the satisfaction of the division, in ~~such~~ the 31491  
amount ~~as~~ the division fixes, conditioned for the faithful 31492  
performance of the agent's duties as prescribed by the division. 31493

**Sec. 4301.24.** No manufacturer shall aid or assist the holder 31494  
of any permit for sale at wholesale, and no manufacturer or 31495  
wholesale distributor shall aid or assist the holder of any permit 31496  
for sale at retail, by gift or loan of any money or property of 31497  
any description or other valuable thing, or by giving premiums or 31498  
rebates. No holder of any such permit shall accept the same, 31499  
provided that the manufacturer or wholesale distributor may 31500  
furnish to a retail permittee the inside signs or advertising and 31501  
the tap signs or devices authorized by divisions (F) and (G) of 31502  
section 4301.22 of the Revised Code. 31503

No manufacturer shall have any financial interest, directly 31504  
or indirectly, by stock ownership, or through interlocking 31505  
directors in a corporation, or otherwise, in the establishment, 31506  
maintenance, or promotion in the business of any wholesale 31507  
distributor. No retail permit holder shall have any interest, 31508  
directly or indirectly, in the operation of, or any ownership in, 31509  
the business of any wholesale distributor or manufacturer. 31510

No manufacturer or wholesale distributor shall, except as 31511  
authorized by section 4303.021 of the Revised Code, have any 31512  
financial interest, directly or indirectly, by stock ownership, or 31513  
through interlocking directors in a corporation, or otherwise, in 31514  
the establishment, maintenance, or promotion of the business of 31515  
any retail dealer; nor shall any manufacturer or wholesale 31516  
distributor or any stockholder ~~thereof~~ of a manufacturer or 31517  
wholesale distributor acquire, by ownership in fee, leasehold, 31518  
mortgage, or otherwise, directly or indirectly, any interest in 31519  
the premises ~~whereon~~ on which the business of any other person 31520  
engaged in the business of trafficking in beer or intoxicating 31521  
liquor is conducted. All contracts, covenants, conditions, and 31522

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limitations whereby any person engaged or proposing to engage in 31523  
the sale of beer or intoxicating liquors promises to confine the 31524  
person's sales of a particular kind or quality of beer or 31525  
intoxicating liquor to one or more products, or the products of a 31526  
specified manufacturer or wholesale distributor, or to give 31527  
preference to ~~such~~ those products, shall to the extent of ~~such~~ 31528  
that promise be void. The making of ~~such~~ a promise in any such 31529  
form shall be cause for the revocation or suspension of any permit 31530  
issued to any party. This section does not prevent the holder of 31531  
an A permit from securing and holding a wholesale distributor's 31532  
permit or permits and operating as a wholesale distributor. 31533

No manufacturer shall sell or offer to sell to any wholesale 31534  
distributor or retail permit holder, and no wholesale distributor 31535  
shall sell or offer to sell to any retail permit holder, and no 31536  
wholesale distributor or retail permit holder shall purchase or 31537  
receive from any manufacturer or wholesale distributor, any malt 31538  
or brewed beverages or wine manufactured in the United States 31539  
except for cash. No right of action shall exist to collect any 31540  
claims for credit extended contrary to this section. This section 31541  
does not prohibit a licensee from crediting to a purchaser the 31542  
actual prices charged for packages or containers returned by the 31543  
original purchaser as a credit on any sale or from refunding to 31544  
any purchaser the amount paid by ~~such~~ that purchaser for 31545  
containers or as a deposit on containers when title is retained by 31546  
the vendor, if ~~such~~ those containers or packages have been 31547  
returned to the manufacturer or distributor. This section does not 31548  
prohibit a manufacturer from extending usual and customary credit 31549  
for malt or brewed beverages or wine manufactured in the United 31550  
States and sold to customers who live or maintain places of 31551  
business outside this state when the beverages so sold are 31552  
actually transported and delivered to points outside this state. 31553  
No wholesale or retail permit shall be issued to an applicant 31554  
unless ~~such~~ the applicant has paid in full all accounts for beer 31555

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and malt beverages or wine, manufactured in the United States, 31556  
outstanding as of September 6, 1939. No beer or malt beverages or 31557  
wine manufactured in the United States shall be imported into the 31558  
state unless the ~~same~~ beer or malt beverages or wine has been paid 31559  
for in cash, and no consent to import any such beer or malt 31560  
beverages or wine manufactured in the United States shall be 31561  
issued by the division of liquor control until the A-2, B-1, or 31562  
B-5 permit holder establishes to the satisfaction of the division 31563  
that the ~~same~~ beer or malt beverages or wine has been paid for in 31564  
cash. 31565

This section does not prevent a manufacturer from securing 31566  
and holding any financial interest, directly or indirectly, by 31567  
stock ownership or through interlocking directors in a 31568  
corporation, or otherwise, in the establishment, maintenance, or 31569  
promotion of the business or premises of any C or D permit holder, 31570  
provided that the following conditions are met: 31571

(A) Either the manufacturer or one of its parent companies is 31572  
listed on a national securities exchange. 31573

(B) All purchases of alcoholic beverages by the C or D permit 31574  
holder are made from wholesale distributors in this state or 31575  
agency stores licensed by the division of liquor control. 31576

(C) If the C or D permit holder sells brands of alcoholic 31577  
beverages that are produced or distributed by the manufacturer 31578  
that holds the financial interest, the C or D permit holder also 31579  
sells other competing brands of alcoholic beverages produced by 31580  
other manufacturers, no preference is given to the products of the 31581  
manufacturer, and there is no exclusion, in whole or in part, of 31582  
products sold or offered for sale by other manufacturers, 31583  
suppliers, or importers of alcoholic beverages that constitutes a 31584  
substantial impairment of commerce. 31585

(D) The primary purpose of the C or D permit premises is a 31586  
purpose other than to sell alcoholic beverages, and the sale of 31587

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other goods and services exceeds fifty per cent of the total gross receipts of the C or D permit holder at its premises. 31588  
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This section does not prevent a manufacturer from giving financial assistance to the holder of a B permit for the purpose of the holder purchasing an ownership interest in the business, existing inventory and equipment, or property of another B permit holder, including, but not limited to, participation in a limited liability partnership, limited liability company, or any other legal entity authorized to do business in this state. This section does not permit a manufacturer to give financial assistance to the holder of a B permit to purchase inventory or equipment used in the daily operation of a B permit holder. 31590  
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**Sec. 4301.422.** (A) Any person who makes sales of beer, cider, wine, or mixed beverages to persons for resale at retail in a county in which a tax has been enacted pursuant to section 4301.421 or 4301.424 of the Revised Code, and any manufacturer, bottler, importer, or other person who makes sales at retail in the county upon which the tax has not been paid, is liable for the tax. Each person liable for the tax shall register with the tax commissioner on a form prescribed by the commissioner and provide whatever information the commissioner considers necessary. 31600  
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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 31609  
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administrative fee of two and one-half per cent of that person's 31619  
total tax liability under section 4301.421 of the Revised Code for 31620  
the purpose of offsetting additional costs incurred in collecting 31621  
and remitting the tax. Any person required to file a return who 31622  
fails to file timely may be required to forfeit and pay into the 31623  
state treasury an amount not exceeding fifty dollars or ten per 31624  
cent of the tax due, whichever is greater, as revenue arising from 31625  
the tax. That amount may be collected by assessment in the manner 31626  
specified in sections 4305.13 and 4305.131 of the Revised Code. 31627

(C) A tax levied pursuant to section 4301.421 or 4301.424 of 31628  
the Revised Code shall be administered by the tax commissioner. 31629  
The commissioner shall have all powers and authority incident to 31630  
such administration, including examination of records, audit, 31631  
refund, assessment, and seizure and forfeiture of untaxed 31632  
beverages. The procedures, rights, privileges, limitations, 31633  
prohibitions, responsibilities, and duties specified in sections 31634  
4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of 31635  
the Revised Code apply in the administration of the tax. 31636

(D) Each person required to pay the tax levied pursuant to 31637  
section 4301.421 or 4301.424 of the Revised Code who sells beer, 31638  
cider, wine, or mixed beverages for resale at retail within a 31639  
county in which the tax is levied shall clearly mark on all 31640  
invoices, billings, and similar documents the amount of tax and 31641  
the name of the county in which the tax is levied. 31642

(E) Each person required to pay the tax levied by section 31643  
4301.421 or 4301.424 of the Revised Code shall maintain complete 31644  
records of all sales for at least three years. The records shall 31645  
be open to inspection by the tax commissioner. 31646

(F) All money collected by the tax commissioner under this 31647  
section shall be paid to the treasurer of state as revenue arising 31648  
from the tax imposed by section 4301.421 or 4301.424 of the 31649  
Revised Code. 31650

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Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 31651  
the Revised Code: 31652

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 31653  
fluid ounces. 31654

(2) "Sale" or "sell" includes exchange, barter, gift, 31655  
distribution, and, except with respect to A-4 permit holders, 31656  
offer for sale. 31657

(B) For the purposes of providing revenues for the support of 31658  
the state and encouraging the grape industries in the state, a tax 31659  
is hereby levied on the sale or distribution of wine in Ohio, 31660  
except for known sacramental purposes, at the rate of thirty cents 31661  
per wine gallon for wine containing not less than four per cent of 31662  
alcohol by volume and not more than fourteen per cent of alcohol 31663  
by volume, ninety-eight cents per wine gallon for wine containing 31664  
more than fourteen per cent but not more than twenty-one per cent 31665  
of alcohol by volume, one dollar and eight cents per wine gallon 31666  
for vermouth, and one dollar and forty-eight cents per wine gallon 31667  
for sparkling and carbonated wine and champagne, the tax to be 31668  
paid by the holders of A-2 and B-5 permits or by any other person 31669  
selling or distributing wine upon which no tax has been paid. From 31670  
the tax paid under this section on wine, vermouth, and sparkling 31671  
and carbonated wine and champagne, the treasurer of state shall 31672  
credit to the Ohio grape industries fund created under section 31673  
924.54 of the Revised Code a sum equal to one cent per gallon for 31674  
each gallon upon which the tax is paid. 31675

(C) For the purpose of providing revenues for the support of 31676  
the state, there is hereby levied a tax on prepared and bottled 31677  
highballs, cocktails, cordials, and other mixed beverages at the 31678  
rate of one dollar and twenty cents per wine gallon to be paid by 31679  
holders of A-4 permits or by any other person selling or 31680  
distributing those products upon which no tax has been paid. Only 31681

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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.

**Sec. 4303.33.** (A) Every A-1 permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, and every B-1 permit holder and importer importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States for sale or distribution for sale in this state, on or before the eighteenth day of each month, shall make and file with the ~~treasurer of state~~ tax commissioner upon a form prescribed by the tax commissioner an advance tax payment in an amount estimated to equal the taxpayer's

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tax liability for the month in which the advance tax payment is 31713  
made. If the advance tax payment credits claimed on the report are 31714  
for advance tax payments received by the ~~treasurer of state tax~~ 31715  
commissioner on or before the eighteenth day of the month covered 31716  
by the report, the taxpayer is entitled to an additional credit of 31717  
three per cent of the advance tax payment and a discount of three 31718  
per cent shall be allowed the taxpayer at the time of filing the 31719  
report if filed as provided in division (B) of this section on any 31720  
amount by which the tax liability reflected in the report exceeds 31721  
the advance tax payment estimate by not more than ten per cent. 31722  
The additional three per cent credit and three per cent discount 31723  
shall be in consideration for advancing the payment of the tax and 31724  
other services performed by the permit holder and other taxpayers 31725  
in the collection of the tax. ~~The treasurer of state shall stamp~~ 31726  
~~or otherwise mark thereon the date the advance tax payment was~~ 31727  
~~received by the treasurer and the amount of the advance tax~~ 31728  
~~payment, and shall transmit that information to the tax~~ 31729  
~~commissioner.~~ 31730

"Advance tax payment credit" means credit for payments made 31731  
by an A-1 or B-1 permit holder and any other persons during the 31732  
period covered by a report which was made in anticipation of the 31733  
tax liability required to be reported on that report. 31734

"Tax liability" as used in division (A) of this section means 31735  
the total gross tax liability of an A-1 or B-1 permit holder and 31736  
any other persons for the period covered by a report before any 31737  
allowance for credits and discount. 31738

(B) Every A-1 permit holder in this state, every bottler, 31739  
importer, wholesale dealer, broker, producer, or manufacturer of 31740  
beer outside this state and within the United States, and every 31741  
B-1 permit holder importing beer from any manufacturer, bottler, 31742  
person, or group of persons however organized outside the United 31743  
States, on or before the tenth day of each month, shall make and 31744

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file a report for the preceding month upon a form prescribed by 31745  
the tax commissioner which report shall show the amount of beer 31746  
produced, sold, and distributed for sale in this state by the A-1 31747  
permit holder, sold and distributed for sale in this state by each 31748  
manufacturer, bottler, importer, wholesale dealer, or broker 31749  
outside this state and within the United States, and the amount of 31750  
beer imported into this state from outside the United States and 31751  
sold and distributed for sale in this state by the B-1 permit 31752  
holder or importer. 31753

The report shall be filed by mailing it to the ~~treasurer of~~ 31754  
~~state tax commissioner~~, together with payment of the tax levied by 31755  
sections 4301.42 and 4305.01 of the Revised Code shown to be due 31756  
on the report after deduction of advance payment credits and any 31757  
additional credits or discounts provided for under this section. 31758  
~~The treasurer of state shall stamp or otherwise mark on each~~ 31759  
~~report the date it was received by the treasurer, the amount of~~ 31760  
~~the tax payment accompanying the report, and shall transmit the~~ 31761  
~~report to the tax commissioner.~~ 31762

(C) Every A-2 and A-4, B-2, B-3, B-4, and B-5 permit holder 31763  
in this state, on or before the eighteenth day of each month, 31764  
shall make and file a report with the ~~treasurer of state tax~~ 31765  
commissioner upon a form prescribed by the tax commissioner which 31766  
report shall show, on the report of each A-2 and A-4 permit holder 31767  
the amount of wine, cider, and mixed beverages produced and sold, 31768  
or sold in this state by each such A-2 and A-4 permit holder for 31769  
the next preceding calendar month and such other information as 31770  
the tax commissioner requires, and on the report of each such B-2, 31771  
B-3, B-4, and B-5 permit holder the amount of wine, cider, and 31772  
mixed beverages purchased from an importer, broker, wholesale 31773  
dealer, producer, or manufacturer located outside this state and 31774  
sold and distributed in this state by such B-2, B-3, B-4, and B-5 31775  
permit holder, for the next preceding calendar month and such 31776

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other information as the tax commissioner requires. 31777

Every such A-2, A-4, B-2, B-3, B-4, and B-5 permit holder in 31778  
this state shall remit with the report the tax levied by sections 31779  
4301.43 and, if applicable, 4301.432 of the Revised Code less a 31780  
discount thereon of three per cent of the total tax so levied and 31781  
paid, provided the return is filed together with remittance of the 31782  
amount of tax shown to be due thereon, within the time prescribed. 31783  
~~The treasurer of state shall stamp or otherwise mark on all~~ 31784  
~~reports the date it was received by the treasurer and the amount~~ 31785  
~~of tax payment accompanying all reports and shall transmit the~~ 31786  
~~return to the commissioner.~~ Any permit holder or other persons who 31787  
fail to file a report under this section, for each day the person 31788  
so fails, may be required to forfeit and pay into the state 31789  
treasury the sum of one dollar as revenue arising from the tax 31790  
imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the 31791  
Revised Code, and that sum may be collected by assessment in the 31792  
manner provided in section 4305.13 of the Revised Code. 31793

(D) Every B-1 permit holder and importer in this state 31794  
importing beer from any manufacturer, bottler, person, or group of 31795  
persons however organized, outside the United States, if required 31796  
by the tax commissioner shall post a bond payable to the state in 31797  
such form and amount as the commissioner prescribes with surety to 31798  
the satisfaction of the tax commissioner, conditioned upon the 31799  
payment to the ~~treasurer of state~~ tax commissioner of taxes levied 31800  
by sections 4301.42 and 4305.01 of the Revised Code. 31801

(E) No such wine, beer, cider, or mixed beverages sold or 31802  
distributed in this state shall be taxed more than once under 31803  
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 31804

(F) As used in this section: 31805

(1) "Cider" has the same meaning as in section 4301.01 of the 31806  
Revised Code. 31807

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(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 Revised Code.

Any such manufacturer, bottler, importer, wholesale dealer, or broker shall, as a part of such registration, make the secretary of state ~~his~~ its agent for the service of process or notice of any assessment, action, or proceedings instituted in the state against such person under sections 4303.33, 4301.42, and 4305.01 of the Revised Code.

Such process or notice shall be served, by the officer to whom it is directed or by the tax commissioner, or by the sheriff of Franklin county, who may be deputized for such purpose by the

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officer to whom the service is directed, upon the secretary of  
state by leaving at the office of the secretary of state, at least  
fifteen days before the return day of such process or notice, a  
true and attested copy thereof, and by sending to the defendant by  
certified mail, postage prepaid, a like and true attested copy,  
with an endorsement thereon of the service upon the secretary of  
state, addressed to such defendant at the address listed in the  
registration or at the defendant's last known address.

Any B-1 permit holder who purchases beer from any  
manufacturer, bottler, importer, wholesale dealer, or broker  
outside this state and within the United States who has not  
registered with the tax commissioner and filed a bond as provided  
in this section shall be liable for any tax due on any beer  
purchased from such unregistered manufacturer, bottler, importer,  
wholesale dealer, or broker and shall be subject to any penalties  
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised  
Code.

Any B-1 permit holder who purchases beer from any  
manufacturer, bottler, importer, wholesale dealer, or broker  
outside this state and within the United States who has complied  
with this section shall not be liable for any tax due to the state  
on any beer purchased from any such manufacturer, bottler,  
importer, wholesale dealer, or broker.

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. 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

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Code. The owner of a motor vehicle, other than a snowmobile, 31870  
off-highway motorcycle, or all-purpose vehicle, that is not 31871  
designed and constructed by the manufacturer for operation on a 31872  
street or highway may not register it under this chapter except 31873  
upon certification of inspection pursuant to section 4513.02 of 31874  
the Revised Code by the sheriff or chief of police of the 31875  
municipal or township police with jurisdiction over the political 31876  
subdivision in which the owner of the motor vehicle resides. 31877  
Except as provided in section 4503.103 of the Revised Code, every 31878  
owner of every other motor vehicle not previously described in 31879  
this section and every person mentioned as owner in the last 31880  
certificate of title of a motor vehicle that is operated or driven 31881  
upon the public roads or highways shall cause to be filed each 31882  
year, by mail or otherwise, in the office of the registrar of 31883  
motor vehicles or a deputy registrar, a written or electronic 31884  
application or a preprinted registration renewal notice issued 31885  
under section 4503.102 of the Revised Code, the form of which 31886  
shall be prescribed by the registrar, for registration for the 31887  
following registration year, which shall begin on the first day of 31888  
January of every calendar year and end on the thirty-first day of 31889  
December in the same year. Applications for registration and 31890  
registration renewal notices shall be filed at the times 31891  
established by the registrar pursuant to section 4503.101 of the 31892  
Revised Code. A motor vehicle owner also may elect to renew a 31893  
motor vehicle registration by electronic means using electronic 31894  
signature in accordance with rules adopted by the registrar. 31895  
Except as provided in division (J) of this section, applications 31896  
for registration shall be made on blanks furnished by the 31897  
registrar for that purpose, containing the following information: 31898

(1) A brief description of the motor vehicle to be 31899  
registered, including the name of the manufacturer, the factory 31900  
number of the vehicle, the year's model, and, in the case of 31901  
commercial cars, the gross weight of the vehicle fully equipped 31902

computed in the manner prescribed in section 4503.08 of the Revised Code; 31903  
31904

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides; 31905  
31906

(3) The district of registration, which shall be determined as follows: 31907  
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(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located. 31909  
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(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application. 31915  
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(4) Whether the motor vehicle is a new or used motor vehicle; 31918  
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(5) The date of purchase of the motor vehicle; 31920

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required. 31921  
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(7) The owner's social security number, if assigned, or, where a motor vehicle to be registered is used for hire or 31931  
31932

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principally in connection with any established business, the 31933  
owner's federal taxpayer identification number. 31934

(B) Each time the applicant first registers a motor vehicle 31935  
in the applicant's name, the applicant shall present for 31936  
inspection a certificate of title or a memorandum certificate 31937  
showing title to the motor vehicle to be registered in the 31938  
applicant. When a motor vehicle inspection and maintenance program 31939  
is in effect under section 3704.14 of the Revised Code and rules 31940  
adopted under it, each application for registration for a vehicle 31941  
required to be inspected under that section and those rules shall 31942  
be accompanied by an inspection certificate for the motor vehicle 31943  
issued in accordance with that section. The application shall be 31944  
refused if any of the following applies: 31945

(1) The application is not in proper form. 31946

(2) The application is prohibited from being accepted by 31947  
division (D) of section 2935.27, division (A) of section 2937.221, 31948  
division (A) of section 4503.13, division (B) of section 4507.168, 31949  
or division (B)(1) of section 4521.10 of the Revised Code. 31950

(3) A certificate of title or memorandum certificate of title 31951  
does not accompany the application. 31952

(4) All registration and transfer fees for the motor vehicle, 31953  
for the preceding year or the preceding period of the current 31954  
registration year, have not been paid. 31955

(5) The owner or lessee does not have an inspection 31956  
certificate for the motor vehicle as provided in section 3704.14 31957  
of the Revised Code, and rules adopted under it, if that section 31958  
is applicable. 31959

This section does not require the payment of license or 31960  
registration taxes on a motor vehicle for any preceding year, or 31961  
for any preceding period of a year, if the motor vehicle was not 31962  
taxable for that preceding year or period under sections 4503.02, 31963

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4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the  
Revised Code. When a certificate of registration is issued upon  
the first registration of a motor vehicle by or on behalf of the  
owner, the official issuing the certificate shall indicate the  
issuance with a stamp on the certificate of title or memorandum  
certificate and on the inspection certificate for the motor  
vehicle, if any. The official also shall indicate, by a stamp or  
by such other means as the registrar prescribes, on the  
registration certificate issued upon the first registration of a  
motor vehicle by or on behalf of the owner the odometer reading of  
the motor vehicle as shown in the odometer statement included in  
or attached to the certificate of title. Upon each subsequent  
registration of the motor vehicle by or on behalf of the same  
owner, the official also shall so indicate the odometer reading of  
the motor vehicle as shown on the immediately preceding  
certificate of registration.

The registrar shall include in the permanent registration  
record of any vehicle required to be inspected under section  
3704.14 of the Revised Code the inspection certificate number from  
the inspection certificate that is presented at the time of  
registration of the vehicle as required under this division.

(C) In addition, a charge of twenty-five cents shall be made  
for each reflectorized safety license plate issued, and a single  
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

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fees shall be distributed in the same manner as provided by 31996  
 section 4501.04 of the Revised Code for the distribution of 31997  
 license tax moneys. If the total cost of producing the plates 31998  
 exceeds twenty-five cents per plate, or if the total cost of 31999  
 producing the stickers exceeds twenty-five cents per sticker or 32000  
 per set issued, the difference shall be paid from the license tax 32001  
 moneys collected pursuant to section 4503.02 of the Revised Code. 32002

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 32003  
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 32004  
2001, three dollars and twenty-five cents commencing on January 1, 32005  
2003, and three dollars and fifty cents commencing on January 1, 32006  
2004, for each application for registration and registration 32007  
 renewal notice the deputy registrar receives, which shall be for 32008  
 the purpose of compensating the deputy registrar for the deputy 32009  
 registrar's services, and such office and rental expenses, as may 32010  
 be necessary for the proper discharge of the deputy registrar's 32011  
 duties in the receiving of applications and renewal notices and 32012  
 the issuing of licenses. 32013

(E) Upon the certification of the registrar, the county 32014  
 sheriff or local police officials shall recover license plates 32015  
 erroneously or fraudulently issued. 32016

(F) Each deputy registrar, upon receipt of any application 32017  
 for registration or registration renewal notice, together with the 32018  
 license fee and any local motor vehicle license tax levied 32019  
 pursuant to Chapter 4504. of the Revised Code, shall transmit that 32020  
 fee and tax, if any, in the manner provided in this section, 32021  
 together with the original and duplicate copy of the application, 32022  
 to the registrar. The registrar, subject to the approval of the 32023  
 director of public safety, may deposit the funds collected by 32024  
 those deputies in a local bank or depository to the credit of the 32025  
 "state of Ohio, bureau of motor vehicles." Where a local bank or 32026  
 depository has been designated by the registrar, each deputy 32027

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registrar shall deposit all moneys collected by the deputy registrar into that bank or depository not more than one business day after their collection and shall make reports to the registrar of the amounts so deposited, together with any other information, some of which may be prescribed by the treasurer of state, as the registrar may require and as prescribed by the registrar by rule. The registrar, within three days after receipt of notification of the deposit of funds by a deputy registrar in a local bank or depository, shall draw on that account in favor of the treasurer of state. The registrar, subject to the approval of the director and the treasurer of state, may make reasonable rules necessary for the prompt transmittal of fees and for safeguarding the interests of the state and of counties, townships, municipal corporations, and transportation improvement districts levying local motor vehicle license taxes. The registrar may pay service charges usually collected by banks and depositories for such service. If deputy registrars are located in communities where banking facilities are not available, they shall transmit the fees forthwith, by money order or otherwise, as the registrar, by rule approved by the director and the treasurer of state, may prescribe. The registrar may pay the usual and customary fees for such service.

(G) This section does not prevent any person from making an application for a motor vehicle license directly to the registrar by mail, by electronic means, or in person at any of the registrar's offices, upon payment of 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, for each application.

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this

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section. Violation of this division is falsification under section 32060  
2921.13 of the Revised Code and punishable as specified in that 32061  
section. 32062

(I)(1) Where applicable, the requirements of division (B) of 32063  
this section relating to the presentation of an inspection 32064  
certificate issued under section 3704.14 of the Revised Code and 32065  
rules adopted under it for a motor vehicle, the refusal of a 32066  
license for failure to present an inspection certificate, and the 32067  
stamping of the inspection certificate by the official issuing the 32068  
certificate of registration apply to the registration of and 32069  
issuance of license plates for a motor vehicle under sections 32070  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 32071  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 32072  
4503.47, and 4503.51 of the Revised Code. 32073

(2)(a) The registrar shall adopt rules ensuring that each 32074  
owner registering a motor vehicle in a county where a motor 32075  
vehicle inspection and maintenance program is in effect under 32076  
section 3704.14 of the Revised Code and rules adopted under it 32077  
receives information about the requirements established in that 32078  
section and those rules and about the need in those counties to 32079  
present an inspection certificate with an application for 32080  
registration or preregistration. 32081

(b) Upon request, the registrar shall provide the director of 32082  
environmental protection, or any person that has been awarded a 32083  
contract under division (D) of section 3704.14 of the Revised 32084  
Code, an on-line computer data link to registration information 32085  
for all passenger cars, noncommercial motor vehicles, and 32086  
commercial cars that are subject to that section. The registrar 32087  
also shall provide to the director of environmental protection a 32088  
magnetic data tape containing registration information regarding 32089  
passenger cars, noncommercial motor vehicles, and commercial cars 32090  
for which a multi-year registration is in effect under section 32091

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4503.103 of the Revised Code or rules adopted under it, including, 32092  
without limitation, the date of issuance of the multi-year 32093  
registration, the registration deadline established under rules 32094  
adopted under section 4503.101 of the Revised Code that was 32095  
applicable in the year in which the multi-year registration was 32096  
issued, and the registration deadline for renewal of the 32097  
multi-year registration. 32098

(J) Application for registration under the international 32099  
registration plan, as set forth in sections 4503.60 to 4503.66 of 32100  
the Revised Code, shall be made to the registrar on forms 32101  
furnished by the registrar. In accordance with international 32102  
registration plan guidelines and pursuant to rules adopted by the 32103  
registrar, the forms shall include the following: 32104

(1) A uniform mileage schedule; 32105

(2) The gross vehicle weight of the vehicle or combined gross 32106  
vehicle weight of the combination vehicle as declared by the 32107  
registrant; 32108

(3) Any other information the registrar requires by rule. 32109

**Sec. 4503.102.** (A) The registrar of motor vehicles shall 32110  
adopt rules to establish a centralized system of motor vehicle 32111  
registration renewal by mail or by electronic means. Any person 32112  
owning a motor vehicle that was registered in the person's name 32113  
during the preceding registration year shall renew the 32114  
registration of the motor vehicle not more than ninety days prior 32115  
to the expiration date of the registration either by mail or by 32116  
electronic means through the centralized system of registration 32117  
established under this section, or in person at any office of the 32118  
registrar or at a deputy registrar's office. 32119

(B)(1) No less than forty-five days prior to the expiration 32120  
date of any motor vehicle registration, the registrar shall mail a 32121

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renewal notice to the person in whose name the motor vehicle is 32122  
registered. The renewal notice shall clearly state that the 32123  
registration of the motor vehicle may be renewed by mail or 32124  
electronic means through the centralized system of registration or 32125  
in person at any office of the registrar or at a deputy 32126  
registrar's office and shall be preprinted with information 32127  
including, but not limited to, the owner's name and residence 32128  
address as shown in the records of the bureau of motor vehicles, a 32129  
brief description of the motor vehicle to be registered, notice of 32130  
the license taxes and fees due on the motor vehicle, the toll-free 32131  
telephone number of the registrar as required under division 32132  
(D)(1) of section 4503.031 of the Revised Code, and any additional 32133  
information the registrar may require by rule. The renewal notice 32134  
shall be sent by regular mail to the owner's last known address as 32135  
shown in the records of the bureau of motor vehicles. 32136

(2) If the application for renewal of the registration of a 32137  
motor vehicle is prohibited from being accepted by the registrar 32138  
or a deputy registrar by division (D) of section 2935.27, division 32139  
(A) of section 2937.221, division (A) of section 4503.13, division 32140  
(B) of section 4507.168, or division (B)(1) of section 4521.10 of 32141  
the Revised Code, the registrar is not required to send a renewal 32142  
notice to the vehicle owner or vehicle lessee. 32143

(C) The owner of the motor vehicle shall verify the 32144  
information contained in the notice, sign it either manually or by 32145  
electronic means, and return it, either by mail or electronic 32146  
means, or the owner may take it in person to any office of the 32147  
registrar or of a deputy registrar, together with a financial 32148  
transaction device number, when permitted by rule of the 32149  
registrar, check, or money order in the amount of the registration 32150  
taxes and fees payable on the motor vehicle and a mail fee of ~~two~~ 32151  
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 32152  
2001, three dollars and twenty-five cents commencing on January 1, 32153

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2003, and three dollars and fifty cents commencing on January 1, 2004, plus postage as indicated on the notice, if the registration is renewed by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if 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 prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code.

(E)(1) Failure to receive a renewal notice does not relieve a motor vehicle owner from the responsibility to renew the registration for the motor vehicle. Any person who has a motor vehicle registered in this state and who does not receive a renewal notice as provided in division (B) of this section prior to the expiration date of the registration shall request an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes

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and fees to the registrar or deputy registrar. 32186

(2) If the owner of a motor vehicle submits an application 32187  
for registration and the registrar is prohibited by division (D) 32188  
of section 2935.27, division (A) of section 2937.221, division (A) 32189  
of section 4503.13, division (B) of section 4507.168, or division 32190  
(B)(1) of section 4521.10 of the Revised Code from accepting the 32191  
application, the registrar shall return the application and the 32192  
payment to the owner. If the owner of a motor vehicle submits a 32193  
registration renewal application to the registrar by electronic 32194  
means and the registrar is prohibited from accepting the 32195  
application as provided in this division, the registrar shall 32196  
notify the owner of this fact and deny the application and return 32197  
the payment or give a credit on the financial transaction device 32198  
account of the owner in the manner the registrar prescribes by 32199  
rule adopted pursuant to division (A) of this section. 32200

(F) Every deputy registrar shall post in a prominent place at 32201  
the deputy's office a notice informing the public of the mail 32202  
registration system required by this section and also shall post a 32203  
notice that every owner of a motor vehicle and every chauffeur 32204  
holding a certificate of registration is required to notify the 32205  
registrar in writing of any change of residence within ten days 32206  
after the change occurs. The notice shall be in such form as the 32207  
registrar prescribes by rule. 32208

(G) The ~~two dollars and twenty-five cents~~ three dollars fee 32209  
collected from July 1, 2001, through December 31, 2002, the three 32210  
dollars and twenty-five cents fee collected from January 1, 2003, 32211  
through December 31, 2003, and the three dollars and fifty cents 32212  
fee collected after January 1, 2004, plus postage and any 32213  
financial transaction device surcharge collected by the registrar 32214  
for registration by mail, shall be paid to the credit of the state 32215  
bureau of motor vehicles fund established by section 4501.25 of 32216  
the Revised Code. 32217

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(H) Pursuant to section 113.40 of the Revised Code, the registrar may implement a program permitting payment of motor vehicle registration taxes and fees, driver's license and commercial driver's license fees, and any other taxes, fees, penalties, or charges imposed or levied by the state by means of a financial transaction device. The registrar may adopt rules as necessary for this purpose.

(I) For persons who reside in counties where tailpipe emissions inspections are required under the motor vehicle inspection and maintenance program, the notice required by division (B) of this section shall also include the toll-free telephone number maintained by the Ohio environmental protection agency to provide information concerning the locations of emissions testing centers.

**Sec. 4503.12.** Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires and the original owner immediately shall remove the license plates from the motor vehicle, except that:

(A) If a statutory merger or consolidation results in the transfer of ownership of a motor vehicle from a constituent corporation to the surviving corporation, or if the incorporation of a proprietorship or partnership results in the transfer of ownership of a motor vehicle from the proprietorship or 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~~

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~~twenty-five cents~~ three dollars commencing on July 1, 2001, three 32249  
dollars and twenty-five cents commencing on January 1, 2003, and 32250  
three dollars and fifty cents commencing on January 1, 2004, a 32251  
transfer fee of one dollar, and the original certificate of 32252  
registration. Upon a proper filing, the registrar of motor 32253  
vehicles shall issue an amended certificate of registration in the 32254  
name of the new owner. 32255

(B) If the death of the owner of a motor vehicle results in 32256  
the transfer of ownership of the motor vehicle to the surviving 32257  
spouse of the owner or if a motor vehicle is owned by two persons 32258  
under joint ownership with right of survivorship established under 32259  
section 2106.17 of the Revised Code and one of those persons dies, 32260  
the registration shall be continued upon the filing by the 32261  
surviving spouse of an application for an amended certificate of 32262  
registration, unless such registration is prohibited by division 32263  
(D) of section 2935.27, division (A) of section 2937.221, division 32264  
(A) of section 4503.13, division (B) of section 4507.168, or 32265  
division (B)(1) of section 4521.10 of the Revised Code. The 32266  
application shall be accompanied by a service fee of ~~two dollars~~ 32267  
~~and twenty-five cents~~ three dollars commencing on July 1, 2001, 32268  
three dollars and twenty-five cents commencing on January 1, 2003, 32269  
and three dollars and fifty cents commencing on January 1, 2004, a 32270  
transfer fee of one dollar, the original certificate of 32271  
registration, and, in relation to a motor vehicle that is owned by 32272  
two persons under joint ownership with right of survivorship 32273  
established under section 2106.17 of the Revised Code, by a copy 32274  
of the certificate of title that specifies that the vehicle is 32275  
owned under joint ownership with right of survivorship. Upon a 32276  
proper filing, the registrar shall issue an amended certificate of 32277  
registration in the name of the surviving spouse. 32278

(C) If the original owner of a motor vehicle that has been 32279  
transferred makes application for the registration of another 32280

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motor vehicle at any time during the remainder of the registration 32281  
period for which the transferred motor vehicle was registered, the 32282  
owner, unless such registration is prohibited by division (D) of 32283  
section 2935.27, division (A) of section 2937.221, division (A) of 32284  
section 4503.13, division (E) of section 4503.234, division (B) of 32285  
section 4507.168, or division (B)(1) of section 4521.10 of the 32286  
Revised Code, may file an application for transfer of the 32287  
registration and, where applicable, the license plates, 32288  
accompanied by a service fee of ~~two dollars and twenty-five cents~~ 32289  
three dollars commencing on July 1, 2001, three dollars and 32290  
twenty-five cents commencing on January 1, 2003, and three dollars 32291  
and fifty cents commencing on January 1, 2004, a transfer fee of 32292  
one dollar, and the original certificate of registration. The 32293  
transfer of the registration and, where applicable, the license 32294  
plates from the motor vehicle for which they originally were 32295  
issued to a succeeding motor vehicle purchased by the same person 32296  
in whose name the original registration and license plates were 32297  
issued shall be done within a period not to exceed thirty days. 32298  
During that thirty-day period, the license plates from the motor 32299  
vehicle for which they originally were issued may be displayed on 32300  
the succeeding motor vehicle, and the succeeding motor vehicle may 32301  
be operated on the public roads and highways in this state. 32302

At the time of application for transfer, the registrar shall 32303  
compute and collect the amount of tax due on the succeeding motor 32304  
vehicle, based upon the amount that would be due on a new 32305  
registration as of the date on which the transfer is made less a 32306  
credit for the unused portion of the original registration 32307  
beginning on that date. If the credit exceeds the amount of tax 32308  
due on the new registration, no refund shall be made. In computing 32309  
the amount of tax due and credits to be allowed under this 32310  
division, the provisions of division (B)(1)(a) and (b) of section 32311  
4503.11 of the Revised Code shall apply. As to passenger cars, 32312

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noncommercial vehicles, motor homes, and motorcycles, transfers 32313  
 within or between these classes of motor vehicles only shall be 32314  
 allowed. If the succeeding motor vehicle is of a different class 32315  
 than the motor vehicle for which the registration originally was 32316  
 issued, new license plates also shall be issued upon the surrender 32317  
 of the license plates originally issued and payment of the fees 32318  
 provided in divisions (C) and (D) of section 4503.10 of the 32319  
 Revised Code. 32320

(D) The owner of a commercial car having a gross vehicle 32321  
 weight or combined gross vehicle weight of more than ten thousand 32322  
 pounds may transfer the registration of that commercial car to 32323  
 another commercial car the owner owns without transferring 32324  
 ownership of the first commercial car, unless registration of the 32325  
 second commercial car is prohibited by division (D) of section 32326  
 2935.27, division (A) of section 2937.221, division (A) of section 32327  
 4503.13, division (B) of section 4507.168, or division (B)(1) of 32328  
 section 4521.10 of the Revised Code. At any time during the 32329  
 remainder of the registration period for which the first 32330  
 commercial car was registered, the owner may file an application 32331  
 for the transfer of the registration and, where applicable, the 32332  
 license plates, accompanied by a service fee of ~~two dollars and~~ 32333  
~~twenty-five cents~~ three dollars commencing on July 1, 2001, three 32334  
dollars and twenty-five cents commencing on January 1, 2003, and 32335  
three dollars and fifty cents commencing on January 1, 2004, a 32336  
 transfer fee of one dollar, and the certificate of registration of 32337  
 the first commercial car. The amount of any tax due or credit to 32338  
 be allowed for a transfer of registration under this division 32339  
 shall be computed in accordance with division (C) of this section. 32340

No commercial car to which a registration is transferred 32341  
 under this division shall be operated on a public road or highway 32342  
 in this state until after the transfer of registration is 32343  
 completed in accordance with this division. 32344

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(E) Upon application to the registrar or a deputy registrar, a person who owns or leases a motor vehicle may transfer special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse. 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. As appropriate, the application also shall be accompanied by a power of attorney for the registration of a leased vehicle and a written statement releasing the special plates to the applicant. Upon a proper filing, the registrar or deputy registrar shall assign the special license plates to the motor vehicle owned or leased by the applicant and issue a new certificate of registration for that motor vehicle.

As used in division (E) of this section, "special license plates" means either of the following:

(1) Any license plates for which the person to whom the license plates are issued must pay an additional fee in excess of the fees prescribed in section 4503.04 of the Revised Code, Chapter 4504. of the Revised Code, and the service fee prescribed in division (D) or (G) of section 4503.10 of the Revised Code;

(2) License plates issued under section 4503.44 of the Revised Code.

**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.

The purchaser of a vehicle applying for a temporary license

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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.

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.

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.

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.

(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 forty-eight hours of proof of issuance on a form prescribed by the registrar.

The fee for each such placard issued by the registrar to a licensed motor vehicle dealer 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.

(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.

(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.

(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.

(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.

**Sec. 4505.061.** If the application for a certificate of title refers to a motor vehicle last previously registered in another state, the application shall be accompanied by a physical inspection certificate issued by the department of public safety verifying the make, body type, model, and manufacturer's vehicle identification number of the motor vehicle for which the certificate of title is desired. The physical inspection certificate shall be in such form as is designated by the registrar of motor vehicles. The physical inspection of the motor

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vehicle shall be made at a deputy registrar's office, or at an 32438  
 established place of business operated by a licensed motor vehicle 32439  
 dealer. Additionally, the physical inspection of a salvage vehicle 32440  
 owned by an insurance company may be made at an established place 32441  
 of business operated by a salvage motor vehicle dealer licensed 32442  
 under Chapter 4738. of the Revised Code. The deputy registrar, the 32443  
 motor vehicle dealer, or the salvage motor vehicle dealer may 32444  
 charge a maximum fee of ~~one dollar and fifty cents~~ three dollars 32445  
commencing on July 1, 2001, three dollars and twenty-five cents 32446  
commencing on January 1, 2003, and three dollars and fifty cents 32447  
commencing on January 1, 2004, for conducting the physical 32448  
 inspection. 32449

The clerk of the court of common pleas shall charge a fee of 32450  
 one dollar and fifty cents for the processing of each physical 32451  
 inspection certificate. The clerk shall retain fifty cents of the 32452  
 one dollar and fifty cents so charged and shall pay the remaining 32453  
 one dollar to the registrar by monthly returns, which shall be 32454  
 forwarded to the registrar not later than the fifth day of the 32455  
 month next succeeding that in which the certificate is received by 32456  
 the clerk. The registrar shall pay such remaining sums into the 32457  
 state bureau of motor vehicles fund established by section 4501.25 32458  
 of the Revised Code. 32459

**Sec. 4506.08.** (A) Each application for a commercial driver's 32460  
 license temporary instruction permit shall be accompanied by a fee 32461  
 of ten dollars; except as provided in division (B) of this 32462  
 section, each application for a commercial driver's license, 32463  
 restricted commercial driver's license, or renewal of such a 32464  
 license shall be accompanied by a fee of twenty-five dollars; and 32465  
 each application for a duplicate commercial driver's license shall 32466  
 be accompanied by a fee of ten dollars. In addition, the registrar 32467  
 of motor vehicles or deputy registrar may collect and retain an 32468  
 additional fee of no more than ~~two dollars and twenty-five cents~~ 32469

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three dollars commencing on July 1, 2001, three dollars and 32470  
twenty-five cents commencing on January 1, 2003, and three dollars 32471  
and fifty cents commencing on January 1, 2004, for each 32472  
application for a commercial driver's license temporary 32473  
instruction permit, commercial driver's license, renewal of a 32474  
commercial driver's license, or duplicate commercial driver's 32475  
license received by the registrar or deputy. No fee shall be 32476  
charged for the annual issuance of a waiver for farm-related 32477  
service industries pursuant to section 4506.24 of the Revised 32478  
Code. 32479

Each deputy registrar shall transmit the fees collected to 32480  
the registrar at the time and in the manner prescribed by the 32481  
registrar by rule. The registrar shall pay the fees into the state 32482  
highway safety fund established in section 4501.06 of the Revised 32483  
Code. 32484

(B) Information regarding the driving record of any person 32485  
holding a commercial driver's license issued by this state shall 32486  
be furnished by the registrar, upon request and payment of a fee 32487  
of three dollars, to the employer or prospective employer of such 32488  
a person and to any insurer. 32489

**Sec. 4507.23.** (A) Except as provided in division (H) of this 32490  
section, each application for a temporary instruction permit and 32491  
examination shall be accompanied by a fee of four dollars. 32492

(B) Except as provided in division (H) of this section, each 32493  
application for a driver's license made by a person who previously 32494  
held such a license and whose license has expired not more than 32495  
two years prior to the date of application, and who is required 32496  
under this chapter to give an actual demonstration of the person's 32497  
ability to drive, shall be accompanied by a fee of three dollars 32498  
in addition to any other fees. 32499

(C) Except as provided in divisions (E) and (H) of this 32500

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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;

(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;

(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.

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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 identification cards 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 identification cards 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.

(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 4501.25 of the Revised Code.

(H) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran, without the payment of any fee prescribed in this

section, of any of the following items:	32563
(1) A temporary instruction permit and examination;	32564
(2) A new, renewal, or duplicate driver's or commercial driver's license;	32565 32566
(3) A motorcycle operator's endorsement;	32567
(4) A motorized bicycle license or duplicate thereof;	32568
(5) Lamination of a driver's license <del>or</del> , motorized bicycle license, <u>or temporary instruction permit identification card</u> as provided in division (F) of this section, if the circumstances specified in division (H)(5) of this section are met.	32569 32570 32571 32572
If the driver's license <del>or</del> , motorized bicycle license, <u>or temporary instruction permit identification card</u> of a disabled veteran described in division (H) of this section is laminated by a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is in effect on <del>the effective date of this amendment</del> <u>October 14, 1997</u> , the disabled veteran shall be required to pay the deputy registrar the lamination fee provided in division (F) of this section. If the driver's license <del>or</del> , motorized bicycle license, <u>or temporary instruction permit identification card</u> of such a disabled veteran is laminated by a deputy registrar who is acting as a deputy registrar pursuant to a contract with the registrar that is executed after <del>the effective date of this amendment</del> <u>October 14, 1997</u> , the disabled veteran is not required to pay the deputy registrar the lamination fee provided in division (F) of this section.	32573 32574 32575 32576 32577 32578 32579 32580 32581 32582 32583 32584 32585 32586 32587
A disabled veteran whose driver's license <del>or</del> , motorized bicycle license, <u>or temporary instruction permit identification card</u> is laminated by the registrar is not required to pay the registrar any lamination fee.	32588 32589 32590 32591
An application made under division (H) of this section shall	32592

be accompanied by such documentary evidence of disability as the registrar may require by rule. 32593  
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**Sec. 4507.24.** (A) Except as provided in division (B) of this section, each deputy registrar may collect a fee not to exceed the following: 32595  
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(1) ~~Three dollars and twenty-five cents~~ Four dollars commencing on July 1, 2001, four dollars and twenty-five cents commencing on January 1, 2003, and four dollars and fifty cents commencing on January 1, 2004, for each application for renewal of a driver's license received by the deputy registrar, when the applicant is required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code; 32598  
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(2) ~~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 a driver's license, or motorized bicycle license, or for renewal of such a license, received by the deputy registrar, when the applicant is not required to submit to a screening of the applicant's vision under section 4507.12 of the Revised Code. 32605  
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(B) The fees prescribed by division (A) of this section shall be in addition to the fee for a temporary instruction permit and examination, a driver's license, a motorized bicycle license, or duplicates thereof, and shall compensate the deputy registrar for the deputy registrar's services, for office and rental expense, and for costs as provided in division (C) of this section, as are necessary for the proper discharge of the deputy registrar's duties under sections 4507.01 to 4507.39 of the Revised Code. 32613  
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A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration is 32621  
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required to pay the applicable fee prescribed in division (A) of 32624  
this section if the disabled veteran submits an application for a 32625  
driver's license or motorized bicycle license or a renewal of 32626  
either of these licenses to a deputy registrar who is acting as a 32627  
deputy registrar pursuant to a contract with the registrar that is 32628  
in effect on the effective date of this amendment. The disabled 32629  
veteran also is required to submit with the disabled veteran's 32630  
application such documentary evidence of disability as the 32631  
registrar may require by rule. 32632

A disabled veteran who submits an application described in 32633  
this division is not required to pay either of the fees prescribed 32634  
in division (A) of this section if the disabled veteran submits 32635  
the application to a deputy registrar who is acting as a deputy 32636  
registrar pursuant to a contract with the registrar that is 32637  
executed after the effective date of this amendment. The disabled 32638  
veteran still is required to submit with the disabled veteran's 32639  
application such documentary evidence of disability as the 32640  
registrar may require by rule. 32641

A disabled veteran who submits an application described in 32642  
this division directly to the registrar is not required to pay 32643  
either of the fees prescribed in division (A) of this section if 32644  
the disabled veteran submits with the disabled veteran's 32645  
application such documentary evidence of disability as the 32646  
registrar may require by rule. 32647

(C) Each deputy registrar shall transmit to the registrar of 32648  
motor vehicles, at such time and in such manner as the registrar 32649  
shall require by rule, an amount of each fee collected under 32650  
division (A)(1) of this section as shall be determined by the 32651  
registrar. The registrar shall pay all such moneys so received 32652  
into the state bureau of motor vehicles fund created in section 32653  
4501.25 of the Revised Code. 32654

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Sec. 4507.50. (A) The registrar of motor vehicles or a deputy registrar, upon receipt of an application filed in compliance with section 4507.51 of the Revised Code by any person who is a resident or a temporary resident of this state and, except as otherwise provided in this section, is not licensed as an operator of a motor vehicle in this state or another licensing jurisdiction, and, except as provided in division (B) of this section, upon receipt of a fee of three dollars and fifty cents, shall issue an identification card to that person.

Any person who is a resident or temporary resident of this state whose Ohio driver's or commercial driver's license has been suspended or revoked, upon application in compliance with section 4507.51 of the Revised Code and, except as provided in division (B) ~~if~~ of this section, payment of a fee of three dollars and fifty cents, may be issued a temporary identification card. The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid during the effective dates of the suspension or revocation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter. The cardholder shall surrender the identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued.

Except as provided in division (B) of this section, the 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 identification card issued under this section. The fee allowed to the deputy registrar shall be in addition to the fee for issuing an identification card.

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Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating an identification card or temporary identification card. A deputy registrar laminating such a card 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.

The fee collected for issuing an identification card under this section, except the fee allowed to the deputy registrar, shall be paid into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

(B) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (A) of this section, including any lamination fee.

If the identification card or temporary identification card of a disabled veteran described in this division is laminated by 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 shall pay the deputy registrar the lamination fee prescribed in division (A) of this 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

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executed after <del>the effective date of this amendment</del> <u>July 29, 1998</u> ,	32719
the disabled veteran is not required to pay the deputy registrar	32720
the lamination fee prescribed in division (A) of this section.	32721
A disabled veteran whose identification card or temporary	32722
identification card is laminated by the registrar is not required	32723
to pay the registrar any lamination fee.	32724
An application made under division (A) of this section shall	32725
be accompanied by such documentary evidence of disability as the	32726
registrar may require by rule.	32727
<b>Sec. 4507.52.</b> Each identification card issued by the	32728
registrar of motor vehicles or a deputy registrar shall display a	32729
distinguishing number assigned to the cardholder, and shall	32730
display the following inscription:	32731
"STATE OF OHIO IDENTIFICATION CARD	32732
This card is not valid for the purpose of operating a motor	32733
vehicle. It is provided solely for the purpose of establishing the	32734
identity of the bearer described on the card, who currently is not	32735
licensed to operate a motor vehicle in the state of Ohio."	32736
The identification card shall display substantially the same	32737
information as contained in the application and as described in	32738
division (A)(1) of section 4507.51 of the Revised Code, including	32739
the cardholder's social security number unless the cardholder	32740
specifically requests that the cardholder's social security number	32741
not be displayed on the card. If federal law requires the	32742
cardholder's social security number to be displayed on the	32743
identification card, the social security number shall be displayed	32744
on the card notwithstanding a request to not display the number	32745
pursuant to this section. The identification card also shall	32746
display the color photograph of the cardholder. If the cardholder	32747
has executed a durable power of attorney for health care or a	32748
declaration governing the use or continuation, or the withholding	32749

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or withdrawal, of life-sustaining treatment and has specified that 32750  
the cardholder wishes the identification card to indicate that the 32751  
cardholder has executed either type of instrument, the card also 32752  
shall display any symbol chosen by the registrar to indicate that 32753  
the cardholder has executed either type of instrument. The card 32754  
shall be sealed in transparent plastic or similar material and 32755  
shall be so designed as to prevent its reproduction or alteration 32756  
without ready detection. 32757

The identification card for persons under twenty-one years of 32758  
age shall have characteristics prescribed by the registrar 32759  
distinguishing it from that issued to a person who is twenty-one 32760  
years of age or older, except that an identification card issued 32761  
to a person who applies no more than thirty days before the 32762  
applicant's twenty-first birthday shall have the characteristics 32763  
of an identification card issued to a person who is twenty-one 32764  
years of age or older. 32765

Every identification card issued to a resident of this state 32766  
shall expire, unless canceled or surrendered earlier, on the 32767  
birthday of the cardholder in the fourth year after the date on 32768  
which it is issued. Every identification card issued to a 32769  
temporary resident shall expire in accordance with rules adopted 32770  
by the registrar and is nonrenewable, but may be replaced with a 32771  
new identification card upon the applicant's compliance with all 32772  
applicable requirements. A cardholder may renew the cardholder's 32773  
identification card within ninety days prior to the day on which 32774  
it expires by filing an application and paying the prescribed fee 32775  
in accordance with section 4507.50 of the Revised Code. 32776

If a cardholder applies for a driver's or commercial driver's 32777  
license in this state or another licensing jurisdiction, the 32778  
cardholder shall surrender the cardholder's identification card to 32779  
the registrar or any deputy registrar before the license is 32780  
issued. 32781

If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(A) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(B) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

Any person who loses a card and, after obtaining a duplicate, finds the original, immediately shall surrender the original to the registrar or a deputy registrar.

A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card.

When a cardholder applies for a duplicate or obtains a replacement identification card, the cardholder shall pay a fee of two dollars and fifty cents. A deputy registrar shall be allowed an additional 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, for issuing a duplicate or replacement identification card. A disabled veteran who is a cardholder and has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance of a duplicate or replacement identification card without payment of any fee prescribed in this section, and without payment of any lamination fee if the disabled veteran would not be required to pay a lamination fee in connection with the issuance of an identification card or temporary identification card as provided in division (B) of section 4507.50 of the Revised Code.

A duplicate or replacement identification card shall expire

on the same date as the card it replaces. 32813

The registrar shall cancel any card upon determining that the 32814  
card was obtained unlawfully, issued in error, or was altered. The 32815  
registrar also shall cancel any card that is surrendered to the 32816  
registrar or to a deputy registrar after the holder has obtained a 32817  
duplicate, replacement, or driver's or commercial driver's 32818  
license. 32819

No agent of the state or its political subdivisions shall 32820  
condition the granting of any benefit, service, right, or 32821  
privilege upon the possession by any person of an identification 32822  
card. Nothing in this section shall preclude any publicly operated 32823  
or franchised transit system from using an identification card for 32824  
the purpose of granting benefits or services of the system. 32825

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No person shall be required to apply for, carry, or possess 32827  
an identification card. 32828

(C) Except in regard to an identification card issued to a 32829  
person who applies no more than thirty days before the applicant's 32830  
twenty-first birthday, neither the registrar nor any deputy 32831  
registrar shall issue an identification card to a person under 32832  
twenty-one years of age that does not have the characteristics 32833  
prescribed by the registrar distinguishing it from the 32834  
identification card issued to persons who are twenty-one years of 32835  
age or older. 32836

**Sec. 4511.81.** (A) When any child who is in either or both of 32837  
the following categories is being transported in a motor vehicle, 32838  
other than a taxicab or public safety vehicle as defined in 32839  
section 4511.01 of the Revised Code, that is registered in this 32840  
state and is required by the United States department of 32841  
transportation to be equipped with seat belts at the time of 32842  
manufacture or assembly, the operator of the motor vehicle shall 32843

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have the child properly secured in accordance with the 32844  
manufacturer's instructions in a child restraint system that meets 32845  
federal motor vehicle safety standards: 32846

(1) A child who is less than four years of age; 32847

(2) A child who weighs less than forty pounds. 32848

(B) When any child who is in either or both of the following 32849  
categories is being transported in a motor vehicle, other than a 32850  
taxicab, that is registered in this state and is owned, leased, or 32851  
otherwise under the control of a nursery school, kindergarten, or 32852  
day-care center, the operator of the motor vehicle shall have the 32853  
child properly secured in accordance with the manufacturer's 32854  
instructions in a child restraint system that meets federal motor 32855  
vehicle safety standards: 32856

(1) A child who is less than four years of age; 32857

(2) A child who weighs less than forty pounds. 32858

(C) The director of public safety shall adopt such rules as 32859  
are necessary to carry out this section. 32860

(D) The failure of an operator of a motor vehicle to secure a 32861  
child in a child restraint system as required by this section is 32862  
not negligence imputable to the child, is not admissible as 32863  
evidence in any civil action involving the rights of the child 32864  
against any other person allegedly liable for injuries to the 32865  
child, is not to be used as a basis for a criminal prosecution of 32866  
the operator of the motor vehicle other than a prosecution for a 32867  
violation of this section, and is not admissible as evidence in 32868  
any criminal action involving the operator of the motor vehicle 32869  
other than a prosecution for a violation of this section. 32870

(E) This section does not apply when an emergency exists that 32871  
threatens the life of any person operating a motor vehicle and to 32872  
whom this section otherwise would apply or the life of any child 32873  
who otherwise would be required to be restrained under this 32874

section. 32875

(F) If a person who is not a resident of this state is 32876  
charged with a violation of division (A) or (B) of this section 32877  
and does not prove to the court, by a preponderance of the 32878  
evidence, that the person's use or nonuse of a child restraint 32879  
system was in accordance with the law of the state of which the 32880  
person is a resident, the court shall impose the fine levied by 32881  
division (H)(2) of section 4511.99 of the Revised Code. 32882

(G) There is hereby created in the state treasury the "child 32883  
highway safety fund," consisting of fines imposed pursuant to 32884  
divisions (H)(1) and (2) of section 4511.99 of the Revised Code 32885  
for violations of divisions (A) and (B) of this section. The money 32886  
in the fund shall be used by the department of health only to 32887  
defray the cost of ~~verifying~~ designating hospitals as pediatric 32888  
trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code 32889  
and to establish and administer a child highway safety program. 32890  
The purpose of the program shall be to educate the public about 32891  
child restraint systems generally and the importance of their 32892  
proper use. The program also shall include a process for providing 32893  
child restraint systems to persons who meet the eligibility 32894  
criteria established by the department, and a toll-free telephone 32895  
number the public may utilize to obtain information about child 32896  
restraint systems and their proper use. 32897

The director of health, in accordance with Chapter 119. of 32898  
the Revised Code, shall adopt any rules necessary to carry out 32899  
this section, including rules establishing the criteria a person 32900  
must meet in order to receive a child restraint system under the 32901  
department's child restraint system program; provided that rules 32902  
relating to the verification of pediatric trauma centers shall not 32903  
be adopted under this section. 32904

**Sec. 4519.03.** (A) The owner of every snowmobile, off-highway 32905

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motorcycle, and all-purpose vehicle required to be registered 32906  
under section 4519.02 of the Revised Code shall file an 32907  
application for registration with the registrar of motor vehicles 32908  
or a deputy registrar, on blanks furnished by the registrar for 32909  
that purpose and containing all of the following information: 32910

(1) A brief description of the snowmobile, off-highway 32911  
motorcycle, or all-purpose vehicle, including the name of the 32912  
manufacturer, the factory or model number, and the vehicle 32913  
identification number; 32914

(2) The name, residence, and business address of the owner; 32915

(3) A statement that the snowmobile, off-highway motorcycle, 32916  
or all-purpose vehicle is equipped as required by section 4519.20 32917  
of the Revised Code, and any rule adopted thereunder. The 32918  
statement shall include a check list of the required equipment 32919  
items in such form as the registrar shall prescribe. 32920

The application shall be signed by the owner of the 32921  
snowmobile, off-highway motorcycle, or all-purpose vehicle and 32922  
shall be accompanied by a fee as provided in division (C) of 32923  
section 4519.04 of the Revised Code. 32924

If the application is not in proper form, or if the vehicle 32925  
for which registration is sought does not appear to be equipped as 32926  
required by section 4519.20 of the Revised Code or any rule 32927  
adopted thereunder, the registration shall be refused and no 32928  
registration sticker shall be issued. 32929

(B) On and after ~~the effective date of this amendment~~ July 1, 32930  
1999, no certificate of registration or renewal of such a 32931  
certificate shall be issued for an off-highway motorcycle or 32932  
all-purpose vehicle required to be registered under section 32933  
4519.02 of the Revised Code, and no certificate of registration 32934  
issued under this chapter for an off-highway motorcycle or 32935  
all-purpose vehicle that is sold or otherwise transferred shall be 32936

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transferred to the new owner of the off-highway motorcycle or 32937  
all-purpose vehicle as permitted by division (B) of section 32938  
4519.05 of the Revised Code, unless a certificate of title has 32939  
been issued under this chapter for the motorcycle or vehicle, and 32940  
the owner or new owner, as the case may be, presents the 32941  
certificate of title or a memorandum certificate of title for 32942  
inspection at the time the owner or new owner first submits a 32943  
registration application, registration renewal application, or 32944  
registration transfer application for the motorcycle or vehicle on 32945  
or after ~~the effective date of this amendment~~ July 1, 1999. 32946

(C) When the owner of an off-highway motorcycle or 32947  
all-purpose vehicle first registers it in the owner's name, and a 32948  
certificate of title has been issued for the motorcycle or 32949  
vehicle, the owner shall present for inspection a certificate of 32950  
title or memorandum certificate of title showing title to the 32951  
off-highway motorcycle or all-purpose vehicle in the name of the 32952  
owner. If, when the owner of such a motorcycle or vehicle first 32953  
makes application to register it in the owner's name, the 32954  
application is not in proper form or if the certificate of title 32955  
or memorandum certificate of title does not accompany the 32956  
registration, the registration shall be refused and neither a 32957  
certificate of registration nor a registration sticker shall be 32958  
issued. When a certificate of registration and registration 32959  
sticker are issued upon the first registration of an off-highway 32960  
motorcycle or all-purpose vehicle by or on behalf of the owner, 32961  
the official issuing them shall indicate the issuance with a stamp 32962  
on the certificate of title or memorandum certificate of title. 32963

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 32964  
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 32965  
2001, three dollars and twenty-five cents commencing on January 1, 32966  
2003, and three dollars and fifty cents commencing on January 1, 32967  
2004, for each application or renewal application received by the 32968

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deputy registrar, which shall be for the purpose of compensating 32969  
the deputy registrar for services, and office and rental expense, 32970  
as may be necessary for the proper discharge of the deputy 32971  
registrar's duties in the receiving of applications and the 32972  
issuing of certificates of registration. 32973

Each deputy registrar, upon receipt of any application for 32974  
registration, together with the registration fee, shall transmit 32975  
the fee, together with the original and duplicate copy of the 32976  
application, to the registrar in such manner and at such times as 32977  
the registrar, subject to the approval of the director of public 32978  
safety and the treasurer of state, shall prescribe by rule. 32979

**Sec. 4519.10.** (A) The purchaser of an off-highway motorcycle 32980  
or all-purpose vehicle, upon application and proof of purchase, 32981  
may obtain a temporary license placard for it. The application for 32982  
such a placard shall be signed by the purchaser of the off-highway 32983  
motorcycle or all-purpose vehicle. The temporary license placard 32984  
shall be issued only for the applicant's use of the off-highway 32985  
motorcycle or all-purpose vehicle to enable the applicant to 32986  
operate it legally while proper title and a registration sticker 32987  
are being obtained and shall be displayed on no other off-highway 32988  
motorcycle or all-purpose vehicle. A temporary license placard 32989  
issued under this section shall be in a form prescribed by the 32990  
registrar of motor vehicles, shall differ in some distinctive 32991  
manner from a placard issued under section 4503.182 of the Revised 32992  
Code, shall be valid for a period of thirty days from the date of 32993  
issuance, and shall not be transferable or renewable. The placard 32994  
either shall consist of or be coated with such material as will 32995  
enable it to remain legible and relatively intact despite the 32996  
environmental conditions to which the placard is likely to be 32997  
exposed during the thirty-day period for which it is valid. The 32998  
purchaser of an off-highway motorcycle or all-purpose vehicle 32999  
shall attach the temporary license placard to it, in a manner 33000

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prescribed by rules the registrar shall adopt, so that the placard numerals or letters are clearly visible.

The fee for a temporary license placard issued under this section shall be two dollars. If the placard is issued by a deputy registrar, the deputy registrar shall charge an additional 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, which the deputy registrar shall retain. The deputy registrar shall transmit each two-dollar fee received by the deputy registrar under this section to the registrar, who shall pay the two dollars to the treasurer of state for deposit into the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

(B) The registrar may issue temporary license placards to a dealer to be issued to purchasers for use on vehicles sold by the dealer, in accordance with rules prescribed by the registrar. The dealer shall notify the registrar within forty-eight hours of proof of issuance on a form prescribed by the registrar.

The fee for each such placard issued by the registrar to a dealer shall be two dollars plus a fee of two dollars and twenty-five cents.

**Sec. 4519.56.** (A) An application for a certificate of title shall be sworn to before a notary public or other officer empowered to administer oaths by the lawful owner or purchaser of the off-highway motorcycle or all-purpose vehicle and shall contain at least the following information in a form and together with any other information the registrar of motor vehicles may require:

(1) Name, address, and social security number or employer's

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tax identification number of the applicant;	33032
(2) Statement of how the off-highway motorcycle or all-purpose vehicle was acquired;	33033 33034
(3) Name and address of the previous owner;	33035
(4) A statement of all liens, mortgages, or other encumbrances on the off-highway motorcycle or all-purpose vehicle, and the name and address of each holder thereof;	33036 33037 33038
(5) If there are no outstanding liens, mortgages, or other encumbrances, a statement of that fact;	33039 33040
(6) A description of the off-highway motorcycle or all-purpose vehicle, including the make, year, series or model, if any, body type, and manufacturer's vehicle identification number.	33041 33042 33043
If the off-highway motorcycle or all-purpose vehicle contains a permanent identification number placed thereon by the manufacturer, this number shall be used as the vehicle identification number. Except as provided in division (B) of this section, if the application for a certificate of title refers to an off-highway motorcycle or all-purpose vehicle that contains such a permanent identification number, but for which no certificate of title has been issued previously by this state, the application shall be accompanied by a physical inspection certificate as described in that division.	33044 33045 33046 33047 33048 33049 33050 33051 33052 33053
If there is no manufacturer's vehicle identification number or if the manufacturer's vehicle identification number has been removed or obliterated, the registrar, upon receipt of a prescribed application and proof of ownership, but prior to issuance of a certificate of title, shall assign a vehicle 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	33054 33055 33056 33057 33058 33059 33060 33061 33062

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state highway patrol shall assess a fee of fifty dollars for 33063  
affixing the number to the off-highway motorcycle or all-purpose 33064  
vehicle and shall deposit each such fee in the state highway 33065  
safety fund established by section 4501.06 of the Revised Code. 33066

(B) Except in the case of a new off-highway motorcycle or 33067  
all-purpose vehicle sold by a dealer licensed under Chapter 4517. 33068  
of the Revised Code title to which is evidenced by a 33069  
manufacturer's or importer's certificate, if the application for a 33070  
certificate of title refers to an off-highway motorcycle or 33071  
all-purpose vehicle that contains a permanent identification 33072  
number placed thereon by the manufacturer, but for which no 33073  
certificate of title previously has been issued by this state, the 33074  
application shall be accompanied by a physical inspection 33075  
certificate issued by the department of public safety verifying 33076  
the make, year, series or model, if any, body type, and 33077  
manufacturer's vehicle identification number of the off-highway 33078  
motorcycle or all-purpose vehicle for which the certificate of 33079  
title is desired. The physical inspection certificate shall be in 33080  
such form as is designated by the registrar. The physical 33081  
inspection shall be made at a deputy registrar's office or at an 33082  
established place of business operated by a licensed motor vehicle 33083  
dealer. The deputy registrar or motor vehicle dealer may charge a 33084  
maximum fee of ~~one dollar and fifty cents~~ three dollars commencing 33085  
on July 1, 2001, three dollars and twenty-five cents commencing on 33086  
January 1, 2003, and three dollars and fifty cents commencing on 33087  
January 1, 2004, for conducting the physical inspection. 33088

The clerk of the court of common pleas shall charge a fee of 33089  
one dollar and fifty cents for the processing of each physical 33090  
inspection certificate. The clerk shall retain fifty cents of the 33091  
one dollar and fifty cents so charged and shall pay the remaining 33092  
one dollar to the registrar by monthly returns, which shall be 33093  
forwarded to the registrar not later than the fifth day of the 33094

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month next succeeding that in which the certificate is received by 33095  
the clerk. The registrar shall pay such remaining sums into the 33096  
state bureau of motor vehicles fund established by section 4501.25 33097  
of the Revised Code. 33098

**Sec. 4519.69.** If the application for a certificate of title 33099  
refers to an off-highway motorcycle or all-purpose vehicle last 33100  
previously registered in another state, the application shall be 33101  
accompanied by a physical inspection certificate issued by the 33102  
department of public safety verifying the make, year, series or 33103  
model, if any, body type, and manufacturer's identification number 33104  
of the off-highway motorcycle or all-purpose vehicle for which the 33105  
certificate of title is desired. The physical inspection 33106  
certificate shall be in such form as is designated by the 33107  
registrar of motor vehicles. The physical inspection of the 33108  
off-highway motorcycle or all-purpose vehicle shall be made at a 33109  
deputy registrar's office, or at an established place of business 33110  
operated by a licensed motor vehicle dealer. Additionally, the 33111  
physical inspection of a salvage off-highway motorcycle or 33112  
all-purpose vehicle owned by an insurance company may be made at 33113  
an established place of business operated by a salvage motor 33114  
vehicle dealer licensed under Chapter 4738. of the Revised Code. 33115  
The deputy registrar, the motor vehicle dealer, or the salvage 33116  
motor vehicle dealer may charge a maximum fee of ~~one dollar and~~ 33117  
~~fifty cents~~ three dollars commencing on July 1, 2001, three 33118  
dollars and twenty-five cents commencing on January 1, 2003, and 33119  
three dollars and fifty cents commencing on January 1, 2004, for 33120  
conducting the physical inspection. 33121

The clerk of the court of common pleas shall charge a fee of 33122  
one dollar and fifty cents for the processing of each physical 33123  
inspection certificate. The clerk shall retain fifty cents of the 33124  
one dollar and fifty cents so charged and shall pay the remaining 33125  
one dollar to the registrar by monthly returns, which shall be 33126

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forwarded to the registrar not later than the fifth day of the 33127  
 month next succeeding that in which the certificate is received by 33128  
 the clerk. The registrar shall pay such remaining sums into the 33129  
 state treasury to the credit of the state bureau of motor vehicles 33130  
 fund established in section 4501.25 of the Revised Code. 33131

**Sec. 4701.10.** (A) The accountancy board, upon application, 33132  
 shall issue Ohio permits to practice public accounting to holders 33133  
 of the CPA certificate of certified public accountant issued under 33134  
~~section 4701.06 or 4701.061 of the Revised Code and to persons~~ 33135  
~~registered under sections 4701.07 and 4701.09 of the Revised Code~~ 33136  
or the PA registration. Subject to division ~~(D)~~(H)(1) of this 33137  
 section, there shall be a triennial Ohio permit fee in an amount 33138  
 to be determined by the board not to exceed one hundred fifty 33139  
 dollars. All Ohio permits shall expire on the last day of December 33140  
 of the year assigned by the board and, subject to division 33141  
~~(D)~~(H)(1) of this section, shall be renewed triennially for a 33142  
 period of three years by certificate holders and registrants in 33143  
 good standing upon payment of a triennial renewal fee not to 33144  
 exceed one hundred fifty dollars. ~~For the purpose of implementing~~ 33145  
~~this section and enforcing section 4701.11 of the Revised Code,~~ 33146  
~~the board may issue an Ohio permit for less than three years'~~ 33147  
~~duration. A prorated fee shall be determined by the board for that~~ 33148  
~~Ohio permit.~~ 33149

(B) The accountancy board may issue Ohio registrations to 33150  
holders of the CPA certificate and the PA registration who are not 33151  
engaged in the practice of public accounting. Such persons shall 33152  
not convey to the general public that they are actively engaged in 33153  
the practice of public accounting in this state. Subject to 33154  
division (H)(1) of this section, there shall be a triennial Ohio 33155  
registration fee in an amount to be determined by the board but 33156  
not exceeding fifty-five dollars. All Ohio registrations shall 33157  
expire on the last day of December of the year assigned by the 33158

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board and, subject to division (H)(1) of this section, shall be 33159  
renewed triennially for a period of three years upon payment by 33160  
certificate holders and registrants in good standing of a renewal 33161  
fee not to exceed fifty-five dollars. 33162

(C) Any person who receives a CPA certificate and who applies 33163  
for an initial Ohio permit or Ohio registration more than sixty 33164  
days after issuance of the CPA certificate may, at the board's 33165  
discretion, be subject to a late filing fee not exceeding one 33166  
hundred dollars. 33167

(D) Any person to whom the board has issued an Ohio permit 33168  
who is engaged in the practice of public accounting and who fails 33169  
to renew the permit by the expiration date shall be subject to a 33170  
late filing fee not exceeding one hundred dollars for each full 33171  
month or part of a month after the expiration date in which such 33172  
person did not possess a permit, up to a maximum of one thousand 33173  
two hundred dollars. The board may waive or reduce the late filing 33174  
fee for just cause upon receipt of a written request from such 33175  
person. 33176

(E) Any person to whom the board has issued an Ohio permit or 33177  
Ohio registration who is not engaged in the practice of public 33178  
accounting and who fails to renew the permit or registration by 33179  
the expiration date shall be subject to a late filing fee not 33180  
exceeding fifty dollars for each full month or part of a month 33181  
after the expiration date in which such person did not possess a 33182  
permit or registration, up to a maximum of three hundred dollars. 33183  
The board may waive or reduce the late filing fee for just cause 33184  
upon receipt of a written request from such person. 33185

(F) Failure of ~~any a~~ CPA certificate holder or registrant ~~PA~~ 33186  
~~registration holder~~ to apply for a ~~triennial~~ either an Ohio permit 33187  
~~to practice~~ or an Ohio registration within ~~three years~~ one year 33188  
from the expiration date of the Ohio permit ~~to practice~~ or Ohio 33189  
~~registration~~ last obtained or renewed, or ~~three years~~ one year 33190

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from the date upon which the CPA certificate holder ~~or registrant~~ 33191  
 was granted a CPA certificate ~~or registration~~, shall result in 33192  
 suspension of the CPA certificate or PA registration until all 33193  
fees required under divisions (D) and (E) of this section have 33194  
been paid, unless the board determines the failure to have been 33195  
 due to excusable neglect. In that case, the ~~renewal fee or the fee~~ 33196  
 for the issuance or renewal of the ~~original~~ Ohio permit or Ohio 33197  
registration, as the case may be, shall be the amount that the 33198  
 board shall determine, but not in excess of fifty dollars plus the 33199  
 fee for each triennial period or part of a period the certificate 33200  
 holder or registrant did not have either an Ohio permit or an Ohio 33201  
registration. 33202

~~(B) All certificate holders and registrants who are not in 33203  
 the practice of public accounting in this state shall register 33204  
 with the board every three years at a fee, not to exceed 33205  
 fifty-five dollars, established by the board. Such persons shall 33206  
 not convey to the general public that they are actively engaged in 33207  
 the practice of public accounting in this state. 33208~~

~~(C)(G) The board shall suspend the certificate or 33209  
 registration of any person failing to obtain an Ohio permit in 33210  
 accordance with this section, except that the board by rule may 33211  
 exempt persons from the requirement of holding an Ohio permit or 33212  
Ohio registration for specified reasons, including, but not 33213  
 limited to, retirement, health reasons, military service, foreign 33214  
 residency, or other just cause. 33215~~

~~(D)(H)(1) On and after January 1, 1995, the The board, by 33216  
 rule adopted in accordance with Chapter 119. of the Revised Code, 33217  
 shall increase: 33218~~

~~(a) May provide for the issuance of Ohio permits and Ohio 33219  
 registrations for less than three years' duration at prorated 33220  
 fees; 33221~~

~~(b) Shall add a surcharge to the triennial Ohio permit and 33222~~

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~~renewal Ohio registration~~ fee imposed pursuant to this section by 33223  
of at least fifteen dollars but no more than thirty dollars ~~for a~~ 33224  
three-year Ohio permit or Ohio registration, at least ten dollars 33225  
but no more than twenty dollars for a two-year Ohio permit or Ohio 33226  
registration, and at least five dollars but no more than ten 33227  
dollars for a one-year Ohio permit or Ohio registration. 33228

(2) ~~Beginning with the first quarter of 1995 and each~~ Each 33229  
quarter ~~thereafter~~, the board, for the purpose provided in section 33230  
4743.05 of the Revised Code, shall certify to the director of 33231  
budget and management the number of ~~triennial~~ Ohio permits and 33232  
Ohio registrations issued or renewed under this chapter during the 33233  
preceding quarter and the amount equal to that number times the 33234  
amount ~~by which~~ of the ~~triennial~~ surchage added to each Ohio 33235  
permit and ~~renewal Ohio registration~~ fee ~~is increased~~ by the board 33236  
under division ~~(D)~~(H)(1) of this section. 33237

**Sec. 4701.16.** (A) After notice and hearing as provided in 33238  
Chapter 119. of the Revised Code, the accountancy board may 33239  
discipline as described in division (B) of this section a person 33240  
holding an Ohio permit, an Ohio registration, a firm registration, 33241  
a CPA certificate, or a PA registration or any other person whose 33242  
activities are regulated by the board for any one or any 33243  
combination of the following causes: 33244

(1) Fraud or deceit in obtaining a firm registration or in 33245  
obtaining a CPA certificate, a PA registration, an Ohio permit, or 33246  
an Ohio registration; 33247

(2) Dishonesty, fraud, or gross negligence in the practice of 33248  
public accounting; 33249

(3) Violation of any of the provisions of section 4701.14 of 33250  
the Revised Code; 33251

(4) Violation of a rule of professional conduct promulgated 33252  
by the board under the authority granted by this chapter; 33253

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(5) Conviction of a felony under the laws of any state or of the United States;	33254 33255
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	33256 33257 33258
(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;	33259 33260 33261 33262 33263
(8) Suspension or revocation of the right to practice before any state or federal agency;	33264 33265
(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;	33266 33267 33268 33269
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	33270 33271 33272
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	33273 33274
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	33275 33276
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	33277 33278 33279
(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;	33280 33281 33282
(3) Publicly censure a registered firm or a holder of a CPA	33283

certificate, a PA registration, an Ohio permit, or an Ohio registration;	33284 33285
(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 <del>one</del> <u>five</u> thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.	33286 33287 33288 33289 33290
(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;	33291 33292 33293 33294
(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;	33295 33296 33297 33298 33299 33300 33301 33302
(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.	33303 33304 33305
(C) If the board levies a fine against or suspends the certificate of a person or registration of a person or firm for a violation of division (A)(2) or (4) of this section, it may waive all or any portion of the fine or suspension if the holder of the CPA certificate, PA registration, or firm registration complies fully with division (B)(5) or (6) of this section.	33306 33307 33308 33309 33310 33311
<b>Sec. 4707.01.</b> As used in sections 4707.01 to 4707.22 and 4707.99 of the Revised Code:	33312 33313

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(A) "Auction" means a sale of real or personal property, 33314  
goods, or chattels by means of verbal exchange or physical gesture 33315  
between an auctioneer or apprentice auctioneer and members of ~~his~~ 33316  
the audience, the exchanges and gestures consisting of a series of 33317  
invitations for offers made by the auctioneer and offers by 33318  
members of the audience, with the right to acceptance of offers 33319  
with the auctioneer or apprentice auctioneer. 33320

(B) "Auctioneer" means any person who engages, or who by 33321  
advertising or otherwise holds ~~himself~~ self out as being able to 33322  
engage, in the calling for, recognition of, and the acceptance of, 33323  
offers for the purchase of real or personal property, goods, or 33324  
chattels at auction either directly or through the use of other 33325  
licensed auctioneers or apprentice auctioneers. 33326

(C) "Apprentice auctioneer" means any individual who is 33327  
sponsored by an auctioneer to deal or engage in any activities 33328  
mentioned in division (A) of this section. 33329

(D) "Auction company" means any person, excluding licensed 33330  
auctioneers, who does business solely in ~~his~~ the auctioneer's 33331  
individual name, who sells, either directly or through agents, 33332  
real or personal property, goods, or chattels at auction, or who 33333  
arranges, sponsors, manages, conducts, or advertises auctions and 33334  
who was licensed as an auction company by the department of 33335  
~~commerce~~ agriculture as of May 1, 1991. An auction company does 33336  
not mean either of the following: 33337

(1) A sale barn or livestock auction market that is used 33338  
exclusively for the auctioneering of livestock and is licensed by 33339  
the department of agriculture under Chapter 943. of the Revised 33340  
Code; 33341

(2) A business that is licensed by the bureau of motor 33342  
vehicles under Chapter 4517. of the Revised Code and is 33343  
exclusively engaged in the auction sale of motor vehicles to 33344

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dealers licensed by either the bureau of motor vehicles or a 33345  
bureau of motor vehicles of another jurisdiction or its 33346  
equivalent. 33347

(E) "Special auctioneer" means any person who is licensed as 33348  
an auction company by the department of ~~commerce~~ agriculture as of 33349  
May 1, 1991, and currently is subject to section 4707.071 of the 33350  
Revised Code. 33351

**Sec. 4707.011.** The department of ~~commerce~~ agriculture shall 33352  
administer this chapter ~~through the division of real estate and~~ 33353  
~~professional licensing and the superintendent of real estate and~~ 33354  
~~professional licensing.~~ 33355

**Sec. 4707.02.** No person shall act as an auctioneer, 33356  
apprentice auctioneer, or special auctioneer within this state 33357  
without a license issued by the department of ~~commerce~~ 33358  
agriculture. No auction shall be conducted in this state except by 33359  
an auctioneer licensed by the department. 33360

The department shall not issue or renew a license if the 33361  
applicant or licensee has been convicted of a felony or crime 33362  
involving fraud in this or another state at any time during the 33363  
ten years immediately preceding application or renewal. 33364

This section does not apply to: 33365

(A) Sales at auction conducted by or under the direction of 33366  
any public authority, or sales required by law to be at auction 33367  
other than sales pursuant to a judicial order or decree; 33368

(B) The owner of any real or personal property desiring to 33369  
sell the property at auction, provided that the property was not 33370  
acquired for the purpose of resale. 33371

**Sec. 4707.03.** A state auctioneers commission shall be created 33372

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within the department of ~~commerce~~ agriculture as follows: 33373

(A) The governor, with the advice and consent of the senate, 33374  
shall appoint a commission consisting of three members, each of 33375  
whom immediately prior to the date of ~~his~~ appointment has been a 33376  
resident of this state for five years, and whose vocation for a 33377  
period of at least five years has been that of an auctioneer. 33378  
Terms of office shall be for three years, commencing on the tenth 33379  
day of October and ending on the ninth day of October. Each member 33380  
shall hold office from the date of ~~his~~ appointment until the end 33381  
of the term for which ~~he was~~ appointed. Any member appointed to 33382  
fill a vacancy occurring prior to the expiration of the term for 33383  
which ~~his~~ the member's predecessor was appointed shall hold office 33384  
for the remainder of such term. Any member shall continue in 33385  
office subsequent to the expiration date of ~~his~~ the member's term 33386  
until ~~his~~ the member's successor takes office, or until a period 33387  
of sixty days has elapsed, whichever occurs first. 33388

(B) At no time shall there be more than two members of the 33390  
same political party serving on the commission. 33391

**Sec. 4707.04.** (A) The state auctioneers commission shall, 33392  
upon qualification of the member appointed in each year, select 33393  
from its members a ~~chairman~~ chairperson, and shall serve in an 33394  
advisory capacity to the department of ~~commerce~~ agriculture for 33395  
the purpose of carrying out sections 4707.01 to 4707.22 of the 33396  
Revised Code. The commission shall meet not less than four times 33397  
annually. 33398

(B) Each commissioner shall receive ~~his~~ the commissioner's 33399  
actual and necessary expenses incurred in the discharge of such 33400  
duties. 33401

**Sec. 4707.05.** All fees and charges collected by the 33402

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department of ~~commerce~~ agriculture pursuant to this chapter shall 33403  
 be paid into the state treasury to the credit of the auctioneers 33404  
 fund, which is hereby created. All expenses incurred by the 33405  
 department in administering this chapter shall be paid out of the 33406  
 fund. The total expenses incurred by the department in the 33407  
 administration of this chapter shall not exceed the total fees, 33408  
 charges, fines, and penalties imposed under sections 4707.08, 33409  
 4707.10, and 4707.99 of the Revised Code and paid to the treasurer 33410  
 of state. The department may conduct education programs for the 33411  
 enlightenment and benefit of all auctioneers who have paid fees 33412  
 pursuant to sections 4707.08 and 4707.10 of the Revised Code. 33413

Out of the moneys credited pursuant to this section, the fund 33414  
 shall be assessed a proportionate share of the administrative 33415  
 costs of the department in accordance with procedures prescribed 33416  
 by the director of ~~commerce~~ agriculture and approved by the 33417  
 director of budget and management. The assessment shall be paid 33418  
 from the auctioneers fund to the division of administration fund. 33419

**Sec. 4707.06.** The department of ~~commerce~~ agriculture shall 33420  
 maintain a record of the names and addresses of all auctioneers 33421  
 and apprentice auctioneers, and special auctioneers licensed by 33422  
 the department. This record shall also include a list of all 33423  
 persons whose licenses have been suspended or revoked, as well as 33424  
 any other information relative to the enforcement of sections 33425  
 4707.01 to 4707.22 of the Revised Code, as the department may deem 33426  
 of interest to the public. 33427

**Sec. 4707.07.** (A) The department of ~~commerce~~ agriculture may 33428  
 grant auctioneers' licenses to those persons deemed qualified by 33429  
 the department. Each person who applies for an auctioneer's 33430  
 license shall furnish to the department, on forms provided by the 33431  
 department, satisfactory proof that the applicant: 33432

(1) Has a good reputation; 33433

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(2) Is of trustworthy character;	33434
(3) Has attained the age of at least eighteen years;	33435
(4) Has done one of the following:	33436
(a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code;	33437 33438
(b) Met the requirements of section 4707.12 of the Revised Code.	33439 33440
(5) Has a general knowledge of the following:	33441
(a) The requirements of the Revised Code relative to auctioneers;	33442 33443
(b) The auction profession;	33444
(c) The principles involved in conducting an auction.	33445
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.08 of the Revised Code.	33446 33447 33448 33449
(C) The department may issue an auctioneer's license to a partnership, association, or corporation if all the partners, members, or officers thereof who are authorized to perform the functions of an auctioneer as agents of the applicant are themselves licensed as auctioneers under this chapter.	33450 33451 33452 33453 33454
An application for an auctioneer's license filed by a partnership or association shall contain a listing of the names of all of the licensed partners, members, or other persons who are authorized to perform the functions of an auctioneer as agents of 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.	33455 33456 33457 33458 33459 33460 33461 33462

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(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 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

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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  
 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:

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(A) Has a good reputation;	33526
(B) Is of trustworthy character;	33527
(C) Has attained the age of at least eighteen years;	33528
(D) Has a general knowledge of the requirements of the	33529
Revised Code relative to auctioneers, the auction profession, and	33530
the principles involved in conducting an auction;	33531
(E) Has two years of professional auctioneering experience	33532
immediately preceding the date of application and the experience	33533
includes the personal conduct by the applicant of at least twelve	33534
auction sales in any state, or has met the requirements of section	33535
4707.12 of the Revised Code;	33536
(F) Has paid a fee of one hundred dollars, which shall be	33537
credited to the auctioneers fund;	33538
(G) Has provided proof of the bond required under section	33539
4707.11 of the Revised Code.	33540
<b>Sec. 4707.08.</b> (A) The department of <del>commerce</del> <u>agriculture</u>	33541
shall hold written examinations four times each year for the	33542
purpose of testing the qualifications required for obtaining a	33543
license under section 4707.07 of the Revised Code and twelve times	33544
each year for obtaining a license under section 4707.09 of the	33545
Revised Code. In addition to the written examination, auctioneer	33546
license applicants shall pass an oral examination administered by	33547
the state auctioneers commission on the same date and at the same	33548
location as the written examination. An examination shall not be	33549
required for the renewal of any license unless such license has	33550
been revoked, suspended, or allowed to expire without renewal, in	33551
which case the applicant shall take and pass the appropriate	33552
examinations offered by the department.	33553
An examination fee of twenty-five dollars shall be collected	33554
from each person taking the auctioneer examination and fifteen	33555

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dollars from each person taking the apprentice auctioneer examination to defray expenses of holding such examinations. 33556  
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(B) All applications and proofs must be filed by each applicant before the scheduled date of examination, and must be accompanied by a bond and license fee. 33558  
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**Sec. 4707.09.** The department of ~~commerce~~ agriculture may grant apprentice auctioneers' licenses to those persons deemed qualified by the department. Every applicant for an apprentice auctioneer's license must pass an examination relating to the skills, knowledge, and statutes and regulations governing auctioneers. Every applicant for an apprentice auctioneer's license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant: 33561  
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(A) Has a good reputation; 33569

(B) Is of trustworthy character; 33570

(C) Has attained the age of at least eighteen years; 33571

(D) Has obtained a written promise of a licensed auctioneer to sponsor the applicant during ~~his~~ the applicant's apprenticeship. 33572  
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Before an apprentice may take the auctioneer's license examination, ~~he~~ the apprentice shall serve an apprenticeship of at least twelve months, successfully complete a course of study in auctioneering at an institution that is approved every three years by the state auctioneers commission, and conduct, as a bid caller, at least twelve auction sales under the direct supervision of the sponsoring licensed auctioneer, which sales shall be certified by the licensed auctioneer on the apprentice's application for an auctioneer's license. 33575  
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If an auctioneer intends to terminate ~~his~~ sponsorship of an apprentice auctioneer, the sponsoring auctioneer shall notify the 33584  
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apprentice auctioneer of ~~his~~ the sponsoring auctioneer's intention 33586  
by certified mail, return receipt requested, at least ten days 33587  
prior to the effective date of termination and, at the same time, 33588  
shall deliver or mail by certified mail to the department of 33589  
~~commerce~~ agriculture a copy of the termination notice and the 33590  
license of the apprentice auctioneer. No apprentice auctioneer 33591  
shall perform any acts under authority of ~~his~~ the apprentice's 33592  
license after the effective date of the termination until ~~he~~ the 33593  
apprentice receives a new license bearing the name and address of 33594  
~~his~~ the apprentice's new sponsor. No more than one license shall 33595  
be issued to any apprentice auctioneer for the same period of 33596  
time. 33597

No licensed auctioneer shall have under ~~his~~ the licensed 33598  
auctioneer's sponsorship more than two apprentice auctioneers at 33599  
one time. 33600

An apprentice auctioneer may terminate ~~his~~ the apprentice's 33601  
sponsorship with an auctioneer by notifying the auctioneer of ~~his~~ 33602  
the apprentice's intention by certified mail, return receipt 33603  
requested, at least ten days prior to the effective date of 33604  
termination. At the same time, ~~he~~ the apprentice shall deliver or 33605  
mail by certified mail to the department of ~~commerce~~ agriculture a 33606  
copy of the termination notice. Upon receiving the termination 33607  
notice, the sponsoring auctioneer shall promptly deliver or mail 33608  
by certified mail to the department the license of the apprentice 33609  
auctioneer. 33610

The termination of a sponsorship, regardless of who initiates 33611  
the termination, shall not be cause for an apprentice auctioneer 33612  
to lose credit for any certified sales ~~he~~ the apprentice conducted 33613  
or apprenticeship time ~~he~~ the apprentice served under the direct 33614  
supervision of the former sponsor. 33615

**Sec. 4707.10.** (A) The fee for each auctioneer's, apprentice 33616

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auctioneer's, or special auctioneer's license issued by the 33617  
department of ~~commerce~~ agriculture is one hundred dollars, and the 33618  
annual renewal fee for any such license is one hundred dollars. 33619  
All licenses expire annually on the last day of June of each year 33620  
and shall be renewed according to the standard renewal procedures 33621  
of Chapter 4745. of the Revised Code, or the procedures of this 33622  
section. Any licensee under this chapter who wishes to renew ~~his~~ 33623  
the licensee's license but fails to do so before the first day of 33624  
July shall reapply for licensure in the same manner and pursuant 33625  
to the same requirements as for initial licensure, unless before 33626  
the first day of September of the year of expiration, the former 33627  
licensee pays to the department, in addition to the regular 33628  
renewal fee, a late renewal penalty of one hundred dollars. 33629

(B) Any person who fails to renew ~~his~~ the person's license 33630  
before the first day of July is prohibited from engaging in any 33631  
activity specified or comprehended in section 4707.01 of the 33632  
Revised Code until such time as ~~his~~ the person's license is 33633  
renewed or a new license is issued. Renewal of a license between 33634  
the first day of July and the first day of September does not 33635  
relieve any person from complying with this division. The 33636  
department may refuse to renew the license of or issue a new 33637  
license to any person who violates this division. 33638

(C) The department shall prepare and deliver to each licensee 33639  
a permanent license certificate and an annual renewal card, the 33640  
appropriate portion of which shall be carried on the person of the 33641  
licensee at all times when engaged in any type of auction 33642  
activity, and part of which shall be posted with the permanent 33643  
certificate in a conspicuous location at the licensee's place of 33644  
business. 33645

(D) Notice in writing shall be given to the department by 33646  
each auctioneer or apprentice auctioneer licensee of any change of 33647  
principal business location or any change or addition to the name 33648

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or names under which business is conducted, whereupon the  
department shall issue a new license for the unexpired period. Any  
change of business location or change or addition of names without  
notification to the department shall automatically cancel any  
license previously issued. For each new auctioneer or apprentice  
auctioneer license issued upon the occasion of a change in  
business location or a change in or an addition of names under  
which business is conducted, the department may collect a fee of  
ten dollars for each change in location, or name or each added  
name unless the notification of the change occurs concurrently  
with the renewal application.

**Sec. 4707.11.** Each application for an auctioneer's,  
apprentice auctioneer's, or auction company license shall be  
accompanied by a bond in the sum of ten thousand dollars, except  
that:

(A) An individual licensed as an auctioneer under this  
chapter that applies for an auction company license shall not be  
required to file a bond for the auction company license if the  
applicant has filed a bond in connection with the auctioneer's  
license.

(B) A partnership, association, or corporation that applies  
for an auction company license shall file a blanket bond in the  
name of such partnership, association, or corporation in an amount  
equal to ten thousand dollars times the number of members,  
employees, or officers thereof who are authorized to perform the  
functions of an auctioneer as agents of the applicant. The maximum  
total amount payable under such blanket bond for a failure of each  
such individual member or officer of the applicant to conduct  
business in accordance with sections 4707.01 to 4707.22 of the  
Revised Code shall be ten thousand dollars.

(C) A licensed auctioneer member, employee, or officer of a

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partnership, association, or corporation licensed as an auction  
company under this chapter shall not be required to file a bond in  
~~his~~ the licensee's own name in connection with ~~his~~ the  
auctioneer's license; except that if such auctioneer acts at any  
time in any auction capacity other than as an agent for such  
auction company, the auctioneer must file an individual bond, as  
set forth in this section. The bond may be either a cash bond or a  
surety bond and, if a surety bond, it shall be executed by a  
surety company authorized to do business in this state. Such  
surety bond shall be made to the department of agriculture and the  
bond shall be conditioned that the applicant shall conduct ~~his~~ the  
applicant's business in accordance with sections 4707.01 to  
4707.22 of the Revised Code. All bonds shall be in a form approved  
by the department.

The department shall not issue an auctioneer's, apprentice  
auctioneer's, or auction company license until bond has been filed  
in accordance with this section.

**Sec. 4707.111.** The state, through the department of ~~commerce~~  
agriculture and in accordance with this chapter, shall solely  
regulate auctioneers and the conduct of auction sales.

By enactment of this chapter, it is the intent of the general  
assembly to preempt municipal corporations and other political  
subdivisions from the regulation and licensing of auctioneers and  
auction sales.

At least twenty-four hours prior to an auction, the person  
licensed under this chapter to conduct the auction shall notify  
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, 33711  
apprentice auctioneer, or special auctioneer within the state by 33712  
conforming to this chapter. 33713

The department of ~~commerce~~ agriculture may, within its 33714  
discretion, waive the testing and schooling requirements for a 33715  
nonresident, provided ~~he~~ the nonresident holds a valid auctioneer 33716  
or apprentice auctioneer license issued by a state with which the 33717  
department has entered into a reciprocal licensing agreement. 33718  
Nonresidents wishing to so operate in this state shall make 33719  
application in writing to the department and furnish the 33720  
department with proof of their ability to conduct an auction, 33721  
proof of license and bond if they reside in a state with these 33722  
requirements, as well as other information which the department 33723  
may request. 33724

This section does not apply to nonresident auctioneers who 33725  
reside in states under the laws of which similar recognition and 33726  
courtesies are not extended to licensed auctioneers of this state. 33727

**Sec. 4707.13.** Any nonresident who applies for permission to 33728  
operate as an auctioneer within this state shall file an 33729  
irrevocable consent with the department of ~~commerce~~ agriculture 33730  
that suits and actions may be commenced against such applicant in 33731  
any court of competent jurisdiction within this state by service 33732  
of process upon the secretary of state. Said consent shall agree 33733  
that the service of such process shall be held in all courts to be 33734  
valid and binding as if service had been made upon the applicant 33735  
within this state. 33736

**Sec. 4707.15.** The department of ~~commerce~~ agriculture may 33737  
suspend or revoke the license of any auctioneer, apprentice 33738

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auctioneer, or special auctioneer for any of the following causes:	33739
(A) Obtaining a license through false or fraudulent representation;	33740 33741
(B) Making any substantial misrepresentation in an application for an auctioneer's, apprentice auctioneer's, or special auctioneer's license;	33742 33743 33744
(C) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;	33745 33746
(D) Failing to account for or remit, within a reasonable time, any money belonging to others that comes into <del>his</del> <u>the licensee's</u> possession, and for commingling funds of others with <del>his</del> <u>the licensee's</u> own, or failing to keep such funds of others in an escrow or trustee account, except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section 4735.18 of the Revised Code;	33747 33748 33749 33750 33751 33752 33753 33754
(E) Paying valuable consideration to any person who has violated this chapter;	33755 33756
(F) Conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud or a felony;	33757 33758 33759
(G) Violation of this chapter;	33760
(H) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer;	33761 33762
(I) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;	33763 33764
(J) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;	33765 33766
(K) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to	33767 33768

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be sold, containing the terms and conditions upon which such	33769
licensee received the property for sale;	33770
(L) The use of any power of attorney to circumvent this	33771
chapter;	33772
(M) Failure to display a notice conspicuously at the clerk's	33773
desk or on a bid card that clearly states the terms and conditions	33774
of the sale, the name of the auctioneer or special auctioneer	33775
conducting the sale, and that the auctioneer or special auctioneer	33776
is licensed by the department of <del>commerce</del> <u>agriculture</u> and has	33777
filed a bond;	33778
(N) Failure to notify the department of any conviction of a	33779
felony or crime involving fraud within fifteen days of conviction;	33780
(O) Acting in the capacity of an auctioneer, whether for	33781
valuable consideration or not, for any special auctioneer that is	33782
not licensed under this chapter.	33783
<b>Sec. 4707.152.</b> In lieu of suspending or revoking a license	33784
under section 4707.15 of the Revised Code, the department of	33785
<del>commerce</del> <u>agriculture</u> may issue a written reprimand to any licensee	33786
who violates any provision of this chapter.	33787
<b>Sec. 4707.16.</b> (A) The department of <del>commerce</del> <u>agriculture</u> may,	33788
upon its own motion, and shall upon the verified written complaint	33789
of any person, investigate the actions of any auctioneer,	33790
apprentice auctioneer, or special auctioneer, any applicant for an	33791
auctioneer's, apprentice auctioneer's, or special auctioneer's	33792
license, or any person who assumes to act in that capacity, if the	33793
complaint, together with other evidence presented in connection	33794
with it, makes out a prima-facie case.	33795
If the department determines that any such applicant is not	33796
entitled to receive a license, a license shall not be granted to	33797

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such applicant, and if the department determines that any licensee 33798  
is guilty of a violation of section 4707.14 or 4707.15 of the 33799  
Revised Code, the department may suspend or revoke the license. 33800  
Any auctioneer, apprentice auctioneer, or special auctioneer who 33801  
has had ~~his~~ the auctioneer's, apprentice auctioneer's, or special 33802  
auctioneer's license revoked shall not be issued another such 33803  
license for a period of two years from the date of revocation. 33804

(B) The department ~~of commerce~~ may investigate complaints 33805  
concerning the violation of sections 4707.02 and 4707.15 of the 33806  
Revised Code and may subpoena witnesses in connection with such 33807  
investigations as provided in this section. The department may 33808  
make application to the court of common pleas for an order 33809  
enjoining the violation of sections 4707.02 and 4707.15 of the 33810  
Revised Code, and upon a showing by the department that any 33811  
licensed auctioneer, apprentice auctioneer, or special auctioneer 33812  
has violated or is about to violate section 4707.15 of the Revised 33813  
Code, or any person has violated or is about to violate section 33814  
4707.02 of the Revised Code, an injunction, restraining order, or 33815  
other order as may be appropriate shall be granted by the court. 33816

(C) The department ~~of commerce~~ may compel by subpoena the 33817  
attendance of witnesses to testify in relation to any matter over 33818  
which it has jurisdiction and which is the subject of inquiry and 33819  
investigation by it, and require the production of any book, 33820  
paper, or document pertaining to such matter. In case any person 33821  
fails to file any statement or report, obey any subpoena, give 33822  
testimony, or produce any books, records, or papers as required by 33823  
such a subpoena, the court of common pleas of any county in the 33824  
state, upon application made to it by the department, shall compel 33825  
obedience by attachment proceedings for contempt, as in the case 33826  
of disobedience of the requirements of a subpoena issued from such 33827  
court, or a refusal to testify therein. 33828

(D) When the department determines that a person not licensed 33829

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under this chapter is engaged in or is believed to be engaged in 33830  
 activities for which a license is required under this chapter, the 33831  
 department may issue an order to that person requiring ~~him~~ the 33832  
person to show cause as to why ~~he~~ the person should not be subject 33833  
 to licensing under this chapter. If the department, after a 33834  
 hearing, determines that the activities in which the person is 33835  
 engaged are subject to licensing under this chapter, the 33836  
 department may issue a cease-and-desist order which shall describe 33837  
 the person and activities which are subject to the order. A 33838  
 cease-and-desist order issued under this section shall be 33839  
 enforceable in and may be appealed to the common pleas courts of 33840  
 this state under Chapter 119. of the Revised Code. 33841

**Sec. 4707.19.** The department of ~~commerce~~ agriculture may make 33842  
 reasonable rules necessary for the implementation of the 33843  
 provisions of this chapter pursuant to Chapter 119. of the Revised 33844  
 Code. The department may hear testimony in matters relating to the 33845  
 duties imposed on it, and any person authorized by the director of 33846  
~~commerce~~ agriculture may administer oaths. The department may 33847  
 require other proof of the honesty, truthfulness, and good 33848  
 reputation of any person named in the application for an 33849  
 auctioneer's, apprentice auctioneer's, or special auctioneer's 33850  
 license before admitting the applicant to an examination or 33851  
 issuing a license. 33852

**Sec. 4707.20.** (A) No person shall act as an auctioneer or 33853  
 special auctioneer on a sale at auction until the person has first 33854  
 entered into a written contract or agreement in duplicate with the 33855  
 owner or consignee of any property to be sold, containing the 33856  
 terms and conditions upon which the licensee receives or accepts 33857  
 the property for sale at auction. The contracts or agreements 33858  
 shall, for a period of two years, be kept on file in the office of 33859  
 every person so licensed. No apprentice auctioneer shall be 33860

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authorized to enter into such contract or agreement without the 33861  
written consent of the apprentice auctioneer's sponsoring 33862  
auctioneer and all contracts or agreements shall be made in the 33863  
name of and on behalf of the sponsoring auctioneer. 33864

(B) On all contracts or agreements between an auctioneer or 33865  
special auctioneer and the owner or consignee, there shall appear 33866  
a prominent statement indicating that the auctioneer or special 33867  
auctioneer is licensed by the department of ~~commerce~~ agriculture, 33868  
and is bonded in favor of the state. 33869

(C) The auctioneer or special auctioneer who contracts with 33870  
the owner is liable for the settlement of all money received, 33871  
including the payment of all expenses incurred only by the 33872  
licensee and the distribution of all funds, in connection with an 33873  
auction. 33874

**Sec. 4707.21.** No auctioneer, apprentice auctioneer, or 33875  
special auctioneer shall willfully neglect or refuse to furnish 33876  
the department of ~~commerce~~ agriculture statistics or other 33877  
information in ~~his~~ the auctioneer's, apprentice auctioneer's, or 33878  
special auctioneer's possession or under ~~his~~ the auctioneer's, 33879  
apprentice auctioneer's, or special auctioneer's control, which ~~he~~ 33880  
the auctioneer, apprentice auctioneer, or special auctioneer is 33881  
authorized to collect; nor shall ~~he~~ the auctioneer, apprentice 33882  
auctioneer, or special auctioneer neglect or refuse, for more than 33883  
thirty days, to answer questions submitted on circulars; nor shall 33884  
~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer 33885  
knowingly answer any such questions falsely; nor shall ~~he~~ the 33886  
auctioneer, apprentice auctioneer, or special auctioneer refuse to 33887  
obey subpoenas and give testimony. Licensees shall keep records 33888  
relative to any auction sale for at least two years from the date 33889  
of sale. These records shall include settlement sheets, written 33890  
contracts, and copies of any advertising that lists the items for 33891  
sale. 33892

**Sec. 4707.23.** On receipt of a notice pursuant to section 33893  
3123.43 of the Revised Code, the department of ~~commerce~~ 33894  
agriculture shall comply with sections 3123.41 to 3123.50 of the 33895  
Revised Code and any applicable rules adopted under section 33896  
3123.63 of the Revised Code with respect to a license issued 33897  
pursuant to this chapter. 33898

**Sec. 4707.99.** (A) Whoever acts as an auctioneer, apprentice 33899  
auctioneer, or special auctioneer as defined in section 4707.01 of 33900  
the Revised Code, without first obtaining a license, upon 33901  
conviction thereof, shall be fined not less than one hundred nor 33902  
more than one thousand dollars, or imprisoned not more than ninety 33903  
days, or both. 33904

(B) Whoever violates this chapter or any rule promulgated by 33905  
the department of ~~commerce~~ agriculture in the administration of 33906  
this chapter, for the violation of which no penalty is provided, 33907  
shall be fined not less than fifty nor more than two hundred 33908  
dollars. 33909

(C) Whoever violates section 4707.151 of the Revised Code 33910  
shall be fined not more than fifty thousand dollars, or imprisoned 33911  
not more than one year, or both. 33912

**Sec. 4713.10.** The state board of cosmetology shall charge and 33913  
collect the following fees: 33914

(A) For application to take the examination for a license to 33915  
practice cosmetology, or any branch thereof, twenty-one dollars; 33916

(B) For the re-examination of any applicant who has 33917  
previously failed to pass the examination, ~~fourteen~~ twenty-one 33918  
dollars; 33919

(C) For the issuance or renewal of a cosmetology, manicurist, 33920  
or esthetics instructor's license, thirty dollars; 33921

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(D) For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's license, thirty dollars;	33922 33923 33924
(E) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	33925 33926
(F) For the inspection and issuance of a new beauty salon, nail salon, or esthetics salon or the change of name or ownership of a beauty salon, nail salon, or esthetics salon license, sixty dollars;	33927 33928 33929 33930
(G) For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars;	33931 33932
(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars;	33933 33934
(I) For the restoration of any lapsed license which may be restored pursuant to section 4713.11 of the Revised Code, and in addition to the payments required by that section, thirty dollars;	33935 33936 33937
(J) For the issuance of a license under section 4713.09 of the Revised Code, sixty dollars;	33938 33939
(K) For the issuance of a duplicate of any license, fifteen dollars;	33940 33941
(L) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;	33942 33943
(M) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional twenty dollars.	33944 33945 33946
Each applicant shall, in addition to the fees specified, furnish the applicant's own models.	33947 33948
<b>Sec. 4715.03.</b> (A) The state dental board shall organize by the election from its members of a president and a secretary. It	33949 33950

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shall hold meetings monthly at least eight months a year at such 33951  
times and places as the board designates. A majority of the 33952  
members of the board shall constitute a quorum. The board shall 33953  
make such reasonable rules as it determines necessary pursuant to 33954  
Chapter 119. of the Revised Code. 33955

(B) A concurrence of a majority of the members of the board 33956  
shall be required to grant, refuse, suspend, place on probationary 33957  
status, revoke, refuse to renew, or refuse to reinstate a license 33958  
or censure a license holder. 33959

(C) The board shall adopt rules establishing standards for 33960  
the safe practice of dentistry and dental hygiene by qualified 33961  
practitioners and shall, through its policies and activities, 33962  
promote such practice. 33963

The board shall adopt rules in accordance with Chapter 119. 33964  
of the Revised Code establishing universal blood and body fluid 33965  
precautions that shall be used by each person licensed under this 33966  
chapter who performs exposure prone invasive procedures. The rules 33967  
shall define and establish requirements for universal blood and 33968  
body fluid precautions that include the following: 33969

(1) Appropriate use of hand washing; 33970

(2) Disinfection and sterilization of equipment; 33971

(3) Handling and disposal of needles and other sharp 33972  
instruments; 33973

(4) Wearing and disposal of gloves and other protective 33974  
garments and devices. 33975

(D) The board shall administer and enforce the provisions of 33976  
this chapter. The board shall investigate evidence which appears 33977  
to show that any person has violated any provision of this 33978  
chapter. Any person may report to the board under oath any 33979  
information such person may have appearing to show a violation of 33980  
any provision of this chapter. In the absence of bad faith, any 33981

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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 any civil action.

(E) The board shall examine or cause to be examined eligible applicants to practice dentistry and dental hygiene. The board may distinguish by rule different classes of qualified personnel according to skill levels and require all or only certain of these classes of qualified personnel to be examined and certified by the board.

(F) In accordance with Chapter 119. of the Revised Code, the

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board shall adopt, and may amend or rescind, rules establishing  
the eligibility criteria, the application and permit renewal  
procedures, and safety standards applicable to a dentist licensed  
under this chapter who applies for a permit to employ or use  
conscious intravenous sedation. These rules shall include all of  
the following:

(1) The eligibility requirements and application procedures  
for an eligible dentist to obtain a conscious intravenous sedation  
permit;

(2) The minimum educational and clinical training standards  
required of applicants, which shall include satisfactory  
completion of an advanced cardiac life support course;

(3) The facility equipment and inspection requirements;

(4) Safety standards;

(5) Requirements for reporting adverse occurrences.

**Sec. 4715.031.** (A) The state dental board shall develop and  
implement a quality intervention program. The board may propose  
that the holder of a license issued by the board participate in  
the program if the board determines pursuant to an investigation  
conducted under section 4715.03 of the Revised Code that there are  
reasonable grounds to believe the license holder has violated a  
provision of this chapter due to a clinical or communication  
problem that could be improved through participation in the  
program and determines that the license holder's participation in  
the program is appropriate. The board shall refer a license holder  
who agrees to participate in the program to an educational and  
assessment service provider selected by the board.

The board shall select educational and assessment service  
providers, which may include quality intervention program panels  
of case reviewers. A provider selected by the board to provide

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services to a license holder shall recommend to the board the 34044  
educational and assessment services the license holder should 34045  
receive under the program. The license holder may begin 34046  
participation in the program if the board approves the services 34047  
the provider recommends. The license holder shall pay the amounts 34048  
charged by the provider for the services. 34049

The board shall monitor a license holder's progress in the 34050  
program and determine whether the license holder has successfully 34051  
completed the program. If the board determines that the license 34052  
holder has successfully completed the program, it may continue to 34053  
monitor the license holder, take other action it considers 34054  
appropriate, or both. If the board determines that the license 34055  
holder has not successfully completed the program, it shall 34056  
commence disciplinary proceedings against the license holder under 34057  
section 4715.03 of the Revised Code. 34058

The board may adopt rules in accordance with Chapter 119. of 34059  
the Revised Code to further implement the quality intervention 34060  
program. 34061

**Sec. 4715.13.** Applicants for licenses to practice dentistry 34062  
or for a general anesthesia permit or a conscious intravenous 34063  
sedation permit shall pay to the secretary of the state dental 34064  
board the following fees: 34065

(A) For license by examination, one hundred ~~forty-one~~ ninety 34066  
dollars if issued in an odd-numbered year or ~~two~~ three hundred 34067  
~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 34068

(B) For license by endorsement, one hundred ~~forty-one~~ ninety 34069  
dollars if issued in an odd-numbered year or ~~two~~ three hundred 34070  
~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 34071

(C) For duplicate license, to be granted upon proof of loss 34072  
of the original, ~~fifteen~~ twenty dollars; 34073

(D) For a general anesthesia permit, ~~ninety-four~~ one hundred  
twenty-seven dollars; 34074  
34075

(E) For a conscious intravenous sedation permit, ~~ninety-four~~  
one hundred twenty-seven dollars. 34076  
34077

The fee in division (A) of this section may be refunded to an 34078  
applicant who is unavoidably prevented from attending the 34079  
examination, or the applicant may be examined at the next regular 34080  
or special meeting of the board without an additional fee. 34081

An applicant who fails the first examination may be 34082  
re-examined at the next regular or special meeting of the board 34083  
without an additional fee. 34084

**Sec. 4715.14.** (A) Each person who is licensed to practice 34085  
dentistry in Ohio shall, on or before the first day of January of 34086  
each even-numbered year, register with the state dental board. The 34087  
registration shall be made on a form prescribed by the board and 34088  
furnished by the secretary, shall include the licensee's name, 34089  
address, license number, and such other reasonable information as 34090  
the board may consider necessary, and shall include payment of a 34091  
biennial registration fee of ~~one~~ two hundred ~~sixty-three~~ twenty 34092  
dollars. This fee shall be paid to the treasurer of state. All 34093  
such registrations shall be in effect for the two-year period 34094  
beginning on the first day of January of the even-numbered year 34095  
and ending on the last day of December of the following 34096  
odd-numbered year, and shall be renewed in accordance with the 34097  
standard renewal procedure of sections 4745.01 to 4745.03 of the 34098  
Revised Code. The failure of a licensee to renew the licensee's 34099  
registration in accordance with this section shall result in an 34100  
automatic suspension of the licensee's license to practice 34101  
dentistry. 34102

(B) Any dentist whose license has been suspended under this 34103  
section may be reinstated by the payment of the biennial 34104

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registration fee and in addition thereto ~~sixty~~ eighty-one dollars 34105  
to cover costs of the reinstatement; excepting that to any 34106  
licensed dentist who desires to temporarily retire from practice, 34107  
and who has given the board notice in writing to that effect, the 34108  
board shall grant such a retirement, provided only that at that 34109  
time all previous registration fees and additional costs of 34110  
reinstatement have been paid. 34111

(C) Each dentist licensed to practice, whether a resident or 34112  
not, shall notify the secretary in writing of any change in the 34113  
dentist's office address or employment within ten days after such 34114  
change has taken place. On the first day of July of every 34115  
even-numbered year, the secretary shall issue a printed roster of 34116  
the names and addresses so registered. 34117

**Sec. 4715.16.** (A) Upon payment of a fee of ~~seven~~ ten dollars 34118  
~~and fifty cents~~, the state dental board may without examination 34119  
issue a limited resident's license to any person who is a graduate 34120  
of a dental college, is authorized to practice in another state or 34121  
country or qualified to take the regular licensing examination in 34122  
this state, and furnishes the board satisfactory proof of having 34123  
been appointed a dental resident at an accredited dental college 34124  
in this state or at an accredited program of a hospital in this 34125  
state, but has not yet been licensed as a dentist by the board. 34126  
Any person receiving a limited resident's license may practice 34127  
dentistry only in connection with programs operated by the dental 34128  
college or hospital at which the person is appointed as a resident 34129  
as designated on the person's limited resident's license, and only 34130  
under the direction of a licensed dentist who is a member of the 34131  
dental staff of the college or hospital or a dentist holding a 34132  
current limited teaching license issued under division (B) of this 34133  
section, and only on bona fide patients of such programs. The 34134  
holder of a limited resident's license may be disciplined by the 34135  
board pursuant to section 4715.30 of the Revised Code. 34136

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34137

(B) Upon payment of ~~seventy-five~~ one hundred one dollars and 34138  
upon application endorsed by an accredited dental college in this 34139  
state, the board may without examination issue a limited teaching 34140  
license to a dentist who is a graduate of a dental college, is 34141  
authorized to practice dentistry in another state or country, and 34142  
has full-time appointment to the faculty of the endorsing dental 34143  
college. A limited teaching license is subject to annual renewal 34144  
in accordance with the standard renewal procedure of Chapter 4745. 34145  
of the Revised Code, and automatically expires upon termination of 34146  
the full-time faculty appointment. A person holding a limited 34147  
teaching license may practice dentistry only in connection with 34148  
programs operated by the endorsing dental college. The board may 34149  
discipline the holder of a limited teaching license pursuant to 34150  
section 4715.30 of the Revised Code. 34151

(C)(1) As used in this division: 34152

(a) "Continuing dental education practicum" or "practicum" 34153  
means a course of instruction, approved by the American dental 34154  
association, Ohio dental association, or academy of general 34155  
dentistry, that is designed to improve the clinical skills of a 34156  
dentist by requiring the dentist to participate in clinical 34157  
exercises on patients. 34158

(b) "Director" means the person responsible for the operation 34159  
of a practicum. 34160

(2) Upon payment of ~~seventy-five~~ one hundred one dollars and 34161  
application endorsed by the director of a continuing dental 34162  
education practicum, the board shall, without examination, issue a 34163  
temporary limited continuing education license to a resident of a 34164  
state other than Ohio who is licensed to practice dentistry in 34165  
such state and is in good standing, is a graduate of an accredited 34166  
dental college, and is registered to participate in the endorsing 34167  
practicum. The determination of whether a dentist is in good 34168

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standing shall be made by the board. 34169

A dentist holding a temporary limited continuing education 34170  
license may practice dentistry only on residents of the state in 34171  
which the dentist is permanently licensed or on patients referred 34172  
by a dentist licensed pursuant to section 4715.12 or 4715.15 of 34173  
the Revised Code to an instructing dentist licensed pursuant to 34174  
one of those sections, and only while participating in a required 34175  
clinical exercise of the endorsing practicum on the premises of 34176  
the facility where the practicum is being conducted. 34177

Practice under a temporary limited continuing education 34178  
license shall be under the direct supervision and full 34179  
professional responsibility of an instructing dentist licensed 34180  
pursuant to section 4715.12 or 4715.15 of the Revised Code, shall 34181  
be limited to the performance of those procedures necessary to 34182  
complete the endorsing practicum, and shall not exceed thirty days 34183  
of actual patient treatment in any year. 34184

(3) A director of a continuing dental education practicum who 34185  
endorses an application for a temporary limited continuing 34186  
education license shall, prior to making the endorsement, notify 34187  
the state dental board in writing of the identity of the sponsors 34188  
and the faculty of the practicum and the dates and locations at 34189  
which it will be offered. The notice shall also include a brief 34190  
description of the course of instruction. The board may prohibit a 34191  
continuing dental education practicum from endorsing applications 34192  
for temporary limited continuing education licenses if the board 34193  
determines that the practicum is engaged in activities that 34194  
constitute a threat to public health and safety or do not 34195  
constitute bona fide continuing dental education, or that the 34196  
practicum permits activities which otherwise violate this chapter. 34197  
Any continuing dental education practicum prohibited from 34198  
endorsing applications may request an adjudication pursuant to 34199  
Chapter 119. of the Revised Code. 34200

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A temporary limited continuing education license shall be 34201  
valid only when the dentist is participating in the endorsing 34202  
continuing dental education practicum and shall expire at the end 34203  
of one year. If the dentist fails to complete the endorsing 34204  
practicum in one year, the board may, upon the dentist's 34205  
application and payment of a fee of seventy-five dollars, renew 34206  
the temporary limited continuing education license for a 34207  
consecutive one-year period. Only two renewals may be granted. The 34208  
holder of a temporary limited continuing education license may be 34209  
disciplined by the board pursuant to section 4715.30 of the 34210  
Revised Code. 34211

(D) The board shall act either to approve or to deny any 34212  
application for a limited license pursuant to division (A), (B), 34213  
or (C) of this section not later than sixty days of the date the 34214  
board receives the application. 34215

**Sec. 4715.21.** Each person who desires to practice as a dental 34216  
hygienist shall file with the secretary of the state dental board 34217  
a written application for a license, under oath, upon the form 34218  
prescribed. Such applicant shall furnish satisfactory proof of 34219  
being at least eighteen years of age and of good moral character. 34220  
An applicant shall present a diploma or certificate of graduation 34221  
from an accredited dental hygiene school and shall pay the 34222  
examination fee of ~~seventy-one~~ ninety-six dollars if the license 34223  
is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven 34224  
dollars if issued in an even-numbered year. Those passing such 34225  
examination as the board prescribes relating to dental hygiene 34226  
shall receive a certificate of registration entitling them to 34227  
practice. If an applicant fails to pass the first examination the 34228  
applicant may apply for a re-examination at the next regular or 34229  
special examination meeting of the board. 34230

No applicant shall be admitted to more than two examinations 34231

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without first presenting satisfactory proof that the applicant has 34232  
successfully completed such refresher courses in an accredited 34233  
dental hygiene school as the state dental board may prescribe. 34234

An accredited dental hygiene school shall be one accredited 34235  
by the council on dental education of the American dental 34236  
association or whose educational standards are recognized by the 34237  
council on dental education of the American dental association and 34238  
approved by the state dental board. 34239

**Sec. 4715.24.** (A) Each person who is licensed to practice as 34240  
a dental hygienist in Ohio shall, on or before the first day of 34241  
January of each even-numbered year, register with the state dental 34242  
board. The registration shall be made on a form prescribed by the 34243  
board and furnished by the secretary, shall include the licensee's 34244  
name, address, license number, and such other reasonable 34245  
information as the board may consider necessary, and shall include 34246  
payment of a biennial registration fee of ~~seventy-five~~ one hundred 34247  
one dollars. This fee shall be paid to the treasurer of state. All 34248  
such registrations shall be in effect for the two-year period 34249  
beginning on the first day of January of each even-numbered year 34250  
and ending on the last day of December of the following 34251  
odd-numbered year, and shall be renewed in accordance with the 34252  
standard renewal procedure of sections 4745.01 to 4745.03 of the 34253  
Revised Code. The failure of a licensee to renew registration in 34254  
accordance with this section shall result in the automatic 34255  
suspension of the licensee's license to practice as a dental 34256  
hygienist. 34257

(B) Any dental hygienist whose license has been suspended 34258  
under this section may be reinstated by the payment of the 34259  
biennial registration fee and in addition thereto ~~twenty-three~~ 34260  
thirty-one dollars to cover the costs of reinstatement. 34261

(C) The license of a dental hygienist shall be exhibited in a 34262

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conspicuous place in the room in which the dental hygienist 34263  
practices. Each dental hygienist licensed to practice, whether a 34264  
resident or not, shall notify the secretary in writing of any 34265  
change in the dental hygienist's office address or employment 34266  
within ten days after the change takes place. 34267

**Sec. 4715.27.** The state dental board may issue a license to 34268  
an applicant who furnishes satisfactory proof of being at least 34269  
eighteen years of age, of good moral character and who 34270  
demonstrates, to the satisfaction of the board, knowledge of the 34271  
laws, regulations, and rules governing the practice of a dental 34272  
hygienist; who proves, to the satisfaction of the board, intent to 34273  
practice as a dental hygienist in this state; who is a graduate 34274  
from an accredited school of dental hygiene and who holds a 34275  
license by examination from a similar dental board, and who passes 34276  
an examination as prescribed by the board relating to dental 34277  
hygiene. 34278

Upon payment of ~~forty-three~~ fifty-eight dollars and upon 34279  
application endorsed by an accredited dental hygiene school in 34280  
this state, the state dental board may without examination issue a 34281  
teacher's certificate to a dental hygienist, authorized to 34282  
practice in another state or country. A teacher's certificate 34283  
shall be subject to annual renewal in accordance with the standard 34284  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 34285  
Code, and shall not be construed as authorizing anything other 34286  
than teaching or demonstrating the skills of a dental hygienist in 34287  
the educational programs of the accredited dental hygiene school 34288  
which endorsed the application. 34289

**Sec. 4717.02.** (A) There is hereby created the board of 34290  
embalmers and funeral directors consisting of seven members to be 34291  
appointed by the governor with the advice and consent of the 34292  
senate. ~~Four~~ Five members shall be licensed embalmers and 34293

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practicing funeral directors, each with at least ten consecutive 34294  
years of experience in this state immediately preceding the date 34295  
of the person's appointment. ~~One member; one of these members~~ 34296  
shall be knowledgeable and experienced in operating a crematory 34297  
~~and is not required to be, but may be, a licensed embalmer or~~ 34298  
~~funeral director.~~ Two members shall represent the public; at least 34299  
one of ~~the two~~ these members shall be at least sixty years of age. 34300  
34301

(B) Terms of office are for five years, commencing on the 34302  
first day of July and ending on the last day of June. Each member 34303  
shall hold office from the date of the member's appointment until 34304  
the end of the term for which the member was appointed. Before 34305  
entering upon the duties of the office, each member shall take and 34306  
file with the secretary of state an oath of office as required by 34307  
Section 7 of Article XV, Ohio Constitution. 34308

(C) The governor may remove a member of the board for neglect 34309  
of duty, incompetency, or immoral conduct. Vacancies shall be 34310  
filled in the manner provided for original appointments. Any 34311  
member appointed to fill a vacancy occurring prior to the 34312  
expiration date of the term for which the member's predecessor was 34313  
appointed shall hold office as a member for the remainder of that 34314  
term. A member shall continue in office subsequent to the 34315  
expiration date of the member's term until the member's successor 34316  
takes office, or until a period of sixty days has elapsed, 34317  
whichever occurs first. 34318

(D) Each member of the board shall receive an amount fixed 34319  
under division (J) of section 124.15 of the Revised Code for each 34320  
day, not to exceed sixty days per year, employed in the discharge 34321  
of the member's duties as a board member, together with any 34322  
necessary expenses incurred in the performance of those duties. 34323

**Sec. 4717.07.** (A) The board of embalmers and funeral 34324

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directors shall charge and collect the following fees:	34325
(1) For the issuance of an initial embalmer's or funeral director's license, five dollars;	34326 34327
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	34328 34329
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	34330 34331
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	34332 34333 34334
(5) For the <u>biennial</u> renewal of an embalmer's or funeral director's license, <del>sixty</del> <u>one hundred twenty</u> dollars;	34335 34336
(6) For the <u>initial</u> issuance <del>and renewal</del> of a license to operate a funeral home, one hundred twenty-five dollars <u>and biennial renewal of a license to operate a funeral home, two hundred fifty dollars</u> ;	34337 34338 34339 34340
(7) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	34341 34342 34343 34344
(8) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(6) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	34345 34346 34347 34348
(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> ;	34349 34350 34351 34352
(10) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9)	34353 34354

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of this section plus fifty dollars for each month or portion of a	34355
month the license is lapsed until reinstatement;	34356
(11) For the <u>initial</u> issuance <del>and renewal</del> of a license to	34357
operate a crematory facility, one hundred dollars <u>and biennial</u>	34358
<u>renewal of a license to operate a crematory facility, two hundred</u>	34359
<u>dollars;</u>	34360
(12) For the reinstatement of a lapsed license to operate a	34361
crematory facility, the renewal fee prescribed in division (A)(11)	34362
of this section plus fifty dollars for each month or portion of a	34363
month the license is lapsed until reinstatement;	34364
(13) For the issuance of a duplicate of a license issued	34365
under this chapter, four dollars.	34366
(B) In addition to the fees set forth in division (A) of this	34367
section, an applicant shall pay the examination fee assessed by	34368
any examining agency the board uses for any section of an	34369
examination required under this chapter.	34370
(C) Subject to the approval of the controlling board, the	34371
board of embalmers and funeral directors may establish fees in	34372
excess of the amounts set forth in this section, provided that	34373
these fees do not exceed the amounts set forth in this section by	34374
more than fifty per cent.	34375
<b>Sec. 4717.08.</b> (A) Every license issued under this chapter	34376
expires on the last day of December of <del>the</del> <u>each even-numbered</u> year	34377
<del>of its issuance</del> and shall be renewed on or before that date	34378
according to the standard license renewal procedure set forth in	34379
Chapter 4745. of the Revised Code. Licenses not renewed by the	34380
last day of December <u>of each even-numbered year</u> are lapsed.	34381
(B) A holder of a lapsed license to operate a funeral home,	34382
license to operate an embalming facility, or license to operate a	34383
crematory facility may reinstate the license with the board by	34384

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paying the lapsed license fee established under section 4717.07 of 34385  
the Revised Code. 34386

(C) A holder of a lapsed embalmer's or funeral director's 34387  
license may reinstate the license with the board by paying the 34388  
lapsed license fee established under section 4717.07 of the 34389  
Revised Code, except that if the license is lapsed for more than 34390  
one hundred eighty days after its expiration date, the holder also 34391  
shall take and pass the Ohio laws examination for each license as 34392  
a condition for reinstatement. 34393

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 34394  
funeral directors shall attend between twelve and thirty hours of 34395  
educational programs as a condition for renewal of their licenses. 34396  
The board of embalmers and funeral directors shall ~~determine, by~~ 34397  
~~rule, the educational programs that meet the continuing education~~ 34398  
~~requirements and the number of hours a licensee shall attend~~ adopt 34399  
rules governing the administration and enforcement of the 34400  
continuing education requirements of this section. The board may 34401  
contract with a professional organization or association or other 34402  
third party to assist it in performing functions necessary to 34403  
administer and enforce the continuing education requirements of 34404  
this section. A professional organization or association or other 34405  
third party with whom the board so contracts may charge a 34406  
reasonable fee for performing these functions to licensees or to 34407  
the persons who provide continuing education programs. 34408

(B) A person holding both an embalmer's license and a funeral 34409  
director's license need meet only the continuing education 34410  
requirements established by the board for one or the other of 34411  
those licenses in order to satisfy the requirement of division (A) 34412  
of this section. 34413

(C) The board shall not renew the license of a licensee who 34414  
fails to meet the continuing education requirements of this 34415

section and who has not been granted a waiver or exemption under 34416  
division (D) of this section. 34417

(D) Any licensee who fails to meet the continuing education 34418  
requirements of this section because of undue hardship or 34419  
disability, or who is not actively engaged in the practice of 34420  
funeral directing or embalming in this state, may apply to the 34421  
board for a waiver or an exemption. The board shall determine, by 34422  
rule, the procedures for applying for a waiver or an exemption 34423  
from continuing education requirements under this section and 34424  
under what conditions a waiver or an exemption may be granted. 34425

Sec. 4723.062. The board of nursing may solicit and accept 34426  
grants and services to develop and maintain a program that 34427  
addresses patient safety and health care issues related to the 34428  
supply of and demand for nurses and other health care workers. The 34429  
board shall not solicit or accept a grant or service that 34430  
interferes with the board's independence or objectivity. 34431

All money received by the board under this section shall be 34432  
deposited into the nursing special issue fund which is hereby 34433  
created in the state treasury. The board shall use money in the 34434  
fund to pay the costs it incurs in implementing this section. 34435

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 34436  
exceed the following limits: 34437

(1) For application for licensure by examination to practice 34438  
nursing as a registered nurse or as a licensed practical nurse, 34439  
fifty dollars; 34440

(2) For application for licensure by endorsement to practice 34441  
nursing as a registered nurse or as a licensed practical nurse, 34442  
fifty dollars; 34443

(3) For application for a certificate of authority to 34444

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practice nursing as a certified registered nurse anesthetist,	34445
clinical nurse specialist, certified nurse-midwife, or certified	34446
nurse practitioner, one hundred dollars;	34447
(4) For application for a temporary dialysis technician	34448
certificate, the amount specified in rules adopted under section	34449
4723.79 of the Revised Code;	34450
(5) For application for a full dialysis technician	34451
certificate, the amount specified in rules adopted under section	34452
4723.79 of the Revised Code;	34453
(6) For application for a certificate to prescribe, fifty	34454
dollars;	34455
(7) For verification of a nursing license, certificate of	34456
authority, or dialysis technician certificate to another	34457
jurisdiction, fifteen dollars;	34458
(8) For providing a replacement copy of a nursing license,	34459
certificate of authority, or dialysis technician certificate,	34460
fifteen dollars;	34461
(9) For biennial renewal of a nursing license <u>that expires on</u>	34462
<u>or before August 31, 2003</u> , thirty-five dollars;	34463
(10) <del>Except as provided in division (C) of this section, for</del>	34464
<u>For biennial renewal of a nursing license that expires on or after</u>	34465
<u>September 1, 2003, forty-five dollars;</u>	34466
(11) <u>For biennial renewal of a certificate of authority to</u>	34467
<u>practice nursing as a certified registered nurse anesthetist,</u>	34468
<u>clinical nurse specialist, certified nurse mid-wife, or certified</u>	34469
<u>nurse practitioner that expires on or before August 31, 2005, one</u>	34470
<u>hundred dollars;</u>	34471
(12) <u>For</u> biennial renewal of a certificate of authority to	34472
practice nursing as a certified registered nurse anesthetist,	34473
clinical nurse specialist, certified nurse-midwife, or certified	34474

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nurse practitioner <u>that expires on or after September 1, 2005,</u>	34475
eighty-five dollars;	34476
<del>(11)</del> (13) For renewal of a certificate to prescribe, fifty	34477
dollars;	34478
<del>(12)</del> (14) For biennial renewal of a dialysis technician	34479
certificate, the amount specified in rules adopted under section	34480
4723.79 of the Revised Code;	34481
<del>(13)</del> (15) For processing a late application for renewal of a	34482
nursing license, certificate of authority, or dialysis technician	34483
certificate, fifty dollars;	34484
<del>(14)</del> (16) For application for authorization to approve	34485
continuing nursing education programs and courses from an	34486
applicant accredited by a national accreditation system for	34487
nursing, five hundred dollars;	34488
<del>(15)</del> (17) For application for authorization to approve	34489
continuing nursing education programs and courses from an	34490
applicant not accredited by a national accreditation system for	34491
nursing, one thousand dollars;	34492
<del>(16)</del> (18) For each year for which authorization to approve	34493
continuing nursing education programs and courses is renewed, one	34494
hundred fifty dollars;	34495
<del>(17)</del> (19) For application for approval to operate a dialysis	34496
training program, the amount specified in rules adopted under	34497
section 4723.79 of the Revised Code;	34498
<del>(18)</del> (20) For reinstatement of a lapsed <u>nursing license or,</u>	34499
certificate of authority, <u>or dialysis technician certificate,</u> one	34500
hundred dollars;	34501
<del>(19)</del> (21) For written verification of a nursing license,	34502
certificate of authority, or dialysis technician certificate,	34503
other than verification to another jurisdiction, five dollars. The	34504

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board may contract for services pertaining to this verification 34505  
 process and the collection of the fee, and may permit the 34506  
 contractor to retain a portion of the fees as compensation, before 34507  
 any amounts are deposited into the state treasury. 34508

(22) For processing a check returned to the board by a 34509  
financial institution as noncollectible, twenty-five dollars. 34510

(B) Each quarter, for purposes of transferring funds under 34511  
 section 4743.05 of the Revised Code to the nurse education 34512  
 assistance fund created in section 3333.28 of the Revised Code, 34513  
 the board of nursing shall certify to the director of budget and 34514  
 management the number of biennial licenses renewed under this 34515  
 chapter during the preceding quarter and the amount equal to that 34516  
 number times five dollars. 34517

~~(C) The fee for biennial renewal of a certificate of 34518~~  
~~authority to practice nursing as a certified nurse-midwife, 34519~~  
~~certified registered nurse anesthetist, certified nurse 34520~~  
~~practitioner, or clinical nurse specialist that expires on or 34521~~  
~~before August 31, 2005, is one hundred dollars. 34522~~

**Sec. 4723.32.** This chapter does not prohibit any of the 34523  
 following: 34524

(A) The practice of nursing by a student currently enrolled 34525  
 in and actively pursuing completion of a prelicensure nursing 34526  
 education program approved by the board of nursing, if the 34527  
 student's practice is under the auspices of the program and the 34528  
 student acts under the supervision of a registered nurse serving 34529  
 for the program as a faculty member, teaching assistant, or 34530  
 preceptor; 34531

(B) The rendering of medical assistance to a licensed 34532  
 physician, licensed dentist, or licensed podiatrist by a person 34533  
 under the direction, supervision, and control of such licensed 34534  
 physician, dentist, or podiatrist; 34535

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(C) The activities of persons employed as nursing aides, attendants, orderlies, or other auxiliary workers in patient homes, nurseries, nursing homes, hospitals, home health agencies, or other similar institutions;

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(D) The provision of nursing services to family members or in emergency situations;

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(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;

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(F) The practice of nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board to practice nursing in the specialty, if both of the following are the case:

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(1) The program qualifies the student to sit for the examination of a national certifying organization listed in division (A)(3) of section 4723.41 of the Revised Code or approved by the board under section 4723.46 of the Revised Code, or the program prepares the student to receive a master's degree in accordance with division (A)(2) of section 4723.41 of the Revised Code;

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(2) The student's practice is under the auspices of the program and the student acts under the supervision of a registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.

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(G) The activities of an individual who currently holds a license to practice nursing in another jurisdiction, if the individual's license has not been revoked, the individual is not currently under suspension or on probation, the individual does

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not represent the individual as being licensed under this chapter, 34567  
and one of the following is the case: 34568

(1) The individual is engaging in the practice of nursing by 34569  
discharging official duties while employed by or under contract 34570  
with the United States government or any agency thereof; 34571

(2) The individual is engaging in the practice of nursing as 34572  
an employee of an individual, agency, or corporation located in 34573  
the other jurisdiction in a position with employment 34574  
responsibilities that include transporting patients into, out of, 34575  
or through this state, as long as each trip in this state does not 34576  
exceed seventy-two hours; 34577

(3) The individual is consulting with an individual licensed 34578  
in this state to practice any health-related profession; 34579

(4) The individual is engaging in activities associated with 34580  
teaching in this state as a guest lecturer at or for a nursing 34581  
education program, continuing nursing education program, or 34582  
in-service presentation; 34583

(5) The individual is conducting evaluations of nursing care 34584  
that are undertaken on behalf of an accrediting organization, 34585  
including the national league for nursing accrediting committee, 34586  
the joint commission on accreditation of healthcare organizations, 34587  
or any other nationally recognized accrediting organization; 34588

(6) The individual is providing nursing care to an individual 34589  
who is in this state on a temporary basis, not to exceed six 34590  
months in any one calendar year, if the nurse is directly employed 34591  
by or under contract with the individual or a guardian or other 34592  
person acting on the individual's behalf; 34593

(7) The individual is providing nursing care during any 34594  
disaster, natural or otherwise, that has been officially declared 34595  
to be a disaster by a public announcement issued by an appropriate 34596  
federal, state, county, or municipal official. 34597

Sec. 4723.79. The board of nursing shall adopt rules to 34598  
administer and enforce sections 4723.71 to 4723.79 of the Revised 34599  
Code. The board shall adopt the rules in accordance with Chapter 34600  
119. of the Revised Code. The rules shall establish or specify all 34601  
of the following: 34602

(A) The application process, fee, and requirements for 34603  
approval, reapproval, and withdrawing the approval of a dialysis 34604  
training program under section 4723.74 of the Revised Code. The 34605  
requirements shall include standards that must be satisfied 34606  
regarding curriculum, length of training, and instructions in 34607  
patient care. 34608

(B) The application process, fee, and requirements for 34609  
issuance of a certificate under section 4723.75 of the Revised 34610  
Code, except that the amount of the fee shall be no greater than 34611  
the fee charged under division (A)(1) of section 4723.08 of the 34612  
Revised Code; 34613

(C) The application process, fee, and requirements for 34614  
issuance of a temporary certificate under section 4723.76 of the 34615  
Revised Code; 34616

(D) The process for approval of testing organizations under 34617  
section 4723.751 of the Revised Code; 34618

(E) Subjects to be included in a certification examination 34619  
provided for in division (B)(1) of section 4723.75 of the Revised 34620  
Code; 34621

(F) The schedule, fees, and continuing education requirements 34622  
for renewal of a certificate under section 4723.77 of the Revised 34623  
Code, except that the fee for the renewal of a certificate shall 34624  
be no greater than the fee charged under division (A)(9) of 34625  
section 4723.08 of the Revised Code or, effective September 1, 34626  
2003, division (A)(10) of that section; 34627

(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 its operations and responsibilities.

(B) The board shall adopt, amend, or rescind rules, pursuant to Chapter 119. of the Revised Code, for the licensure of dispensing opticians, and such other rules as are required by or necessary to carry out the responsibilities imposed by sections

4725.40 to 4725.59 of the Revised Code.

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(C) The board shall have no authority to adopt rules governing the employment of dispensing opticians, the location or number of optical stores, advertising of optical products or services, or the manner in which such products can be displayed.

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**Sec. 4725.48.** (A) Any person who desires to engage in optical dispensing, except as provided in section 4725.47 of the Revised Code, shall file a properly completed written application for an examination with the Ohio optical dispensers board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made on a form provided by the board or testing service and shall be accompanied by an examination fee the board shall establish by rule. Applicants must return the application to the board or testing service at least sixty days prior to the date the examination is scheduled to be administered.

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(B) Except as provided in section 4725.47 of the Revised Code, any person who desires to engage in optical dispensing shall file a properly completed written application for a license with the board with the appropriate license fee as set forth under section 4725.50 of the Revised Code.

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No person shall be eligible to ~~take any examination~~ apply for a license under this division, unless ~~he~~ the person is at least eighteen years of age, is of good moral character, is free of contagious or infectious disease, ~~and~~ has received a passing score, as determined by the board, on the examination administered under division (A) of this section, is a graduate of an accredited high school of any state, or has received an equivalent education ~~equivalent thereto.~~

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~~(B) Except as provided in division (C) of this section, each person who desires to dispense optical aids shall be eligible to~~

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~~take the qualifying examination for such practice, if, in addition~~ 34689  
~~to satisfying the criteria of division (A) of this section, he and~~ 34690  
has successfully completed either of the following: 34691

(1) Two years of supervised experience under a licensed 34692  
dispensing optician, optometrist, or physician engaged in the 34693  
practice of ophthalmology, up to one year of which may be 34694  
continuous experience of not less than thirty hours a week in an 34695  
optical laboratory; 34696

(2) A two-year college level program in optical dispensing 34697  
that has been approved by the board and that includes, but is not 34698  
limited to, courses of study in mathematics, science, English, 34699  
anatomy and physiology of the eye, applied optics, ophthalmic 34700  
optics, measurement and inspection of lenses, lens grinding and 34701  
edging, ophthalmic lens design, keratometry, and the fitting and 34702  
adjusting of spectacle lenses and frames and contact lenses, 34703  
including methods of fitting contact lenses and post-fitting care. 34704

~~(C) A registered apprentice or a student in an approved~~ 34705  
~~college level program in optical dispensing may take the~~ 34706  
~~qualifying examination after completion of one year of the~~ 34707  
~~apprenticeship or program but shall not be eligible for licensure~~ 34708  
~~until he has completed the second year of the apprenticeship or~~ 34709  
~~program.~~ 34710

~~(D)~~ Any person who desires to obtain a license to practice as 34711  
an ocularist shall file a properly completed written application 34712  
with the board accompanied by the appropriate fee and proof that 34713  
the applicant has met the requirements for licensure. The board 34714  
shall establish, by rule, the application fee and the minimum 34715  
requirements for licensure, including education, examination, or 34716  
experience standards recognized by the board as national standards 34717  
for ocularists. The board shall issue a license to practice as an 34718  
ocularist to an applicant who satisfies the requirements of this 34719  
division and rules adopted pursuant to this division. 34720

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**Sec. 4725.49.** (A) The Ohio optical dispensers board shall 34722  
~~examine each applicant eligible for examination under section~~ 34723  
~~4725.48 of the Revised Code. The board~~ may provide for the 34724  
examination of applicants by designing, preparing, and 34725  
administering the qualifying examinations or by contracting with a 34726  
testing service that is nationally recognized as being capable of 34727  
determining competence to dispense optical aids as a licensed 34728  
spectacle dispensing optician, a licensed contact lens dispensing 34729  
optician, or a licensed spectacle-contact lens dispensing 34730  
optician. Any examination used shall be designed to measure 34731  
specific performance requirements, be professionally constructed 34732  
and validated, and be independently and objectively administered 34733  
and scored in order to determine the applicant's competence to 34734  
dispense optical aids. 34735

(B) The board shall ensure that it, or the testing service it 34736  
contracts with, does all of the following: 34737

(1) Provides public notice as to the date, time, and place 34738  
for each examination at least ninety days prior to the 34739  
examination; 34740

(2) Offers each qualifying examination at least twice each 34741  
year in Columbus, except as provided in division (C) of this 34742  
section; 34743

(3) Provides to each applicant all forms necessary to apply 34744  
for examination; 34745

(4) Provides all materials and equipment necessary for the 34746  
applicant to take the examination. 34747

(C) If the number of applicants for any qualifying 34748  
examination is less than ten, the examination may be postponed. 34749  
The board or testing service shall provide the applicant with 34750

written notification of the postponement and of the next date the  
examination is scheduled to be administered. 34751  
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(D) No limitation shall be placed upon the number of times 34753  
that an applicant may repeat any qualifying examination, except 34754  
that, if an applicant fails an examination for a third time, the 34755  
board may require that the applicant, prior to retaking the 34756  
examination, undergo additional study in the areas of the 34757  
examination in which ~~he~~ the applicant experienced difficulty. 34758

**Sec. 4729.65.** (A) Except as provided in division (B) of this 34759  
section, all receipts of the state board of pharmacy, from any 34760  
source, shall be deposited into the state treasury to the credit 34761  
of the ~~occupational licensing and regulatory~~ pharmacy board 34762  
operating fund, which is hereby created. All moneys derived from 34763  
fees the board is entitled to collect under this chapter shall be 34764  
deposited to the credit of the fund. All moneys deposited into the 34765  
state treasury pursuant to this section shall be used solely for 34766  
the administration and enforcement of this chapter. All vouchers 34767  
of the board shall be approved by the president or executive 34768  
director of the board, or both, as authorized by the board. All 34769  
initial issuance fees and renewal fees required by sections 34770  
4729.01 to 4729.54 of the Revised Code shall be payable by the 34771  
applicant at the time of making application. 34772

(B)(1) There is hereby created in the state treasury the 34773  
board of pharmacy drug law enforcement fund. All moneys that are 34774  
derived from any fines, mandatory fines, or forfeited bail to 34775  
which the board may be entitled under Chapter 2925., division 34776  
(C)(1) of section 2923.42, or division (B)(5) of section 2925.42 34777  
of the Revised Code and all moneys that are derived from 34778  
forfeitures of property to which the board may be entitled 34779  
pursuant to Chapter 2925. of the Revised Code, section 2923.32, 34780  
2923.35, 2923.44, 2923.45, 2923.46, or 2933.43 of the Revised 34781

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Code, any other section of the Revised Code, or federal law shall  
 be deposited into the fund. Subject to division (B)(2) of this  
 section, division (D)(2)(c) of section 2923.35, division (B)(5) of  
 section 2923.44, division (B)(7)(c) of section 2923.46, and  
 divisions (D)(1)(c) and (3) of section 2933.43 of the Revised  
 Code, the moneys in the fund shall be used solely to subsidize the  
 drug law enforcement efforts of the board.

(2) Notwithstanding any contrary provision in the Revised  
 Code, moneys that are derived from forfeitures of property  
 pursuant to federal law and that are deposited into the board of  
 pharmacy drug law enforcement fund in accordance with division  
 (B)(1) of this section shall be used and accounted for in  
 accordance with the applicable federal law, and the board  
 otherwise shall comply with that law in connection with the  
 moneys.

(C) All fines and forfeited bonds assessed and collected  
 under prosecution or prosecution commenced in the enforcement of  
 this chapter shall be paid to the executive director of the board  
 within thirty days and by the executive director paid into the  
 state treasury to the credit of the ~~occupational licensing and~~  
~~regulatory~~ pharmacy board operating fund. The board, subject to  
 the approval of the controlling board and except for fees required  
 to be established by the board at amounts "adequate" to cover  
 designated expenses, may establish fees in excess of the amounts  
 provided by this chapter, provided that such fees do not exceed  
 the amounts permitted by this chapter by more than fifty per cent.

**Sec. 4731.14.** (A) As used in this section, "graduate medical  
 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

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as follows:

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(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.

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(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.

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(C) Each certificate issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the certificate is issued. If the individual holds the degree of doctor of medicine, the certificate shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state. If the individual holds the degree of

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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,  
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

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school graduation. When the entrance examiner finds the 34877  
preliminary education of the applicant sufficient, the entrance 34878  
examiner shall issue a certificate of preliminary examination upon 34879  
the payment to the treasurer of the board of a fee of thirty-five 34880  
dollars. Such certificate shall be attested by the secretary. 34881

The applicant shall also present a diploma from a college of 34882  
podiatric medicine and surgery in good standing as defined by the 34883  
board at the time the diploma was issued. The applicant shall 34884  
present an affidavit that the applicant is the person named in the 34885  
diploma and is the lawful possessor thereof stating the 34886  
applicant's age, residence, the school at which the applicant 34887  
obtained education in podiatric medicine and surgery, the time 34888  
spent in the study of podiatric medicine and surgery, and such 34889  
other facts as the board may require. 34890

The applicant shall also present proof of completion of one 34891  
year of postgraduate training in a podiatric internship, 34892  
residency, or clinical fellowship program accredited by the 34893  
council on podiatric medical education or the American podiatric 34894  
medical association. 34895

**Sec. 4731.573.** (A) An individual seeking to pursue an 34896  
internship, residency, or clinical fellowship program in podiatric 34897  
medicine and surgery in this state, who does not hold a 34898  
certificate to practice podiatric medicine and surgery issued 34899  
under this chapter, shall apply to the state medical board for a 34900  
training certificate. The application shall be made on forms that 34901  
the board shall furnish and shall be accompanied by an application 34902  
fee of seventy-five dollars. 34903

An applicant for a training certificate shall furnish to the 34904  
board all of the following: 34905

(1) Evidence satisfactory to the board that the applicant is 34906

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<u>at least eighteen years of age and is of good moral character;</u>	34907
<u>(2) Evidence satisfactory to the board that the applicant has</u>	34908
<u>been accepted or appointed to participate in this state in one of</u>	34909
<u>the following:</u>	34910
<u>(a) An internship or residency program accredited by either</u>	34911
<u>the council on podiatric medical education or the American</u>	34912
<u>podiatric medical association;</u>	34913
<u>(b) A clinical fellowship program at an institution with a</u>	34914
<u>residency program accredited by either the council on podiatric</u>	34915
<u>medical education or the American podiatric medical association</u>	34916
<u>that is in a clinical field the same as or related to the clinical</u>	34917
<u>field of the fellowship program.</u>	34918
<u>(3) Information identifying the beginning and ending dates of</u>	34919
<u>the period for which the applicant has been accepted or appointed</u>	34920
<u>to participate in the internship, residency, or clinical</u>	34921
<u>fellowship program;</u>	34922
<u>(4) Any other information that the board requires.</u>	34923
<u>(B) If no grounds for denying a certificate under section</u>	34924
<u>4731.22 of the Revised Code apply and the applicant meets the</u>	34925
<u>requirements of division (A) of this section, the board shall</u>	34926
<u>issue a training certificate to the applicant. The board shall not</u>	34927
<u>require an examination as a condition of receiving a training</u>	34928
<u>certificate.</u>	34929
<u>A training certificate issued pursuant to this section shall</u>	34930
<u>be valid only for the period of one year, but may in the</u>	34931
<u>discretion of the board and upon application duly made, be renewed</u>	34932
<u>annually for a maximum of five years. The fee for renewal of a</u>	34933
<u>training certificate shall be thirty-five dollars.</u>	34934
<u>The board shall maintain a register of all individuals who</u>	34935
<u>hold training certificates.</u>	34936

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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.

(D) The board may adopt rules as the board finds necessary to effect the purpose of this section.

**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.

(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:

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(1) The applicant must be at least twenty-one years of age, 34969  
be of good moral character, and possess a high school education or 34970  
its equivalent. 34971

(2) The applicant must have successfully completed, prior to 34972  
matriculation at a school or college of chiropractic, at least two 34973  
years of college credit in the arts and sciences at a college or 34974  
university accredited by a state or regional accrediting 34975  
organization recognized by the board, except that the board may 34976  
adopt rules in accordance with Chapter 119. of the Revised Code 34977  
that require completion of additional years of college credit or 34978  
receipt of a college degree in an area specified in the rules. 34979

(3) The applicant must be a graduate of and hold the degree 34980  
of doctor of chiropractic from a school or college of chiropractic 34981  
approved by the board under section 4734.21 of the Revised Code. 34982

(4) The applicant must have received one of the following 34984  
from the national board of chiropractic examiners, as appropriate 34985  
according to the date of the applicant's graduation from a school 34986  
or college of chiropractic: 34987

(a) If the applicant graduated on or after January 1, 1970, 34988  
but before January 1, 1989, a "diplomate certificate" or 34989  
"certificate of attainment" evidencing passage of parts I and II 34990  
and the physiotherapy section of the national board's 34991  
examinations; 34992

(b) If the applicant graduated on or after January 1, 1989, 34993  
but before January 1, ~~2000~~ 2002, a "certificate of attainment" 34994  
evidencing passage of parts I, II, and III and the physiotherapy 34995  
section of the national board's examinations; 34996

(c) If the applicant graduated on or after January 1, ~~2000~~ 34997  
2002, a "certificate of attainment" evidencing passage of parts I, 34998  
II, III, and IV and the physiotherapy section of the national 34999

board's examinations. 35000

(5) The applicant must have passed the board's jurisprudence 35001  
examination conducted under section 4734.22 of the Revised Code. 35002

(C) The board shall issue a license to practice chiropractic 35003  
to each applicant who files a complete application, pays all 35004  
applicable fees, and meets the conditions specified in division 35005  
(B) of this section. The burden of proof is on the applicant, to 35006  
prove by clear and convincing evidence to the board, that the 35007  
applicant meets the conditions for receipt of the license. 35008

The board may conduct any investigation it considers 35009  
appropriate to verify an applicant's credentials, moral character, 35010  
and fitness to receive a license. In conducting an investigation, 35011  
the board may request information from the records maintained by 35012  
the federal bureau of investigation, the bureau of criminal 35013  
identification and investigation, and any other repositories of 35014  
criminal records held in this or another state. The board may 35015  
charge the applicant a fee for conducting the investigation. The 35016  
amount of the fee shall not exceed the expenses the board incurs 35017  
in conducting the investigation and may include any fees that must 35018  
be paid to obtain information in the criminal record. 35019

**Sec. 4736.12.** (A) The state board of sanitarian registration 35020  
shall charge the following fees: 35021

(1) To apply as a sanitarian-in-training, ~~fifty-five~~ 35022  
fifty-seven dollars; 35023

(2) For sanitarians-in-training to apply for registration as 35024  
sanitarians, ~~fifty-five~~ fifty-seven dollars. The applicant shall 35025  
pay this fee only once regardless of the number of times the 35026  
applicant takes an examination required under section 4736.08 of 35027  
the Revised Code. 35028

(3) For persons other than sanitarians-in-training to apply 35029

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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.

(4) The renewal fee for registered sanitarians shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars.

(5) The renewal fee for sanitarians-in-training shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars.

(6) For late application for renewal, twenty-five dollars.

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.

(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.

(C) The board of sanitarian registration may adopt rules establishing fees for all of the following:

(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.

(2) Application for the review of continuing education hours submitted for the board's approval by approved training agencies or by registered sanitarians or sanitarians-in-training.

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Sec. 4736.14. The state board of sanitarian registration may, 35059  
upon application and proof of valid registration, issue a 35060  
certificate of registration to any ~~resident of this state~~ person 35061  
who is or has been registered as a sanitarian by any other state, 35062  
if the requirements of that state at the time of such registration 35063  
are determined by the board to be at least equivalent to the 35064  
requirements of this chapter. 35065

Sec. 4743.05. Except as otherwise provided in ~~sections~~ 35066  
~~section~~ 4701.20, ~~and 4729.65~~ of the Revised Code, all money 35067  
collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 35068  
4717., 4723., 4725., ~~4729.7~~ 4732., 4733., 4734., 4736., 4741., 35069  
4753., 4755., 4757., 4759., and 4761. of the Revised Code, and 35070  
until December 31, 2004, money collected under Chapter 4779. of 35071  
the Revised Code, shall be paid into the state treasury to the 35072  
credit of the occupational licensing and regulatory fund, which is 35073  
hereby created for use in administering such chapters. Money 35074  
~~deposited to the credit of the fund under section 4731.24 of the~~ 35075  
~~Revised Code shall be used until July 1, 1998, for administering~~ 35076  
~~Chapters 4730. and 4731. of the Revised Code.~~ 35077

At the end of each quarter, the director of budget and 35078  
management shall transfer from the occupational licensing and 35079  
regulatory fund to the nurse education assistance fund created in 35080  
section 3333.28 of the Revised Code the amount certified to the 35081  
director under division (B) of section 4723.08 of the Revised 35082  
Code. 35083

~~At the end of the first quarter of 1995 and at the end of~~ 35084  
each quarter ~~thereafter~~, the director shall transfer from the 35085  
occupational licensing and regulatory fund to the certified public 35086  
accountant education assistance fund created in section 4701.26 of 35087  
the Revised Code the amount certified to the director under 35088  
division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code. 35089

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Sec. 4755.01. As used in sections 4755.01 to 4755.12 and 35090  
section 4755.99 of the Revised Code: 35091

(A) "Occupational therapy" means the evaluation of learning 35092  
and performance skills and the analysis, selection, and adaptation 35093  
of activities for an individual whose abilities to cope with daily 35094  
living, perform tasks normally performed at ~~his~~ the individual's 35095  
stage of development, and perform vocational tasks are threatened 35096  
or impaired by developmental deficiencies, the aging process, 35097  
environmental deprivation, or physical, psychological, or social 35098  
injury or illness, through specific techniques which include: 35099

(1) Planning and implementing activities and programs to 35100  
improve sensory and motor functioning at the level of performance 35101  
normal for the individual's stage of development; 35102

(2) Teaching skills, behaviors, and attitudes crucial to the 35103  
individual's independent, productive, and satisfying social 35104  
functioning; 35105

(3) Designing, fabricating, applying, recommending, and 35106  
instructing in the use of selected orthotic or prosthetic devices 35107  
and other equipment which assists the individual to adapt to ~~his~~ 35108  
the individual's potential or actual impairment; 35109

(4) Analyzing, selecting, and adapting activities to maintain 35110  
the individual's optimal performance of tasks and to prevent 35111  
further disability; 35112

(5) Administration of topical drugs that have been prescribed 35113  
by a licensed health professional authorized to prescribe drugs, 35114  
as defined in section 4729.01 of the Revised Code. 35115

(B) "Occupational therapist" means a person who is licensed 35116  
to practice occupational therapy and who offers such services to 35117  
the public under any title incorporating the words "occupational 35118  
therapy," "occupational therapist," or any similar title or 35119

description of services. 35120

(C) "Occupational therapy assistant" means a person licensed 35121  
to apply the more standard occupational therapy techniques under 35122  
the general supervision of an occupational therapist. 35123

**Sec. 4761.05.** (A) The Ohio respiratory care board shall issue 35124  
a license to any applicant who complies with the requirements of 35125  
section 4761.04 of the Revised Code, files the prescribed 35126  
application form, and pays the fee or fees required under section 35127  
4761.07 of the Revised Code. The license entitles the holder to 35128  
practice respiratory care. The licensee shall display the license 35129  
in a conspicuous place at the licensee's principal place of 35130  
business. 35131

(B)(1) The board shall issue a limited permit to any 35132  
applicant who meets the requirements of division (A)(1) of section 35133  
4761.04 of the Revised Code, files the prescribed application 35134  
form, pays the fee required under section 4761.07 of the Revised 35135  
Code, and meets either of the following requirements: 35136

(a) Is enrolled in and is in good standing in a respiratory 35137  
care educational program approved by the board that meets the 35138  
requirements of division (A)(2) of section 4761.04 of the Revised 35139  
Code leading to a degree or certificate of completion or is a 35140  
graduate of the program; 35141

(b) Is employed as a provider of respiratory care in this 35142  
state and was employed as a provider of respiratory care in this 35143  
state prior to March 14, 1989. 35144

(2) The limited permit authorizes the holder to provide 35145  
respiratory care under the supervision of a respiratory care 35146  
professional. A person issued a limited permit under division 35147  
(B)(1)(a) of this section may practice respiratory care under the 35148  
limited permit for not more than the earliest of the following: 35149

(a) Three years after the date the limited permit is issued;	35150
(b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;	35151 35152 35153
(c) Until the holder <del>completes</del> or discontinues participation in the educational program.	35154 35155
The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study.	35156 35157 35158 35159 35160 35161 35162 35163
(3) A person issued a limited permit under division (B)(1)(b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital.	35164 35165 35166 35167 35168 35169 35170
(C) All holders of licenses and limited permits issued under this section shall display, in a conspicuous place on their persons, information that identifies the type of authorization under which they practice.	35171 35172 35173 35174
<u>Sec. 4771.22. The Ohio athletic commission shall deposit all money it receives under this chapter to the credit of the athlete agents registration fund, which is hereby created in the state treasury. The commission shall use the fund to administer and enforce this chapter.</u>	35175 35176 35177 35178 35179

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Sec. 4775.01. As used in this chapter:	35180
(A) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	35181 35182
(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>	35183 35184 35185 35186 35187
(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>	35188 35189 35190 35191 35192 35193 35194 35195 35196 35197
(D) <u>"Motor vehicle collision repair operator" means a</u> <del>any person who 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,</del> <u>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,</u> but does not mean any of the following:	35198 35199 35200 35201 35202 35203 35204 35205 35206
(1) An employee, other than a manager, of a motor vehicle collision repair operator;	35207 35208
(2) A motor vehicle dealer licensed pursuant to sections	35209

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4517.01 to 4517.45 of the Revised Code;	35210
(3) A motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code who also is the owner, part owner, or operator of a motor vehicle collision repair facility;	35211 35212 35213
(4) A motor vehicle auction owner licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	35214 35215
(5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	35216 35217
(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;	35218 35219
(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;	35220 35221 35222 35223 35224
(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;	35225 35226 35227 35228 35229
(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;	35230 35231 35232 35233
(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.	35234 35235 35236 35237 35238
<del>(C)</del> <u>(E)</u> "Motor vehicle collision repair facility" means a	35239

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~~business~~ location ~~in~~ from which five or more separate motor 35240  
vehicle collision repairs are performed ~~for the general public on~~ 35241  
motor vehicles in a twelve-month period, commencing with the day 35242  
of the month in which the first such repair is made. 35243

**Sec. 4775.02.** (A) No person shall act as a motor vehicle 35244  
collision repair operator unless the person is registered in 35245  
accordance with this chapter. 35246

(B) Any person or entity that conducts or attempts to conduct 35247  
business as a motor vehicle collision repair operator in violation 35248  
of this chapter performs an unfair and deceptive act or practice 35249  
in violation of section 1345.02 of the Revised Code. 35250

**Sec. 4775.08.** (A) The initial and annual renewal fee for a 35251  
motor vehicle collision repair registration certificate and for a 35252  
temporary motor vehicle collision repair registration certificate 35253  
is one hundred fifty dollars for each business location at which 35254  
the motor vehicle collision repair operator conducts business as 35255  
an operator, except that the board of motor vehicle collision 35256  
repair registration, with the approval of the controlling board, 35257  
may establish fees in excess of or less than that amount, provided 35258  
that such fees do not exceed or are not less than that amount by 35259  
more than fifty per cent. 35260

The board shall adjust the fees as necessary in order to 35261  
provide for the expenses associated with carrying out this chapter 35262  
without causing an excessive build-up of surplus funds in the 35263  
motor vehicle collision repair registration fund, which is hereby 35264  
created in the state treasury. 35265

(B) If the board has notified or attempted to notify a motor 35266  
vehicle collision repair operator that the operator is required to 35267  
be registered under this chapter, and the operator fails to 35268  
register, the initial fee for the registration of such an 35269

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unregistered operator for each business location at which the 35270  
operator conducts business as an operator, is the initial fee then 35271  
in effect plus an additional amount equal to the initial fee then 35272  
in effect for each calendar year that the operator is not 35273  
registered after the board has notified or attempted to notify the 35274  
operator. 35275

(C) The board shall deposit all fees and fines collected 35276  
under this chapter into the motor vehicle collision repair 35277  
registration fund, which is hereby created in the state treasury. 35278  
The board shall use the fund solely for the administration and 35279  
enforcement of this chapter. 35280

**Sec. 4775.99.** (A) Whoever violates section 4775.02 of the 35281  
Revised Code shall be fined not more than one thousand dollars on 35282  
a first offense. On each subsequent offense, the offender shall be 35283  
fined not less than one thousand nor more than five thousand 35284  
dollars. 35285

(B) After conducting an investigation and upon establishing 35286  
that a violation of section 4775.02 of the Revised Code has 35287  
occurred, the board of motor vehicle collision repair 35288  
registration, in addition to any other action it may take or any 35289  
other penalty imposed pursuant to this chapter, may impose an 35290  
administrative fine on the person or entity that committed the 35291  
violation in an amount of not more than one thousand dollars on a 35292  
first offense. On each subsequent offense, the board may impose an 35293  
administrative fine of not less than one thousand dollars nor more 35294  
than five thousand dollars. If the administrative fine is not 35295  
paid, the attorney general, upon the board's request, shall 35296  
commence a civil action to collect the administrative fine. 35297

**Sec. 4779.01.** As used in this chapter: 35298

(A) "Accommodative" means designed with the primary goal of 35299

conforming to the anatomy of a particular individual. 35300

(B) "Full-time" means not less than one thousand six hundred 35301  
hours per year. 35302

(C) "Inlay" means any removable material on which the foot 35303  
rests inside a shoe and that may be an integral design component 35304  
of the shoe. 35305

(D) "Orthotics" means the evaluation, measurement, design, 35306  
fabrication, assembly, fitting, adjusting, servicing, or training 35307  
in the use of an orthotic or pedorthic device, or the repair, 35308  
replacement, adjustment, or service of an existing orthotic or 35309  
pedorthic device. It does not include upper extremity adaptive 35310  
equipment used to facilitate the activities of daily living, 35311  
finger splints, wrist splints, prefabricated elastic or fabric 35312  
abdominal supports with or without metal or plastic reinforcing 35313  
stays and other prefabricated soft goods requiring minimal 35314  
fitting, nontherapeutic accommodative inlays, shoes that are not 35315  
manufactured or modified for a particular individual, 35316  
prefabricated foot care products, durable medical equipment, 35317  
dental appliances, pedorthic devices, or devices implanted into 35318  
the body by a physician. 35319

(E) "Orthotic device" means a custom fabricated or fitted 35320  
medical device used to support, correct, or alleviate 35321  
neuromuscular or musculoskeletal dysfunction, disease, injury, or 35322  
deformity. 35323

(F) "Pedorthics" means the evaluation, measurement, design, 35324  
fabrication, assembly, fitting, adjusting, servicing, or training 35325  
in the use of a pedorthic device, or the repair, replacement, 35326  
adjustment, or servicing of a pedorthic device. 35327

(G) "Pedorthics device" means a custom fabricated or fitted 35328  
therapeutic shoe, shoe modification for therapeutic purposes, 35329  
prosthetic filler of the forefoot, or foot orthosis for use from 35330

the apex of the ~~medical malleus~~ medial malleolus and below. It 35331  
does not include an arch support, a nontherapeutic accommodative 35332  
inlay, nontherapeutic accommodative footwear, prefabricated 35333  
footcare products, or unmodified, over-the-counter shoes. 35334

(H) "Prosthetics" means the evaluation, measurement, design, 35335  
fabrication, assembly, fitting, adjusting, servicing, or training 35336  
in the use of a prosthesis or pedorthic device, or the repair, 35337  
replacement, adjustment, or service of a prosthesis or pedorthic 35338  
device. 35339

(I) "Prosthesis" means a custom fabricated or fitted medical 35340  
device used to replace a missing appendage or other external body 35341  
part. It includes an artificial limb, hand, or foot, but does not 35342  
include devices implanted into the body by a physician, artificial 35343  
eyes, intraocular lenses, dental appliances, ostomy products, 35344  
cosmetic devices such as breast prostheses, eyelashes, wigs, or 35345  
other devices that do not have a significant impact on the 35346  
musculoskeletal functions of the body. 35347

**Sec. 4779.02.** (A) Except as provided in division (B) of this 35348  
section, no person shall practice or represent that the person is 35349  
authorized to practice orthotics, prosthetics, or pedorthics 35350  
unless the person holds a current, valid license issued or renewed 35351  
under this chapter. 35352

(B) Division (A) of this section does not apply to any of the 35353  
following: 35354

(1) An individual who holds a current, valid license, 35355  
certificate, or registration issued under Chapter 4723., 4730., 35356  
4731., 4734., or 4755. of the Revised Code and is practicing 35357  
within the individual's scope of practice under statutes and rules 35358  
regulating the individual's profession; 35359

(2) An individual who practices orthotics, prosthetics, or 35360

pedorthics as an employee of the federal government and is engaged 35361  
in the performance of duties prescribed by statutes and 35362  
regulations of the United States; 35363

(3) An individual who provides orthotic, prosthetic, or 35364  
pedorthic services under the supervision of a licensed orthotist, 35365  
prosthetist, or pedorthist in accordance with section 4779.04 of 35366  
the Revised Code; 35367

(4) An individual who provides orthotic, prosthetic, or 35368  
pedorthic services as part of an educational, certification, or 35369  
residency program approved by the board under sections 4779.25 to 35370  
4779.27 of the Revised Code; 35371

(5) An individual who provides orthotic, prosthetic, or 35372  
pedorthic services under the direct supervision of an individual 35373  
authorized under Chapter 4731. of the Revised Code to practice 35374  
medicine and surgery or osteopathic medicine and surgery. 35375

**Sec. 4779.16.** The state board of orthotics, prosthetics, and 35376  
pedorthics shall issue a license under section 4779.09 of the 35377  
Revised Code to practice orthotics, prosthetics, orthotics and 35378  
prosthetics, or pedorthics without examination to an applicant who 35379  
meets the requirements of divisions (A) and (B) of this section: 35380

(A) Not later than July 27, 2001, applies to the board in 35381  
accordance with section 4779.09 of the Revised Code; 35382

(B)(1) In the case of an applicant for a license to practice 35383  
orthotics, is actively practicing or teaching orthotics on October 35384  
27, 2000, and complies with division (B)~~(2)~~(1)(a) or (b) of this 35385  
section: 35386

(a) The applicant meets all of the following requirements: 35387

(i) Holds a bachelor's degree or higher from a nationally 35388  
accredited college or university in the United States; 35389

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(ii) Has completed a certificate program in orthotics	35390
approved by the board under section 4779.26 of the Revised Code;	35391
(iii) Is certified in orthotics by the American board for	35392
certification in orthotics and prosthetics, the board of	35393
orthotist/prosthetist certification, or an equivalent successor	35394
organization recognized by the board;	35395
(iv) Has completed a residency program approved by the board	35396
under section 4779.27 of the Revised Code.	35397
(b) The individual meets both of the following requirements:	35398
(i) Has a minimum of three years of documented, full-time	35399
experience practicing or teaching orthotics;	35400
(ii) Has passed the certification examination in orthotics	35401
developed by the American board of certification in orthotics and	35402
prosthetics, the board of orthotist/prosthetist certification, or	35403
an equivalent organization recognized by the board.	35404
(2) In the case of an applicant for a license to practice	35405
prosthetics, is actively practicing or teaching prosthetics on	35406
October 27, 2000, and complies with division (B)(2)(a) or (b) of	35407
this section:	35408
(a) The applicant meets all of the following requirements:	35409
(i) Holds a bachelor's degree or higher from a nationally	35410
accredited college or university in the United States;	35411
(ii) Has completed a certificate program in prosthetics	35412
approved by the board under section 4779.26 of the Revised Code;	35413
(iii) Is certified in prosthetics by the American board for	35414
certification in orthotics and prosthetics, the board of	35415
orthotist/prosthetist certification, or an equivalent successor	35416
organization recognized by the board;	35417
(iv) Has completed a residency program approved by the board	35418

under section 4779.27 of the Revised Code.	35419
(b) The applicant meets both of the following requirements:	35420
(i) Has a minimum of three years of documented, full-time experience practicing or teaching prosthetics;	35421 35422
(ii) Has passed the certification examination in prosthetics of the American board of certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent organization recognized by the board.	35423 35424 35425 35426
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant complies with division (B)(3)(a) or (b) of this section:	35427 35428 35429
(a) The applicant meets all of the following requirements:	35430
(i) Holds a bachelor's degree or higher from an accredited college or university in the United States;	35431 35432
(ii) Has completed a certificate program in orthotics and prosthetics approved by the board under section 4779.26 of the Revised Code;	35433 35434 35435
(iii) Has completed a residency program in orthotics and prosthetics approved under section 4779.27 of the Revised Code;	35436 35437
(iv) Is certified in orthotics and prosthetics by the American board for certification in orthotics and prosthetics, the board of orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;	35438 35439 35440 35441
(b) The applicant meets both of the following requirements:	35442
(i) Has a minimum of six years of documented, full-time experience practicing or teaching orthotics and prosthetics;	35443 35444
(ii) Has passed the orthotics and prosthetics certification examination requirements of the American board for certification in orthotics and prosthetics, the board of orthotist/prosthetist	35445 35446 35447

certification, or an equivalent organization recognized by the board. 35448  
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(4) In the case of an applicant for a license to practice pedorthics, is actively practicing or teaching pedorthics on October 27, 2000, and is certified in pedorthics by the board for certification in pedorthics. 35450  
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**Sec. 4779.19.** A license issued under section 4779.09 of the Revised Code or renewed under section 4779.20 of the Revised Code is valid for ~~not less than three years and not more than four years and~~ from the date of issuance until the date it expires, unless earlier suspended or revoked. An initial license and each renewed license expires on the thirty-first day of January immediately succeeding the date of issuance. 35454  
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**Sec. 4779.20.** (A) An individual seeking to renew a license issued under section 4779.09 of the Revised Code shall, on or before the ~~thirty-first day of January of the year in which the license expires~~ pursuant to section 4779.19 of the Revised Code, apply for renewal. The state board of orthotics, prosthetics, and pedorthics shall send renewal notices at least one month prior to the expiration date. 35461  
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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, 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. 35468  
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(B) ~~To be eligible for renewal other than a first renewal, the~~ Beginning with the fourth renewal and every third renewal thereafter, a license holder must certify to the board one of the 35475  
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following:	35478
(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;	35479 35480 35481 35482
(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;	35483 35484 35485 35486
(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.	35487 35488 35489 35490 35491
<b>Sec. 4779.26.</b> 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:	35492 35493 35494 35495
(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section <del>4779.24</del> <u>4779.25</u> of the Revised Code;	35496 35497
(B) In the case of a certificate program in orthotics, the program does all of the following:	35498 35499
(1) Provides not less than two semesters or three quarters of instruction in orthotics;	35500 35501
(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;	35502 35503 35504 35505 35506
(3) Meets the requirements in divisions (G) and (H) of	35507

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section 4779.25 of the Revised Code.	35508
(C) In the case of a certificate program in prosthetics, the program does all of the following:	35509 35510
(1) Provides not less than two semesters or three quarters of instruction in prosthetics;	35511 35512
(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 prosthetics;	35513 35514 35515 35516 35517
(3) Meets the requirements in divisions (F) and (I) of section 4779.25 of the Revised Code.	35518 35519
(D) In the case of a certificate program in orthotics and prosthetics, the program does both of the following:	35520 35521
(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;	35522 35523 35524
(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.	35525 35526
<b><u>Sec. 4905.071.</u></b> (A) <u>As used in this section, "personal information" has the same meaning as in section 1347.01 of the Revised Code.</u>	35527 35528 35529
(B)(1) <u>Personal information of an individual that is obtained by the public utilities commission, reduced to written or electronic form, and used in implementing lawful, regulatory authority of the commission is not a public record pursuant to section 149.43 or 4901.12 of the Revised Code and is not open to inspection pursuant to section 4905.07 of the Revised Code, unless the individual waives nondisclosure under those sections.</u>	35530 35531 35532 35533 35534 35535 35536

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(2) Notwithstanding division (B)(1) of this section and solely for the purpose of resolving a consumer complaint or a complaint filed or presented pursuant to section 4905.26 or 4909.153 of the Revised Code or assisting the consumers' counsel in carrying out the authority conferred by Chapter 4911. of the Revised Code, the commission may disclose personal information described in division (B)(1) of this section without that information becoming a public record pursuant to section 149.43 or 4901.12 of the Revised Code or being open to inspection pursuant to section 4905.07 of the Revised Code.

**Sec. 4905.87.** (A) To the extent funding is available in the biomass energy program fund, the public utilities commission shall maintain a program to promote the development and use of biomass energy.

(B) The biomass energy program fund is hereby created in the state treasury. Money received by the commission for the program maintained under this section shall be credited to the fund, and used for that program.

**Sec. 4911.17.** 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; and family farmers. No more than five members of this board may be members of the same political party.

The members of the board shall be appointed by the attorney general with the advice and consent of the senate.

No later than January 1, 1977, the attorney general shall make initial appointments to the board. Of the initial appointments made to the board, three shall be for a term ending one year after September 1, 1976, three shall be for a term ending

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two years after that date, and three shall be for a term ending 35568  
three years after that date. Thereafter, terms of office shall be 35569  
for three years, each term ending on the same day of the same 35570  
month of the year as did the term that it succeeds. Each member 35571  
shall hold office from the date of the member's appointment until 35572  
the end of the term for which the member was appointed. Any member 35573  
appointed to fill a vacancy occurring prior to the expiration of 35574  
the term for which the member's predecessor was appointed shall 35575  
hold office for the remainder of that term. Any member shall 35576  
continue in office subsequent to the expiration date of the 35577  
member's term until the member's successor takes office. 35578

The governing board ~~shall meet within thirty days after all~~ 35579  
~~appointments have been made and select from among its membership a~~ 35580  
~~chairperson and vice-chairperson.~~ The board shall meet at least 35581  
every other third month thereafter of the year. Meetings may be 35582  
held more often at the request of a majority of the members or 35583  
upon call of the chairperson. A At the first meeting of each year, 35584  
the board shall select a chairperson and vice-chairperson. With 35585  
the approval of the board, the chairperson may designate the 35586  
vice-chairperson to perform the duties of the chairperson, 35587  
including those provided in section 4901.021 of the Revised Code. 35588

A majority of the members constitutes a quorum. No action 35589  
shall be taken without the concurrence of a majority of the full 35590  
membership of the board. The consumers' counsel shall at all times 35591  
remain responsible to the governing board. Members of the board 35592  
shall be compensated at the rate of one hundred fifty dollars per 35593  
board meeting attended in person, not to exceed one thousand two 35594  
hundred dollars per year. All members shall be reimbursed for 35595  
actual and necessary expenses incurred in the performance of ~~the~~ 35596  
their official duties. 35597

The board shall submit to the general assembly no later than 35598  
the first day of April, annually, a report outlining the 35599

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expenditures of the office of consumers' counsel, a full record of 35600  
participation in any and all proceedings, and an outline of other 35601  
relevant activities of the office. 35602

**Sec. 4921.18.** (A) Every motor transportation company or 35603  
common carrier by motor vehicle operating in this state shall, at 35604  
the time of the issuance of a certificate of public convenience 35605  
and necessity to it and annually thereafter on or between the 35606  
first and the fifteenth days of July of each year, pay to the 35607  
public utilities commission, for and on behalf of the treasurer of 35608  
state, the following taxes: 35609

(1) For each motor-propelled or motor-drawn vehicle used for 35610  
transporting persons, ~~multiply the normal number of passengers~~ 35611  
~~that can be seated at one time in each such vehicle by four thirty~~ 35612  
dollars; 35613

(2) For each commercial tractor, as defined in section 35614  
4501.01 of the Revised Code, used for transporting property, 35615  
thirty dollars; 35616

(3) For each motor truck transporting property, twenty 35617  
dollars; 35618

~~(4) For each motor-propelled vehicle used for transporting 35619  
both persons and property simultaneously, the tax shall be 35620  
computed on the basis of either property transportation or 35621  
passenger capacity, and the basis which yields the greater revenue 35622  
shall apply. 35623~~

(B) A trailer used by a motor transportation company or 35624  
common carrier by motor vehicle shall not be taxed under this 35625  
section. 35626

(C) The annual tax levied by this section does not apply in 35627  
those cases where the commission finds that the movement of 35628  
agricultural commodities or foodstuffs produced therefrom requires 35629

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a temporary and seasonal use of vehicular equipment for a period 35630  
of not more than ninety days. In such event the tax on such 35631  
vehicular equipment shall be twenty-five per cent of the annual 35632  
tax levied by this section. If any vehicular equipment is used in 35633  
excess of such ninety-day period the annual tax levied by this 35634  
section shall be paid. 35635

(D) Any motor-propelled or motor-drawn vehicle used for 35636  
transporting persons, commercial tractor as defined in section 35637  
4501.01 of the Revised Code, or motor truck used for the 35638  
transportation of property, with respect to which the tax imposed 35639  
by this section has been paid, may be used by another motor 35640  
transportation company or common carrier, or by a private motor 35641  
carrier or contract carrier, without further payment of the tax 35642  
imposed by this section or by section 4923.11 of the Revised Code. 35643

(E) The commission shall account for the taxes collected 35644  
pursuant to this section, and shall pay such taxes to the 35645  
treasurer of state pursuant to section 4923.12 of the Revised Code 35646  
on or before the fifteenth day of each month for the taxes 35647  
collected in each preceding month. 35648

(F) All taxes levied upon the issuance of a certificate to 35649  
any motor transportation company or common carrier by motor 35650  
vehicle shall be reckoned as from the beginning of the quarter in 35651  
which such certificate is issued or the use of equipment under any 35652  
existing certificate began. 35653

**Sec. 4923.11.** (A) Every private motor carrier or contract 35654  
carrier by motor vehicle operating in this state shall, at the 35655  
time of the issuance of its permit, and annually thereafter on or 35656  
between the first and fifteenth days of July of each year, pay to 35657  
the public utilities commission for and on behalf of the treasurer 35658  
of state, the following taxes: 35659

(1) For each motor-propelled or motor-drawn vehicle used for 35660

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transporting persons, ~~multiply the normal number of passengers~~ 35661  
~~that can be seated at one time in each such vehicle by four thirty~~ 35662  
dollars; 35663

(2) For each commercial tractor, as defined in section 35664  
4501.01 of the Revised Code, used for transporting property, 35665  
thirty dollars; 35666

(3) For each motor truck transporting property, twenty 35667  
dollars; 35668

~~(4) For each motor-propelled vehicle used for transporting~~ 35669  
~~both persons and property simultaneously, the tax shall be~~ 35670  
~~computed on the basis of either property transportation or~~ 35671  
~~passenger capacity, and the basis which yields the greater revenue~~ 35672  
~~shall apply.~~ 35673

(B) A trailer used by a private motor carrier or contract 35674  
carrier by motor vehicle shall not be taxed under this section. 35675

(C) The annual tax levied by this section does not apply in 35676  
those cases where the commission finds that the movement of 35677  
agricultural commodities or foodstuffs produced from agricultural 35678  
commodities requires a temporary and seasonal use of vehicular 35679  
equipment for a period of not more than ninety days. In that event 35680  
the tax on such vehicular equipment shall be twenty-five per cent 35681  
of the annual tax levied by this section. If any vehicular 35682  
equipment is used in excess of such ninety-day period the annual 35683  
tax levied by this section shall be paid. 35684

(D) Any motor-propelled or motor-drawn vehicle used for 35685  
transporting persons, commercial tractor as defined in section 35686  
4501.01 of the Revised Code, or motor truck used for the 35687  
transportation of property, with respect to which the tax imposed 35688  
by this section has been paid, may be used by a motor 35689  
transportation company or common carrier, or by another private 35690  
motor carrier or contract carrier, without further payment of the 35691

tax imposed by this section or by section 4921.18 of the Revised Code.	35692 35693
(E) The commission shall account for the taxes collected pursuant to this section, and shall pay such taxes to the treasurer of state pursuant to section 4923.12 of the Revised Code on or before the fifteenth day of each month for the taxes collected in each preceding month.	35694 35695 35696 35697 35698
(F) All taxes levied upon the issuance of a permit to any private motor carrier or contract carrier by motor vehicle shall be reckoned as from the beginning of the quarter in which such permit is issued or the use of equipment under any existing permit began.	35699 35700 35701 35702 35703
<b>Sec. 5101.14.</b> (A) Within available funds, the department of job and family services shall make payments to the counties within thirty days after the beginning of each calendar quarter for a part of their costs for services to children performed pursuant to Chapter 5153. of the Revised Code.	35704 35705 35706 35707 35708
Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section 5101.144 of the Revised Code.	35709 35710 35711
(B)(1) The funds distributed under this section shall be used for the following:	35712 35713
(a) Home-based services to children and families;	35714
(b) Protective services to children;	35715
(c) To find, develop, and approve adoptive homes;	35716
(d) Short-term, out-of-home care and treatment for children;	35717
(e) Costs for the care of a child who resides with a caretaker relative, other than the child's parent, and is in the legal custody of a public children services agency pursuant to a	35718 35719 35720

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voluntary temporary custody agreement entered into under division 35721  
(A) of section 5103.15 of the Revised Code or in the legal custody 35722  
of a public children services agency or the caretaker relative 35723  
pursuant to an allegation or adjudication of abuse, neglect, or 35724  
dependency made under Chapter 2151. of the Revised Code; 35725

(f) Other services a public children services agency 35726  
considers necessary to protect children from abuse, neglect, or 35727  
dependency. 35728

(2) No funds distributed under this section shall be used for 35729  
the costs of maintaining a child in a children's home owned and 35730  
operated by the county. 35731

(C) In each fiscal year, the amount of funds available for 35732  
distribution under this section shall be allocated to counties as 35733  
follows: 35734

(1) If the amount is less than the amount initially 35735  
appropriated for the immediately preceding fiscal year, each 35736  
county shall receive an amount equal to the percentage of the 35737  
funding it received in the immediately preceding fiscal year, 35738  
exclusive of any releases from or additions to the allocation or 35739  
any sanctions imposed under this section; 35740

(2) If the amount is equal to the amount initially 35741  
appropriated for the immediately preceding fiscal year, each 35742  
county shall receive an amount equal to the amount it received in 35743  
the preceding fiscal year, exclusive of any releases from or 35744  
additions to the allocation or any sanctions imposed under this 35745  
section; 35746

(3) If the amount is greater than the amount initially 35747  
appropriated for the immediately preceding fiscal year, each 35748  
county shall receive the amount determined under division (C)(2) 35749  
of this section as a base allocation, plus a percentage of the 35750  
amount that exceeds the amount initially appropriated for the 35751

immediately preceding fiscal year. The amount exceeding the amount 35752  
initially appropriated in the immediately preceding fiscal year 35753  
shall be allocated to the counties as follows: 35754

(a) Twelve per cent divided equally among all counties; 35755

(b) Forty-eight per cent in the ratio that the number of 35756  
residents of the county under the age of eighteen bears to the 35757  
total number of such persons residing in this state; 35758

(c) Forty per cent in the ratio that the number of residents 35759  
of the county with incomes under the federal poverty guideline 35760  
bears to the total number of such persons in this state. 35761

As used in division (C)(3)(c) of this section, "federal 35762  
poverty guideline" means the poverty guideline as defined by the 35763  
United States office of management and budget and revised by the 35764  
United States secretary of health and human services in accordance 35765  
with section 673 of the "Community Services Block Grant Act," 95 35766  
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 35767

(D) The director of job and family services may adopt rules 35768  
as necessary for the allocation of funds under this section. The 35769  
rules shall be adopted in accordance with section 111.15 of the 35770  
Revised Code. 35771

(E)(1) As used in this division, "services to children" 35772  
~~includes only~~ means children's protective services, home-based 35773  
services to children and families, foster home services, 35774  
residential treatment services, adoptive services, and independent 35775  
living services. 35776

(2) Except as otherwise provided in this section, the 35777  
allocation of funds for a fiscal year to a county under this 35778  
section shall be reduced by the department if in the preceding 35779  
calendar year the total amount expended for services to children 35780  
from local funds ~~and funds distributed to the county under section~~ 35781  
~~5101.46 of the Revised Code~~ was less than the total expended from 35782

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<del>those sources</del> <u>that source</u> in the second preceding calendar year.	35783
The reduction shall be equal to the difference between the total	35784
expended in the preceding calendar year and the total expended in	35785
the second preceding calendar year.	35786
The determination of whether the amount expended for services	35787
to children was less in the preceding calendar year than in the	35788
second preceding calendar year shall not include a difference due	35789
to any of the following factors to the extent that the difference	35790
does not exceed the amount attributable to that factor:	35791
(a) An across-the-board reduction in the county budget as a	35792
whole;	35793
(b) A reduced or failed levy specifically earmarked for	35794
children services;	35795
(c) <del>A reduced allocation of funds to the county under section</del>	35796
<del>5101.24 of the Revised Code;</del>	35797
<del>(d)</del> The closure of, or a reduction in the operating capacity	35798
of, a children's home owned and operated by the county.	35799
(3) Funds withheld under this division may be reallocated by	35800
the department to other counties. The department may grant whole	35801
or partial waivers of the provisions of this division.	35802
(F) Children who are in the temporary or permanent custody of	35803
a certified public or private nonprofit agency or institution, or	35804
who are in adoptions subsidized under division (B) of section	35805
5153.163 of the Revised Code are eligible for medical assistance	35806
through the medical assistance program established under section	35807
5111.01 of the Revised Code.	35808
(G) Within ninety days after the end of each fiscal year,	35809
each county shall return any unspent funds to the department.	35810
(H) <del>The department shall prepare an annual report detailing</del>	35811
<del>on a county-by-county basis the services provided with funds</del>	35812

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~~distributed under this section. The report shall be submitted to 35813  
the general assembly by the thirtieth day of September each year 35814  
and also shall be made available to the public. 35815~~

(F) In accordance with Chapter 119. of the Revised Code, the 35816  
director shall adopt, and may amend and rescind, rules prescribing 35817  
reports on expenditures to be submitted by the counties as 35818  
necessary for the implementation of this section. 35819

**Sec. 5101.141.** (A) The department of job and family services 35820  
shall act as the single state agency to administer federal 35821  
payments for foster care and adoption assistance made pursuant to 35822  
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 35823  
670 (1980), as amended. The director of job and family services 35824  
shall adopt rules to implement this authority. Internal management 35825  
rules governing financial and administrative requirements 35826  
applicable to public children services agencies, private child 35827  
placing agencies, and private noncustodial agencies shall be 35828  
adopted in accordance with section 111.15 of the Revised Code. 35829  
Rules establishing eligibility, program participation, and other 35830  
requirements shall be adopted in accordance with Chapter 119. of 35831  
the Revised Code. A public children services agency to which the 35832  
department distributes Title IV-E funds shall administer the funds 35833  
in accordance with those rules. 35834

(B)(1) The county, on behalf of each child eligible for 35835  
foster care maintenance payments under Title IV-E of the "Social 35836  
Security Act," shall make payments to cover the cost of providing 35837  
all of the following: 35838

(a) The child's food, clothing, shelter, daily supervision, 35839  
and school supplies; 35840

(b) The child's personal incidentals; 35841

(c) Reasonable travel to the child's home for visitation. 35842

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(2) In addition to payments made under division (B)(1) of 35843  
this section, the county may, on behalf of each child eligible for 35844  
foster care maintenance payments under Title IV-E of the "Social 35845  
Security Act," make payments to cover the cost of providing the 35846  
following: 35847

(a) Liability insurance with respect to the child; 35848

(b) If the county is participating in the demonstration 35849  
project established under division (A) of section 5101.142 of the 35850  
Revised Code, services provided under the project. 35851

(3) With respect to a child who is in a child-care 35852  
institution, including any type of group home designed for the 35853  
care of children or any privately operated program consisting of 35854  
two or more certified foster homes operated by a common 35855  
administrative unit, the foster care maintenance payments made by 35856  
the county on behalf of the child shall include the reasonable 35857  
cost of the administration and operation of the institution, group 35858  
home, or program, as necessary to provide the items described in 35859  
divisions (B)(1) and (2) of this section. 35860

(C) To the extent that either foster care maintenance 35861  
payments under division (B) of this section or Title IV-E adoption 35862  
assistance payments for maintenance costs require the expenditure 35863  
of county funds, the board of county commissioners shall report 35864  
the nature and amount of each expenditure of county funds to the 35865  
department. 35866

(D) The department shall distribute to public children 35867  
services agencies that incur and report such expenditures federal 35868  
financial participation received for administrative and training 35869  
costs incurred in the operation of foster care maintenance and 35870  
adoption assistance programs. The department may withhold not more 35871  
than ~~two~~ three per cent of the federal financial participation 35872  
received. The funds withheld may be used only to fund the Ohio 35873

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child welfare training program established under section 5153.60 35874  
of the Revised Code and the university partnership program for 35875  
college and university students majoring in social work who have 35876  
committed to work for a public children services agency upon 35877  
graduation. The funds withheld shall be in addition to any 35878  
administration and training cost for which the department is 35879  
reimbursed through its own cost allocation plan. 35880

(E) All federal financial participation funds received by a 35881  
county pursuant to this section shall be deposited into the 35882  
county's children services fund created pursuant to section 35883  
5101.144 of the Revised Code. 35884

(F) The department shall periodically publish and distribute 35885  
the maximum amounts that the department will reimburse public 35886  
children services agencies for making payments on behalf of 35887  
children eligible for foster care maintenance payments. 35888

(G) The department, by and through its director, is hereby 35889  
authorized to develop, participate in the development of, 35890  
negotiate, and enter into one or more interstate compacts on 35891  
behalf of this state with agencies of any other states, for the 35892  
provision of medical assistance and other social services to 35893  
children in relation to whom all of the following apply: 35894

(1) They have special needs. 35895

(2) This state or another state that is a party to the 35896  
interstate compact is providing adoption assistance on their 35897  
behalf. 35898

(3) They move into this state from another state or move out 35899  
of this state to another state. 35900

**Sec. 5101.145.** (A) For the purposes of this section, "Title 35901  
IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 35902  
42 U.S.C.A. 670 (1980). 35903

(B) In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, and private noncustodial agencies, the department of job and family services shall establish both of the following:

(1) A single form for the agencies to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies.

(C) The procedures established under division (B)(2) of this section shall be implemented not later than October 1, 2003. The procedures shall be used to do both of the following:

(1) Determine which of the costs are reimbursable under Title IV-E;

(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (C)(1) of this section.

**Sec. 5101.184.** (A) The director of job and family services shall work with the tax commissioner to collect overpayments of assistance under Chapter 5107., 5111., or 5115., former Chapter 5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments.

Any overpayment of assistance, whether obtained by fraud or misrepresentation, as the result of an error by the recipient or by the agency making the payment, or in any other manner, may be collected under this section. Any reduction under section 5747.12 or 5747.121 of the Revised Code to an income tax refund shall be

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made before a reduction under this section. No reduction shall be 35934  
made under this section if the amount of the refund is less than 35935  
twenty-five dollars after any reduction under section 5747.12 of 35936  
the Revised Code. A reduction under this section shall be made 35937  
before any part of the refund is contributed under section 35938  
5747.113 of the Revised Code to the natural areas and preserves 35939  
fund or the nongame and endangered wildlife fund, or is credited 35940  
under section 5747.12 of the Revised Code against tax due in any 35941  
subsequent year. 35942

The director and the tax commissioner, by rules adopted in 35943  
accordance with Chapter 119. of the Revised Code, shall establish 35944  
procedures to implement this division. The procedures shall 35945  
provide for notice to a recipient of assistance and an opportunity 35946  
for the recipient to be heard before the recipient's income tax 35947  
refund is reduced. 35948

(B) The director of job and family services may enter into 35949  
agreements with the federal government to collect overpayments of 35950  
assistance from refunds of federal income taxes that are payable 35951  
to recipients of the overpayments. 35952

**Sec. ~~5101.071~~ 5101.251.** (A) Not later than ninety days after 35953  
~~the effective date of this section~~ December 8, 1994, the director 35954  
of job and family services shall develop and provide a training 35955  
program to assist caseworkers in county departments of job and 35956  
family services and public children services agencies in 35957  
understanding the dynamics of domestic violence and the 35958  
relationship domestic violence has to child abuse. ~~The program~~ 35959  
~~shall be coordinated with other department of job and family~~ 35960  
~~services programs regarding family violence.~~ 35961

(B) Not later than ninety days after ~~the effective date of~~ 35962  
~~this section~~ December 9, 1994, the director of job and family 35963  
services shall adopt internal management rules in accordance with 35964

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section 111.15 of the Revised Code establishing policies for 35965  
dealing with domestic violence and the victims of domestic 35966  
violence. The rules shall include all of the following: 35967

(1) A rule designating types and categories of employees of 35968  
county departments of job and family services and employees of 35969  
public children services agencies to receive training in the 35970  
handling of domestic violence cases and a policy for the training 35971  
of the designated types and categories of employees in the 35972  
handling of those cases. 35973

(2) Guidelines directing how county departments of job and 35974  
family services and county children services boards shall respond 35975  
to identified domestic violence problems and to the needs of 35976  
children directly or indirectly involved in situations involving 35977  
domestic violence. 35978

(C) Each county department of job and family services and 35979  
each public children services agency shall require its employees 35980  
to complete the training described in divisions (A) and (B) of 35981  
this section in accordance with the rules adopted by the director 35982  
of job and family services pursuant to division (B) of this 35983  
section. 35984

**Sec. 5101.36.** Any application for public assistance gives a 35985  
right of subrogation to the department of job and family services 35986  
for any workers' compensation benefits payable to a person who is 35987  
subject to a support order, as defined in section 3119.01 of the 35988  
Revised Code, on behalf of the applicant, to the extent of any 35989  
public assistance payments made on the applicant's behalf. If the 35990  
director of job and family services, in consultation with a child 35991  
support enforcement agency and the administrator of the bureau of 35992  
workers' compensation, determines that a person responsible for 35993  
support payments to a recipient of public assistance is receiving 35994  
workers' compensation, the director shall notify the administrator 35995

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of the amount of the benefit to be paid to the department of job and family services. 35996  
35997

For purposes of this section, "public assistance" means 35998  
medical assistance provided through the medical assistance program 35999  
established under section 5111.01 of the Revised Code<sup>7i</sup> Ohio works 36000  
first provided under Chapter 5107. of the Revised Code<sup>7i</sup> 36001  
prevention, retention, and contingency ~~assistance~~ benefits and 36002  
services provided under Chapter 5108. of the Revised Code<sup>7i</sup> or 36003  
disability assistance provided under Chapter 5115. of the Revised 36004  
Code. 36005

**Sec. 5101.50.** (A) As used in this section and in sections 36006  
5101.51 to ~~5101.518~~ 5101.5110 of the Revised Code: 36007

(1) "Children's health insurance program" means the program 36008  
~~authorized~~ authorized by Title XXI of the "Social Security Act," 36009  
111 Stat. 552 (1997), 42 U.S.C.A. 1397aa. 36010

(2) "Federal poverty guidelines" has the same meaning as in 36011  
section 5101.46 of the Revised Code. 36012

(B) The director of job and family services may continue to 36013  
operate the children's health insurance program initially 36014  
authorized by an executive order issued under section 107.17 of 36015  
the Revised Code as long as federal financial participation is 36016  
available for the program. If operated, the program shall provide 36017  
health assistance to uninsured individuals under nineteen years of 36018  
age with family incomes not exceeding one hundred fifty per cent 36019  
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 36020  
1397aa, the director may provide for the health assistance to meet 36021  
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 36022  
medicaid program established under Chapter 5111. of the Revised 36023  
Code, or to be a combination of both. 36024

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Sec. 5101.5110. (A) The director of job and family services 36025  
may submit a waiver request to the United States secretary of 36026  
health and human services to provide health assistance to any 36027  
individual who meets all of the following requirements: 36028

(1) Is the parent of a child under nineteen years of age who 36029  
resides with the parent and is eligible for health assistance 36030  
under the children's health insurance program part I or II or the 36031  
medicaid program established under Chapter 5111. of the Revised 36032  
Code; 36033

(2) Is uninsured; 36034

(3) Has a family income that does not exceed one hundred per 36035  
cent of the federal poverty guidelines. 36036

(B) A waiver request the director submits under division (A) 36037  
of this section may seek federal funds allotted to the state under 36038  
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 36039  
U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 36040  
the children's health insurance program parts I and II. 36041

(C) If a waiver request the director submits under division 36042  
(A) of this section is granted, the director may adopt rules in 36043  
accordance with Chapter 119. of the Revised Code as necessary for 36044  
the efficient administration of the program authorization by the 36045  
waiver. 36046

Sec. 5101.521. When the body of a dead person is found in a 36047  
township or municipal corporation, and such person was not an 36048  
inmate of a correctional, benevolent, or charitable institution of 36049  
this state, and the body is not claimed by any person for private 36050  
interment or cremation at the person's own expense, or delivered 36051  
for the purpose of medical or surgical study or dissection in 36052  
accordance with section 1713.34 of the Revised Code, ~~or the person~~ 36053  
~~was not eligible for burial assistance under section 5101.52 of~~ 36054

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~~the Revised Code~~, it shall be disposed of as follows: 36055

(A) If the person was a legal resident of the county, the 36056  
proper officers of the township or municipal corporation in which 36057  
the person's body was found shall cause it to be buried or 36058  
cremated at the expense of the township or municipal corporation 36059  
in which the person had a legal residence at the time of death. 36060

(B) If the person had a legal residence in any other county 36061  
of the state at the time of death, the superintendent of the 36062  
county home of the county in which such body was found shall cause 36063  
it to be buried or cremated at the expense of the township or 36064  
municipal corporation in which the person had a legal residence at 36065  
the time of death. 36066

(C) If the person was an inmate of a correctional institution 36067  
of the county or a patient or resident of a benevolent institution 36068  
of the county, the person had no legal residence in the state, or 36069  
the person's legal residence is unknown, the superintendent shall 36070  
cause the person to be buried or cremated at the expense of the 36071  
county. 36072

Such officials shall provide, at the grave of the person or, 36073  
if the person's cremated remains are buried, at the grave of the 36074  
person's cremated remains, a stone or concrete marker on which the 36075  
person's name and age, if known, and date of death shall be 36076  
inscribed. 36077

A political subdivision is not relieved of its duty to bury 36078  
or cremate a person at its expense under this section when the 36079  
body is claimed by an indigent person. 36080

**Sec. 5101.54.** (A) The director of job and family services 36081  
shall administer the food stamp program in accordance with the 36082  
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 36083  
amended. The department may: 36084

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- (1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the food stamp program;
- (2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;
- (3) Require such reports and information from each county department of job and family services as may be necessary and advisable;
- (4) Administer and expend any sums appropriated by the general assembly for the purposes of this section and all sums paid to the state by the United States as authorized by the Food Stamp Act of 1977;
- (5) Conduct such investigations as are necessary;
- (6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of food stamp ~~coupons~~ benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the state food stamp program;
- (7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of food stamp benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, may provide for food stamp benefit recipients to participate in

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work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C.A. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code.

(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food Stamp Act of 1977, as amended, and regulations adopted thereunder governing the following:

(a) Eligibility requirements for the food stamp program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of food stamp ~~coupons~~ benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of food stamp benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive food stamp benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(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

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food stamp benefits and participating in Ohio works first. 36147

(B) Except while in the custody of the United States postal 36148  
service, food stamps and any document necessary to obtain food 36149  
stamps are the property of the department of job and family 36150  
services from the time they are received in accordance with 36151  
federal regulations by the department from the federal agency 36152  
responsible for such delivery until they are received by a 36153  
household entitled to receive them or by the authorized 36154  
representative of the household. 36155

(C) A household that is entitled to receive food stamps under 36156  
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 36157  
amended, and that is determined to be in immediate need of food 36158  
assistance, shall receive certification of eligibility for program 36159  
benefits, pending verification, within twenty-four hours, or, if 36160  
mitigating circumstances occur, within seventy-two hours, after 36161  
application, if: 36162

(1) The results of the application interview indicate that 36163  
the household will be eligible upon full verification; 36164

(2) Information sufficient to confirm the statements in the 36165  
application has been obtained from at least one additional source, 36166  
not a member of the applicant's household. Such information shall 36167  
be recorded in the case file, and shall include: 36168

(a) The name of the person who provided the name of the 36169  
information source; 36170

(b) The name and address of the information source; 36171

(c) A summary of the information obtained. 36172

The period of temporary eligibility shall not exceed one 36173  
month from the date of certification of temporary eligibility. If 36174  
eligibility is established by full verification, benefits shall 36175  
continue without interruption as long as eligibility continues. 36176

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(D) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(E) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive food stamps without charge under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended.

(F) Any person who applies for food stamps under this section shall receive a voter registration application under section 3503.10 of the Revised Code.

**Sec. 5101.80.** (A) The department of job and family services shall do all of the following:

(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan, and amendments to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(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;

(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;	36207
(4) Require reports and information from each county	36208
department of job and family services as may be necessary or	36209
advisable regarding the Ohio works first program and the	36210
prevention, retention, and contingency program;	36211
(5) Afford a fair hearing in accordance with section 5101.35	36212
of the Revised Code to any applicant for, or participant or former	36213
participant of, the Ohio works first program or the prevention,	36214
retention, and contingency program aggrieved by a decision	36215
regarding either program;	36216
(6) Administer and expend, pursuant to Chapters 5107. and	36217
5108. of the Revised Code, any sums appropriated by the general	36218
assembly for the purpose of those chapters and all sums paid to	36219
the state by the secretary of the treasury of the United States as	36220
authorized by Title IV-A of the "Social Security Act," 49 Stat.	36221
620 (1935), 42 U.S.C. 301, as amended;	36222
(7) Conduct investigations as are necessary regarding the	36223
Ohio works first program and the prevention, retention, and	36224
contingency program;	36225
(8) Enter into reciprocal agreements with other states	36226
relative to the provision of Ohio works first and prevention,	36227
retention, and contingency to residents and nonresidents;	36228
(9) Contract with a private entity to conduct an independent	36229
on-going evaluation of the Ohio works first program and the	36230
prevention, retention, and contingency program. The contract must	36231
require the private entity to do all of the following:	36232
(a) Examine issues of process, practice, impact, and	36233
outcomes;	36234
(b) Study former participants of Ohio works first who have	36235
not participated in Ohio works first for at least one year to	36236

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determine whether they are employed, the type of employment in 36237  
which they are engaged, the amount of compensation they are 36238  
receiving, whether their employer provides health insurance, 36239  
whether and how often they have received ~~assistance~~ benefits or 36240  
services under the prevention, retention, and contingency program, 36241  
and whether they are successfully self sufficient; 36242

(c) Provide the department ~~an initial report of the~~ 36243  
~~evaluation not later than two years after October 1, 1997, and~~ 36244  
~~provide subsequent~~ with reports at times the department specifies. 36245

~~(10) Not later than March 1, 1998, and the first day of each~~ 36246  
~~September and March thereafter until September 1, 2001, prepare a~~ 36247  
~~county by county report concerning individuals who cease to~~ 36248  
~~participate in Ohio works first that contains the reasons the~~ 36249  
~~individuals ceased to participate, including employment, marital~~ 36250  
~~status, and relocation;~~ 36251

~~(11)~~ Not later than January 1, 2001, and the first day of 36252  
each January and July thereafter, prepare a report containing 36253  
information on the following: 36254

(a) ~~A county by county breakdown of individuals who cease to~~ 36255  
~~participate in Ohio works first and the reasons the individuals~~ 36256  
~~ceased to participate, including~~ Individuals exhausting the time 36257  
limits for participation set forth in section 5107.18 of the 36258  
Revised Code. 36259

(b) Individuals who have been exempted from the time limits 36260  
set forth in section 5107.18 of the Revised Code and the reasons 36261  
for the exemption. 36262

~~(12)~~(11) Not later than January 1, 2001, and on a quarterly 36263  
basis thereafter until December 1, 2003, prepare, to the extent 36264  
the necessary data is available to the department, a report based 36265  
on information determined under section 5107.80 of the Revised 36266  
Code that states how many former Ohio works first participants 36267

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entered the workforce during the most recent previous quarter for 36268  
which the information is known and includes information regarding 36269  
the earnings of those former participants. The report shall 36270  
include a county-by-county breakdown and shall not contain the 36271  
names or social security numbers of former participants. 36272

(B) The department shall provide copies of the reports it 36273  
receives under division (A)(9) of this section and prepares under 36274  
divisions (A)(10), (11), and (12) of this section to the governor, 36275  
the president and minority leader of the senate, and the speaker 36276  
and minority leader of the house of representatives. The 36277  
department shall provide copies of the reports to any private or 36278  
government entity on request. 36279

(C) An authorized representative of the department or a 36280  
county department of job and family services shall have access to 36281  
all records and information bearing thereon for the purposes of 36282  
investigations conducted pursuant to this section. 36283

Sec. 5101.821. Except as otherwise approved by the director 36284  
of budget and management, the department of job and family 36285  
services shall deposit federal funds received under Title IV-A of 36286  
the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), 36287  
into the temporary assistance for needy families (TANF) federal 36288  
fund, which is hereby created in the state treasury. The 36289  
department shall use money in the fund for the Ohio works first 36290  
program established under Chapter 5107. of the Revised Code; the 36291  
prevention, retention, and contingency program established under 36292  
Chapter 5108. of the Revised Code; and any other purposes 36293  
consistent with Title IV-A, federal regulations, federal waivers 36294  
granted by the United States secretary of health and human 36295  
services, state law, the Title IV-A state plan and amendments 36296  
submitted to the United States secretary of health and human 36297  
services under section 5101.80 of the Revised Code, and rules 36298  
adopted by the department under section 5107.05 of the Revised 36299

Code. 36300

**Sec. 5101.83.** (A) As used in this section: 36301

(1) "Assistance group" has the same meaning as in sections 36302  
5107.02 and 5108.01 of the Revised Code, except that it also means 36303  
a group provided benefits and services under the prevention, 36304  
retention, and contingency program because the members of the 36305  
group share a common need for benefits and services. 36306

(2) "Fraudulent assistance" means assistance and service, 36307  
including cash assistance, provided under the Ohio works first 36308  
program established under Chapter 5107., or benefits and services 36309  
provided under the prevention, retention, and contingency program 36310  
established under Chapter 5108. of the Revised Code, to or on 36311  
behalf of an assistance group that is provided as a result of 36312  
fraud by a member of the assistance group, including an 36313  
intentional violation of the program's requirements. "Fraudulent 36314  
assistance" does not include assistance or ~~services~~ services to or 36315  
on ~~be half~~ behalf of an assistance group that is provided as a 36316  
result of an error that is the fault of a county department of job 36317  
and family services or the state department of job and family 36318  
services. 36319

(B) If a county director of job and family services 36320  
determines that an assistance group has received fraudulent 36321  
assistance, the assistance group is ineligible to participate in 36322  
the Ohio works first program or the prevention, retention, and 36323  
contingency program until a member of the assistance group repays 36324  
the cost of the fraudulent assistance. If a member repays the cost 36325  
of the fraudulent assistance and the assistance group otherwise 36326  
meets the eligibility requirements for the Ohio works first 36327  
program or the prevention, retention, and contingency program, the 36328  
assistance group shall not be denied the opportunity to 36329

participate in the program. 36330

This section does not limit the ability of a county 36331  
department of job and family services to recover erroneous 36332  
payments under section 5107.76 of the Revised Code. 36333

The state department of job and family services shall adopt 36334  
rules in accordance with Chapter 119. of the Revised Code to 36335  
implement this section. 36336

**Sec. 5101.85.** As used in sections 5101.851 to ~~5101.854~~ 36337  
~~5101.853~~ of the Revised Code, "kinship caregiver" means any of the 36338  
following who is eighteen years of age or older and is caring for 36339  
a child in place of the child's parents: 36340

(A) The following individuals related by blood or adoption to 36341  
the child: 36342

(1) Grandparents, including grandparents with the prefix 36343  
"great," "great-great," or "great-great-great"; 36344

(2) Siblings; 36345

(3) Aunts, uncles, nephews, and nieces, including such 36346  
relatives with the prefix "great," "great-great," "grand," or 36347  
"great-grand"; 36348

(4) First cousins and first cousins once removed. 36349

(B) Stepparents and stepsiblings of the child; 36350

(C) Spouses and former spouses of individuals named in 36351  
divisions (A) and (B) of this section; 36352

(D) A legal guardian of the child; 36353

(E) A legal custodian of the child. 36354

**Sec. ~~5101.853~~ 5101.851.** ~~(A) As used in this section,~~ 36355  
~~"qualified state expenditures" has the meaning provided by section~~ 36356  
~~409(a)(7)(B)(i) of the "Personal Responsibility and Work~~ 36357

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<del>Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42</del>	36358
<del>U.S.C.A. 609(a)(7)(B)(i).</del>	36359
<del>(B) Using qualified state expenditures and based on the</del>	36360
<del>recommendations of the kinship care services planning council, the</del>	36361
<del>The department of job and family services shall may establish a</del>	36362
<del>program providing support services to kinship caregivers statewide</del>	36363
<del>program of kinship care navigators to assist kinship caregivers</del>	36364
<del>who are seeking information regarding, or assistance obtaining,</del>	36365
<del>services and benefits available at the state and local level that</del>	36366
<del>addresses address the needs of those caregivers residing in each</del>	36367
<del>county. The department shall establish the program no later than</del>	36368
<del>March 31, 2000. The program shall provide to kinship caregivers</del>	36369
<del>information and referral services and assistance obtaining support</del>	36370
<del>services that include including the following:</del>	36371
<del>(1)(A) Publicly funded child day-care;</del>	36372
<del>(2)(B) Respite care;</del>	36373
<del>(3)(C) Training related to caring for special needs children;</del>	36374
	36375
<del>(4)(D) A toll-free telephone number that may be called to</del>	36376
<del>obtain basic information about the rights of, and services</del>	36377
<del>available to, kinship caregivers;</del>	36378
<del>(5)(E) Legal services.</del>	36379
<u>Sec. 5101.852. Within available funds, the department of job</u>	36380
<u>and family services shall make payments to public children</u>	36381
<u>services agencies for the purpose of permitting the agencies to</u>	36382
<u>provide kinship care navigator information and referral services</u>	36383
<u>and assistance obtaining support services to kinship caregivers</u>	36384
<u>pursuant to the kinship care navigator program. The department may</u>	36385
<u>provide training and technical assistance concerning the needs of</u>	36386
<u>kinship caregivers to employees of public children services</u>	36387

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agencies and to persons or entities that serve kinship caregivers 36388  
or perform the duties of a kinship care navigator and are under 36389  
contract with an agency. 36390

**Sec. ~~5101.854~~ 5101.853.** The department of job and family 36391  
 services ~~shall~~ may adopt rules in accordance with Chapter 119. of 36392  
 the Revised Code to implement the kinship care navigators program 36393  
 to ~~provide support services to kinship caregivers. To the extent~~ 36394  
 permitted by federal law and the Revised Code, the rules may 36395  
 expand eligibility for programs administered by the department in 36396  
 a manner making kinship caregivers eligible for the programs. The 36397  
rules shall be adopted under Chapter 119. of the Revised Code, 36398  
except that rules governing fiscal and administrative matters 36399  
related to implementation of the navigators program are internal 36400  
management rules and shall be adopted under section 111.15 of the 36401  
Revised Code. 36402

**Sec. 5103.031.** (A) Except as provided in section 5103.033 of 36403  
 the Revised Code, the department of job and family services may 36404  
 not issue a certificate under section 5103.03 of the Revised Code 36405  
 to a foster home unless the foster caregiver successfully 36406  
 completes the following amount of preplacement training through 36407  
the Ohio child welfare training program or a preplacement training 36408  
 program operated under section 5103.034 of the Revised Code: 36409

(1) If the foster home is a family foster home, at least 36410  
 twelve hours; 36411

(2) If the foster home is a specialized foster home, at least 36412  
 thirty-six hours. 36413

(B) No child may be placed in a family foster home unless the 36414  
 foster caregiver completes at least twelve additional hours of 36415  
 preplacement training through the Ohio child welfare training 36416

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program or a preplacement training program operated under section 36417  
5103.034 of the Revised Code. 36418

**Sec. 5103.033.** The department of job and family services may 36419  
issue or renew a certificate under section 5103.03 of the Revised 36420  
Code to a foster home for the care of a child who is in the 36421  
custody of a public children services agency or private child 36422  
placing agency pursuant to an agreement entered into under section 36423  
5103.15 of the Revised Code regarding a child who was less than 36424  
six months of age on the date the agreement was executed if the 36425  
foster caregiver successfully completes the following amount of 36426  
training: 36427

(A) For an initial certificate, at least twelve hours of 36428  
preplacement training through the Ohio child welfare training 36429  
program or a preplacement training program operated under section 36430  
5103.034 of the Revised Code; 36431

(B) For renewal of a certificate, at least twelve hours each 36432  
year of continuing training in accordance with the foster 36433  
caregiver's needs assessment and continuing training plan 36434  
developed and implemented under section ~~5103.034~~ 5103.035 of the 36435  
Revised Code. 36436

**Sec. 5103.036.** For the purpose of determining whether a 36437  
foster caregiver has satisfied the requirement of section 5103.031 36438  
or 5103.032 of the Revised Code, a recommending agency shall 36439  
accept training obtained from the Ohio child welfare training 36440  
program or pursuant to a preplacement training program or 36441  
continuing training program operated under section 5103.034 of the 36442  
Revised Code regardless of whether the agency operated the 36443  
preplacement training program or continuing training program. The 36444  
agency may require that the foster caregiver successfully complete 36445  
additional training as a condition of the agency recommending that 36446  
the department of job and family services certify or recertify the 36447

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foster caregiver's foster home under section 5103.03 of the Revised Code. 36448  
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~~Sec. 5103.0312. The department of job and family services A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for foster caregivers who hold certificates issued under section 5103.03 of the Revised Code shall pay those foster caregivers who have been issued a foster home certificate and had at least one foster child placed in their home a stipend to reimburse them for attending training courses provided by the Ohio child welfare training program or pursuant to a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code. The payment shall be based on a per diem stipend rate established by the department of job and family services. The payment to foster caregivers stipend rate shall be the same regardless of the type of recommending agency from which a foster caregiver seeks a recommendation. The department shall pay a foster caregiver for attending preplacement training courses during the first month a foster child is placed in the foster caregiver's home, pursuant to rules adopted under section 5103.0316 of the Revised Code, reimburse the recommending agency for stipend payments it makes in accordance with this section.~~ 36450  
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~~Sec. 5103.0313. The department of job and family services shall reimburse a the following for the cost of providing preplacement and continuing training to foster caregivers:~~ 36470  
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~~(A) The Ohio child welfare training program;~~ 36473

~~(B) A public children services agency, private child placing agency, or private noncustodial agency for the cost to the agency of providing training to a foster caregiver through a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code. The~~ 36474  
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The reimbursement shall be on a per diem basis and limited to 36479  
the cost associated with the trainer, obtaining a site at which 36480  
the training is provided, and the administration of the training. 36481  
A reimbursement rate shall be the same regardless of whether the 36482  
training program is operated by the Ohio child welfare training 36483  
program or a public children services agency, private child 36484  
placing agency, or private noncustodial agency. 36485

**Sec. 5103.0314.** The department of job and family services 36486  
shall not reimburse a recommending agency for the cost of any 36487  
training the agency requires a foster caregiver to undergo as a 36488  
condition of the agency recommending the department certify or 36489  
recertify the foster caregiver's foster home under section 5103.03 36490  
of the Revised Code if the training is in addition to the minimum 36491  
training required by section 5103.031 or 5103.032 of the Revised 36492  
Code. 36493

**Sec. 5103.0316.** Not later than ninety days after ~~the~~ 36494  
~~effective date of this section~~ January 1, 2001, the department of 36495  
job and family services shall adopt rules in accordance with 36496  
Chapter 119. of the Revised Code as necessary for the efficient 36497  
administration of sections 5103.031 to 5103.0316 of the Revised 36498  
Code. The rules shall provide for all of the following: 36499

(A) For the purpose of section 5103.038 of the Revised Code, 36500  
the date by which a public children services agency, private child 36501  
placing agency, or private noncustodial agency that seeks to 36502  
operate a preplacement training program or continuing training 36503  
program under section 5103.034 of the Revised Code must submit to 36504  
the department a proposal outlining the program; 36505

(B) Requirements governing the department's reimbursement of 36506  
the Ohio child welfare training program and public children 36507  
services agencies, private child placing agencies, and private 36508

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noncustodial agencies under ~~section~~ sections 5103.0312 and 36509  
5103.0313 of the Revised Code; 36510

(C) Any other matter the department considers appropriate. 36511

**Sec. 5103.07.** The department of job and family services shall 36512  
administer funds received under Title IV-B of the "Social Security 36513  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the 36514  
"Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 36515  
U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and~~ 36516  
~~Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as~~ 36517  
~~amended.~~ In administering these funds, the department may 36518  
establish a child welfare services program, and a child abuse and 36519  
neglect prevention and adoption reform program, ~~and a family~~ 36520  
~~violence prevention program.~~ The department has all powers 36521  
necessary for the adequate administration of these funds and 36522  
programs. The director of job and family services may adopt 36523  
internal management rules in accordance with section 111.15 of the 36524  
Revised Code ~~and issue appropriate orders~~ as necessary for the 36525  
~~adequate administration of these funds and programs to carry out~~ 36526  
the purposes of this section. 36527

**Sec. 5104.341.** (A) Except as provided in division (B) of this 36528  
section, both of the following apply: 36529

(1) An eligibility determination made under section 5104.34 36530  
of the Revised Code for publicly funded child day-care is valid 36531  
for one year; 36532

(2) ~~A~~ The county department of job and family services shall 36533  
redetermine the appropriate level of a fee charged under division 36534  
(B) of section 5104.34 of the Revised Code ~~shall not be changed~~ 36535  
every six months during the one-year period, unless a caretaker 36536  
parent requests that the fee be reduced due to changes in income, 36537  
family size, or both and the county department of job and family 36538

services approves the reduction.	36539
(B) Division (A) of this section does not apply in either of the following circumstances:	36540 36541
(1) The publicly funded child day-care is provided under division (B)(4) of section 5104.35 of the Revised Code;	36542 36543
(2) The recipient of the publicly funded child day-care ceases to be eligible for publicly funded child day-care.	36544 36545
<b>Sec. 5107.02.</b> As used in this chapter:	36546
(A) <u>"Adult"</u> means an individual who is not a minor child.	36547
(B) <u>"Assistance group"</u> means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.	36548 36549 36550
(C) <u>"Custodian"</u> means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.	36551 36552 36553 36554
(D) <u>"Guardian"</u> means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.	36555 36556 36557 36558 36559 36560
(E) <u>"Minor child"</u> means either of the following:	36561
(1) An individual who has not attained age eighteen;	36562
(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.	36563 36564 36565
(F) <u>"Minor head of household"</u> means a minor child who is <u>a</u> <u>either of the following:</u>	36566 36567

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<u>(1) At least six months pregnant and a member of an</u>	36568
<u>assistance group that does not include an adult;</u>	36569
<u>(2) A parent of a child included in the same assistance group</u>	36570
<u>that does not include an adult.</u>	36571
(G) <u>"Ohio works first"</u> means the program established by this	36572
chapter known as temporary assistance for needy families in Title	36573
IV-A.	36574
(H) <u>"Payment standard"</u> means the amount specified in rules	36575
adopted under section 5107.05 of the Revised Code that is the	36576
maximum amount of cash assistance an assistance group may receive	36577
under Ohio works first from state and federal funds.	36578
(I) <u>"Specified relative"</u> means the following individuals who	36579
are age eighteen or older:	36580
(1) The following individuals related by blood or adoption:	36581
(a) Grandparents, including grandparents with the prefix	36582
<u>"great," "great-great," or "great-great-great";</u>	36583
(b) Siblings;	36584
(c) Aunts, uncles, nephews, and nieces, including such	36585
relatives with the prefix <u>"great," "great-great," "grand," or</u>	36586
<u>"great-grand";</u>	36587
(d) First cousins and first cousins once removed.	36588
(2) Stepparents and stepsiblings;	36589
(3) Spouses and former spouses of individuals named in	36590
division (I)(1) or (2) of this section.	36591
(J) <u>"Title IV-A" or "Title IV-D"</u> means Title IV-A or Title	36592
IV-D of the <u>"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.</u>	36593
<u>301, as amended.</u>	36594
<b>Sec. 5107.10.</b> (A) As used in this section:	36595

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code. 36596  
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(2) "Gross income" means gross earned income and gross unearned income. 36599  
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(3) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment. 36601  
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(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code. 36610  
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(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements: 36616  
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(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following: 36618  
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(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child; 36620  
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(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of 36625  
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the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 36627  
as amended, or federal, state, or local adoption assistance; 36628

(c) A specified relative residing with and caring for a minor 36629  
child who is related to the specified relative in a manner that 36630  
makes the specified relative a specified relative and receives 36631  
supplemental security income or federal, state, or local foster 36632  
care or adoption assistance; 36633

(d) A woman at least six months pregnant. 36634

(2) The assistance group must meet the income requirements 36635  
established by division (D) of this section. 36636

(3) No member of the assistance group may be involved in a 36637  
strike. 36638

(4) The assistance group must satisfy the requirements for 36639  
Ohio works first established by this chapter and sections ~~5101.19,~~ 36640  
5101.58, 5101.59, and 5101.83 of the Revised Code. 36641

(5) The assistance group must meet requirements for Ohio 36642  
works first established by rules adopted under section 5107.05 of 36643  
the Revised Code. 36644

(D)(1) Except as provided in division (D)(3) of this section, 36645  
to determine whether an assistance group is initially eligible to 36646  
participate in Ohio works first, a county department of job and 36647  
family services shall do the following: 36648

(a) Determine whether the assistance group's gross income 36649  
exceeds the following amount: 36650

Size of Assistance Group	Gross Income	
1	\$423	36652
2	\$537	36653
3	\$630	36654
4	\$750	36655
5	\$858	36656

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6	\$942	36657
7	\$1,038	36658
8	\$1,139	36659
9	\$1,241	36660
10	\$1,343	36661
11	\$1,440	36662
12	\$1,542	36663
13	\$1,643	36664
14	\$1,742	36665
15	\$1,844	36666

For each person in the assistance group that brings the 36667  
 assistance group to more than fifteen persons, add one hundred two 36668  
 dollars to the amount of gross income for an assistance group of 36669  
 fifteen specified in division (D)(1)(a) of this section. 36670

In making this determination, the county department shall 36671  
 disregard amounts that federal statutes or regulations and 36672  
 sections 5101.17 and 5117.10 of the Revised Code require be 36673  
 disregarded. The assistance group is ineligible to participate in 36674  
 Ohio works first if the assistance group's gross income, less the 36675  
 amounts disregarded, exceeds the amount specified in division 36676  
 (D)(1)(a) of this section. 36677

(b) If the assistance group's gross income, less the amounts 36678  
 disregarded pursuant to division (D)(1)(a) of this section, does 36679  
 not exceed the amount specified in that division, determine 36680  
 whether the assistance group's countable income is less than the 36681  
 payment standard. The assistance group is ineligible to 36682  
 participate in Ohio works first if the assistance group's 36683  
 countable income equals or exceeds the payment standard. 36684

(2) To determine whether an assistance group participating in 36685  
 Ohio works first continues to be eligible to participate, a county 36686  
 department of job and family services shall determine whether the 36687  
 assistance group's countable income continues to be less than the 36688

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payment standard. In making this determination, the county  
department shall disregard the first two hundred fifty dollars and  
fifty per cent of the remainder of the assistance group's gross  
earned income. No amounts shall be disregarded from the assistance  
group's gross unearned income. The assistance group ceases to be  
eligible to participate in Ohio works first if its countable  
income, less the amounts disregarded, equals or exceeds the  
payment standard.

(3) If an assistance group reapplies to participate in Ohio  
works first not more than four months after ceasing to  
participate, a county department of job and family services shall  
use the income requirement established by division (D)(2) of this  
section to determine eligibility for resumed participation rather  
than the income requirement established by division (D)(1) of this  
section.

(E)(1) An assistance group may continue to participate in  
Ohio works first even though a public children services agency  
removes the assistance group's minor children from the assistance  
group's home due to abuse, neglect, or dependency if the agency  
does both of the following:

(a) Notifies the county department of job and family services  
at the time the agency removes the children that it believes the  
children will be able to return to the assistance group within six  
months;

(b) Informs the county department at the end of each of the  
first five months after the agency removes the children that the  
parent, guardian, custodian, or specified relative of the children  
is cooperating with the case plans prepared for the children under  
section 2151.412 of the Revised Code and that the agency is making  
reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio

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works first pursuant to division (E)(1) of this section for not 36720  
more than six payment months. This division does not affect the 36721  
eligibility of an assistance group that includes a woman at least 36722  
six months pregnant. 36723

**Sec. 5107.14.** An assistance group is ineligible to 36724  
participate in Ohio works first unless the minor head of household 36725  
or each adult member of the assistance group, not later than 36726  
thirty days after applying for or undergoing a redetermination of 36727  
eligibility for the program, enters into a written 36728  
self-sufficiency contract with the county department of job and 36729  
family services. The contract shall set forth the rights and 36730  
responsibilities of the assistance group as applicants for and 36731  
participants of the program, including work responsibilities 36732  
established under sections 5107.40 to 5107.69 of the Revised Code 36733  
and other requirements designed to assist the assistance group in 36734  
achieving self sufficiency and personal responsibility. The county 36735  
department shall provide without charge a copy of the contract to 36736  
each assistance group member who signs it. 36737

Each self-sufficiency contract shall include, based on 36738  
appraisals conducted under section 5107.41 of the Revised Code and 36739  
assessments conducted under section 5107.70 of the Revised Code, 36740  
the following: 36741

(A) The assistance group's plan, developed under section 36742  
5107.41 of the Revised Code, to achieve the goal of self 36743  
sufficiency and personal responsibility through unsubsidized 36744  
employment within the time limit for participating in Ohio works 36745  
first established by section 5107.18 of the Revised Code; 36746

(B) Work activities, developmental activities, and 36747  
alternative work activities to which members of the assistance 36748  
group are assigned under sections 5107.40 to 5107.69 of the 36749  
Revised Code; 36750

(C) The responsibility of a caretaker member of the assistance group to cooperate in establishing a minor child's paternity and establishing, modifying, and enforcing a support order for the child in accordance with section 5107.22 of the Revised Code;

(D) Other responsibilities that members of the assistance group must satisfy to participate in Ohio works first and the consequences for failure or refusal to satisfy the responsibilities;

(E) An agreement that the assistance group will comply with the conditions of participating in Ohio works first established by this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 of the Revised Code;

(F) Assistance and services the county department will provide to the assistance group;

(G) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;

(H) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;

(I) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;

(J) Procedures for amending the contract.

**Sec. 5107.18.** (A) Except as provided in divisions (B), (C), (D), and (E) of this section, an assistance group is ineligible to participate in Ohio works first if the assistance group includes an ~~adult~~ individual who has participated in the program for thirty-six months as any of the following: an adult head of household, minor head of household, or spouse of an adult head of

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household or minor head of household. The time limit applies 36781  
regardless of whether the thirty-six months are consecutive. 36782

(B) An assistance group that has ceased to participate in 36783  
Ohio works first pursuant to division (A) of this section for at 36784  
least twenty-four months, whether consecutive or not, may reapply 36785  
to participate in the program if good cause exists as determined 36786  
by the county department of job and family services. Good cause 36787  
may include losing employment, inability to find employment, 36788  
divorce, domestic violence considerations, and unique personal 36789  
circumstances. The assistance group must provide a county 36790  
department of job and family services verification acceptable to 36791  
the county department of whether any members of the assistance 36792  
group had employment during the period the assistance group was 36793  
not participating in Ohio works first and the amount and sources 36794  
of the assistance group's income during that period. If a county 36795  
department is satisfied that good cause exists for the assistance 36796  
group to reapply to participate in Ohio works first, the 36797  
assistance group may reapply. Except as provided in divisions (C), 36798  
(D), and (E) of this section, the assistance group may not 36799  
participate in Ohio works first for more than twenty-four 36800  
additional months. The time limit applies regardless of whether 36801  
the twenty-four months are consecutive. 36802

(C) In determining the number of months a parent or pregnant 36803  
woman has received assistance under Title IV-A, a county 36804  
department of job and family services shall disregard any month 36805  
during which the parent or pregnant woman was a minor child but 36806  
was neither a minor head of household nor married to the head of 36807  
an assistance group. 36808

(D) In determining the number of months an adult has received 36809  
assistance under Title IV-A, a county department of job and family 36810  
services shall disregard any month during which the adult lived on 36811  
an Indian reservation or in an Alaska native village, as those 36812

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terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 36813  
at least one thousand individuals lived on the reservation or in 36814  
the village and at least fifty per cent of the adults living on 36815  
the reservation or in the village were unemployed. 36816

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(E) A county department of job and family services may exempt 36818  
not more than twenty per cent of the average monthly number of 36819  
Ohio works first ~~participants~~ assistance groups from the time 36820  
limit established by this section on the grounds that the county 36821  
department determines that the time limit is a hardship. In the 36822  
case of the time limit established by division (A) of this 36823  
section, a county department may not exempt an assistance group 36824  
until the group has exhausted its thirty-six months of cash 36825  
assistance. 36826

(F) The department of job and family services shall 36827  
continually monitor the percentage of the average monthly number 36828  
of Ohio works first ~~participants~~ assistance groups in each county 36829  
that is exempted under division (E) of this section from the time 36830  
limit established by this section. On determining that the 36831  
percentage in any county equals or exceeds eighteen per cent, the 36832  
department shall immediately notify the county department of job 36833  
and family services. 36834

(G) Only participation in Ohio works first on or after 36835  
October 1, 1997, applies to the time limit established by this 36836  
section. The time limit applies regardless of the source of 36837  
funding for the program. Assistance under Title IV-A provided by 36838  
any state applies to the time limit. The time limit is a lifetime 36839  
limit. No assistance group shall receive assistance under the 36840  
program in violation of the time limit for assistance under Title 36841  
IV-A established by section 408(a)(7) of the "Social Security 36842  
Act," as amended by the "Personal Responsibility and Work 36843  
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 36844

U.S.C.A. 608 (a)(7). 36845

**Sec. 5108.01.** As used in this chapter: 36846

(A) "Assistance group" means a group of individuals treated 36847  
as a unit for purposes of determining eligibility for the 36848  
prevention, retention, and contingency program. 36849

~~(B) "Minor child" means either of the following:~~ 36850

~~(1) An individual who has not attained age eighteen;~~ 36851

~~(2) An individual who has not attained age nineteen and is a 36852  
full-time student in a secondary school or in the equivalent level 36853  
of vocational or technical training.~~ 36854

~~(C)~~ "Prevention, retention, and contingency program" means 36855  
the program established by this chapter and funded in part with 36856  
federal funds provided under Title IV-A. 36857

~~(D)~~(C) "Title IV-A" means Title IV-A of the "Social Security 36858  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 36859

**Sec. ~~5108.06~~ 5108.03.** Under the prevention, retention, and 36860  
contingency program, ~~an assistance group that includes at least 36861  
one minor child or a pregnant woman and meets the program's 36862  
eligibility requirements~~ a county department of job and family 36863  
services shall receive assistance or provide benefits and services 36864  
needed that individuals need to overcome immediate barriers to 36865  
achieving or maintaining self sufficiency and personal 36866  
responsibility. A county department shall provide the benefits and 36867  
services in accordance with either the model design for the 36868  
program that the department of job and family services develops 36869  
under section 5108.05 of the Revised Code or the county 36870  
department's own policies for the program developed under section 36871  
5108.06 of the Revised Code. 36872

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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 design. The department shall provide each county department a written copy of the model design.

**Sec. ~~5108.08~~ 5108.06.** Each county department of job and family services shall either adopt the model design for the prevention, retention, and contingency program the department of job and family services develops under section ~~5108.07~~ 5108.05 of the Revised Code or develop its own policies for the program. To develop its own policies, a county department shall adopt a written statement of the policies governing the program. The policies may be a modification of the model design, different from the model design, or a combination. ~~The policies shall establish or specify eligibility requirements, assistance or services to be provided under the program, administrative requirements, and other matters the county department determines necessary.~~ A county department may amend its statement of policies to modify, terminate, and establish new policies. ~~The 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 health and human services under section 5101.80 of the Revised Code, and amendments to the plan.~~

A county department of job and family services shall inform the department of job and family services of whether it has

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adopted the model design or developed its own policies for the prevention, retention, and contingency program. If a county department develops its own policies, it shall provide the department a written copy of the statement of policies and any amendments it adopts to the statement.

Sec. 5108.07. The model design for the prevention, retention, and contingency program that the department of job and family services develops under section 5108.05 of the Revised Code and policies for the program that a county department of job and 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.

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The model design and a county department's policies may specify benefits and services that a county department may provide for the general public, including billboards that promote the prevention, and reduction in the incidence, of out-of-wedlock pregnancies or encourage the formation and maintenance of two-parent families. 36936  
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The model design and a county department's policies must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of 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. 36942  
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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. 36953  
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**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: 36957  
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(A) If the county department of job and family services involved in the hearing or appeal adopted the department of job 36964  
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and family services' model design for the program developed under 36966  
section ~~5108.07~~ 5108.05 of the Revised Code, the model design; 36967

(B) If the county department developed its own policies for 36968  
the program, the county department's written statement of policies 36969  
adopted under section ~~5108.08~~ 5108.06 of the Revised Code and any 36970  
amendments the county department adopted to the statement. 36971

**Sec. 5108.10.** An assistance group seeking to participate in 36972  
the prevention, retention, and contingency program shall apply to 36973  
a county department of job and family services using an 36974  
application containing information the county department requires. 36975

When a county department receives an application for 36976  
participation in the prevention, retention, and contingency 36977  
program, it shall promptly make an investigation and record of the 36978  
circumstances of the applicant in order to ascertain the facts 36979  
surrounding the application and to obtain such other information 36980  
as may be required. On completion of the investigation, the county 36981  
department shall determine whether the applicant is eligible to 36982  
participate, the ~~assistance~~ benefits or services the applicant 36983  
should receive, and the approximate date when participation is to 36984  
begin. 36985

**Sec. 5111.01.** As used in this chapter, "medical assistance 36986  
program" or "medicaid" means the program that is authorized by 36987  
this ~~section~~ chapter and provided by the department ~~if~~ of job and 36988  
family services under this chapter, Title XIX of the "Social 36989  
Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 36990  
1396, as amended, and the waivers of Title XIX requirements 36991  
granted to the department by the health care financing 36992  
administration of the United States department of health and human 36993  
services. 36994

The department of job and family services shall act as the 36995

single state agency to supervise the administration of the 36996  
medicaid program. As the single state agency, the department shall 36997  
comply with 42 C.F.R. 431.10(e). The department's rules governing 36998  
medicaid are binding on other agencies that administer components 36999  
of the medicaid program. No agency may establish, by rule or 37000  
otherwise, a policy governing medicaid that is inconsistent with a 37001  
medicaid policy established, in rule or otherwise, by the director 37002  
of job and family services. 37003

(A) The department of job and family services may provide 37004  
medical assistance under the medicaid program as long as federal 37005  
funds are provided for such assistance, to the following: 37006

(1) Families with children that meet either of the following 37007  
conditions: 37008

(a) The family meets the income, resource, and family 37009  
composition requirements in effect on July 16, 1996, for the 37010  
former aid to dependent children program as those requirements 37011  
were established by Chapter 5107. of the Revised Code, federal 37012  
waivers granted pursuant to requests made under former section 37013  
5101.09 of the Revised Code, and rules adopted by the department 37014  
or any changes the department makes to those requirements in 37015  
accordance with paragraph (a)(2) of section 114 of the "Personal 37016  
Responsibility and Work Opportunity Reconciliation Act of 1996," 37017  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 37018  
implementing section 5111.019 of the Revised Code. An adult loses 37019  
eligibility for medical assistance under division (A)(1)(a) of 37020  
this section pursuant to division (E) of section 5107.16 of the 37021  
Revised Code. 37022

(b) The family does not meet the requirements specified in 37023  
division (A)(1)(a) of this section but is eligible for medical 37024  
assistance pursuant to section 5101.18 of the Revised Code. 37025

(2) Aged, blind, and disabled persons who meet the following 37026

conditions: 37027

(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI. 37028  
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(b) Do not receive aid under Title XVI, but meet any of the following criteria: 37036  
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(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (A)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (A)(2)(a) of this section; 37038  
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(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements; 37047  
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(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code. 37050  
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(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided; 37052  
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(4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other 37055  
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eligibility requirements for the program. The director shall adopt 37058  
rules in accordance with Chapter 119. of the Revised Code 37059  
specifying which Ohio works first requirements shall be waived for 37060  
the purpose of providing medicaid eligibility under division 37061  
(A)(4) of this section. 37062

(B) If funds are appropriated for such purpose by the general 37063  
assembly, the department may provide medical assistance to persons 37064  
in groups designated by federal law as groups to which a state, at 37065  
its option, may provide medical assistance under the medicaid 37066  
program. 37067

(C) The department may expand eligibility for medical 37068  
assistance to include individuals under age nineteen with family 37069  
incomes at or below one hundred fifty per cent of the federal 37070  
poverty guidelines, except that the eligibility expansion shall 37071  
not occur unless the department receives the approval of the 37072  
federal government. The department may implement the eligibility 37073  
expansion authorized under this division on any date selected by 37074  
the department, but not sooner than January 1, 1998. 37075

(D) In addition to any other authority or requirement to 37076  
adopt rules under this chapter, the director may adopt rules in 37077  
accordance with section 111.15 of the Revised Code as the director 37078  
considers necessary to establish standards, procedures, and other 37079  
requirements regarding the provision of medical assistance. The 37080  
rules may establish requirements to be followed in applying for 37081  
medical assistance, making determinations of eligibility for 37082  
medical assistance, and verifying eligibility for medical 37083  
assistance. The rules may include special conditions as the 37084  
department determines appropriate for making applications, 37085  
determining eligibility, and verifying eligibility for any medical 37086  
assistance that the department may provide pursuant to division 37087  
(C) of this section and section 5111.014 or 5111.019 of the 37088  
Revised Code. 37089

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Sec. 5111.0110. (A) The director of job and family services 37090  
shall submit to the United States secretary of health and human 37091  
services an amendment to the state medicaid plan to implement the 37092  
"Breast and Cervical Cancer Prevention and Treatment Act of 2000," 37093  
114 Stat. 1381, 42 U.S.C.A. 1396a, as amended, to provide medical 37094  
assistance to women who meet all of the following requirements: 37095

(1) Are under age sixty-five; 37096

(2) Are not otherwise eligible for medicaid; 37097

(3) Have been screened for breast and cervical cancer under 37098  
the centers for disease control and prevention breast and cervical 37099  
cancer early detection program established under 42 U.S.C.A. 300k 37100  
in accordance with 42 U.S.C.A. 300n; 37101

(4) Need treatment for breast or cervical cancer; 37102

(5) Are not otherwise covered under creditable coverage, as 37103  
defined in 42 U.S.C.A. 300gg(c). 37104

(B) If the United States secretary of health and human 37105  
services approves the state medicaid plan amendment submitted 37106  
under division (A) of this section, the director of job and family 37107  
services shall implement the amendment. The medical assistance 37108  
provided under the amendment shall be limited to medical 37109  
assistance provided during the period in which a woman who meets 37110  
the requirements of division (A) of this section requires 37111  
treatment for breast or cervical cancer. 37112

Sec. 5111.022. (A) The state plan for providing medical 37113  
assistance under Title XIX of the "Social Security Act," 49 Stat. 37114  
620, 42 U.S.C.A. 301, as amended, shall include provision of the 37115  
following mental health services when provided by facilities 37116  
described in division (B) of this section: 37117

(1) Outpatient mental health services, including, but not 37118

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limited to, preventive, diagnostic, therapeutic, rehabilitative,	37119
and palliative interventions rendered to individuals in an	37120
individual or group setting by a mental health professional in	37121
accordance with a plan of treatment appropriately established,	37122
monitored, and reviewed;	37123
(2) Partial-hospitalization mental health services of three	37124
to fourteen hours per service day, rendered by persons directly	37125
supervised by a mental health professional;	37126
(3) Unscheduled, emergency mental health services of a kind	37127
ordinarily provided to persons in crisis when rendered by persons	37128
supervised by a mental health professional.	37129
(B) Services shall be included in the state plan only when	37130
provided by community mental health facilities that have quality	37131
assurance programs accredited by the joint commission on	37132
accreditation of healthcare organizations or certified by the	37133
department of mental health or department of job and family	37134
services.	37135
(C) The comprehensive annual plan shall certify the	37136
availability of sufficient unencumbered community mental health	37137
state subsidy and local funds to match Title XIX reimbursement	37138
funds earned by the facilities. Reimbursement for eligible	37139
services shall be based on the prospective cost of providing the	37140
services as developed in standards adopted as part of the	37141
comprehensive annual plan.	37142
(D) As used in this section, "mental health professional"	37143
means a person qualified to work with mentally ill persons under	37144
the <del>minimum</del> standards established by the director of mental health	37145
pursuant to section <del>5119.61</del> <u>5119.611</u> of the Revised Code.	37146
(E) With respect to services established by division (A) of	37147
this section, the department of job and family services shall	37148
enter into a separate contract with the department of mental	37149

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health. The terms of the contract between the department of job	37150
and family services and the department of mental health shall	37151
specify both of the following:	37152
(1) That the department of mental health and boards of	37153
alcohol, drug addiction, and mental health services shall provide	37154
state and local matching funds for Title XIX of the "Social	37155
Security Act," for reimbursement of services established by	37156
division (A) of this section;	37157
(2) How the community mental health facilities described in	37158
division (B) of this section will be paid for providing the	37159
services established by division (A) of this section.	37160
<b>Sec. 5111.041.</b> (A) As used in this section, <u>"habilitation:</u>	37161
(1) <u>"Habilitation center"</u> means a habilitation center	37162
certified under section 5123.041 of the Revised Code by the	37163
director of mental retardation and developmental disabilities <del>for</del>	37164
<del>the provision of to provide</del> <u>habilitation center services under</u>	37165
<u>this section.</u>	37166
(2) <u>"Habilitation center services" means services provided by</u>	37167
<u>a habilitation center.</u>	37168
(B) <del>Habilitation centers shall verify the availability of</del>	37169
<del>matching funds for Title XIX of the Social Security Act for</del>	37170
<del>reimbursement of habilitation services as defined in section</del>	37171
<del>5123.041 of the Revised Code and such matching funds shall be</del>	37172
<del>provided in accordance with 42 C.F.R. 433.45</del> <u>To the extent</u>	37173
<u>provided in rules adopted under division (C) of this section and</u>	37174
<u>permitted by the availability of funds, the medicaid program shall</u>	37175
<u>cover habilitation center services.</u>	37176
(C) <u>The director of job and family services shall adopt rules</u>	37177
<u>in accordance with Chapter 119. of the Revised Code governing the</u>	37178
<u>medicaid program's coverage of habilitation center services. The</u>	37179

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<u>rules shall establish or provide for all of the following:</u>	37180
	37181
<u>(1) The requirements a habilitation center must meet to obtain certification under section 5123.041 of the Revised Code;</u>	37182
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<u>(2) Making habilitation center services available to medicaid recipients with a medical need for the services;</u>	37184
	37185
<u>(3) The amount, duration, and scope of the medicaid program's coverage of the habilitation center services, including all of the following:</u>	37186
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	37188
<u>(a) The conditions under which the medicaid program covers the habilitation center services;</u>	37189
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<u>(b) The amount the medicaid program pays for the habilitation center services or the method by which the amount is determined;</u>	37191
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	37193
<u>(c) The manner in which the medicaid program pays for the habilitation center services.</u>	37194
	37195
<u>(D) A county board of mental retardation and developmental disabilities that has medicaid local administrative authority under division (B) of section 5126.055 of the Revised Code for habilitation center services shall pay the nonfederal share of medicaid expenditures for the services if all of the following apply:</u>	37196
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<u>(1) The habilitation center services are provided to a medicaid recipient who is a current resident of the county that the county board serves;</u>	37202
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<u>(2) The county board has determined, under section 5126.041 of the Revised Code, that the medicaid recipient is eligible for county board services;</u>	37205
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<u>(3) The habilitation center services are provided by a habilitation center with a medicaid provider agreement.</u>	37208
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<u>(4) No school district is required to pay the nonfederal share under division (E) of this section.</u>	37210
	37211
<u>(E) A school district shall pay the nonfederal share of medicaid expenditures for habilitation center services if all of the following apply:</u>	37212
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<u>(1) The habilitation center services are provided to a medicaid recipient who is a student enrolled in a school of the district;</u>	37215
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	37217
<u>(2) The habilitation center services are included in the student's individualized education program provided under section 3323.08 of the Revised Code;</u>	37218
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<u>(3) The school district has a medicaid provider agreement to provide habilitation center services;</u>	37221
	37222
<u>(4) The habilitation center services are provided by a habilitation center with a medicaid provider agreement.</u>	37223
	37224
<u>(F) 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 habilitation center 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 approves, 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.</u>	37225
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<b><u>Sec. 5111.042.</u></b> <u>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</u>	37236
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with mental retardation or other developmental disability who is 37240  
eligible for medicaid case management services. The departments 37241  
shall consider the recommendations a county board of mental 37242  
retardation and developmental disabilities makes under division 37243  
(B)(1) of section 5126.055 of the Revised Code. If either 37244  
department approves, reduces, denies, or terminates a service, 37245  
that department shall timely notify the medicaid recipient that 37246  
the recipient may request a hearing under section 5101.35 of the 37247  
Revised Code. 37248

Sec. 5111.081. The prescription drug rebates fund is hereby 37249  
created in the state treasury. All rebates paid by drug 37250  
manufacturers to the department of job and family services in 37251  
accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 37252  
shall be credited to the fund. The department of job and family 37253  
services shall use money credited to the fund to pay for medicaid 37254  
services and contracts. 37255

Sec. 5111.17. (A) As used in this section, "community-based 37256  
clinic" means a clinic that provides prenatal, family planning, 37257  
well child, or primary care services and is funded in whole or in 37258  
part by the state or federal government. 37259

(B) On receipt of a waiver from the United States department 37260  
of health and human services of any federal requirement that would 37261  
otherwise be violated, the department of job and family services 37262  
shall ~~may~~ establish in Franklin, Hamilton, and Lucas some or all 37263  
counties a managed care system under which designated recipients 37264  
of medical assistance are required to obtain ~~medical~~ health care 37265  
services from providers designated by the department. ~~The~~ 37266  
~~department may stagger implementation of the managed care system,~~ 37267  
~~but the system shall be implemented in at least one county not~~ 37268  
~~later than January 1, 1995, and in all three counties not later~~ 37269  
~~than July 1, 1996.~~ 37270

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~~(C)(B) The department, by rule adopted under this section, 37271  
may require any recipients in any other county to receive all or 37272  
some of their care through managed care organizations that 37273  
contract with the department and are paid by the department 37274  
pursuant to a capitation or other risk-based methodology 37275  
prescribed in the rules, and to receive their care only from 37276  
providers designated by the organizations may enter into contracts 37277  
with managed care organizations to authorize the organizations to 37278  
provide, or arrange for the provision of, health care services to 37279  
medical assistance recipients participating in a managed care 37280  
system established under this section. 37281~~

~~(D) In accordance with rules adopted under division (G) of 37282  
this section, the department may issue requests for proposals from 37283  
managed care organizations interested in contracting with the 37284  
department to provide managed care to participating medical 37285  
assistance recipients. 37286~~

~~(E) A health insuring corporation under contract with the 37287  
department under this section may enter into an agreement with any 37288  
community-based clinic for the provision of medical services to 37289  
medical assistance recipients participating in the managed care 37290  
system if the clinic is willing to accept the terms, conditions, 37291  
and payment procedures established by the health insuring 37292  
corporation. 37293~~

~~(F)(C) For the purpose of determining the amount the 37294  
department pays hospitals under section 5112.08 of the Revised 37295  
Code and the amount of disproportionate share hospital payments 37296  
paid by the medicare program established under Title XVIII of the 37297  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 37298  
amended, each managed care organization under contract with the 37299  
department to provide managed care hospital services to 37300  
participating medical assistance recipients shall keep detailed 37301  
records for each hospital with which it contracts about the cost 37302~~

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to the hospital of providing the care, payments made by the 37303  
 organization to the hospital for the care, utilization of hospital 37304  
 services by medical assistance recipients participating in managed 37305  
 care, and other utilization data required by the department. 37306

~~(G)~~(D) The director of job and family services ~~shall~~ may 37307  
 adopt rules in accordance with Chapter 119. of the Revised Code to 37308  
 implement this section. 37309

Sec. 5111.171. (A) The department of job and family services 37310  
 may provide financial incentive awards to managed care 37311  
 organizations that contract with the department under section 37312  
 5111.17 of the Revised Code to provide health care services to 37313  
 participating medical assistance recipients and that meet or 37314  
 exceed performance standards specified in provider agreements or 37315  
 rules adopted by the department. The department may specify in a 37316  
 contract with a managed care organization the amounts of financial 37317  
 incentive awards, methodology for distributing awards, types of 37318  
 awards, and standards for administration by the department. 37319

(B) There is hereby created in the state treasury the health 37320  
 care compliance fund. The fund shall consist of all fines imposed 37321  
 on and collected from managed care organizations for failure to 37322  
 meet performance standards or other requirements specified in 37323  
 provider agreements or rules adopted by the department. All 37324  
 investment earnings of the fund shall be credited to the fund. 37325  
 Moneys credited to the fund shall be used solely for the following 37326  
 purposes: 37327

(1) To reimburse managed care organizations that have paid 37328  
 fines for failures to meet performance standards or other 37329  
 requirements and that have come into compliance by meeting 37330  
 requirements as specified by the department; 37331

(2) To provide financial incentive awards established 37332  
 pursuant to division (A) of this section and specified in 37333

contracts between managed care organizations and the department. 37334

**Sec. 5111.231.** (A)(1) The department of job and family 37335  
services shall determine case-mix scores for nursing facilities 37336  
using data for each resident, regardless of payment source, from a 37337  
resident assessment instrument specified in rules adopted in 37338  
accordance with Chapter 119. of the ~~Revised~~ Revised Code pursuant 37339  
to section ~~19119~~ 1919(e)(5) of the "Social Security Act," 49 Stat. 37340  
620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, and the case-mix 37341  
values established by the United States department of health and 37342  
human services. Except as modified in rules adopted under division 37343  
(A)(1)(c) of this section, the department also shall use the 37344  
grouper methodology used on June 30, 1999, by the United States 37345  
department of health and human services for prospective payment of 37346  
skilled nursing facilities under the medicare program established 37347  
by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 37348  
42 U.S.C.A. 301, as amended. The director of job and family 37349  
services may adopt rules in accordance with Chapter 119. of the 37350  
Revised Code that do any of the following: 37351

(a) Adjust the case-mix values to reflect changes in relative 37352  
wage differentials that are specific to this state; 37353

(b) Express all of the case-mix values in numeric terms that 37354  
are different from the terms specified by the United States 37355  
department of health and human services but that do not alter the 37356  
relationship of the case-mix values to one another; 37357

(c) Modify the grouper methodology as follows: 37358

(i) Establish a different hierarchy for assigning residents 37359  
to case-mix categories under the methodology; 37360

(ii) Prohibit the use of the index maximizer element of the 37361  
methodology; 37362

(iii) Incorporate changes to the methodology the United 37363

States department of health and human services makes after June 30, 1999+ 37364  
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~~(iv) Make other changes the medicaid long-term care reimbursement study council established by section 5111.34 of the Revised Code approves. 37366  
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37368~~

(2) The department shall determine case-mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted in accordance with Chapter 119. of the Revised Code and expressed in case-mix values established by the department in those rules. ~~The department may change the grouper methodology prescribed in rules in effect on June 30, 1999, only if the medicaid long-term care reimbursement study council approves the change.~~ 37369  
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(B) Not later than fifteen days after the end of each calendar quarter, each nursing facility and intermediate care facility for the mentally retarded shall submit to the department the complete assessment data, from the instrument specified in rules adopted under division (A) of this section, for each resident, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the quarter. 37379  
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Except as provided in division (C) of this section, the department, after the end of each calendar year and pursuant to procedures specified in rules adopted in accordance with Chapter 119. of the Revised Code, shall calculate an annual average case-mix score for each nursing facility and intermediate care facility for the mentally retarded using the facility's quarterly case-mix scores for that calendar year. 37387  
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(C)(1) If a facility does not timely submit information for a 37394

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calendar quarter necessary to calculate its case-mix score, or  
submits incomplete or inaccurate information for a calendar  
quarter, the department may assign the facility a quarterly  
average case-mix score that is five per cent less than the  
facility's quarterly average case-mix score for the preceding  
calendar quarter. If the facility was subject to an exception  
review under division (C) of section 5111.27 of the Revised Code  
for the preceding calendar quarter, the department may assign a  
quarterly average case-mix score that is five per cent less than  
the score determined by the exception review. If the facility was  
assigned a quarterly average case-mix score for the preceding  
quarter, the department may assign a quarterly average case-mix  
score that is five per cent less than that score assigned for the  
preceding quarter.

The department may use a quarterly average case-mix score  
assigned under division (C)(1) of this section, instead of a  
quarterly average case-mix score calculated based on the  
facility's submitted information, to calculate the facility's rate  
for direct care costs being established under section 5111.23 of  
the Revised Code for one or more months, as specified in rules  
adopted under division (D) of this section, of the quarter for  
which the rate established under section 5111.23 of the Revised  
Code will be paid.

Before taking action under division (C)(1) of this section,  
the department shall permit the facility a reasonable period of  
time, specified in rules adopted under division (D) of this  
section, to correct the information. In the case of an  
intermediate care facility for the mentally retarded, the  
department shall not assign a quarterly average case-mix score due  
to late submission of corrections to assessment information unless  
the facility fails to submit corrected information prior to the  
eighty-first day after the end of the calendar quarter to which

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the information pertains. In the case of a nursing facility, the department shall not assign a quarterly average case-mix score due to late submission of corrections to assessment information unless the facility fails to submit corrected information prior to the earlier of the eighty-first day after the end of the calendar quarter to which the information pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Titles XVIII and XIX of the Social Security Act.

(2) If a facility is paid a rate calculated using a quarterly average case-mix score assigned under division (C)(1) of this section for more than six months in a calendar year, the department may assign the facility a cost per case-mix unit that is five per cent less than the facility's actual or assigned cost per case-mix unit for the preceding calendar year. The department may use the assigned cost per case-mix unit, instead of calculating the facility's actual cost per case-mix unit in accordance with section 5111.23 of the Revised Code, to establish the facility's rate for direct care costs for the following fiscal year.

(3) The department shall take action under division (C)(1) or (2) of this section only in accordance with rules adopted under division (D) of this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5111.27 and 5111.28 of the Revised Code.

(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code that do any of the following:

(1) Specify the medium or media through which the completed assessment information shall be submitted;

(2) Establish procedures under which the department will review assessment information for accuracy and notify the facility

of any information that requires correction; 37458

(3) Establish procedures for facilities to correct assessment 37459  
information. The procedures may prohibit an intermediate care 37460  
facility for the mentally retarded from submitting corrected 37461  
assessment information, for the purpose of calculating its annual 37462  
average case-mix score, more than two calendar quarters after the 37463  
end of the quarter to which the information pertains or, if the 37464  
information pertains to the quarter ending the thirty-first day of 37465  
December, after the thirty-first day of the following March. The 37466  
procedures may limit the content of corrections by nursing 37467  
facilities in the manner required by regulations adopted by the 37468  
United States department of health and human services under Titles 37469  
XVIII and XIX of the Social Security Act and prohibit a nursing 37470  
facility from submitting corrected assessment information, for the 37471  
purpose of calculating its annual average case-mix score, more 37472  
than the earlier of the following: 37473  
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(a) Two calendar quarters after the end of the quarter to 37475  
which the information pertains or, if the information pertains to 37476  
the quarter ending the thirty-first day of December, after the 37477  
thirty-first day of the following March; 37478

(b) The deadline for submission of such corrections 37479  
established by regulations adopted by the United States department 37480  
of health and human services under Titles XVIII and XIX of the 37481  
Social Security Act. 37482

(4) Specify when and how the department will assign case-mix 37483  
scores or costs per case-mix unit under division (C) of this 37484  
section if information necessary to calculate the facility's 37485  
average annual or quarterly case-mix score is not provided or 37486  
corrected in accordance with the procedures established by the 37487  
rules. Notwithstanding any other provision of sections 5111.20 to 37488  
5111.32 of the Revised Code, the rules also may provide for 37489

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exclusion of case-mix scores assigned under division (C) of this 37490  
 section from calculation of the facility's annual average case-mix 37491  
 score and the maximum cost per case-mix unit for the facility's 37492  
 peer group. 37493

**Sec. 5111.25.** (A) The department of job and family services 37494  
 shall pay each eligible nursing facility a per resident per day 37495  
 rate for its reasonable capital costs established prospectively 37496  
 each fiscal year for each facility. Except as otherwise provided 37497  
 in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 37498  
 be based on the facility's capital costs for the calendar year 37499  
 preceding the fiscal year in which the rate will be paid. The rate 37500  
 shall equal the sum of divisions (A)(1) to (3) of this section: 37501

(1) The lesser of the following: 37502  
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(a) Eighty-eight and sixty-five one-hundredths per cent of 37504  
 the facility's desk-reviewed, actual, allowable, per diem cost of 37505  
 ownership and eighty-five per cent of the facility's actual, 37506  
 allowable, per diem cost of nonextensive renovation determined 37507  
 under division (F) of this section; 37508

(b) Eighty-eight and sixty-five one-hundredths per cent of 37509  
 the following limitation: 37510

(i) For the fiscal year beginning July 1, 1993, sixteen 37511  
 dollars per resident day; 37512

(ii) For the fiscal year beginning July 1, 1994, sixteen 37513  
 dollars per resident day, adjusted to reflect the rate of 37514  
 inflation for the twelve-month period beginning July 1, 1992, and 37515  
 ending June 30, 1993, using the consumer price index for shelter 37516  
 costs for all urban consumers for the north central region, 37517  
 published by the United States bureau of labor statistics; 37518

(iii) For subsequent fiscal years, the limitation in effect 37519

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during the previous fiscal year, adjusted to reflect the rate of 37520  
inflation for the twelve-month period beginning on the first day 37521  
of July for the calendar year preceding the calendar year that 37522  
precedes the fiscal year and ending on the following thirtieth day 37523  
of June, using the consumer price index for shelter costs for all 37524  
urban consumers for the north central region, published by the 37525  
United States bureau of labor statistics. 37526

(2) Any efficiency incentive determined under division (D) of 37527  
this section; 37528

(3) Any amounts for return on equity determined under 37529  
division (H) of this section. 37530

Buildings shall be depreciated using the straight line method 37531  
over forty years or over a different period approved by the 37532  
department. Components and equipment shall be depreciated using 37533  
the straight-line method over a period designated in rules adopted 37534  
by the director of job and family services in accordance with 37535  
Chapter 119. of the Revised Code, consistent with the guidelines 37536  
of the American hospital association, or over a different period 37537  
approved by the department. Any rules adopted under this division 37538  
that specify useful lives of buildings, components, or equipment 37539  
apply only to assets acquired on or after July 1, 1993. 37540  
Depreciation for costs paid or reimbursed by any government agency 37541  
shall not be included in cost of ownership or renovation unless 37542  
that part of the payment under sections 5111.20 to 5111.32 of the 37543  
Revised Code is used to reimburse the government agency. 37544

(B) The capital cost basis of nursing facility assets shall 37545  
be determined in the following manner: 37546

(1) For purposes of calculating the rate to be paid for the 37547  
fiscal year beginning July 1, 1993, for facilities with dates of 37548  
licensure on or before June 30, 1993, the capital cost basis shall 37549  
be equal to the following: 37550

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(a) For facilities that have not had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the desk-reviewed, actual, allowable capital cost basis that is listed on the facility's cost report for the cost reporting period ending December 31, 1992, plus the actual, allowable capital cost basis of any assets constructed or acquired after December 31, 1992, but before July 1, 1993, if the aggregate capital costs of those assets would increase the facility's rate for capital costs by twenty or more cents per resident per day.

(b) For facilities that have a date of licensure or had a change of ownership during the period beginning January 1, 1993, and ending June 30, 1993, the actual, allowable capital cost basis of the person or government entity that owns the facility on June 30, 1993.

Capital cost basis shall be calculated as provided in division (B)(1) of this section subject to approval by the United States health care financing administration of any necessary amendment to the state plan for providing medical assistance.

The department shall include the actual, allowable capital cost basis of assets constructed or acquired during the period beginning January 1, 1993, and ending June 30, 1993, in the calculation for the facility's rate effective July 1, 1993, if the aggregate capital costs of the assets would increase the facility's rate by twenty or more cents per resident per day and the facility provides the department with sufficient documentation of the costs before June 1, 1993. If the facility provides the documentation after that date, the department shall adjust the facility's rate to reflect the costs of the assets one month after the first day of the month after the department receives the documentation.

(2) Except as provided in division (B)(4) of this section, for purposes of calculating the rates to be paid for fiscal years

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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  
Marshall and Swift;

(b) One-half of the change in the consumer price index for  
all items for all urban consumers, as published by the United  
States bureau of labor statistics, during the time that the  
transferor held the asset.

(5) If a provider transfers an interest in a facility to

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another provider who is a related party, the capital cost basis of 37614  
the asset shall be adjusted as specified in division (B)(4) of 37615  
this section for a transfer to a provider that is not a related 37616  
party if all of the following conditions are met: 37617

(a) The related party is a relative of owner; 37618

(b) Except as provided in division (B)(5)(c)(ii) of this 37619  
section, the provider making the transfer retains no ownership 37620  
interest in the facility; 37621

(c) The department of job and family services determines that 37622  
the transfer is an arm's length transaction pursuant to rules the 37623  
department shall adopt in accordance with Chapter 119. of the 37624  
Revised Code no later than December 31, 2000. The rules shall 37625  
provide that a transfer is an arm's length transaction if all of 37626  
the following apply: 37627

(i) Once the transfer goes into effect, the provider that 37628  
made the transfer has no direct or indirect interest in the 37629  
provider that acquires the facility or the facility itself, 37630  
including interest as an owner, officer, director, employee, 37631  
independent contractor, or consultant, but excluding interest as a 37632  
creditor. 37633

(ii) The provider that made the transfer does not reacquire 37634  
an interest in the facility except through the exercise of a 37635  
creditor's rights in the event of a default. If the provider 37636  
reacquires an interest in the facility in this manner, the 37637  
department shall treat the facility as if the transfer never 37638  
occurred when the department calculates its reimbursement rates 37639  
for capital costs. 37640

(iii) The transfer satisfies any other criteria specified in 37641  
the rules. 37642

(d) Except in the case of hardship caused by a catastrophic 37643  
event, as determined by the department, or in the case of a 37644

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provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (B)(5) of this section or actual, allowable cost of ownership was determined most recently under division (C)(9) of this section.

(C) As used in this division, "lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease. As used in this division, "new lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable cost of ownership during the term of the existing lease. The entire lease expense also is an actual, allowable cost of ownership if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to the limitation specified in division (A)(1) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by

the lesser of the following amounts: 37676

(a) One-half of the change in construction costs during the 37677  
time the lessor held each asset until the beginning of the lease, 37678  
as calculated by the department using the "Dodge building cost 37679  
indexes, northeastern and north central states," published by 37680  
Marshall and Swift; 37681

(b) One-half of the change in the consumer price index for 37682  
all items for all urban consumers, as published by the United 37683  
States bureau of labor statistics, during the time the lessor held 37684  
each asset until the beginning of the lease. 37685

(3) Subject to the limitation specified in division (A)(1) of 37686  
this section, for a lease of a facility with a date of licensure 37687  
on or after May 27, 1992, that is initially operated under a 37688  
lease, actual, allowable cost of ownership shall include the 37689  
annual lease expense if there was a substantial commitment of 37690  
money for construction of the facility after December 22, 1992, 37691  
and before July 1, 1993. If there was not a substantial commitment 37692  
of money after December 22, 1992, and before July 1, 1993, actual, 37693  
allowable cost of ownership shall include the lesser of the annual 37694  
lease expense or the sum of the following: 37695

(a) The annual depreciation expense that would be calculated 37696  
at the inception of the lease using the lessor's entire historical 37697  
capital asset cost basis; 37698

(b) The greater of the lessor's actual annual amortization of 37699  
financing costs and interest expense at the inception of the lease 37700  
or the imputed interest expense calculated at the inception of the 37701  
lease using seventy per cent of the lessor's historical capital 37702  
asset cost basis. 37703

(4) Subject to the limitation specified in division (A)(1) of 37704  
this section, for a lease of a facility with a date of licensure 37705  
on or after May 27, 1992, that was not initially operated under a 37706

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lease and has been in existence for ten years, 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 entire historical capital asset cost basis of the  
lessor, adjusted by the lesser of the following:

(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.

(5) Subject to the limitation specified in division (A)(1) of  
this section, for a new lease of a facility that was operated  
under a lease on May 27, 1992, actual, allowable cost of ownership  
shall include the lesser of the annual new lease expense or the  
annual old lease payment. If the old lease was in effect for ten  
years or longer, the old lease payment from the beginning of the  
old lease shall be adjusted by the lesser of the following:

(a) One-half of the change in construction costs from the  
beginning of the old lease to the beginning of the new lease, as  
calculated by the department using the "Dodge building cost  
indexes, northeastern and north central states," published by  
Marshall and Swift;

(b) One-half of the change in the consumer price index for  
all items for all urban consumers, as published by the United  
States bureau of labor statistics, from the beginning of the old  
lease to the beginning of the new lease.

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(6) Subject to the limitation specified in division (A)(1) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable cost of ownership shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (C)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (C)(2), (3), (4), or (6) of this section:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (C)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount.

(7) For any revision of a lease described in division (C)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable cost of ownership attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (C)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party, the related party's actual, allowable cost of ownership shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable cost of ownership shall include the annual lease expense, subject to the limitations specified in divisions (C)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (C)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department of job and family services determines that the lease is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (C)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility

as if the lease never occurred when the department calculates its reimbursement rates for capital costs. 37800  
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(iii) The lease satisfies any other criteria specified in the rules. 37802  
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(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (B)(5) of this section or actual, allowable cost of ownership was determined most recently under division (C)(9) of this section. 37804  
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(10) This division does not apply to leases of specific items of equipment. 37811  
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(D)(1) Subject to division (D)(2) of this section, the department shall pay each nursing facility an efficiency incentive that is equal to fifty per cent of the difference between the following: 37813  
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(a) Eighty-eight and sixty-five one-hundredths per cent of the facility's desk-reviewed, actual, allowable, per diem cost of ownership; 37817  
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(b) The applicable amount specified in division (E) of this section. 37820  
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(2) The efficiency incentive paid to a nursing facility shall not exceed the greater of the following: 37822  
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(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994; 37824  
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(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 37826  
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year for which the efficiency incentive is determined and ending	37830
on the thirtieth day of the following June, using the consumer	37831
price index for shelter costs for all urban consumers for the	37832
north central region, as published by the United States bureau of	37833
labor statistics.	37834
(3) For purposes of calculating the efficiency incentive,	37835
depreciation for costs that are paid or reimbursed by any	37836
government agency shall be considered as costs of ownership, and	37837
renovation costs that are paid under division (F) of this section	37838
shall not be considered costs of ownership.	37839
(E) The following amounts shall be used to calculate	37840
efficiency incentives for nursing facilities under this section:	37841
(1) For facilities with dates of licensure prior to January	37842
1, 1958, four dollars and twenty-four cents per patient day;	37843
(2) For facilities with dates of licensure after December 31,	37844
1957, but prior to January 1, 1968:	37845
(a) Five dollars and twenty-four cents per patient day if the	37846
cost of construction was three thousand five hundred dollars or	37847
more per bed;	37848
(b) Four dollars and twenty-four cents per patient day if the	37849
cost of construction was less than three thousand five hundred	37850
dollars per bed.	37851
(3) For facilities with dates of licensure after December 31,	37852
1967, but prior to January 1, 1976:	37853
(a) Six dollars and twenty-four cents per patient day if the	37854
cost of construction was five thousand one hundred fifty dollars	37855
or more per bed;	37856
(b) Five dollars and twenty-four cents per patient day if the	37857
cost of construction was less than five thousand one hundred fifty	37858
dollars per bed, but exceeded three thousand five hundred dollars	37859

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per bed;	37860
(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.	37861 37862 37863
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979:	37864 37865
(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;	37866 37867 37868
(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;	37869 37870 37871 37872
(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;	37873 37874 37875 37876
(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.	37877 37878 37879
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1981:	37880 37881
(a) Seven dollars and seventy-four cents per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	37882 37883 37884
(b) Seven dollars and twenty-four cents per patient day if the cost of construction was less than seven thousand six hundred twenty-five dollars per bed but exceeded six thousand eight hundred dollars per bed;	37885 37886 37887 37888
(c) Six dollars and twenty-four cents per patient day if the	37889

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cost of construction was six thousand eight hundred dollars or	37890
less per bed but exceeded five thousand one hundred fifty dollars	37891
per bed;	37892
(d) Five dollars and twenty-four cents per patient day if the	37893
cost of construction was five thousand one hundred fifty dollars	37894
or less but exceeded three thousand five hundred dollars per bed;	37895
	37896
(e) Four dollars and twenty-four cents per patient day if the	37897
cost of construction was three thousand five hundred dollars or	37898
less per bed.	37899
(6) For facilities with dates of licensure in 1981 or any	37900
year thereafter prior to December 22, 1992, the following amount:	37901
(a) For facilities with construction costs less than seven	37902
thousand six hundred twenty-five dollars per bed, the applicable	37903
amounts for the construction costs specified in divisions	37904
(E)(5)(b) to (e) of this section;	37905
(b) For facilities with construction costs of seven thousand	37906
six hundred twenty-five dollars or more per bed, six dollars per	37907
patient day, provided that for 1981 and annually thereafter prior	37908
to December 22, 1992, department shall do both of the following to	37909
the six-dollar amount:	37910
(i) Adjust the amount for fluctuations in construction costs	37911
calculated by the department using the "Dodge building cost	37912
indexes, northeastern and north central states," published by	37913
Marshall and Swift, using 1980 as the base year;	37914
(ii) Increase the amount, as adjusted for inflation under	37915
division (E)(6)(b)(i) of this section, by one dollar and	37916
seventy-four cents.	37917
(7) For facilities with dates of licensure on or after	37918
January 1, 1992, seven dollars and ninety-seven cents, adjusted	37919

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for fluctuations in construction costs between 1991 and 1993 as  
calculated by the department using the "Dodge building cost  
indexes, northeastern and north central states," published by  
Marshall and Swift, and then increased by one dollar and  
seventy-four cents.

For the fiscal year that begins July 1, 1994, each of the  
amounts listed in divisions (E)(1) to (7) of this section shall be  
increased by twenty-five cents. For the fiscal year that begins  
July 1, 1995, each of those amounts shall be increased by an  
additional twenty-five cents. For subsequent fiscal years, each of  
those amounts, as increased for the prior fiscal year, shall be  
adjusted to reflect the rate of inflation for the twelve-month  
period beginning on the first day of July of the calendar year  
preceding the calendar year that precedes the fiscal year and  
ending on the following thirtieth day of June, using the consumer  
price index for shelter costs for all urban consumers for the  
north central region, as published by the United States bureau of  
labor statistics.

If the amount established for a nursing facility under this  
division is less than the amount that applied to the facility  
under division (B) of former section 5111.25 of the Revised Code,  
as the former section existed immediately prior to December 22,  
1992, the amount used to calculate the efficiency incentive for  
the facility under division (D)(2) of this section shall be the  
amount that was calculated under division (B) of the former  
section.

(F) Beginning July 1, 1993, regardless of the facility's date  
of licensure or the date of the nonextensive renovations, the rate  
for the costs of nonextensive renovations for nursing facilities  
shall be eighty-five per cent of the desk-reviewed, actual,  
allowable, per diem, nonextensive renovation costs. This division  
applies to nonextensive renovations regardless of whether they are

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made by an owner or a lessee. If the tenancy of a lessee that has  
made nonextensive renovations ends before the depreciation expense  
for the renovation costs has been fully reported, the former  
lessee shall not report the undepreciated balance as an expense.

(1) For a nonextensive renovation made after July 1, 1993, to  
qualify for payment under this division, both of the following  
conditions must be met:

(a) At least five years have elapsed since the date of  
licensure of the portion of the facility that is proposed to be  
renovated, except that this condition does not apply if the  
renovation is necessary to meet the requirements of federal,  
state, or local statutes, ordinances, rules, or policies.

(b) The provider has obtained prior approval from the  
department of job and family services, and if required the  
director of health has granted a certificate of need for the  
renovation under section 3702.52 of the Revised Code. The provider  
shall submit a plan that describes in detail the changes in  
capital assets to be accomplished by means of the renovation and  
the timetable for completing the project. The time for completion  
of the project shall be no more than eighteen months after the  
renovation begins. The department of job and family services shall  
adopt rules in accordance with Chapter 119. of the Revised Code  
that specify criteria and procedures for prior approval of  
renovation projects. No provider shall separate a project with the  
intent to evade the characterization of the project as a  
renovation or as an extensive renovation. No provider shall  
increase the scope of a project after it is approved by the  
department of job and family services unless the increase in scope  
is approved by the department.

(2) The payment provided for in this division is the only  
payment that shall be made for the costs of a nonextensive

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renovation. Nonextensive renovation costs shall not be included in 37984  
costs of ownership, and a nonextensive renovation shall not affect 37985  
the date of licensure for purposes of calculating the efficiency 37986  
incentive under divisions (D) and (E) of this section. 37987

(G) The owner of a nursing facility operating under a 37988  
provider agreement shall provide written notice to the department 37989  
of job and family services at least forty-five days prior to 37990  
entering into any contract of sale for the facility or voluntarily 37991  
terminating participation in the medical assistance program. After 37992  
the date on which a transaction of sale is closed, the owner shall 37993  
refund to the department the amount of excess depreciation paid to 37994  
the facility by the department for each year the owner has 37995  
operated the facility under a provider agreement and prorated 37996  
according to the number of medicaid patient days for which the 37997  
facility has received payment. If a nursing facility is sold after 37998  
five or fewer years of operation under a provider agreement, the 37999  
refund to the department shall be equal to the excess depreciation 38000  
paid to the facility. If a nursing facility is sold after more 38001  
than five years but less than ten years of operation under a 38002  
provider agreement, the refund to the department shall equal the 38003  
excess depreciation paid to the facility multiplied by twenty per 38004  
cent, multiplied by the difference between ten and the number of 38005  
years that the facility was operated under a provider agreement. 38006  
If a nursing facility is sold after ten or more years of operation 38007  
under a provider agreement, the owner shall not refund any excess 38008  
depreciation to the department. The owner of a facility that is 38009  
sold or that voluntarily terminates participation in the medical 38010  
assistance program also shall refund any other amount that the 38011  
department properly finds to be due after the audit conducted 38012  
under this division. For the purposes of this division, 38013  
"depreciation paid to the facility" means the amount paid to the 38014  
nursing facility for cost of ownership pursuant to this section 38015

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less any amount paid for interest costs, amortization of financing costs, and lease expenses. For the purposes of this division, "excess depreciation" is the nursing facility's depreciated basis, which is the owner's cost less accumulated depreciation, subtracted from the purchase price net of selling costs but not exceeding the amount of depreciation paid to the facility.

A cost report shall be filed with the department within ninety days after the date on which the transaction of sale is closed or participation is voluntarily terminated. The report shall show the accumulated depreciation, the sales price, and other information required by the department. The department shall provide for a bank, trust company, or savings and loan association to hold in escrow the amount of the last two monthly payments to a nursing facility made pursuant to division (A)(1) of section 5111.22 of the Revised Code before a sale or termination of participation shall be held in escrow by a bank, trust company, or savings and loan association, except that if or, if the owner fails, within the time required by this division, to notify the department before entering into a contract of sale for the facility, the amount of the first two monthly payments made to the facility after the department learns of the contract, regardless of whether a new owner is in possession of the facility. If the amount the owner will be required to refund under this section is likely to be less than the amount of the last two monthly payments otherwise put into escrow under this division, the department shall take one of the following actions instead of withholding the amount of the last two monthly payments:

(1) In the case of an owner that owns other facilities that participate in the medical assistance program, obtain a promissory note in an amount sufficient to cover the amount likely to be refunded;

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(2) In the case of all other owners, withhold the amount of 38048  
the last monthly payment to the nursing facility or, if the owner 38049  
fails, within the time required by this division, to notify the 38050  
department before entering into a contract of sale for the 38051  
facility, the amount of the first monthly payment made to the 38052  
facility after the department learns of the contract, regardless 38053  
of whether a new owner is in possession of the facility. 38054

The department shall, within ninety days following the filing 38055  
of the cost report, audit the cost report and issue an audit 38056  
report to the owner. The department also may audit any other cost 38057  
report that the facility has filed during the previous three 38058  
years. In the audit report, the department shall state its 38059  
findings and the amount of any money owed to the department by the 38060  
nursing facility. The findings shall be subject to adjudication 38061  
conducted in accordance with Chapter 119. of the Revised Code. No 38062  
later than fifteen days after the owner agrees to a settlement, 38063  
any funds held in escrow less any amounts due to the department 38064  
shall be released to the owner and amounts due to the department 38065  
shall be paid to the department. If the amounts in escrow are less 38066  
than the amounts due to the department, the balance shall be paid 38067  
to the department within fifteen days after the owner agrees to a 38068  
settlement. If the department does not issue its audit report 38069  
within the ninety-day period, the department shall release any 38070  
money held in escrow to the owner. For the purposes of this 38071  
section, a transfer of corporate stock, the merger of one 38072  
corporation into another, or a consolidation does not constitute a 38073  
sale. 38074

If a nursing facility is not sold or its participation is not 38075  
terminated after notice is provided to the department under this 38076  
division, the department shall order any payments held in escrow 38077  
released to the facility upon receiving written notice from the 38078  
owner that there will be no sale or termination. After written 38079

notice is received from a nursing facility that a sale or 38080  
termination will not take place, the facility shall provide notice 38081  
to the department at least forty-five days prior to entering into 38082  
any contract of sale or terminating participation at any future 38083  
time. 38084

(H) The department shall pay each eligible proprietary 38085  
nursing facility a return on the facility's net equity computed at 38086  
the rate of one and one-half times the average interest rate on 38087  
special issues of public debt obligations issued to the federal 38088  
hospital insurance trust fund for the cost reporting period, 38089  
except that no facility's return on net equity shall exceed ~~one~~ 38090  
dollar fifty cents per patient day. 38091

When calculating the rate for return on net equity, the 38092  
department shall use the greater of the facility's inpatient days 38093  
during the applicable cost reporting period or the number of 38094  
inpatient days the facility would have had during that period if 38095  
its occupancy rate had been ninety-five per cent. 38096

(I) If a nursing facility would receive a lower rate for 38097  
capital costs for assets in the facility's possession on July 1, 38098  
1993, under this section than it would receive under former 38099  
section 5111.25 of the Revised Code, as the former section existed 38100  
immediately prior to December 22, 1992, the facility shall receive 38101  
for those assets the rate it would have received under the former 38102  
section for each fiscal year beginning on or after July 1, 1993, 38103  
until the rate it would receive under this section exceeds the 38104  
rate it would have received under the former section. Any facility 38105  
that receives a rate calculated under the former section 5111.25 38106  
of the Revised Code for assets in the facility's possession on 38107  
July 1, 1993, also shall receive a rate calculated under this 38108  
section for costs of any assets it constructs or acquires after 38109  
July 1, 1993. 38110

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**Sec. 5111.251.** (A) The department of job and family services 38111  
shall pay each eligible intermediate care facility for the 38112  
mentally retarded for its reasonable capital costs, a per resident 38113  
per day rate established prospectively each fiscal year for each 38114  
intermediate care facility for the mentally retarded. Except as 38115  
otherwise provided in sections 5111.20 to 5111.32 of the Revised 38116  
Code, the rate shall be based on the facility's capital costs for 38117  
the calendar year preceding the fiscal year in which the rate will 38118  
be paid. The rate shall equal the sum of the following: 38119

(1) The facility's desk-reviewed, actual, allowable, per diem 38120  
cost of ownership for the preceding cost reporting period, limited 38121  
as provided in divisions (C) and (F) of this section; 38122

(2) Any efficiency incentive determined under division (B) of 38123  
this section; 38124

(3) Any amounts for renovations determined under division (D) 38125  
of this section; 38126

(4) Any amounts for return on equity determined under 38127  
division (I) of this section. 38128

Buildings shall be depreciated using the straight line method 38129  
over forty years or over a different period approved by the 38130  
department. Components and equipment shall be depreciated using 38131  
the straight line method over a period designated by the director 38132  
of job and family services in rules adopted in accordance with 38133  
Chapter 119. of the Revised Code, consistent with the guidelines 38134  
of the American hospital association, or over a different period 38135  
approved by the department of job and family services. Any rules 38136  
adopted under this division that specify useful lives of 38137  
buildings, components, or equipment apply only to assets acquired 38138  
on or after July 1, 1993. Depreciation for costs paid or 38139  
reimbursed by any government agency shall not be included in costs 38140  
of ownership or renovation unless that part of the payment under 38141

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sections 5111.20 to 5111.32 of the Revised Code is used to	38142
reimburse the government agency.	38143
(B) The department of job and family services shall pay to	38144
each intermediate care facility for the mentally retarded an	38145
efficiency incentive equal to fifty per cent of the difference	38146
between any desk-reviewed, actual, allowable cost of ownership and	38147
the applicable limit on cost of ownership payments under division	38148
(C) of this section. For purposes of computing the efficiency	38149
incentive, depreciation for costs paid or reimbursed by any	38150
government agency shall be considered as a cost of ownership, and	38151
the applicable limit under division (C) of this section shall	38152
apply both to facilities with more than eight beds and facilities	38153
with eight or fewer beds. The efficiency incentive paid to a	38154
facility with eight or fewer beds shall not exceed three dollars	38155
per patient day, adjusted annually for the inflation rate for the	38156
twelve-month period beginning on the first day of July of the	38157
calendar year preceding the calendar year that precedes the fiscal	38158
year for which the efficiency incentive is determined and ending	38159
on the thirtieth day of the following June, using the consumer	38160
price index for shelter costs for all urban consumers for the	38161
north central region, as published by the United States bureau of	38162
labor statistics.	38163
(C) Cost of ownership payments to intermediate care	38164
facilities for the mentally retarded with more than eight beds	38165
shall not exceed the following limits:	38166
(1) For facilities with dates of licensure prior to January	38167
1, 1958, not exceeding two dollars and fifty cents per patient	38168
day;	38169
(2) For facilities with dates of licensure after December 31,	38170
1957, but prior to January 1, 1968, not exceeding:	38171
(a) Three dollars and fifty cents per patient day if the cost	38172

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of construction was three thousand five hundred dollars or more	38173
per bed;	38174
(b) Two dollars and fifty cents per patient day if the cost	38175
of construction was less than three thousand five hundred dollars	38176
per bed.	38177
(3) For facilities with dates of licensure after December 31,	38178
1967, but prior to January 1, 1976, not exceeding:	38179
(a) Four dollars and fifty cents per patient day if the cost	38180
of construction was five thousand one hundred fifty dollars or	38181
more per bed;	38182
(b) Three dollars and fifty cents per patient day if the cost	38183
of construction was less than five thousand one hundred fifty	38184
dollars per bed, but exceeds three thousand five hundred dollars	38185
per bed;	38186
(c) Two dollars and fifty cents per patient day if the cost	38187
of construction was three thousand five hundred dollars or less	38188
per bed.	38189
(4) For facilities with dates of licensure after December 31,	38190
1975, but prior to January 1, 1979, not exceeding:	38191
(a) Five dollars and fifty cents per patient day if the cost	38192
of construction was six thousand eight hundred dollars or more per	38193
bed;	38194
(b) Four dollars and fifty cents per patient day if the cost	38195
of construction was less than six thousand eight hundred dollars	38196
per bed but exceeds five thousand one hundred fifty dollars per	38197
bed;	38198
(c) Three dollars and fifty cents per patient day if the cost	38199
of construction was five thousand one hundred fifty dollars or	38200
less per bed, but exceeds three thousand five hundred dollars per	38201
bed;	38202

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(d) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	38203 38204 38205
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	38206 38207
(a) Six dollars per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	38208 38209 38210
(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;	38211 38212 38213 38214
(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;	38215 38216 38217
(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;	38218 38219 38220
(e) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	38221 38222 38223
(6) For facilities with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	38224 38225
(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;	38226 38227 38228
(b) Six dollars per patient day if the beds were originally licensed as nursing home beds by the department of health.	38229 38230
(7) For facilities with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	38231 38232

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(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;	38233 38234 38235
(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.	38236 38237 38238
(8) For facilities with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	38239 38240
(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;	38241 38242 38243
(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.	38244 38245 38246
(9) For facilities with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	38247 38248
(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;	38249 38250 38251
(b) Seven dollars and nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38252 38253 38254
(10) For facilities with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	38255 38256
(a) Twelve dollars and twenty-four cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38257 38258 38259 38260
(b) Seven dollars and twenty-three cents per patient day if the beds were originally licensed as nursing home beds by the	38261 38262

department of health.	38263
(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	38264
(a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38265
(a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38266
(a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38267
(a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38268
(a) Twelve dollars and fifty-three cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38269
(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38270
(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38271
(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38272
(12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	38273
(a) Twelve dollars and seventy cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38274
(a) Twelve dollars and seventy cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38275
(a) Twelve dollars and seventy cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38276
(a) Twelve dollars and seventy cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38277
(b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38278
(b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38279
(b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38280
(13) For facilities with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:	38281
(a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38282
(a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38283
(a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38284
(a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38285
(a) Twelve dollars and ninety-nine cents per patient day if the beds were originally licensed as residential facility beds by the department of mental retardation and developmental disabilities;	38286
(b) Seven dollars and sixty-seven cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38287
(b) Seven dollars and sixty-seven cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38288
(b) Seven dollars and sixty-seven cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38289
(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;	38290
(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;	38291
(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;	38292

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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;	38293 38294 38295
(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;	38296 38297 38298
(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;	38299 38300 38301
(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;	38302 38303 38304
(19) For facilities with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents per patient day.	38305 38306 38307
(D) Beginning January 1, 1981, regardless of the original date of licensure, the department of job and family services shall pay a rate for the per diem capitalized costs of renovations to intermediate care facilities for the mentally retarded made after January 1, 1981, not exceeding six dollars per patient day using 1980 as the base year and adjusting the amount annually until June 30, 1993, for fluctuations in construction costs calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift. The payment provided for in this division is the only payment that shall be made for the capitalized costs of a nonextensive renovation of an intermediate care facility for the mentally retarded. Nonextensive renovation costs shall not be included in cost of ownership, and a nonextensive renovation shall not affect the date of licensure for purposes of division (C) of this section. This division applies to nonextensive renovations	38308 38309 38310 38311 38312 38313 38314 38315 38316 38317 38318 38319 38320 38321 38322 38323

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regardless of whether they are made by an owner or a lessee. If 38324  
the tenancy of a lessee that has made renovations ends before the 38325  
depreciation expense for the renovation costs has been fully 38326  
reported, the former lessee shall not report the undepreciated 38327  
balance as an expense. 38328

For a nonextensive renovation to qualify for payment under 38329  
this division, both of the following conditions must be met: 38330

(1) At least five years have elapsed since the date of 38331  
licensure or date of an extensive renovation of the portion of the 38332  
facility that is proposed to be renovated, except that this 38333  
condition does not apply if the renovation is necessary to meet 38334  
the requirements of federal, state, or local statutes, ordinances, 38335  
rules, or policies. 38336

(2) The provider has obtained prior approval from the 38337  
department of job and family services. The provider shall submit a 38338  
plan that describes in detail the changes in capital assets to be 38339  
accomplished by means of the renovation and the timetable for 38340  
completing the project. The time for completion of the project 38341  
shall be no more than eighteen months after the renovation begins. 38342  
The director of job and family services shall adopt rules in 38343  
accordance with Chapter 119. of the Revised Code that specify 38344  
criteria and procedures for prior approval of renovation projects. 38345  
No provider shall separate a project with the intent to evade the 38346  
characterization of the project as a renovation or as an extensive 38347  
renovation. No provider shall increase the scope of a project 38348  
after it is approved by the department of job and family services 38349  
unless the increase in scope is approved by the department. 38350

(E) The amounts specified in divisions (C) and (D) of this 38351  
section shall be adjusted beginning July 1, 1993, for the 38352  
estimated inflation for the twelve-month period beginning on the 38353  
first day of July of the calendar year preceding the calendar year 38354  
that precedes the fiscal year for which rate will be paid and 38355

ending on the thirtieth day of the following June, using the 38356  
consumer price index for shelter costs for all urban consumers for 38357  
the north central region, as published by the United States bureau 38358  
of labor statistics. 38359

(F)(1) For facilities of eight or fewer beds that have dates 38360  
of licensure or have been granted project authorization by the 38361  
department of mental retardation and developmental disabilities 38362  
before July 1, 1993, and for facilities of eight or fewer beds 38363  
that have dates of licensure or have been granted project 38364  
authorization after that date if the facilities demonstrate that 38365  
they made substantial commitments of funds on or before that date, 38366  
cost of ownership shall not exceed eighteen dollars and thirty 38367  
cents per resident per day. The eighteen-dollar and thirty-cent 38368  
amount shall be increased by the change in the "Dodge building 38369  
cost indexes, northeastern and north central states," published by 38370  
Marshall and Swift, during the period beginning June 30, 1990, and 38371  
ending July 1, 1993, and by the change in the consumer price index 38372  
for shelter costs for all urban consumers for the north central 38373  
region, as published by the United States bureau of labor 38374  
statistics, annually thereafter. 38375

(2) For facilities with eight or fewer beds that have dates 38376  
of licensure or have been granted project authorization by the 38377  
department of mental retardation and developmental disabilities on 38378  
or after July 1, 1993, for which substantial commitments of funds 38379  
were not made before that date, cost of ownership payments shall 38380  
not exceed the applicable amount calculated under division (F)(1) 38381  
of this section, if the department of job and family services 38382  
gives prior approval for construction of the facility. If the 38383  
department does not give prior approval, cost of ownership 38384  
payments shall not exceed the amount specified in division (C) of 38385  
this section. 38386

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 38387

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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  
an intermediate care facility for the mentally retarded 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 number of years less than ten

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38420 that a facility was operated under a provider agreement. If an  
 38421 intermediate care facility for the mentally retarded is sold after  
 38422 ten or more years of operation under a provider agreement, the  
 38423 owner shall not refund any excess depreciation to the department.  
 38424 For the purposes of this division, "depreciation paid to the  
 38425 facility" means the amount paid to the intermediate care facility  
 38426 for the mentally retarded for cost of ownership pursuant to this  
 38427 section less any amount paid for interest costs. For the purposes  
 38428 of this division, "excess depreciation" is the intermediate care  
 38429 facility for the mentally retarded's depreciated basis, which is  
 38430 the owner's cost less accumulated depreciation, subtracted from  
 38431 the purchase price but not exceeding the amount of depreciation  
 38432 paid to the facility.

38433 A cost report shall be filed with the department within  
 38434 ninety days after the date on which the transaction of sale is  
 38435 closed or participation is voluntarily terminated for an  
 38436 intermediate care facility for the mentally retarded subject to  
 38437 this division. The report shall show the accumulated depreciation,  
 38438 the sales price, and other information required by the department.  
 38439 The department shall provide for a bank, trust company, or savings  
 38440 and loan association to hold in escrow the amount of the last two  
 38441 monthly payments to an intermediate care facility for the mentally  
 38442 retarded made pursuant to division (A)(1) of section 5111.22 of  
 38443 the Revised Code before a sale or voluntary termination of  
 38444 participation ~~shall be held in escrow by a bank, trust company, or~~  
 38445 ~~savings and loan association, except that if or, if the owner~~  
 38446 fails, within the time required by this division, to notify the  
 38447 department before entering into a contract of sale for the  
 38448 facility, the amount of the first two monthly payments made to the  
 38449 facility after the department learns of the contract, regardless  
 38450 of whether a new owner is in possession of the facility. If the  
 38451 amount the owner will be required to refund under this section is

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likely to be less than the amount of the ~~last~~ two monthly payments 38452  
otherwise put into escrow under this division, the department 38453  
shall take one of the following actions instead of withholding the 38454  
amount of the ~~last~~ two monthly payments: 38455

(1) In the case of an owner that owns other facilities that 38457  
participate in the medical assistance program, obtain a promissory 38458  
note in an amount sufficient to cover the amount likely to be 38459  
refunded; 38460

(2) In the case of all other owners, withhold the amount of 38461  
the last monthly payment to the intermediate care facility for the 38462  
mentally retarded or, if the owner fails, within the time required 38463  
by this division, to notify the department before entering into a 38464  
contract of sale for the facility, the amount of the first monthly 38465  
payment made to the facility after the department learns of the 38466  
contract, regardless of whether a new owner is in possession of 38467  
the facility. 38468

The department shall, within ninety days following the filing 38469  
of the cost report, audit the report and issue an audit report to 38470  
the owner. The department also may audit any other cost reports 38471  
for the facility that have been filed during the previous three 38472  
years. In the audit report, the department shall state its 38473  
findings and the amount of any money owed to the department by the 38474  
intermediate care facility for the mentally retarded. The findings 38475  
shall be subject to an adjudication conducted in accordance with 38476  
Chapter 119. of the Revised Code. No later than fifteen days after 38477  
the owner agrees to a settlement, any funds held in escrow less 38478  
any amounts due to the department shall be released to the owner 38479  
and amounts due to the department shall be paid to the department. 38480  
If the amounts in escrow are less than the amounts due to the 38481  
department, the balance shall be paid to the department within 38482  
fifteen days after the owner agrees to a settlement. If the 38483

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department does not issue its audit report within the ninety-day  
period, the department shall release any money held in escrow to  
the owner. For the purposes of this section, a transfer of  
corporate stock, the merger of one corporation into another, or a  
consolidation does not constitute a sale.

If an intermediate care facility for the mentally retarded is  
not sold or its participation is not terminated after notice is  
provided to the department under this division, the department  
shall order any payments held in escrow released to the facility  
upon receiving written notice from the owner that there will be no  
sale or termination of participation. After written notice is  
received from an intermediate care facility for the mentally  
retarded that a sale or termination of participation will not take  
place, the facility shall provide notice to the department at  
least forty-five days prior to entering into any contract of sale  
or terminating participation at any future time.

(I) The department of job and family services shall pay each  
eligible proprietary intermediate care facility for the mentally  
retarded a return on the facility's net equity computed at the  
rate of one and one-half times the average of interest rates on  
special issues of public debt obligations issued to the federal  
hospital insurance trust fund for the cost reporting period. No  
facility's return on net equity paid under this division shall  
exceed one dollar per patient day.

In 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.

(J)(1) Except as provided in division (J)(2) of this section,  
if a provider leases or transfers an interest in a facility to

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another provider who is a related party, the related party's  
allowable cost of ownership shall include the lesser of the  
following:

(a) The annual lease expense or actual cost of ownership,  
whichever is applicable;

(b) The reasonable cost to the lessor or provider making the  
transfer.

(2) If a provider leases or transfers an interest in a  
facility to another provider who is a related party, regardless of  
the date of the lease or transfer, the related party's allowable  
cost of ownership shall include the annual lease expense or actual  
cost of ownership, whichever is applicable, subject to the  
limitations specified in divisions (B) to (I) of this section, if  
all of the following conditions are met:

(a) The related party is a relative of owner;

(b) In the case of a lease, if the lessor retains any  
ownership interest, it is, except as provided in division  
(J)(2)(d)(ii) of this section, in only the real property and any  
improvements on the real property;

(c) In the case of a transfer, the provider making the  
transfer retains, except as provided in division (J)(2)(d)(iv) of  
this section, no ownership interest in the facility;

(d) The department of job and family services determines that  
the lease or transfer is an arm's length transaction pursuant to  
rules the department shall adopt in accordance with Chapter 119.  
of the Revised Code no later than December 31, 2000. The rules  
shall provide that a lease or transfer is an arm's length  
transaction if all of the following, as applicable, apply:

(i) In the case of a lease, once the lease goes into effect,  
the lessor has no direct or indirect interest in the lessee or,

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except as provided in division (J)(2)(b) of this section, the  
facility itself, including interest as an owner, officer,  
director, employee, independent contractor, or consultant, but  
excluding interest as a lessor.

(ii) In the case of a lease, the lessor does not reacquire an  
interest in the facility except through the exercise of a lessor's  
rights in the event of a default. If the lessor reacquires an  
interest in the facility in this manner, the department shall  
treat the facility as if the lease never occurred when the  
department calculates its reimbursement rates for capital costs.

(iii) In the case of a transfer, once the transfer goes into  
effect, the provider that made the transfer has no direct or  
indirect interest in the provider that acquires the facility or  
the facility itself, including interest as an owner, officer,  
director, employee, independent contractor, or consultant, but  
excluding interest as a creditor.

(iv) In the case of a transfer, the provider that made the  
transfer does not reacquire an interest in the facility except  
through the exercise of a creditor's rights in the event of a  
default. If the provider reacquires an interest in the facility in  
this manner, the department shall treat the facility as if the  
transfer never occurred when the department calculates its  
reimbursement rates for capital costs.

(v) The lease or transfer satisfies any other criteria  
specified in the rules.

(e) Except in the case of hardship caused by a catastrophic  
event, as determined by the department, or in the case of a lessor  
or provider making the transfer who is at least sixty-five years  
of age, not less than twenty years have elapsed since, for the  
same facility, allowable cost of ownership was determined most

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recently under this division.	38577
<b>Sec. 5111.262.</b> <del>Costs</del> <u>For costs incurred during calendar year</u>	38578
<u>2000 and thereafter, costs</u> reported in nursing facilities' cost	38579
reports for purchased nursing services shall be allowable direct	38580
care costs up to <del>the following amounts:</del>	38581
<del>(A) For costs incurred during calendar year 1992, twenty per</del>	38582
<del>cent of the nursing facility's direct care costs specified in the</del>	38583
<del>cost report for services provided that year by registered nurses,</del>	38584
<del>licensed practical nurses, and nurse aides who are employees of</del>	38585
<del>the facility, plus one-half of the amount by which the reported</del>	38586
<del>costs for purchased nursing services exceed that percentage;</del>	38587
<del>(B) For costs incurred during calendar year 1993, fifteen per</del>	38588
<del>cent of the nursing facility's costs specified in the cost report</del>	38589
<del>for services provided that year by registered nurses, licensed</del>	38590
<del>practical nurses, and nurse aides who are employees of the</del>	38591
<del>facility, plus one-half of the amount by which the reported costs</del>	38592
<del>for purchased nursing services exceed that percentage;</del>	38593
<del>(C) For costs incurred during calendar year 1994 and each</del>	38594
<del>calendar year thereafter, ten <u>twenty</u> per cent of the nursing</del>	38595
<del>facility's costs specified in the cost report for services</del>	38596
<del>provided that year by registered nurses, licensed practical</del>	38597
<del>nurses, and nurse aides who are employees of the facility, plus</del>	38598
<del>one-half of the amount by which the reported costs for purchased</del>	38599
<del>nursing services exceed that percentage.</del>	38600
<b>Sec. 5111.28.</b> (A) If a provider properly amends its cost	38601
report under section 5111.27 of the Revised Code and the amended	38602
report shows that the provider received a lower rate under the	38603
original cost report than it was entitled to receive, the	38604
department shall adjust the provider's rate prospectively to	38605
reflect the corrected information. The department shall pay the	38606

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adjusted rate beginning two months after the first day of the month after the provider files the amended cost report. If the department finds, from an exception review of resident assessment information conducted after the effective date of the rate for direct care costs that is based on the assessment information, that inaccurate assessment information resulted in the provider receiving a lower rate than it was entitled to receive, the department prospectively shall adjust the provider's rate accordingly and shall make payments using the adjusted rate for the remainder of the calendar quarter for which the assessment information is used to determine the rate, beginning one month after the first day of the month after the exception review is completed.

(B) If the provider properly amends its cost report under section 5111.27 of the Revised Code, the department makes a finding based on an audit under that section, or the department makes a finding based on an exception review of resident assessment information conducted under that section after the effective date of the rate for direct care costs that is based on the assessment information, any of which results in a determination that the provider has received a higher rate than it was entitled to receive, the department shall recalculate the provider's rate using the revised information. The department shall apply the recalculated rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment.

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. 38639

(2) If the overpayment resulted from costs reported for 38640  
subsequent calendar years: 38641

(a) The interest shall be no greater than two times the 38642  
average bank prime rate if the overpayment was equal to or less 38643  
than one per cent of the total medicaid payments to the provider 38644  
for the fiscal year for which the incorrect information was used 38645  
to establish a rate. 38646

(b) The interest shall be no greater than two and one-half 38647  
times the current average bank prime rate if the overpayment was 38648  
greater than one per cent of the total medicaid payments to the 38649  
provider for the fiscal year for which the incorrect information 38650  
was used to establish a rate. 38651

~~(3) The department shall determine the average bank prime 38652  
rate using statistical release H.15, "selected interest rates," a 38653  
weekly publication of the federal reserve board, or any successor 38654  
publication. If statistical release H.15, or its successor, ceases 38655  
to contain the bank prime rate information or ceases to be 38656  
published, the department shall request a written statement of the 38657  
average bank prime rate from the federal reserve bank of Cleveland 38658  
or the federal reserve board. 38659~~

(C) The department also may impose the following penalties: 38660

(1) If a provider does not furnish invoices or other 38661  
documentation that the department requests during an audit within 38662  
sixty days after the request, no more than the greater of one 38663  
thousand dollars per audit or twenty-five per cent of the 38664  
cumulative amount by which the costs for which documentation was 38665  
not furnished increased the total medicaid payments to the 38666  
provider during the fiscal year for which the costs were used to 38667  
establish a rate; 38668

(2) If an owner fails to provide notice of sale of the 38669

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facility or voluntary termination of participation in the medical 38670  
assistance program, as required by section 5111.25 or 5111.251 of 38671  
the Revised Code, no more than ~~two~~ the current average bank prime 38672  
rate plus four per cent of the last two monthly payments. 38673

(D) If the provider continues to participate in the medical 38674  
assistance program, the department shall deduct any amount that 38675  
the provider is required to refund under this section, and the 38676  
amount of any interest charged or penalty imposed under this 38677  
section, from the next available payment from the department to 38678  
the provider. The department and the provider may enter into an 38679  
agreement under which the amount, together with interest, is 38680  
deducted in installments from payments from the department to the 38681  
provider. 38682

(E) The department shall transmit refunds and penalties to 38683  
the treasurer of state for deposit in the general revenue fund. 38684

(F) For the purpose of this section, the department shall 38685  
determine the average bank prime rate using statistical release 38686  
H.15, "selected interest rates," a weekly publication of the 38687  
federal reserve board, or any successor publication. If 38688  
statistical release H.15, or its successor, ceases to contain the 38689  
bank prime rate information or ceases to be published, the 38690  
department shall request a written statement of the average bank 38691  
prime rate from the federal reserve bank of Cleveland or the 38692  
federal reserve board. 38693

**Sec. 5111.29.** (A) The director of job and family services 38694  
shall adopt rules in accordance with Chapter 119. of the Revised 38695  
Code that establish a process under which a nursing facility or 38696  
intermediate care facility for the mentally retarded, or a group 38697  
or association of facilities, may seek reconsideration of rates 38698  
established under sections 5111.23 to 5111.28 of the Revised Code, 38699  
including a rate for direct care costs recalculated before the 38700

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effective date of the rate as a result of an exception review of 38701  
resident assessment information conducted under section 5111.27 of 38702  
the Revised Code. 38703

(1) Except as provided in divisions (A)(2) to (4) of this 38704  
section, the only issue that a facility, group, or association may 38705  
raise in the rate reconsideration shall be whether the rate was 38706  
calculated in accordance with sections 5111.23 to 5111.28 of the 38707  
Revised Code and the rules adopted under those sections. The rules 38708  
shall permit a facility, group, or association to submit written 38709  
arguments or other materials that support its position. The rules 38710  
shall specify time frames within which the facility, group, or 38711  
association and the department must act. If the department 38712  
determines, as a result of the rate reconsideration, that the rate 38713  
established for one or more facilities is less than the rate to 38714  
which it is entitled, the department shall increase the rate. If 38715  
the department has paid the incorrect rate for a period of time, 38716  
the department shall pay the facility the difference between the 38717  
amount it was paid for that period and the amount it should have 38718  
been paid. 38719

(2) The rules shall provide that during a fiscal year, the 38720  
department, by means of the rate reconsideration process, may 38721  
increase a facility's rate as calculated under sections 5111.23 to 38722  
5111.28 of the Revised Code if the facility demonstrates that its 38723  
actual, allowable costs have increased because of extreme 38724  
circumstances. A facility may qualify for a rate increase only if 38725  
its per diem, actual, allowable costs have increased to a level 38726  
that exceeds its total rate, including any efficiency incentive 38727  
and return on equity payment. The rules shall specify the 38728  
circumstances that would justify a rate increase under division 38729  
(A)(2) of this section. The In the case of nursing facilities, the 38730  
rules shall provide that the extreme circumstances include 38731  
increased security costs for an inner-city nursing facility and an 38732

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increase in workers' compensation experience rating of greater 38733  
than five per cent for a facility that has an appropriate claims 38734  
management program but do not include a change of ownership that 38735  
results from bankruptcy, foreclosure, or findings of violations of 38736  
certification requirements by the department of health. In the 38737  
case of intermediate care facilities for the mentally retarded, 38738  
the rules shall provide that the extreme circumstances include, 38739  
but are not limited to, renovations approved under division (D) of 38740  
section 5111.251 of the Revised Code, an increase in workers' 38741  
compensation experience rating of greater than five per cent for a 38742  
facility that has an appropriate claims management program, 38743  
increased security costs for an inner-city facility, and a change 38744  
of ownership that results from bankruptcy, foreclosure, or 38745  
findings of violations of certification requirements by the 38746  
department of health. An increase under division (A)(2) of this 38747  
section is subject to any rate limitations or maximum rates 38748  
established by sections 5111.23 to 5111.28 of the Revised Code for 38749  
specific cost centers. Any rate increase granted under division 38750  
(A)(2) of this section shall take effect on the first day of the 38751  
first month after the department receives the request. 38752

(3) The rules shall provide that the department, through the 38753  
rate reconsideration process, may increase a facility's rate as 38754  
calculated under sections 5111.23 to 5111.28 of the Revised Code 38755  
if the department, in its sole discretion, determines that the 38756  
rate as calculated under those sections works an extreme hardship 38757  
on the facility. 38758

(4) The rules shall provide that when beds certified for the 38759  
medical assistance program are added to an existing facility, 38760  
replaced at the same site, or subject to a change of ownership or 38761  
lease, the department, through the rate reconsideration process, 38762  
shall increase the facility's rate for capital costs 38763  
proportionately, as limited by any applicable limitation under 38764

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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  
result of an audit under section 5111.27 of the Revised Code, any  
adverse finding that results from an exception review of resident  
assessment information conducted under that section after the  
effective date of the facility's rate that is based on the

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assessment information, and any penalty the department imposes 38797  
 under division (C) of section 5111.28 of the Revised Code shall be 38798  
 subject to an adjudication conducted in accordance with Chapter 38799  
 119. of the Revised Code. 38800

Sec. 5111.34. (A) There is hereby created the nursing 38801  
facility reimbursement study council consisting of the following 38802  
thirteen members: 38803

(1) The director of job and family services; 38804

(2) The director of health; 38805

(3) The director of aging; 38806

(4) Two members of the house of representatives, appointed by 38807  
the speaker of the house of representatives; 38808

(5) Two members of the senate, appointed by the president of 38809  
the senate; 38810

(6) Two representatives of each of the following 38811  
organizations, appointed by their respective governing bodies: 38812

(a) The Ohio academy of nursing homes; 38813

(b) The association of Ohio philanthropic homes and housing 38814  
for the aging; 38815

(c) The Ohio health care association. 38816

Initial appointments of members described in divisions 38817  
(A)(4), (5), and (6) of this section shall be made no later than 38818  
ninety days after the effective date of this section. Vacancies in 38819  
any of those appointments shall be filled in the same manner as 38820  
original appointments. The members described in divisions (A)(4), 38821  
(5), and (6) of this section shall serve at the pleasure of the 38822  
official or governing body appointing the member. The members 38823  
described in divisions (A)(1), (2), and (3) of this section shall 38824  
serve for as long as they hold the position that qualifies them 38825

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for membership on the council. The speaker of the house of 38826  
representatives and the president of the senate jointly shall 38827  
appoint the chairperson of the council. Members of the council 38828  
shall serve without compensation. 38829

(B) The council shall review, on an ongoing basis, the system 38830  
established by sections 5111.20 to 5111.32 of the Revised Code for 38831  
reimbursing nursing facilities under the medical assistance 38832  
program. The council shall recommend any changes it determines are 38833  
necessary. The council periodically shall report its activities, 38834  
findings, and recommendations to the governor, the speaker of the 38835  
house of representatives, and the president of the senate. 38836  
 38837

**Sec. 5111.63.** For the purposes of this section, "facility," 38838  
"medicare," and "medicaid" have the same meanings as in section 38839  
3721.10 of the Revised Code. 38840

The department of health shall be the designee of the 38841  
department of job and family services for the purpose of 38842  
conducting a hearing pursuant to section 3721.162 of the Revised 38843  
Code concerning a facility's decision to transfer or discharge a 38844  
resident if the resident is a medicaid recipient or medicare 38845  
beneficiary. 38846

**Sec. 5111.85.** (A) As used in this section, "medicaid waiver 38847  
component" means a component of the medicaid program authorized by 38848  
a waiver granted by the United States department of health and 38849  
human services under section 1115 or 1915 of the "Social Security 38850  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid 38851  
waiver component" does not include a managed care system 38852  
established under section 5111.17 of the Revised Code. 38853

(B) The director of job and family services may adopt rules 38854  
under Chapter 119. of the Revised Code governing medicaid waiver 38855

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<u>components that establish all of the following:</u>	38856
<u>(1) Eligibility requirements for the medicaid waiver components;</u>	38857
<u>(2) The type, amount, duration, and scope of services the medicaid waiver components provide;</u>	38858
<u>(3) The conditions under which the medicaid waiver components cover services;</u>	38859
<u>(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;</u>	38860
<u>(5) The manner in which the medicaid waiver components pay for services;</u>	38861
<u>(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;</u>	38862
<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. Sanctions shall include terminating medicaid provider agreements. The procedures shall include due process protections.</u>	38863
<u>(8) Other policies necessary for the efficient administration of the medicaid waiver components.</u>	38864
<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>	38865
<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</u>	38866
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determines pursuant to a review that a person or government entity 38886  
has violated a rule governing a medicaid waiver component, the 38887  
director may establish a corrective action plan for the violator 38888  
and impose fiscal, administrative, or both types of sanctions on 38889  
the violator in accordance with rules adopted under division (B) 38890  
of this section. 38891

Sec. 5111.86. The department of job and family services may 38892  
enter into interagency agreements with one or more other state 38893  
agencies to have the state agency administer one or more 38894  
components of the medicaid program, or one or more aspects of a 38895  
component, under the department's supervision. A state agency that 38896  
enters into such an interagency agreement shall comply with any 38897  
rules the director of job and family services has adopted 38898  
governing the component, or aspect of the component, that the 38899  
state agency is to administer, including any rules establishing 38900  
review, audit, and corrective action plan requirements. 38901

A state agency that enters into an interagency agreement with 38902  
the department under this section shall reimburse the department 38903  
for the nonfederal share of the cost to the department of 38904  
performing, or contracting for the performance of, a fiscal audit 38905  
of the component of the medicaid program, or aspect of the 38906  
component, that the state agency administers if rules governing 38907  
the component, or aspect of the component, require that a fiscal 38908  
audit be conducted. 38909

There is hereby created in the state treasury the medicaid 38910  
administrative reimbursement fund. The department shall use money 38911  
in the fund to pay for the nonfederal share of the cost of a 38912  
fiscal audit for which a state agency is required by this section 38913  
to reimburse the department. The department shall deposit the 38914  
reimbursements into the fund. 38915

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Sec. 5111.87. As used in this section and section 5111.871 of 38916  
the Revised Code, "intermediate care facility for the mentally 38917  
retarded" has the same meaning as in section 5111.20 of the 38918  
Revised Code. 38919

The director of job and family services may apply to the 38920  
United States secretary of health and human services for one or 38921  
more medicaid waivers under which home and community-based 38922  
services are provided to individuals with mental retardation or 38923  
other developmental disability as an alternative to placement in 38924  
an intermediate care facility for the mentally retarded. Before 38925  
the director applies for a waiver under this section, the director 38926  
shall seek, accept, and consider public comments. 38927

Sec. ~~5111.87~~ 5111.871. The department of job and family 38928  
services shall enter into an interagency agreement with the 38929  
department of mental retardation and developmental disabilities 38930  
under section 5111.86 of the Revised Code with regard to the 38931  
component of the medicaid program established by the department of 38932  
job and family services under ~~a waiver~~ one or more waivers from 38933  
the United States secretary of health and human services pursuant 38934  
to section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 38935  
42 U.S.C.A. 1396n, as amended, to provide eligible ~~medical~~ 38936  
~~assistance~~ medicaid recipients with home ~~or~~ and community-based 38937  
services as an alternative to placement in an intermediate care 38938  
facility for the mentally retarded ~~as defined in section 5111.20~~ 38939  
~~of the Revised Code.~~ The agreement shall provide for the 38940  
department of mental retardation and developmental disabilities to 38941  
administer the ~~program~~ component in accordance with the terms of 38942  
the waiver. The ~~departments~~ directors of job and family services 38943  
and mental retardation and developmental disabilities shall adopt 38944  
rules in accordance with Chapter 119. of the Revised Code 38945  
governing the ~~program~~ component. 38946

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If the department of mental retardation and developmental disabilities or the department of job and family services denies an individual's application for home and community-based services provided under this medicaid component, the department that denied the services shall give timely notice to the individual that the individual may request a hearing under section 5101.35 of the Revised Code. 38947  
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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 and 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 approves, reduces, denies, or terminates a service, that department shall give timely notice to the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code. 38954  
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If supported living or residential services, as defined in section 5126.01 of the Revised Code, are to be provided under this component, any person or government entity with a current, valid medicaid provider agreement and a current, valid license under section 5123.19 or certificate under section 5123.045 or 5126.431 of the Revised Code, as appropriate, may provide the services. 38966  
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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 and 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 38972  
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- consider all of the following: 38978
- (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 and are given priority on the waiting list pursuant to division (D) of that section; 38979  
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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; 38984  
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- (C) Anything else the department considers necessary to enable county boards to provide those services to individuals in accordance with the priority requirements of division (D) of section 5126.042 of the Revised Code. 38987  
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- Sec. 5111.873.** (A) Not later than the effective date of the first of any medicaid waivers the United States secretary of health and human services grants pursuant to a request made under section 5111.87 of the Revised Code, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing statewide fee schedules for home and community-based services provided under the component of the medicaid program that the department of mental retardation and developmental disabilities administers under section 5111.871 of the Revised Code. The rules shall provide for all of the following: 38991  
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- (1) The department of mental retardation and developmental disabilities arranging for the initial and ongoing collection of cost information from a comprehensive, statistically valid sample of persons and government entities providing the services at the time the information is obtained; 39002  
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- (2) The collection of consumer-specific information through 39007

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<u>an assessment instrument the department of mental retardation and</u>	39008
<u>developmental disabilities shall provide to the department of job</u>	39009
<u>and family services;</u>	39010
<u>(3) With the information collected pursuant to divisions</u>	39011
<u>(A)(1) and (2) of this section, an analysis of that information,</u>	39012
<u>and other information the director determines relevant, methods</u>	39013
<u>and standards for calculating the fee schedules that do all of the</u>	39014
<u>following:</u>	39015
<u>(a) Assure that the fees are consistent with efficiency,</u>	39016
<u>economy, and quality of care;</u>	39017
<u>(b) Consider the intensity of consumer resource need;</u>	39018
<u>(c) Recognize variations in different geographic areas</u>	39019
<u>regarding the resources necessary to assure the health and welfare</u>	39020
<u>of consumers;</u>	39021
<u>(d) Recognize variations in environmental supports available</u>	39022
<u>to consumers.</u>	39023
<u>(B) As part of the process of adopting rules under this</u>	39024
<u>section, the director shall consult with the director of mental</u>	39025
<u>retardation and developmental disabilities, representatives of</u>	39026
<u>county boards of mental retardation and developmental</u>	39027
<u>disabilities, persons who provide the home and community-based</u>	39028
<u>services, and other persons and government entities the director</u>	39029
<u>identifies.</u>	39030
<u>(C) The directors of job and family services and mental</u>	39031
<u>retardation and developmental disabilities shall review the rules</u>	39032
<u>adopted under this section at times they determine to ensure that</u>	39033
<u>the methods and standards established by the rules for calculating</u>	39034
<u>the fee schedules continue to do everything that division (A)(3)</u>	39035
<u>of this section requires.</u>	39036
<b>Sec. 5119.01.</b> The director of mental health is the chief	39037

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executive and administrative officer of the department of mental 39038  
health. The director may establish procedures for the governance 39039  
of the department, conduct of its employees and officers, 39040  
performance of its business, and custody, use, and preservation of 39041  
departmental records, papers, books, documents, and property. 39042  
Whenever the Revised Code imposes a duty upon or requires an 39043  
action of the department or any of its institutions, the director 39044  
shall perform the action or duty in the name of the department, 39045  
except that the medical director appointed pursuant to section 39046  
5119.07 of the Revised Code shall be responsible for decisions 39047  
relating to medical diagnosis, treatment, rehabilitation, quality 39048  
assurance, and the clinical aspects of the following: licensure of 39049  
hospitals and residential facilities, research, community mental 39050  
health plans, and delivery of mental health services. 39051

The director shall: 39052

(A) Adopt rules for the proper execution of the powers and 39053  
duties of the department with respect to the institutions under 39054  
its control, and require the performance of additional duties by 39055  
the officers of the institutions as necessary to fully meet the 39056  
requirements, intents, and purposes of this chapter. In case of an 39057  
apparent conflict between the powers conferred upon any managing 39058  
officer and those conferred by such sections upon the department, 39059  
the presumption shall be conclusive in favor of the department. 39060

(B) Adopt rules for the nonpartisan management of the 39062  
institutions under the department's control. An officer or 39063  
employee of the department or any officer or employee of any 39064  
institution under its control who, by solicitation or otherwise, 39065  
exerts influence directly or indirectly to induce any other 39066  
officer or employee of the department or any of its institutions 39067  
to adopt the exerting officer's or employee's political views or 39068  
to favor any particular person, issue, or candidate for office 39069

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shall be removed from the exerting officer's or employee's office	39070
or position, by the department in case of an officer or employee,	39071
and by the governor in case of the director.	39072
(C) Appoint such employees, including the medical director,	39073
as are necessary for the efficient conduct of the department, and	39074
prescribe their titles and duties;	39075
(D) Prescribe the forms of affidavits, applications, medical	39076
certificates, orders of hospitalization and release, and all other	39077
forms, reports, and records that are required in the	39078
hospitalization or admission and release of all persons to the	39079
institutions under the control of the department, or are otherwise	39080
required under this chapter or Chapter 5122. of the Revised Code;	39081
(E) Contract with hospitals licensed by the department under	39082
section 5119.20 of the Revised Code for the care and treatment of	39083
mentally ill patients, or with persons, organizations, or agencies	39084
for the custody, supervision, care, or treatment of mentally ill	39085
persons receiving services elsewhere than within the enclosure of	39086
a hospital operated under section 5119.02 of the Revised Code;	39087
(F) Exercise the powers and perform the duties relating to	39088
community mental health facilities and services that are assigned	39089
to the director under this chapter and Chapter 340. of the Revised	39090
Code;	39091
<del>(G) Adopt rules under Chapter 119. of the Revised Code for</del>	39092
<del>the establishment of minimum standards, including standards for</del>	39093
<del>use of seclusion and restraint, of mental health services that are</del>	39094
<del>not inconsistent with nationally recognized applicable standards</del>	39095
<del>and that facilitate participation in federal assistance programs;</del>	39096
<del>(H)</del> Develop and implement clinical evaluation and monitoring	39097
of services that are operated by the department;	39098
<del>(I)</del> <u>(H)</u> At the director's discretion, adopt rules establishing	39099
standards for the adequacy of services provided by community	39100

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mental health facilities, and certify the compliance of such 39101  
 facilities with the standards for the purpose of authorizing their 39102  
 participation in the health care plans of health insuring 39103  
 corporations under Chapter 1751. and sickness and accident 39104  
 insurance policies issued under Chapter 3923. of the Revised 39105  
Code. The director shall cease to certify such compliance two 39106  
years after the effective date of this amendment. The director 39107  
shall rescind the rules after the date the director ceases to 39108  
certify such compliance. 39109

~~(J)~~(I) Adopt rules establishing standards for the performance 39110  
 of evaluations by a forensic center or other psychiatric program 39111  
 or facility of the mental condition of defendants ordered by the 39112  
 court under section 2919.271, or 2945.371 of the Revised Code, and 39113  
 for the treatment of defendants who have been found incompetent to 39114  
 stand trial and ordered by the court under section 2945.38, 39115  
 2945.39, 2945.401, or 2945.402 of the Revised Code to receive 39116  
 treatment in facilities; 39117

~~(K)~~(J) On behalf of the department, have the authority and 39118  
 responsibility for entering into contracts and other agreements; 39119

~~(L)~~(K) Prepare and publish regularly a state mental health 39120  
 plan that describes the department's philosophy, current 39121  
 activities, and long-term and short-term goals and activities; 39122

~~(M)~~(L) Adopt rules in accordance with Chapter 119. of the 39123  
 Revised Code specifying the supplemental services that may be 39124  
 provided through a trust authorized by section 1339.51 of the 39125  
 Revised Code; 39126

~~(N)~~(M) Adopt rules in accordance with Chapter 119. of the 39127  
 Revised Code establishing standards for the maintenance and 39128  
 distribution to a beneficiary of assets of a trust authorized by 39129  
 section 1339.51 of the Revised Code; 39130

~~(O) As used in division (I) of this section:~~ 39131

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~~(1) "Community mental health facility" means a facility that provides community mental health services and is included in the community mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.~~

~~(2) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.~~

**Sec. 5119.06.** (A) The department of mental health shall:

(1) Establish and support a program at the state level to promote a community support system in accordance with section 340.03 of the Revised Code to be available for every alcohol, drug addiction, and mental health service district. The department shall define the essential elements of a community support system, shall assist in identifying resources and coordinating the planning, evaluation, and delivery of services to facilitate the access of mentally ill people to public services at federal, state, and local levels, and shall operate inpatient and other mental health services pursuant to the approved community mental health plan.

(2) Provide training, consultation, and technical assistance regarding mental health programs and services and appropriate prevention and mental health promotion activities, including those that are culturally sensitive, to employees of the department, community mental health agencies and boards, and other agencies providing mental health services;

(3) Promote and support a full range of mental health services that are available and accessible to all residents of this state, especially for severely mentally disabled children, adolescents, and adults, and other special target populations, including racial and ethnic minorities, as determined by the department.

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(4) Design and set criteria for the determination of severe mental disability;	39163 39164
(5) Establish <del>criteria</del> standards for evaluation of mental health programs;	39165 39166
(6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into consideration concerning the causes and prevention of mental illness, methods of providing effective services and treatment, and means of enhancing the mental health of all residents of this state;	39167 39168 39169 39170 39171
(7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for consumers of mental health services, including members of racial and ethnic minorities;	39172 39173 39174 39175
(8) Establish a program to protect and promote the rights of persons receiving mental health services, including the issuance of guidelines on informed consent and other rights;	39176 39177 39178
(9) Establish, in consultation with board of alcohol, drug addiction, and mental health services representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code;	39179 39180 39181 39182 39183 39184
(10) Promote the involvement of persons who are receiving or have received mental health services, including families and other persons having a close relationship to a person receiving mental health services, in the planning, evaluation, delivery, and operation of mental health services.	39185 39186 39187 39188 39189
(11) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health. These constituencies shall include consumers of mental health services and their families, and may	39190 39191 39192 39193

include public and private providers, employee organizations, and  
others when appropriate. Whenever the department proposes the  
adoption, amendment, or rescission of rules under Chapter 119. of  
the Revised Code, the notification and consultation required by  
this division shall occur prior to the commencement of proceedings  
under Chapter 119. The department shall adopt rules under Chapter  
119. of the Revised Code that establish procedures for the  
notification and consultation required by this division.

(12) In cooperation with board of alcohol, drug addiction,  
and mental health services representatives, provide training  
regarding the provision of community-based mental health services  
to those department employees who are utilized in state-operated,  
community-based mental health services;

(13) Provide ~~oversight and~~ consultation to the department of  
rehabilitation and correction ~~for~~ concerning the delivery of  
mental health services in state correctional institutions;

~~(14) Audit mental health programs in state correctional  
institutions operated by the department of rehabilitation and  
correction for compliance with standards that have been jointly  
developed and promulgated by the department of mental health and  
the department of rehabilitation and correction. The standards  
shall include monitoring mechanisms to provide for quality of  
services in these programs.~~

(B) The department of mental health may negotiate and enter  
into agreements with other agencies and institutions, both public  
and private, for the joint performance of its duties.

**Sec. 5119.22.** (A)(1) As used in this section:

(a) ~~Mental~~ "Community mental health agency" means a community  
mental health agency as defined in division (H) of section 5122.01  
of the Revised Code, or, until two years after the effective date

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of this amendment, a community mental health facility certified by 39225  
the department of mental health pursuant to division ~~(I)~~(H) of 39226  
section 5119.01 of the Revised Code. 39227

(b) ~~Mental~~ "Community mental health services" means any of 39228  
the services listed in section 340.09 of the Revised Code. 39229

(c) "Personal care services" means services including, but 39230  
not limited to, the following: 39231

(i) Assisting residents with activities of daily living; 39232

(ii) Assisting residents with self-administration of 39233  
medication in accordance with rules adopted under this section; 39234

(iii) Preparing special diets, other than complex therapeutic 39235  
diets, for residents pursuant to the instructions of a physician 39236  
or a licensed dietitian, in accordance with rules adopted under 39237  
this section. 39238

"Personal care services" does not include "skilled nursing 39239  
care" as defined in section 3721.01 of the Revised Code. A 39240  
facility need not provide more than one of the services listed in 39241  
division (A)(1)(c) of this section to be considered to be 39242  
providing personal care services. 39243

(d) "Residential facility" means a publicly or privately 39244  
operated home or facility that provides one of the following: 39245

(i) Room and board, personal care services, and community 39246  
mental health services to one or more persons with mental illness 39247  
or persons with severe mental disabilities who are referred by or 39248  
are receiving community mental health services from a community 39249  
mental health agency, hospital, or practitioner; 39250

(ii) Room and board and personal care services to one or two 39251  
persons with mental illness or persons with severe mental 39252  
disabilities who are referred by or are receiving community mental 39253  
health services from a community mental health agency, hospital, 39254

or practitioner;	39255
(iii) Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving <u>community</u> mental health services from a <u>community</u> mental health agency, hospital, or practitioner.	39256 39257 39258 39259
The following are not residential facilities: the residence of a relative or guardian of a mentally ill individual, a hospital subject to licensure under section 5119.20 of the Revised Code, a residential facility as defined in section 5123.19 of the Revised Code, a facility providing care for a child in the custody of a public children services agency or a private agency certified under section 5103.03 of the Revised Code, a foster care facility subject to section 5103.03 of the Revised Code, an adult care facility subject to licensure under Chapter 3722. of the Revised Code, and a nursing home, residential care facility, or home for the aging subject to licensure under section 3721.02 of the Revised Code.	39260 39261 39262 39263 39264 39265 39266 39267 39268 39269 39270 39271
(2) Nothing in division (A)(1)(d) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.	39272 39273 39274 39275
(3) Except in the case of a residential facility described in division (A)(1)(d)(i) of this section, members of the staff of a residential facility shall not administer medication to residents, all medication taken by residents of a residential facility shall be self-administered, and no person shall be admitted to or retained by a residential facility unless the person is capable of taking the person's own medication and biologicals, as determined in writing by the person's personal physician. Members of the staff of a residential facility may do any of the following:	39276 39277 39278 39279 39280 39281 39282 39283 39284 39285
(a) Remind a resident when to take medication and watch to	39286

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ensure that the resident follows the directions on the container; 39287

(b) Assist a resident in the self-administration of 39288  
medication by taking the medication from the locked area where it 39289  
is stored, in accordance with rules adopted pursuant to this 39290  
section, and handing it to the resident. If the resident is 39291  
physically unable to open the container, a staff member may open 39292  
the container for the resident. 39293

(c) Assist a physically impaired but mentally alert resident, 39294  
such as a resident with arthritis, cerebral palsy, or Parkinson's 39295  
disease, in removing oral or topical medication from containers 39296  
and in consuming or applying the medication, upon request by or 39297  
with the consent of the resident. If a resident is physically 39298  
unable to place a dose of medicine to the resident's mouth without 39299  
spilling it, a staff member may place the dose in a container and 39300  
place the container to the mouth of the resident. 39301

(B) Every person operating or desiring to operate a 39302  
residential facility shall apply for licensure of the facility to 39303  
the department of mental health and shall send a copy of the 39304  
application to the board of alcohol, drug addiction, and mental 39305  
health services whose service district includes the county in 39306  
which the person operates or desires to operate a residential 39307  
facility. The board shall review such applications and recommend 39308  
approval or disapproval to the department. Each recommendation 39309  
shall be consistent with the board's community mental health plan. 39310

(C) The department of mental health shall inspect and license 39311  
the operation of residential facilities. The department shall 39312  
consider the past record of the facility and the applicant or 39313  
licensee in arriving at its licensure decision. The department may 39314  
issue full, probationary, and interim licenses. A full license 39315  
shall expire two years after the date of issuance, a probationary 39316  
license shall expire in a shorter period of time as prescribed by 39317  
rule adopted by the director of mental health pursuant to Chapter 39318

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119. of the Revised Code, and an interim license shall expire 39319  
ninety days after the date of issuance. The department may refuse 39320  
to issue or renew and may revoke a license if it finds the 39321  
facility is not in compliance with rules adopted by the department 39322  
pursuant to division (G) of this section or if any facility 39323  
operated by the applicant or licensee has had repeated violations 39324  
of statutes or rules during the period of previous licenses. 39325  
Proceedings initiated to deny applications for full or 39326  
probationary licenses or to revoke such licenses are governed by 39327  
Chapter 119. of the Revised Code. 39328

(D) The department may issue an interim license to operate a 39329  
residential facility if both of the following conditions are met: 39330

(1) The department determines that the closing of or the need 39331  
to remove residents from another residential facility has created 39332  
an emergency situation requiring immediate removal of residents 39333  
and an insufficient number of licensed beds are available. 39334

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(2) The residential facility applying for an interim license 39336  
meets standards established for interim licenses in rules adopted 39337  
by the director under Chapter 119. of the Revised Code. 39338

An interim license shall be valid for ninety days and may be 39339  
renewed by the director no more than twice. Proceedings initiated 39340  
to deny applications for or to revoke interim licenses under this 39341  
division are not subject to Chapter 119. of the Revised Code. 39342

(E) The department of mental health may conduct an inspection 39343  
of a residential facility: 39344

(1) Prior to the issuance of a license to a prospective 39345  
operator; 39346

(2) Prior to the renewal of any operator's license; 39347

(3) To determine whether a facility has completed a plan of 39348

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correction required pursuant to this division and corrected	39349
deficiencies to the satisfaction of the department and in	39350
compliance with this section and rules adopted pursuant to it;	39351
(4) Upon complaint by any individual or agency;	39352
(5) At any time the director considers an inspection to be	39353
necessary in order to determine whether a residential facility is	39354
in compliance with this section and rules adopted pursuant to this	39355
section.	39356
In conducting inspections the department may conduct an	39357
on-site examination and evaluation of the residential facility,	39358
its personnel, activities, and services. The department shall have	39359
access to examine all records, accounts, and any other documents	39360
relating to the operation of the residential facility, and shall	39361
have access to the facility in order to conduct interviews with	39362
the operator, staff, and residents. Following each inspection and	39363
review, the department shall complete a report listing any	39364
deficiencies, and including, when appropriate, a time table within	39365
which the operator shall correct the deficiencies. The department	39366
may require the operator to submit a plan of correction describing	39367
how the deficiencies will be corrected.	39368
(F) No person shall do any of the following:	39369
(1) Operate a residential facility unless the facility holds	39370
a valid license;	39371
(2) Violate any of the conditions of licensure after having	39372
been granted a license;	39373
(3) Interfere with a state or local official's inspection or	39374
investigation of a residential facility;	39375
(4) Violate any of the provisions of this section or any	39376
rules adopted pursuant to this section.	39377
(G) The director shall adopt and may amend and rescind rules	39378

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pursuant to Chapter 119. of the Revised Code, prescribing minimum 39379  
standards for the health, safety, adequacy, and cultural 39380  
specificity and sensitivity of treatment of and services for 39381  
persons in residential facilities; establishing procedures for the 39382  
issuance, renewal or revocation of the licenses of such 39383  
facilities; establishing the maximum number of residents of a 39384  
facility; establishing the rights of residents and procedures to 39385  
protect such rights; and requiring an affiliation agreement 39386  
approved by the board between a residential facility and a mental 39387  
health agency. Such affiliation agreement must be consistent with 39388  
the residential portion of the community mental health plan 39389  
submitted pursuant to section 340.03 of the Revised Code. 39390

(H) The department may investigate any facility that has been 39391  
reported to the department or that the department has reasonable 39392  
cause to believe is operating as a residential facility without a 39393  
valid license. 39394

(I) The department may withhold the source of any complaint 39395  
reported as a violation of this act when the department determines 39396  
that disclosure could be detrimental to the department's purposes 39397  
or could jeopardize the investigation. The department may disclose 39398  
the source of any complaint if the complainant agrees in writing 39399  
to such disclosure and shall disclose the source upon order by a 39400  
court of competent jurisdiction. 39401

(J) The director of mental health may petition the court of 39402  
common pleas of the county in which a residential facility is 39403  
located for an order enjoining any person from operating a 39404  
residential facility without a license or from operating a 39405  
licensed facility when, in the director's judgment, there is a 39406  
real and present danger to the health or safety of any of the 39407  
occupants of the facility. The court shall have jurisdiction to 39408  
grant such injunctive relief upon a showing that the respondent 39409  
named in the petition is operating a facility without a license or 39410

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there is a real and present danger to the health or safety of any residents of the facility. 39411  
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(K) Whoever violates division (F) of this section or any rule adopted under this section is liable for a civil penalty of one hundred dollars for the first offense; for each subsequent offense, such violator is liable for a civil penalty of five hundred dollars. If the violator does not pay, the attorney general, upon the request of the director of mental health, shall bring a civil action to collect the penalty. Fines collected pursuant to this section shall be deposited into the state treasury to the credit of the mental health sale of goods and services fund. 39413  
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**Sec. 5119.61.** Any provision in this chapter that refers to a board of alcohol, drug addiction, and mental health services also refers to the community mental health board in an alcohol, drug addiction, and mental health service district that has a community mental health board. 39423  
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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: 39428  
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(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. 39432  
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(1) The rules shall include all of the following: 39435

(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; 39436  
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(b) For the purpose of division (A)~~(14)~~(16) of section 340.03 39440

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of the Revised Code, rules governing the duties of mental health 39441  
 agencies and boards of alcohol, drug addiction, and mental health 39442  
 services under section 3722.18 of the Revised Code regarding 39443  
 referrals of individuals with mental illness or severe mental 39444  
 disability to adult care facilities and effective arrangements for 39445  
 ongoing mental health services for the individuals. The rules 39446  
 shall do at least the following: 39447

(i) Provide for agencies and boards to participate fully in 39448  
 the procedures owners and managers of adult care facilities must 39449  
 follow under division (A)(2) of section 3722.18 of the Revised 39450  
 Code; 39451

(ii) Specify the manner in which boards are accountable for 39452  
 ensuring that ongoing mental health services are effectively 39453  
 arranged for individuals with mental illness or severe mental 39454  
 disability who are referred by the board or mental health agency 39455  
 under contract with the board to an adult care facility. 39456

(c) Rules governing a board of alcohol, drug addiction, and 39457  
 mental health services when making a report to the director of 39458  
 health under section 3722.17 of the Revised Code regarding the 39459  
 quality of care and services provided by an adult care facility to 39460  
 a person with mental illness or a severe mental disability. 39461

(2) Rules may be adopted to govern the method of paying a 39462  
 community mental health facility described in division (B) of 39463  
 section 5111.022 of the Revised Code for providing services 39464  
 established by division (A) of that section. Such rules must be 39465  
 consistent with the contract entered into between the departments 39466  
 of ~~human~~ job and family services and mental health under division 39467  
 (E) of that section and include requirements ensuring appropriate 39468  
service utilization. 39469

~~(B) Adopt rules requiring each public or private agency 39470  
 providing mental health services or facilities under a contract 39471  
 with a board of alcohol, drug addiction, and mental health 39472~~

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<del>services and any program operated by such a board to have a</del>	39473
<del>written policy that addresses the rights of clients including all</del>	39474
<del>of the following:</del>	39475
<del>(1) The right to a copy of the agency's policy of client</del>	39476
<del>rights;</del>	39477
<del>(2) The right at all times to be treated with consideration</del>	39478
<del>and respect for the client's privacy and dignity;</del>	39479
<del>(3) The right to have access to the client's own psychiatric,</del>	39480
<del>medical, or other treatment records unless access is specifically</del>	39481
<del>restricted in the client's treatment plan for clear treatment</del>	39482
<del>reasons;</del>	39483
<del>(4) The right to have a client rights officer provided by the</del>	39484
<del>board or agency advise the client of the client's rights,</del>	39485
<del>including the client's rights under Chapter 5122. of the Revised</del>	39486
<del>Code if the client is committed to the board or agency.</del>	39487
<del>(C) Require each board of alcohol, drug addiction, and mental</del>	39488
<del>health services to ensure that each contract agency establishes</del>	39489
<del>grievance procedures available to all recipients of services or</del>	39490
<del>applicants for services;</del>	39491
<del>(D) Define minimum standards for qualifications of personnel,</del>	39492
<del>professional services, and mental health professionals as defined</del>	39493
<del>in section 340.02 of the Revised Code;</del>	39494
<del>(E) Review and evaluate, and, taking into account the</del>	39495
<del>findings and recommendations of the board of alcohol, drug</del>	39496
<del>addiction, and mental health services of the district served by</del>	39497
<del>the program and the requirements and priorities of the state</del>	39498
<del>mental health plan, including the needs of residents of the</del>	39499
<del>district now residing in state mental institutions, approve and</del>	39500
<del>allocate funds to support community programs, and make</del>	39501
<del>recommendations for needed improvements to boards of alcohol, drug</del>	39502
<del>addiction, and mental health services;</del>	39503

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~~(F)~~(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position that it is in compliance. Before withholding funds, a hearing shall be conducted to determine if there are continuing violations and that either assistance is rejected or the board is unable to achieve compliance. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to a public or private agency to provide the services not in compliance until the time that there is compliance. The director shall establish rules pursuant to Chapter 119. of the Revised Code to implement this division.

~~(G)~~(D) 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)~~(E) Provide consultative services to community mental health ~~programs~~ agencies with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;

~~(I)~~(F) 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

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special programs or projects the director considers necessary but 39536  
for which local funds are not available; 39537

~~(J)~~(G) Establish criteria by which a board of alcohol, drug 39538  
addiction, and mental health services reviews and evaluates the 39539  
quality, effectiveness, and efficiency of services provided 39540  
through its community mental health plan. The criteria shall 39541  
include requirements ensuring appropriate service utilization. The 39542  
department shall assess a board's evaluation of services and the 39543  
compliance of each board with this section, Chapter 340. or 39544  
section 5119.62 of the Revised Code, and other state or federal 39545  
law and regulations. The department, in cooperation with the 39546  
board, periodically shall review and evaluate the quality, 39547  
effectiveness, and efficiency of services provided through each 39548  
board. The department shall collect information that is necessary 39549  
to perform these functions. 39550

~~(K)~~(H) Develop and operate a community mental health 39551  
information system. 39552

Boards of alcohol, drug abuse, and mental health services 39553  
shall submit information requested by the department in the form 39554  
and manner prescribed by the department. Information collected by 39555  
the department shall include, but not be limited to, all of the 39556  
following: 39557

(1) Information regarding units of services provided in whole 39558  
or in part under contract with a board, including diagnosis and 39559  
special needs, demographic information, the number of units of 39560  
service provided, past treatment, financial status, and service 39561  
dates in accordance with rules adopted by the department in 39562  
accordance with Chapter 119. of the Revised Code; 39563

(2) Financial information other than price or price-related 39564  
data regarding expenditures of boards and community mental health 39565  
agencies, including units of service provided, budgeted and actual 39566  
expenses by type, and sources of funds. 39567

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Boards shall submit the information specified in division 39568  
(K)(H)(1) of this section no less frequently than annually for 39569  
each client, and each time the client's case is opened or closed. 39570  
The department shall not collect any information for the purpose 39571  
of identifying by name any person who receives a service through a 39572  
board of alcohol, drug addiction, and mental health services, 39573  
except as required by state or federal law to validate appropriate 39574  
reimbursement. For the purposes of division (K)(H)(1) of this 39575  
section, the department shall use an identification system that is 39576  
consistent with applicable nationally recognized standards. 39577

(L)(I) Review each board's community mental health plan 39578  
submitted pursuant to section 340.03 of the Revised Code and 39579  
approve or disapprove it in whole or in part. Periodically, in 39580  
consultation with representatives of boards and after considering 39581  
the recommendations of the medical director, the director shall 39582  
issue criteria for determining when a plan is complete, criteria 39583  
for plan approval or disapproval, and provisions for conditional 39584  
approval. The factors that the director considers may include, but 39585  
are not limited to, the following: 39586

(1) The mental health needs of all persons residing within 39587  
the board's service district, especially severely mentally 39588  
disabled children, adolescents, and adults; 39589

(2) The demonstrated quality, effectiveness, efficiency, and 39590  
cultural relevance of the services provided in each service 39591  
district, the extent to which any services are duplicative of 39592  
other available services, and whether the services meet the needs 39593  
identified above; 39594

(3) The adequacy of the board's accounting for the 39595  
expenditure of funds. 39596

If the director disapproves all or part of any plan, the 39597  
director shall provide the board an opportunity to present its 39598

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position. The director shall inform the board of the reasons for 39599  
the disapproval and of the criteria that must be met before the 39600  
plan may be approved. The director shall give the board a 39601  
reasonable time within which to meet the criteria, and shall offer 39602  
technical assistance to the board to help it meet the criteria. 39603

If the approval of a plan remains in dispute thirty days 39604  
prior to the conclusion of the fiscal year in which the board's 39605  
current plan is scheduled to expire, the board or the director may 39606  
request that the dispute be submitted to a mutually agreed upon 39607  
third-party mediator with the cost to be shared by the board and 39608  
the department. The mediator shall issue to the board and the 39609  
department recommendations for resolution of the dispute. Prior to 39610  
the conclusion of the fiscal year in which the current plan is 39611  
scheduled to expire, the director, taking into consideration the 39612  
recommendations of the mediator, shall make a final determination 39613  
and approve or disapprove the plan, in whole or in part. 39614

~~(M) Visit and evaluate any community mental health program,~~ 39615  
~~agency, or facility, in cooperation with a board of alcohol, drug~~ 39616  
~~addiction, and mental health services, to determine if the~~ 39617  
~~services meet minimum standards pursuant to division (G) of~~ 39618  
~~section 5119.01 of the Revised Code. If the director determines~~ 39619  
~~that the services meet minimum standards, the director shall so~~ 39620  
~~certify.~~ 39621

~~If the director determines that the services of any program,~~ 39622  
~~agency, or facility that has a contract with a board do not meet~~ 39623  
~~minimum standards, the director shall identify the areas of~~ 39624  
~~noncompliance, specify what action is necessary to meet the~~ 39625  
~~standards, and offer technical assistance to the board so that it~~ 39626  
~~may assist the program, agency, or facility to meet minimum~~ 39627  
~~standards. The director shall give the board a reasonable time~~ 39628  
~~within which to demonstrate that the services meet minimum~~ 39629  
~~standards or to bring the program or facility into compliance with~~ 39630

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~~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.~~

~~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 rules under Chapter 119. of the  
Revised Code to implement this division. The rules shall do all of  
the following:~~

~~(1) Establish the process for certification of services of  
programs, agencies, or facilities;~~

~~(2) Set the amount of certification review fees based on a  
portion of the cost of performing the review;~~

~~(3) Specify the type of notice and hearing to be provided  
prior to a decision whether to reallocate funds.~~

Sec. 5119.611. (A) A board of alcohol, drug addiction, and  
mental health services may not contract with a community mental  
health agency under division (A)(8)(a) of section 340.03 of the  
Revised Code to provide community mental health services included  
in the board's community mental health plan unless the services  
are certified by the director of mental health under this section.

A community mental health agency that seeks the director's  
certification of its community mental health services shall submit  
an application to the director. On receipt of the application, the

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director may visit and shall evaluate the agency to determine whether its services satisfy the standards established by rules adopted under division (C) of this section. The director shall make the evaluation, and, if the director visits the agency, shall make the visit, in cooperation with the board of alcohol, drug addiction, and mental health services with which the agency seeks to contract. 39661  
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If the director determines that a community mental health agency's services satisfy the standards, the director shall certify the services. 39668  
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If the director determines that a community mental health agency's services do not satisfy the standards, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and offer technical assistance to the board of alcohol, drug addiction, and mental health services so that the board may assist the agency in satisfying the standards. The director shall give the agency a reasonable time within which to demonstrate that its services satisfy the standards or to bring the services into compliance with the standards. If the director concludes that the services continue to fail to satisfy the standards, the director may request that the board reallocate the funds for the community mental health services the agency was to provide to another community mental health agency whose community mental health services satisfy the 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 community mental health services and allocate those funds directly to a community mental health agency whose community mental health services satisfy the standards. 39671  
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(B) Each community mental health agency seeking certification of its community mental health services under this section shall pay a fee for the certification review required by this section. 39690  
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<u>Fees shall be paid into the sale of goods and services fund</u>	39693
<u>created pursuant to section 5119.161 of the Revised Code.</u>	39694
	39695
<u>(C) The director shall adopt rules in accordance with Chapter</u>	39696
<u>119. of the Revised Code to implement this section. The rules</u>	39697
<u>shall do all of the following:</u>	39698
<u>(1) Establish certification standards for community mental</u>	39699
<u>health services that are consistent with nationally recognized</u>	39700
<u>applicable standards and facilitate participation in federal</u>	39701
<u>assistance programs. The rules shall include as certification</u>	39702
<u>standards only requirements that improve the quality of services</u>	39703
<u>or the health and safety of clients of community mental health</u>	39704
<u>services. The standards shall address at a minimum all of the</u>	39705
<u>following:</u>	39706
<u>(a) Reporting major unusual incidents to the director;</u>	39707
<u>(b) Procedures for applicants for and clients of community</u>	39708
<u>mental health services to file grievances and complaints;</u>	39709
<u>(c) Seclusion;</u>	39710
<u>(d) Restraint;</u>	39711
<u>(e) Development of written policies addressing the rights of</u>	39712
<u>clients, including all of the following:</u>	39713
<u>(i) The right to a copy of the written policies addressing</u>	39714
<u>client rights;</u>	39715
<u>(ii) The right at all times to be treated with consideration</u>	39716
<u>and respect for the client's privacy and dignity;</u>	39717
<u>(iii) The right to have access to the client's own</u>	39718
<u>psychiatric, medical, or other treatment records unless access is</u>	39719
<u>specifically restricted in the client's treatment plan for clear</u>	39720
<u>treatment reasons;</u>	39721
<u>(iv) The right to have a client rights officer provided by</u>	39722

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the agency or board of alcohol, drug addiction, and mental health services advise the client of the client's rights, including the client's rights under Chapter 5122. of the Revised Code if the client is committed to the agency or board. 39723  
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(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services; 39727  
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(3) Establish the process for certification of community mental health services; 39730  
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(4) Set the amount of certification review fees based on a portion of the cost of performing the review; 39732  
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(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 39734  
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**Sec. 5119.612.** The director of mental health shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health agency with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health services establish grievance procedures consistent with rules adopted under section 5119.611 of the Revised Code that are available to all applicants for and clients of the community mental health services. 39736  
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**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 39745  
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copy of the rule or amendment, if the rule or amendment pertains 39753  
to minimum jail standards, by ordinary mail to the political 39754  
subdivisions or affiliations of political subdivisions that 39755  
operate jails to which the standards apply. 39756

(2) The rules promulgated in accordance with division (A)(1) 39757  
of this section shall serve as criteria for the investigative and 39758  
supervisory powers and duties vested by division (D) of this 39759  
section in the division of parole and community services of the 39760  
department of rehabilitation and correction or in another division 39761  
of the department to which those powers and duties are assigned. 39762

(B) The director may initiate an action in the court of 39763  
common pleas of the county in which a facility that is subject to 39764  
the rules promulgated under division (A)(1) of this section is 39765  
situated to enjoin compliance with the minimum standards for jails 39766  
or with the minimum standards and minimum renovation, 39767  
modification, and construction criteria for minimum security 39768  
jails. 39769

(C) Upon the request of an administrator of a jail facility, 39770  
the chief executive of a municipal corporation, or a board of 39771  
county commissioners, the director of rehabilitation and 39772  
correction or the director's designee shall grant a variance from 39773  
the minimum standards for jails in Ohio for a facility that is 39774  
subject to one of those minimum standards when the director 39775  
determines that strict compliance with the minimum standards would 39776  
cause unusual, practical difficulties or financial hardship, that 39777  
existing or alternative practices meet the intent of the minimum 39778  
standards, and that granting a variance would not seriously affect 39779  
the security of the facility, the supervision of the inmates, or 39780  
the safe, healthful operation of the facility. If the director or 39781  
the director's designee denies a variance, the applicant may 39782  
appeal the denial pursuant to section 119.12 of the Revised Code. 39783

(D) The following powers and duties shall be exercised by the 39784

division of parole and community services unless assigned to	39785
another division by the director:	39786
(1) The investigation and supervision of county and municipal	39787
jails, workhouses, minimum security jails, and other correctional	39788
institutions and agencies;	39789
(2) <u>The review and approval of plans submitted to the</u>	39790
<u>department of rehabilitation and correction pursuant to division</u>	39791
<u>(E) of this section;</u>	39792
<del>(3)</del> (4) The management and supervision of the adult parole	39793
authority created by section 5149.02 of the Revised Code;	39794
<del>(3)</del> (4) The review and approval of proposals for	39795
community-based correctional facilities and programs and district	39796
community-based correctional facilities and programs that are	39797
submitted pursuant to division (B) of section 2301.51 of the	39798
Revised Code;	39799
<del>(4)</del> (5) The distribution of funds made available to the	39800
division for purposes of assisting in the renovation, maintenance,	39801
and operation of community-based correctional facilities and	39802
programs and district community-based correctional facilities and	39803
programs in accordance with section 5120.112 of the Revised Code;	39804
<del>(5)</del> (6) The performance of the duty imposed upon the	39805
department of rehabilitation and correction in section 5149.31 of	39806
the Revised Code to establish and administer a program of	39807
subsidies to eligible municipal corporations, counties, and groups	39808
of contiguous counties for the development, implementation, and	39809
operation of community-based corrections programs;	39810
<del>(6)</del> (7) Licensing halfway houses and community residential	39811
centers for the care and treatment of adult offenders in	39812
accordance with section 2967.14 of the Revised Code;	39813
<del>(7)</del> (8) Contracting with a public or private agency or a	39814

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department or political subdivision of the state that operates a 39815  
licensed halfway house or community residential center for the 39816  
provision of housing, supervision, and other services to parolees 39817  
and probationers in accordance with section 2967.14 of the Revised 39818  
Code. 39819

Other powers and duties may be assigned by the director of 39820  
rehabilitation and correction to the division of parole and 39821  
community services. This section does not apply to the department 39822  
of youth services or its institutions or employees. 39823

(E) No plan for any new jail, workhouse, or lockup, or plan 39824  
for a substantial addition or alteration to an existing jail, 39825  
workhouse, or lockup, shall be adopted unless the officials 39826  
responsible for adopting the plan have submitted it to the 39827  
department of rehabilitation and correction for approval and the 39828  
department has approved the plan as provided in division (D)(2) of 39829  
this section. 39830

**Sec. 5122.31.** All certificates, applications, records, and 39831  
reports made for the purpose of this chapter and sections 2945.38, 39832  
2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, 39833  
other than court journal entries or court docket entries, and 39834  
directly or indirectly identifying a patient or former patient or 39835  
person whose hospitalization has been sought under this chapter, 39836  
shall be kept confidential and shall not be disclosed by any 39837  
person except: 39838

(A) If the person identified, or the person's legal guardian, 39839  
if any, or if the person is a minor, the person's parent or legal 39840  
guardian, consents, and if the disclosure is in the best interests 39841  
of the person, as may be determined by the court for judicial 39842  
records and by the chief clinical officer for medical records; 39843  
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(B) When disclosure is provided for in this chapter or 39845

section 5123.60 of the Revised Code; 39846

(C) That hospitals, boards of alcohol, drug addiction, and 39847  
mental health services, and community mental health agencies may 39848  
release necessary medical information to insurers and other 39849  
third-party payers, including government entities responsible for 39850  
processing and authorizing payment, to obtain payment for goods 39851  
and services furnished to the patient; 39852

(D) Pursuant to a court order signed by a judge; 39853

(E) That a patient shall be granted access to the patient's 39854  
own psychiatric and medical records, unless access specifically is 39855  
restricted in a patient's treatment plan for clear treatment 39856  
reasons; 39857

(F) That hospitals and other institutions and facilities 39858  
within the department of mental health may exchange psychiatric 39859  
records and other pertinent information with other hospitals, 39860  
institutions, and facilities of the department, and with community 39861  
mental health agencies and boards of alcohol, drug addiction, and 39862  
mental health services with which the department has a current 39863  
agreement for patient care or services. Records and information 39864  
that may be released pursuant to this division shall be limited to 39865  
medication history, physical health status and history, financial 39866  
status, summary of course of treatment in the hospital, summary of 39867  
treatment needs, and a discharge summary, if any. 39868

(G) That a patient's family member who is involved in the 39869  
provision, planning, and monitoring of services to the patient may 39870  
receive medication information, a summary of the patient's 39871  
diagnosis and prognosis, and a list of the services and personnel 39872  
available to assist the patient and the patient's family, if the 39873  
patient's treating physician determines that the disclosure would 39874  
be in the best interests of the patient. No such disclosure shall 39875  
be made unless the patient is notified first and receives the 39876

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- information and does not object to the disclosure. 39877
- (H) That community mental health agencies may exchange 39878  
psychiatric records and certain other information with the board 39879  
of alcohol, drug addiction, and mental health services and other 39880  
agencies in order to provide services to a person involuntarily 39881  
committed to a board. Release of records under this division shall 39882  
be limited to medication history, physical health status and 39883  
history, financial status, summary of course of treatment, summary 39884  
of treatment needs, and discharge summary, if any. 39885
- (I) That information may be disclosed to the executor or the 39886  
administrator of an estate of a deceased patient when the 39887  
information is necessary to administer the estate; 39888
- (J) That records in the possession of the Ohio historical 39889  
society may be released to the closest living relative of a 39890  
deceased patient upon request of that relative; 39891
- (K) That information may be disclosed to staff members of the 39892  
appropriate board or to staff members designated by the director 39893  
of mental health for the purpose of evaluating the quality, 39894  
effectiveness, and efficiency of services and determining if the 39895  
services meet minimum standards. Information obtained during such 39896  
evaluations shall not be retained with the name of any patient. 39897  
39898
- (L) That records pertaining to the patient's diagnosis, 39899  
course of treatment, treatment needs, and prognosis shall be 39900  
disclosed and released to the appropriate prosecuting attorney if 39901  
the patient was committed pursuant to section 2945.38, 2945.39, 39902  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 39903  
attorney designated by the board for proceedings pursuant to 39904  
involuntary commitment under this chapter. 39905
- (M) That the department of mental health may exchange 39906  
psychiatric hospitalization records, other mental health treatment 39907

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records, and other pertinent information with the department of 39908  
rehabilitation and correction to ensure continuity of care for 39909  
inmates who are receiving mental health services in an institution 39910  
of the department of rehabilitation and correction. The department 39911  
shall not disclose those records unless the inmate is notified, 39912  
receives the information, and does not object to the disclosure. 39913  
The release of records under this division is limited to records 39914  
regarding an inmate's medication history, physical health status 39915  
and history, summary of course of treatment, summary of treatment 39916  
needs, and a discharge summary, if any. 39917

(N) That a community mental health agency that ceases to 39918  
operate may transfer to either a community mental health agency 39919  
that assumes its caseload or to the board of alcohol, drug 39920  
addiction, and mental health services of the service district in 39921  
which the patient resided at the time services were most recently 39922  
provided any treatment records that have not been transferred 39923  
elsewhere at the patient's request. 39924

(O) Before records are disclosed pursuant to divisions (C), 39925  
(F), and (H) of this section, the custodian of the records shall 39926  
attempt to obtain the patient's consent for the disclosure. No 39927  
person shall reveal the contents of a medical record of a patient 39928  
except as authorized by law. 39929

**Sec. 5123.01.** As used in this chapter: 39930

(A) "Chief medical officer" means the licensed physician 39931  
appointed by the managing officer of an institution for the 39932  
mentally retarded with the approval of the director of mental 39933  
retardation and developmental disabilities to provide medical 39934  
treatment for residents of the institution. 39935

(B) "Chief program director" means a person with special 39936  
training and experience in the diagnosis and management of the 39937  
mentally retarded, certified according to division (C) of this 39938

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section in at least one of the designated fields, and appointed by 39939  
the managing officer of an institution for the mentally retarded 39940  
with the approval of the director to provide habilitation and care 39941  
for residents of the institution. 39942

(C) "Comprehensive evaluation" means a study, including a 39943  
sequence of observations and examinations, of a person leading to 39944  
conclusions and recommendations formulated jointly, with 39945  
dissenting opinions if any, by a group of persons with special 39946  
training and experience in the diagnosis and management of persons 39947  
with mental retardation or a developmental disability, which group 39948  
shall include individuals who are professionally qualified in the 39949  
fields of medicine, psychology, and social work, together with 39950  
such other specialists as the individual case may require. 39951

(D) "Education" means the process of formal training and 39952  
instruction to facilitate the intellectual and emotional 39953  
development of residents. 39954

(E) "Habilitation" means the process by which the staff of 39955  
the institution assists the resident in acquiring and maintaining 39956  
those life skills that enable the resident to cope more 39957  
effectively with the demands of the resident's own person and of 39958  
the resident's environment and in raising the level of the 39959  
resident's physical, mental, social, and vocational efficiency. 39960  
Habilitation includes but is not limited to programs of formal, 39961  
structured education and training. 39962

(F) "Habilitation center services" means services provided by 39963  
a habilitation center certified by the department of mental 39964  
retardation and developmental disabilities under section 5123.041 39965  
of the Revised Code and covered by the medicaid program pursuant 39966  
to rules adopted under section 5111.041 of the Revised Code. 39967

(G) "Health officer" means any public health physician, 39968  
public health nurse, or other person authorized or designated by a 39969

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city or general health district.	39970
<del>(G)</del> (H) " <u>Home and community-based services</u> " means	39971
<u>medicaid-funded home and community-based services provided under a</u>	39972
<u>medicaid component the department of mental retardation and</u>	39973
<u>developmental disabilities administers pursuant to section</u>	39974
<u>5111.871 of the Revised Code.</u>	39975
<del>(I)</del> (I) "Indigent person" means a person who is unable, without	39976
substantial financial hardship, to provide for the payment of an	39977
attorney and for other necessary expenses of legal representation,	39978
including expert testimony.	39979
<del>(H)</del> (J) "Institution" means a public or private facility, or a	39980
part of a public or private facility, that is licensed by the	39981
appropriate state department and is equipped to provide	39982
residential habilitation, care, and treatment for the mentally	39983
retarded.	39984
<del>(I)</del> (K) "Licensed physician" means a person who holds a valid	39985
certificate issued under Chapter 4731. of the Revised Code	39986
authorizing the person to practice medicine and surgery or	39987
osteopathic medicine and surgery, or a medical officer of the	39988
government of the United States while in the performance of the	39989
officer's official duties.	39990
<del>(J)</del> (L) "Managing officer" means a person who is appointed by	39991
the director of mental retardation and developmental disabilities	39992
to be in executive control of an institution for the mentally	39993
retarded under the jurisdiction of the department.	39994
<del>(K)</del> (M) " <u>Medicaid</u> " has the same meaning as in section 5111.01	39995
<u>of the Revised Code.</u>	39996
<del>(N)</del> (N) " <u>Medicaid case management services</u> " means case management	39997
<u>services provided to an individual with mental retardation or</u>	39998
<u>other developmental disability that the state medicaid plan</u>	39999
<u>requires.</u>	40000

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(O) "Mentally retarded person" means a person having 40001  
significantly subaverage general intellectual functioning existing 40002  
concurrently with deficiencies in adaptive behavior, manifested 40003  
during the developmental period. 40004

~~(I)~~(P) "Mentally retarded person subject to 40005  
institutionalization by court order" means a person eighteen years 40006  
of age or older who is at least moderately mentally retarded and 40007  
in relation to whom, because of the person's retardation, either 40008  
of the following conditions exist: 40009

(1) The person represents a very substantial risk of physical 40010  
impairment or injury to self as manifested by evidence that the 40011  
person is unable to provide for and is not providing for the 40012  
person's most basic physical needs and that provision for those 40013  
needs is not available in the community; 40014

(2) The person needs and is susceptible to significant 40015  
habilitation in an institution. 40016

~~(M)~~(O) "A person who is at least moderately mentally 40017  
retarded" means a person who is found, following a comprehensive 40018  
evaluation, to be impaired in adaptive behavior to a moderate 40019  
degree and to be functioning at the moderate level of intellectual 40020  
functioning in accordance with standard measurements as recorded 40021  
in the most current revision of the manual of terminology and 40022  
classification in mental retardation published by the American 40023  
association on mental retardation. 40024

~~(N)~~(R) As used in this division, "substantial functional 40025  
limitation," "developmental delay," and "established risk" have 40026  
the meanings established pursuant to section 5123.011 of the 40027  
Revised Code. 40028

"Developmental disability" means a severe, chronic disability 40029  
that is characterized by all of the following: 40030

(1) It is attributable to a mental or physical impairment or 40031

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a combination of mental and physical impairments, other than a	40032
mental or physical impairment solely caused by mental illness as	40033
defined in division (A) of section 5122.01 of the Revised Code.	40034
(2) It is manifested before age twenty-two.	40035
(3) It is likely to continue indefinitely.	40036
(4) It results in one of the following:	40037
(a) In the case of a person under three years of age, at	40038
least one developmental delay or an established risk;	40039
(b) In the case of a person at least three years of age but	40040
under six years of age, at least two developmental delays or an	40041
established risk;	40042
(c) In the case of a person six years of age or older, a	40043
substantial functional limitation in at least three of the	40044
following areas of major life activity, as appropriate for the	40045
person's age: self-care, receptive and expressive language,	40046
learning, mobility, self-direction, capacity for independent	40047
living, and, if the person is at least sixteen years of age,	40048
capacity for economic self-sufficiency.	40049
(5) It causes the person to need a combination and sequence	40050
of special, interdisciplinary, or other type of care, treatment,	40051
or provision of services for an extended period of time that is	40052
individually planned and coordinated for the person.	40053
<del>(O)</del> <u>(S)</u> "Developmentally disabled person" means a person with	40054
a developmental disability.	40055
<del>(P)</del> <u>(T)</u> "State institution" means an institution that is	40056
tax-supported and under the jurisdiction of the department.	40057
<del>(Q)</del> <u>(U)</u> "Residence" and "legal residence" have the same	40058
meaning as "legal settlement," which is acquired by residing in	40059
Ohio for a period of one year without receiving general assistance	40060
prior to July 17, 1995, under former Chapter 5113. of the Revised	40061

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Code, disability assistance under Chapter 5115. of the Revised 40062  
Code, or assistance from a private agency that maintains records 40063  
of assistance given. A person having a legal settlement in the 40064  
state shall be considered as having legal settlement in the 40065  
assistance area in which the person resides. No adult person 40066  
coming into this state and having a spouse or minor children 40067  
residing in another state shall obtain a legal settlement in this 40068  
state as long as the spouse or minor children are receiving public 40069  
assistance, care, or support at the expense of the other state or 40070  
its subdivisions. For the purpose of determining the legal 40071  
settlement of a person who is living in a public or private 40072  
institution or in a home subject to licensing by the department of 40073  
job and family services, the department of mental health, or the 40074  
department of mental retardation and developmental disabilities, 40075  
the residence of the person shall be considered as though the 40076  
person were residing in the county in which the person was living 40077  
prior to the person's entrance into the institution or home. 40078  
Settlement once acquired shall continue until a person has been 40079  
continuously absent from Ohio for a period of one year or has 40080  
acquired a legal residence in another state. A woman who marries a 40081  
man with legal settlement in any county immediately acquires the 40082  
settlement of her husband. The legal settlement of a minor is that 40083  
of the parents, surviving parent, sole parent, parent who is 40084  
designated the residential parent and legal custodian by a court, 40085  
other adult having permanent custody awarded by a court, or 40086  
guardian of the person of the minor, provided that: 40087

(1) A minor female who marries shall be considered to have 40088  
the legal settlement of her husband and, in the case of death of 40089  
her husband or divorce, she shall not thereby lose her legal 40090  
settlement obtained by the marriage. 40091

(2) A minor male who marries, establishes a home, and who has 40092  
resided in this state for one year without receiving general 40093

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assistance prior to July 17, 1995, under former Chapter 5113. of 40094  
the Revised Code, disability assistance under Chapter 5115. of the 40095  
Revised Code, or assistance from a private agency that maintains 40096  
records of assistance given shall be considered to have obtained a 40097  
legal settlement in this state. 40098

(3) The legal settlement of a child under eighteen years of 40099  
age who is in the care or custody of a public or private child 40100  
caring agency shall not change if the legal settlement of the 40101  
parent changes until after the child has been in the home of the 40102  
parent for a period of one year. 40103

No person, adult or minor, may establish a legal settlement 40104  
in this state for the purpose of gaining admission to any state 40105  
institution. 40106

~~(R)~~(V)(1) "Resident" means, subject to division (R)(2) of 40107  
this section, a person who is admitted either voluntarily or 40108  
involuntarily to an institution or other facility pursuant to 40109  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 40110  
Code subsequent to a finding of not guilty by reason of insanity 40111  
or incompetence to stand trial or under this chapter who is under 40112  
observation or receiving habilitation and care in an institution. 40113

(2) "Resident" does not include a person admitted to an 40114  
institution or other facility under section 2945.39, 2945.40, 40115  
2945.401, or 2945.402 of the Revised Code to the extent that the 40116  
reference in this chapter to resident, or the context in which the 40117  
reference occurs, is in conflict with any provision of sections 40118  
2945.37 to 2945.402 of the Revised Code. 40119

~~(S)~~(W) "Respondent" means the person whose detention, 40120  
commitment, or continued commitment is being sought in any 40121  
proceeding under this chapter. 40122

~~(T)~~(X) "Working day" and "court day" mean Monday, Tuesday, 40123  
Wednesday, Thursday, and Friday, except when such day is a legal 40124

holiday. 40125

~~(U)~~(Y) "Prosecutor" means the prosecuting attorney, village 40126  
solicitor, city director of law, or similar chief legal officer 40127  
who prosecuted a criminal case in which a person was found not 40128  
guilty by reason of insanity, who would have had the authority to 40129  
prosecute a criminal case against a person if the person had not 40130  
been found incompetent to stand trial, or who prosecuted a case in 40131  
which a person was found guilty. 40132

~~(V)~~(Z) "Court" means the probate division of the court of 40133  
common pleas. 40134

**Sec. 5123.041.** (A) As used in this section, "habilitation 40135  
center" means a habilitation center certified under division (C) 40136  
of this section for the provision of that provides habilitation 40137  
center services under section 5111.041 of the Revised Code. 40138

(B) The department of mental retardation and developmental 40139  
disabilities shall do all of the following pursuant to an 40140  
interagency agreement with the department of job and family 40141  
services entered into under section 5111.86 of the Revised Code: 40142

(1) Certify habilitation centers that meet the certification 40143  
requirements established by rules adopted by the director of job 40144  
and family services under section 5111.041 of the Revised Code; 40145

(2) Accept and process medicaid reimbursement claims from 40146  
habilitation centers providing habilitation center services to 40147  
medicaid recipients under section 5111.041 of the Revised Code; 40148

(3) With medicaid funds provided to the department from the 40149  
department of job and family services, pay the medicaid 40150  
reimbursement claims accepted and processed under division (B)(2) 40151  
of this section; 40152

(4) Perform the other duties included in the interagency 40153  
agreement. 40154

~~(C)~~ 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:

~~(1) Specify standards~~ Establish procedures for certification of habilitation centers;

~~(2) Define habilitation services and programs, other than services provided by the department of education;~~

~~(3)~~ Establish the fee that may be assessed under division (D) of this section;

~~(4)~~(3) Specify how the department of mental retardation and developmental disabilities will ~~implement and administer the habilitation services program~~ perform its duties under this section.

~~(C) The director shall certify habilitation centers that meet the standards specified by rules adopted under this section.~~

(D) The department of mental retardation and developmental disabilities may assess the fee established by rule under division ~~(B)(3)(C)(2)~~ of this section for ~~providing services related to the habilitation services program~~ performing its duties under this section. The fee may be retained from any ~~funds~~ payment the department ~~receives for a habilitation center under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ as amended makes under division (B)(3) of this section.

**Sec. 5123.044.** The department of mental retardation and developmental disabilities shall determine whether county boards of mental retardation and developmental disabilities are in compliance with section 5126.046 of the Revised Code. The department shall provide assistance to an individual with mental retardation or other developmental disability who requests assistance with the individual's right under section 5126.046 of

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the Revised Code to choose a provider of habilitation, vocational, community employment, residential, or supported living services if the department is notified of a county board's alleged violation of the individual's right to choose such a provider. 40185  
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**Sec. 5123.045.** (A) No person or government entity shall receive payment for providing home and community-based services unless certified under this section or certified as a supported living provider under section 5126.431 of the Revised Code. 40189  
40190  
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(B) The department of mental retardation and developmental disabilities shall do both of the following in accordance with Chapter 119. of the Revised Code: 40193  
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40195

(1) Certify a person or government entity to provide home or community-based services if the person or government entity satisfies the requirements for certification established by rules adopted under division (C) of this section; 40196  
40197  
40198  
40199

(2) Revoke a certificate when required to do so by rules adopted under division (C) of this section. 40200  
40201

(C) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and procedures for a person or government entity that seeks to provide home and community-based services and is not certified as a supported living provider under section 5126.431 of the Revised Code. The rules shall specify the program areas for which certification is required and include procedures for all of the following: 40202  
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(1) Ensuring that providers comply with section 5126.28 or 5126.281 of the Revised Code, as appropriate; 40211  
40212

(2) Evaluating the services provided to ensure that they are provided in a quality manner advantageous to the individual 40213  
40214

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<u>receiving the services. The procedures shall require that all of</u>	40215
<u>the following be considered as part of an evaluation:</u>	40216
<u>(a) The provider's experience and financial responsibility;</u>	40217
	40218
<u>(b) The provider's ability to comply with standards for the</u>	40219
<u>home and community-based services that the provider provides;</u>	40220
<u>(c) The provider's ability to meet the needs of the</u>	40221
<u>individuals served;</u>	40222
<u>(d) Any other factor the director considers relevant.</u>	40223
<u>(3) Determining when to revoke a provider's certificate. The</u>	40224
<u>reasons for which a certificate may be revoked may include good</u>	40225
<u>cause, including misfeasance, malfeasance, nonfeasance, confirmed</u>	40226
<u>abuse or neglect, financial irresponsibility, or other conduct the</u>	40227
<u>director determines is injurious to individuals being served.</u>	40228
	40229
<u>(4) Protecting due process rights.</u>	40230
<u>(D) The rules adopted under division (C) of this section</u>	40231
<u>shall allow a person or government entity to automatically satisfy</u>	40232
<u>a requirement for certification under this section if the person</u>	40233
<u>holds a current, valid license under section 5123.19 of the</u>	40234
<u>Revised Code to operate a residential facility and had to satisfy</u>	40235
<u>the requirement to obtain the residential facility license.</u>	40236
<u>(E) The records of an evaluation conducted in accordance with</u>	40237
<u>rules adopted under division (C)(2) of this section are public</u>	40238
<u>records for purposes of section 149.43 of the Revised Code and</u>	40239
<u>shall be made available on request of any person, including</u>	40240
<u>individuals being served, individuals seeking home or</u>	40241
<u>community-based services, and county boards of mental retardation</u>	40242
<u>and developmental disabilities.</u>	40243

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Sec. 5123.046. The department of mental retardation and developmental disabilities shall review each plan it receives from a county board of mental retardation and developmental disabilities under section 5126.054 of the Revised Code and, in consultation with the department of job and family services and office of budget and management, approve each plan that includes all the information and conditions specified in that section. A 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.

In approving plans under this section, the department shall ensure that the aggregate of all plans provide for the increased enrollment into home and 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.

If a county board fails to submit all the components of the plan to the department within the time required by division (B) of section 5126.054 of the Revised Code or the department disapproves a county board's plan, the department may withhold all or part of any funds the department would otherwise allocate to the county board. The department may not withhold any funds the department allocates to the county board prior to the date the last of the plan's components are due or the department disapproves the plan.

The department shall establish protocols that the department shall use to determine whether a county board is complying with the programmatic and financial accountability mechanisms and achieving outcomes specified its approved plan. If the department determines that a county board is not in compliance with the

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mechanisms or achieving the outcomes specified in its approved 40276  
plan, the department may take action under division (G) of section 40277  
5726.055 of the Revised Code. 40278

Sec. 5123.047. (A) The department of mental retardation and 40279  
developmental disabilities shall pay the nonfederal share of 40280  
medicaid expenditures for habilitation center services provided to 40281  
an individual with mental retardation or other developmental 40282  
disability unless section 5111.041 of the Revised Code requires a 40283  
county board of mental retardation and developmental disabilities 40284  
or a school district to pay the nonfederal share. 40285

(B) The department shall pay the nonfederal share of medicaid 40286  
expenditures for medicaid case management services if either of 40287  
the following apply: 40288

(1) The services are provided to an individual with mental 40289  
retardation or other developmental disability who a county board 40290  
has determined under section 5126.041 of the Revised Code is not 40291  
eligible for county board services; 40292

(2) The services are provided to an individual with mental 40293  
retardation or other developmental disability by a public or 40294  
private agency with which the department has contracted under 40295  
section 5123.56 of the Revised Code to provide protective services 40296  
to the individual. 40297

(C) The department shall pay the nonfederal share of medicaid 40298  
expenditures for home and community-based services if either of 40299  
the following apply: 40300

(1) The services are provided to an individual with mental 40301  
retardation or other developmental disability who a county board 40302  
has determined under section 5126.041 of the Revised Code is not 40303  
eligible for county board services; 40304

(2) The services are provided to an individual with mental 40305

retardation or other developmental disability given priority for 40306  
the services pursuant to division (D)(2)(d) of section 5126.042 of 40307  
the Revised Code. 40308

Sec. 5123.048. (A) For state fiscal year 2002, the department 40309  
of mental retardation and developmental disabilities shall assign 40310  
to a county board of mental retardation and developmental 40311  
disabilities the nonfederal share of medicaid expenditures for 40312  
habilitation center services that a private habilitation center 40313  
provides if all of the following apply: 40314

(1) The individuals who receive the services also received 40315  
the services from the center pursuant to a contract the center had 40316  
with the department in state fiscal year 2001; 40317

(2) The county board determined under section 5126.041 of the 40318  
Revised Code that the individuals who receive the services are 40319  
eligible for county board services; 40320

(3) The county board contracts with the center to provide the 40321  
services after the center's contract with the department ends. 40322

(B) The department shall also make the assignment under 40323  
division (A) of this section for each successive state fiscal year 40324  
that the county board contracts with the private habilitation 40325  
center to provide the habilitation center services to the 40326  
individuals who received the services pursuant to the contract the 40327  
department had with the center in state fiscal year 2001. 40328

(C) The amount the department shall assign under divisions 40329  
(A) and (B) of this section shall be adequate to ensure that the 40330  
habilitation center services the individuals receive are 40331  
comparable in scope to the habilitation center services they 40332  
received when the private habilitation center was under contract 40333  
with the department. The amount that the department assigns shall 40334  
not be less than the amount the department paid the private 40335

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habilitation center for the individuals under the contract the 40336  
department had with the center in fiscal year 2001. 40337

(D) A county board shall use the assignment it receives under 40338  
divisions (A) and (B) of this section to pay the nonfederal share 40339  
of the medicaid expenditures for the habilitation center services 40340  
the county board is required by division (D) of section 5111.041 40341  
of the Revised Code to pay. 40342

**Sec. 5123.049.** The director of mental retardation and 40343  
developmental disabilities shall adopt rules in accordance with 40344  
Chapter 119. of the Revised Code governing the authorization and 40345  
payment of home and community-based services, medicaid case 40346  
management services, and habilitation center services. The rules 40347  
shall provide for private providers of the services to receive one 40348  
hundred per cent of the medicaid allowable payment amount and for 40349  
government providers of the services to receive the federal share 40350  
of the medicaid allowable payment, less the amount withheld as a 40351  
fee under section 5123.0412 of the Revised Code and any amount 40352  
that may be required by rules adopted under section 5123.0413 of 40353  
the Revised Code to be deposited into the state MR/DD risk fund. 40354  
The rules shall establish the process by which county boards of 40355  
mental retardation and developmental disabilities shall certify 40356  
and provide the nonfederal share of medicaid expenditures that the 40357  
county board is required by division (A) of section 5126.056 of 40358  
the Revised Code to pay. The process shall require a county board 40359  
to certify that the county board has funding available at one time 40360  
for two months costs for those expenditures. The process may 40361  
permit a county board to certify that the county board has funding 40362  
available at one time for more than two months costs for those 40363  
expenditures. 40364

**Sec. 5123.0410.** An individual with mental retardation or 40365  
other developmental disability who moves from one county in this 40366

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state to another county in this state shall receive home and 40367  
community-based services in the new county that are comparable in 40368  
scope to the home and community-based services the individual 40369  
receives in the prior county at the time the individual moves. If 40370  
the county board serving the county to which the individual moves 40371  
determines under section 5126.041 of the Revised Code that the 40372  
individual is eligible for county board services, the county board 40373  
shall ensure that the individual receives the comparable services. 40374  
If the county board determines that the individual is not eligible 40375  
for county board services, the department of mental retardation 40376  
and developmental disabilities shall ensure that the individual 40377  
receives the comparable services. 40378

If the home and community-based services that the individual 40379  
receives at the time the individual moves include supported living 40380  
or residential services, the department shall reduce the amount 40381  
the department allocates to the county board serving the county 40382  
the individual left for those supported living or residential 40383  
services by an amount that equals the payment the department 40384  
authorizes or projects, or both, for those supported living or 40385  
residential services from the last day the individual resides in 40386  
the county to the last day of the state fiscal year in which the 40387  
individual moves. The department shall increase the amount the 40388  
department allocates to the county board serving the county the 40389  
individual moves to by the same amount. The department shall make 40390  
the reduction and increase effective the day the department 40391  
determines the individual has residence in the new county. The 40392  
department shall determine the amount that is to be reduced and 40393  
increased in accordance with the department's rules for 40394  
authorizing payments for home and community-based services 40395  
established adopted under section 5123.049 of the Revised Code. 40396  
The department shall annualize the reduction and increase for the 40397  
subsequent state fiscal year as necessary. 40398

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Sec. 5123.0411. The department of mental retardation and developmental disabilities may bring a mandamus action against a county board of mental retardation and developmental disabilities that fails 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. The department may bring the mandamus action in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas.

Sec. 5123.0412. (A) The department of mental retardation and developmental disabilities shall charge each county board of mental retardation and developmental disabilities an annual fee equal to one per cent of the total value of all medicaid paid claims for medicaid case management services and home and community-based services for which the county board contracts or provides itself. No county board shall pass the cost of a fee charged to the county board under this section on to a person or government entity with which the county board contracts to provide the services.

(B) The fees collected under this section shall be deposited into the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund, both of which are hereby created in the state treasury. The portion of the fees to be deposited into the ODMR/DD administration and oversight fund and the portion of the fees to be deposited into the ODJFS administration and oversight fund shall be the portion specified in an interagency agreement entered into under division (C) of this section. The department of mental retardation and developmental disabilities shall use the money in the ODMR/DD administration and oversight fund and the department of job and family services shall use the money in the ODJFS administration

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<u>and oversight fund for both of the following purposes:</u>	40430
<u>(1) The administrative and oversight costs of habilitation center services, medicaid case management services, and home or community-based services that a county board develops and monitors and the county board or a person or government entity under contract with the county board provides. The administrative and oversight costs shall include costs for staff, systems, and other resources the departments need and dedicate solely to the following duties associated with the services:</u>	40431
<u>(a) Eligibility determinations;</u>	40432
<u>(b) Training;</u>	40433
<u>(c) Fiscal management;</u>	40434
<u>(d) Claims processing;</u>	40435
<u>(e) Quality assurance oversight;</u>	40436
<u>(f) Other duties the departments identify.</u>	40437
<u>(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.</u>	40438
<u>(C) The departments of mental retardation and developmental disabilities and job and family services shall enter into an interagency agreement to do both of the following:</u>	40439
<u>(1) Specify which portion of the fees collected under this section is to be deposited into the ODMR/DD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;</u>	40440
<u>(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.</u>	40441
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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.

**Sec. 5123.0413.** (A) The department of mental retardation and developmental disabilities, in consultation with the department of job and family services, office of budget and management, and county boards of mental retardation and developmental disabilities, shall adopt rules in accordance with Chapter 119. of the Revised Code no later than January 1, 2002, establishing a method of paying 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. The rules may provide for using and managing one or more of the following:

(1) County MR/DD medicaid reserve funds established in accordance with section 5705.091 of the Revised Code;

(2) A state MR/DD risk fund, which is hereby created in the state treasury;

(3) A state insurance against MR/DD risk fund, which is hereby created in the state treasury.

(B) Beginning January 1, 2002, the department of job and family services may not request approval from the United States secretary of health and human services to increase the number of slots for home and community-based services until the rules required by division (A) of this section are in effect.

**Sec. 5123.082.** (A) The director of mental retardation and

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developmental disabilities shall adopt rules in accordance with 40489  
Chapter 119. of the Revised Code: 40490

(1) Designating positions of employment for which the 40491  
director determines that certification or evidence of registration 40492  
is required as a condition of employment in the department of 40493  
mental retardation and developmental disabilities, entities that 40494  
contract with the department or county boards of mental 40495  
retardation and developmental disabilities to operate programs or 40496  
provide services to persons with mental retardation and 40497  
developmental disabilities, or other positions of employment in 40498  
programs that serve those persons<sup>†</sup>. The rules shall designate the 40499  
position of investigative agent, as defined in section 5126.20 of 40500  
the Revised Code, as a position for which certification is 40501  
required. 40502

(2) Establishing levels of certification or registration for 40503  
each position for which certification or registration is required; 40504

(3) Establishing for each level of each position the 40505  
requirements that must be met to obtain certification or 40506  
registration, including standards regarding education, specialized 40507  
training, and experience. The standards shall take into account 40508  
the nature and needs of persons with mental retardation or a 40509  
developmental disability and the specialized techniques needed to 40510  
serve them. The requirements for an investigative agent shall be 40511  
the same as the certification requirements for an investigative 40512  
agent under section 5126.25 of the Revised Code. 40513

(4) Establishing renewal schedules and renewal requirements 40514  
for certification and registration, including standards regarding 40515  
education, specialized training, and experience<sup>†</sup>. The renewal 40516  
requirements for an investigative agent shall be the same as the 40517  
renewal requirements for an investigative agent under section 40518  
5126.25 of the Revised Code. 40519

(5) Establishing procedures for denial, suspension, and 40520

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revocation of a certificate or evidence of registration, including 40521  
appeal procedures; 40522

(6) Establishing other requirements needed to carry out this 40523  
section. 40524

(B) The director shall issue, renew, deny, suspend, or revoke 40525  
a certificate or evidence of registration in accordance with rules 40526  
adopted under this section. The director shall deny, suspend, or 40527  
revoke a certificate or evidence of registration if the director 40528  
finds, pursuant to an adjudication conducted in accordance with 40529  
Chapter 119. of the Revised Code, that an applicant for or holder 40530  
of a certificate or evidence of registration is guilty of 40531  
intemperate, immoral, or other conduct unbecoming to the 40532  
applicant's or holder's position, or is guilty of incompetence or 40533  
negligence within the scope of the applicant's or holder's duties. 40534  
The director shall deny or revoke a certificate or evidence of 40535  
registration after the director finds, pursuant to an adjudication 40536  
conducted in accordance with Chapter 119. of the Revised Code, 40537  
that the applicant for or holder of the certificate or evidence of 40538  
registration has been convicted of or pleaded guilty to any of the 40539  
offenses listed or described in division (E) of section 5126.28 of 40540  
the Revised Code, unless the individual meets standards for 40541  
rehabilitation that the director establishes in the rules adopted 40542  
under that section. Evidence supporting such allegations must be 40543  
presented to the director in writing, and the director shall 40544  
provide prompt notice of the allegations to the person who is the 40545  
subject of the allegations. A denial, suspension, or revocation 40546  
may be appealed in accordance with the procedures established in 40547  
rules adopted under this section. 40548

(C) A person holding a valid certificate or evidence of 40550  
registration under this section on the effective date of any rules 40551  
adopted under this section that increase the certification or 40552

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registration standards shall have the period that the rules  
prescribe, but not less than one year after the effective date of  
the rules, to meet the new standards.

(D) No person shall be employed in a position for which  
certification or registration is required under rules adopted  
under this section, unless the person holds a valid certificate or  
evidence of registration for the position.

**Sec. 5123.60.** (A) A legal rights service is hereby created  
and established to protect and advocate the rights of mentally ill  
persons, mentally retarded persons, developmentally disabled  
persons, and other disabled persons who may be represented by the  
service pursuant to division (L) of this section; to receive and  
act upon complaints concerning institutional and hospital  
practices and conditions of institutions for mentally retarded or  
developmentally disabled persons and hospitals for the mentally  
ill; and to assure that all persons detained, hospitalized,  
discharged, or institutionalized, and all persons whose detention,  
hospitalization, discharge, or institutionalization is sought or  
has been sought under this chapter or Chapter 5122. of the Revised  
Code are fully informed of their rights and adequately represented  
by counsel in proceedings under this chapter or Chapter 5122. of  
the Revised Code and in any proceedings to secure the rights of  
~~such~~ those persons. Notwithstanding the definitions of "mentally  
retarded person" and "developmentally disabled person" in section  
5123.01 of the Revised Code, the legal rights service shall  
determine who is a mentally retarded or developmentally disabled  
person for purposes of this section and sections 5123.601 to  
5123.604 of the Revised Code.

(B) In regard to those persons detained, hospitalized, or  
institutionalized under Chapter 5122. of the Revised Code, the  
legal rights service shall undertake formal representation only of

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those persons who are involuntarily detained, hospitalized, or institutionalized pursuant to sections 5122.10 to 5122.15 of the Revised Code, and those voluntarily detained, hospitalized, or institutionalized who are minors, who have been adjudicated incompetent, who have been detained, hospitalized, or institutionalized in a public hospital, or who have requested representation by the legal rights service. If a person referred to in division (A) of this section voluntarily requests in writing that the legal rights service terminate participation in the person's case, such involvement shall cease.

(C) Any person voluntarily hospitalized or institutionalized in a public hospital under division (A) of section 5122.02 of the Revised Code, after being fully informed of the person's rights ~~pursuant to~~ under division (A) of this section, may, by written request, waive assistance by the legal rights service if the waiver is knowingly and intelligently made, without duress or coercion.

The waiver may be rescinded at any time by the voluntary patient or resident, or by the voluntary patient's or resident's legal guardian.

(D)(1) The legal rights service commission is hereby created for the purposes of appointing an administrator of the legal rights service, advising the administrator, assisting the administrator in developing a budget, and establishing general policy guidelines for the legal rights service. The commission may receive and act upon appeals of personnel decisions by the administrator.

(2) The commission shall consist of seven members. One member, who shall serve as chairperson, shall be appointed by the chief justice of the supreme court, three members shall be appointed by the speaker of the house of representatives, and three members shall be appointed by the president of the senate.

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At least two members shall have experience in the field of 40616  
 developmental disabilities, and at least two members shall have 40617  
 experience in the field of mental health. No member shall be a 40618  
 provider or related to a provider of services to mentally 40619  
 retarded, developmentally disabled, or mentally ill persons. ~~Terms~~ 40620

(3) Terms of office of the members of the commission shall be 40621  
 for three years, each term ending on the same day of the month of 40622  
 the year as did the term which it succeeds. Each member shall 40623  
 serve subsequent to the expiration of the member's term until a 40624  
 successor is appointed and qualifies, or until sixty days has 40625  
 elapsed, whichever occurs first. ~~All~~ No member shall serve more 40626  
than two consecutive terms. 40627

All vacancies in the membership of the commission shall be 40628  
 filled in the manner prescribed for the regular appointments to 40629  
 the commission and shall be limited to the unexpired terms. ~~No~~ 40630  
~~member shall serve more than two consecutive terms.~~ 40631

(4) The commission shall meet at least four times each year. 40632  
 Members shall be reimbursed for their necessary and actual 40633  
 expenses incurred in the performance of their official duties. 40634

(5) The administrator of the legal rights service shall be 40635  
 appointed for a five-year term, subject to removal for mental or 40636  
 physical incapacity to perform the duties of the office, 40637  
 conviction of violation of any law relating to the administrator's 40638  
 powers and duties, or other good cause shown. 40639

The administrator shall be a person who has had special 40640  
 training and experience in the type of work with which the legal 40641  
 rights service is charged. If the administrator is not an 40642  
 attorney, the administrator shall seek legal counsel when 40643  
 appropriate. The salary of the administrator shall be established 40644  
 in accordance with section 124.14 of the Revised Code. 40645

(E) The legal rights service shall be completely independent 40646

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of the department of mental health and the department of mental  
retardation and developmental disabilities and, notwithstanding  
section 109.02 of the Revised Code, shall also be independent of  
the office of the attorney general. The administrator of the legal  
rights service, staff, and attorneys designated by the  
administrator to represent persons detained, hospitalized, or  
institutionalized under this chapter or Chapter 5122. of the  
Revised Code shall have ready access to the following:

(1) During normal business hours and at other reasonable  
times, ~~to~~ all records relating to expenditures of state and  
federal funds or to the commitment, care, treatment, and  
habilitation of all persons represented by the legal rights  
service, including those who may be represented pursuant to  
division (L) of this section, or persons detained, hospitalized,  
institutionalized, or receiving services under this chapter or  
Chapter 340., 5119., 5122., or 5126. of the Revised Code that are  
records maintained by the following entities providing services  
for those persons: departments; institutions; hospitals; community  
residential facilities; boards of alcohol, drug addiction, and  
mental health services; county boards of mental retardation and  
developmental disabilities; contract agencies of those boards; and  
any other entity providing services to persons who may be  
represented by the service pursuant to division (L) of this  
section;

(2) ~~To any~~ Any records maintained in computerized data banks  
of the departments or boards or, in the case of persons who may be  
represented by the service pursuant to division (L) of this  
section, any other entity that provides services to those persons;

(3) During their normal working hours, ~~to~~ personnel of the  
departments, facilities, boards, agencies, institutions,  
hospitals, and other service-providing entities;

(4) At any time, ~~to~~ all persons detained, hospitalized, or

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institutionalized; persons receiving services under this chapter 40679  
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 40680  
persons who may be represented by the service pursuant to division 40681  
(L) of this section. 40682

(F) The administrator of the legal rights service shall do 40683  
the following: 40684

(1) Administer and organize the work of the legal rights 40685  
service and establish administrative or geographic divisions as 40686  
the administrator considers necessary, proper, and expedient; 40687

(2) Adopt and promulgate rules and prescribe duties for the 40688  
efficient conduct of the business and general administration of 40689  
the legal rights service; 40690

(3) Appoint and discharge employees, and hire ~~such~~ experts, 40691  
consultants, advisors, or other professionally qualified persons 40692  
as the administrator considers necessary to carry out the duties 40693  
of the legal rights service; 40694

(4) Apply for and accept grants of funds, and accept 40695  
charitable gifts and bequests; 40696

(5) Prepare and submit a budget to the general assembly for 40697  
the operation of the legal rights service; 40698

(6) Enter into contracts and make ~~such~~ expenditures ~~as are~~ 40699  
necessary for the efficient operation of the legal rights service; 40700

(7) Annually prepare a report of activities and submit copies 40701  
of the report to the governor, the chief justice of the supreme 40702  
court, the president of the senate, the speaker of the house of 40703  
representatives, the director of mental health, and the director 40704  
of mental retardation and developmental disabilities, and make the 40705  
report available to the public. 40706

(G) The legal rights service may act directly or contract 40707  
with other organizations or individuals for the provision of the 40708

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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  
approved by an affirmative vote of at least four members of the  
commission. Relationships between personnel and the agents of the  
legal rights service and its clients shall be fiduciary  
relationships, and all communications shall be confidential, as if  
between attorney and client.

(H) The legal rights service, on the order of the  
administrator, with the approval by an affirmative vote of at  
least four members of the commission, may compel by subpoena the  
appearance and sworn testimony of any person the administrator  
reasonably believes may be able to provide information or to  
produce any documents, books, records, papers, or other  
information necessary to carry out its duties.

(I) The legal rights service may conduct public hearings.

(J) The legal rights service may request from any  
governmental agency any cooperation, assistance, services, or data  
that will enable it to perform its duties.

(K) In any malpractice action filed against the administrator  
of the legal rights service, a member of the staff of the legal  
rights service, or an attorney designated by the administrator to  
perform legal services under division (E) of this section, the  
state shall, when the administrator, member, or attorney has acted  
in good faith and in the scope of employment, indemnify the  
administrator, member, or attorney for any judgment awarded or  
amount negotiated in settlement, and for any court costs or legal  
fees incurred in defense of the claim.

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This division does not limit or waive, and shall not be construed to limit or waive, any defense that is available to the legal rights service, its administrator or employees, persons under a personal services contract with it, or persons designated under division (E) of this section, including, but not limited to, any defense available under section 9.86 of the Revised Code.

(L) In addition to providing services to mentally ill, mentally retarded, or developmentally disabled persons, when a grant authorizing the provision of services to other individuals is accepted pursuant to division (F)(4) of this section, the legal rights service and its ombudsperson section may provide advocacy or ombudsperson services to those other individuals and exercise any other authority granted by this section or sections 5123.601 to 5123.604 of the Revised Code on behalf of those individuals. Determinations of whether an individual is eligible for services under this division shall be made by the legal rights service.

**Sec. 5123.71.** (A)(1) Proceedings for the involuntary institutionalization of a person pursuant to sections 5123.71 to 5123.76 of the Revised Code shall be commenced by the filing of an affidavit with the probate division of the court of common pleas of the county where the person ~~person's is located~~ resides or where the person is institutionalized, in the manner and form prescribed by the department of mental retardation and developmental disabilities either on information or actual knowledge, whichever is determined to be proper by the court. The affidavit may be filed only by a person who has custody of the individual as a parent, guardian, or service provider or by a person acting on behalf of the department or a county board of mental retardation and developmental disabilities. This section does not apply regarding the institutionalization of a person pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code.

The affidavit shall contain an allegation setting forth the specific category or categories under division ~~(H)~~(P) of section 5123.01 of the Revised Code upon which the commencement of proceedings is based and a statement of the factual ground for the belief that the person is a mentally retarded person subject to institutionalization by court order. Except as provided in division (A)(2) of this section, the affidavit shall be accompanied by both of the following:

(a) A comprehensive evaluation report prepared by the person's evaluation team that includes a statement by the members of the team certifying that they have performed a comprehensive evaluation of the person and that they are of the opinion that the person is a mentally retarded person subject to institutionalization by court order;

(b) An assessment report prepared by the county board of mental retardation and developmental disabilities under section 5123.711 of the Revised Code specifying that the individual is in need of services on an emergency or priority basis.

(2) ~~A~~ In lieu of the comprehensive evaluation report, the affidavit may be accompanied by a written and sworn statement that the person or the guardian of a person adjudicated incompetent has refused to allow a comprehensive evaluation and county board assessment and assessment reports. Immediately after accepting an affidavit that is not accompanied by the reports of a comprehensive evaluation and county board assessment, the court shall cause a comprehensive evaluation and county board assessment of the person named in the affidavit to be performed. The evaluation shall be conducted in the least restrictive environment possible and the assessment shall be conducted in the same manner as assessments conducted under section 5123.711 of the Revised Code. The evaluation and assessment must be completed before a probable cause hearing or full hearing may be held under section

5123.75 or 5123.76 of the Revised Code. 40805

A written report of the evaluation team's findings and the 40806  
county board's assessment shall be filed with the court. The 40807  
reports shall, consistent with the rules of evidence, be accepted 40808  
as probative evidence in any proceeding under section 5123.75 or 40809  
5123.76 of the Revised Code. If the counsel for the person who is 40810  
evaluated or assessed is known, the court shall send to the 40811  
counsel a copy of the reports as soon as possible after they are 40812  
filed and prior to any proceedings under section 5123.75 or 40813  
5123.76 of the Revised Code. 40814

(B) ~~, if the division may the,,~~ Any person who is 40815  
involuntarily detained in an institution or otherwise is in 40816  
custody under this chapter shall be informed ~~the person~~ of the 40817  
right to do the following: 40818

(1) Immediately make a reasonable number of telephone calls 40819  
or use other reasonable means to contact an attorney, a physician, 40820  
or both, to contact any other person or persons to secure 40821  
representation by counsel, or to obtain medical assistance, and be 40822  
provided assistance in making calls if the assistance is needed 40823  
and requested; 40824

(2) Retain counsel and have independent expert evaluation 40825  
and, if the person is an indigent person, be represented by 40826  
court-appointed counsel and have independent expert evaluation at 40827  
court expense; 40828

(3) Upon request, have a hearing to determine whether there 40829  
is probable cause to believe that the person is a mentally 40830  
retarded person subject to institutionalization by court order. 40831

(C) No person who is being treated by spiritual means through 40832  
prayer alone in accordance with a recognized religious method of 40833  
healing may be ordered detained or involuntarily committed unless 40834  
the court has determined that the person represents a very 40835

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substantial risk of self-impairment, self-injury, or impairment or 40836  
injury to ~~self to~~ others. 40837

**Sec. 5123.76.** (A) The full hearing shall be conducted in a 40838  
manner consistent with the procedures outlined in this chapter and 40839  
with due process of law. The hearing shall be held by a judge of 40840  
the probate division or, upon transfer by the judge of the probate 40841  
division, by another judge of the court of common pleas, or a 40842  
referee designated by the judge of the probate division. Any 40843  
referee designated by the judge of the probate division must be an 40844  
attorney. 40845

(1) The following shall be made available to counsel for the 40846  
respondent: 40847

(a) All relevant documents, information, and evidence in the 40848  
custody or control of the state or prosecutor; 40849

(b) All relevant documents, information, and evidence in the 40850  
custody or control of the institution, facility, or program in 40851  
which the respondent currently is held or in which the respondent 40852  
has been held pursuant to these proceedings; 40853

(c) With the consent of the respondent, all relevant 40854  
documents, information, and evidence in the custody or control of 40855  
any institution or person other than the state. 40856

(2) The respondent has the right to be represented by counsel 40857  
of the respondent's choice and has the right to attend the hearing 40858  
except if unusual circumstances of compelling medical necessity 40859  
exist that render the respondent unable to attend and the 40860  
respondent has not expressed a desire to attend. 40861

(3) If the respondent is not represented by counsel and the 40862  
court determines that the conditions specified in division (A)(2) 40863  
of this section justify the respondent's absence and the right to 40864  
counsel has not been validly waived, the court shall appoint 40865

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counsel forthwith to represent the respondent at the hearing, 40866  
reserving the right to tax costs of appointed counsel to the 40867  
respondent unless it is shown that the respondent is indigent. If 40868  
the court appoints counsel, or if the court determines that the 40869  
evidence relevant to the respondent's absence does not justify the 40870  
absence, the court shall continue the case. 40871

(4) The respondent shall be informed of the right to retain 40872  
counsel, to have independent expert evaluation, and, if an 40873  
indigent person, to be represented by court appointed counsel and 40874  
have expert independent evaluation at court expense. 40875

(5) The hearing may be closed to the public unless counsel 40876  
for the respondent requests that the hearing be open to the 40877  
public. 40878

(6) Unless objected to by the respondent, the respondent's 40879  
counsel, or the designee of the director of mental retardation and 40880  
developmental disabilities, the court, for good cause shown, may 40881  
admit persons having a legitimate interest in the proceedings. 40882

(7) The affiant under section 5123.71 of the Revised Code 40883  
shall be subject to subpoena by either party. 40884

(8) The court shall examine the sufficiency of all documents 40885  
filed and shall inform the respondent, if present, and the 40886  
respondent's counsel of the nature of the content of the documents 40887  
and the reason for which the respondent is being held or for which 40888  
the respondent's placement is being sought. 40889

(9) The court shall receive only relevant, competent, and 40890  
material evidence. 40891

(10) The designee of the director shall present the evidence 40892  
for the state. In proceedings under this chapter, the attorney 40893  
general shall present the comprehensive evaluation, assessment, 40894  
diagnosis, prognosis, record of habilitation and care, if any, and 40895  
less restrictive habilitation plans, if any. The attorney general 40896

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does not have a similar presentation responsibility in connection 40897  
with a person who has been found not guilty by reason of insanity 40898  
and who is the subject of a hearing under section 2945.40 of the 40899  
Revised Code to determine whether the person is a mentally 40900  
retarded person subject to institutionalization by court order. 40901

(11) The respondent has the right to testify and the 40902  
respondent or the respondent's counsel has the right to subpoena 40903  
witnesses and documents and to present and cross-examine 40904  
witnesses. 40905

(12) The respondent shall not be compelled to testify and 40906  
shall be so advised by the court. 40907

(13) On motion of the respondent or the respondent's counsel 40908  
for good cause shown, or upon the court's own motion, the court 40909  
may order a continuance of the hearing. 40910

(14) To an extent not inconsistent with this chapter, the 40911  
Rules of Civil Procedure shall be applicable. 40912

(B) Unless, upon completion of the hearing, the court finds 40913  
by clear and convincing evidence that the respondent named in the 40914  
affidavit is a mentally retarded person subject to 40915  
institutionalization by court order, it shall order the 40916  
respondent's discharge forthwith. 40917

(C) If, upon completion of the hearing, the court finds by 40918  
clear and convincing evidence that the respondent is a mentally 40919  
retarded person subject to institutionalization by court order, 40920  
the court may order the respondent's discharge or order the 40921  
respondent, for a period not to exceed ninety days, to any of the 40922  
following: 40923

(1) A public institution, provided that commitment of the 40924  
respondent to the institution will not cause the institution to 40925  
exceed its licensed capacity determined in accordance with section 40926  
5123.19 of the Revised Code and provided that such a placement is 40927

indicated by the comprehensive evaluation report filed pursuant to 40928  
section 5123.71 of the Revised Code; 40929

(2) A private institution; 40930

(3) A county mental retardation program; 40931

(4) Receive private habilitation and care; 40932

(5) Any other suitable facility, program, or the care of any 40933  
person consistent with the comprehensive evaluation, assessment, 40934  
diagnosis, prognosis, and habilitation needs of the respondent. 40935

(D) Any order made pursuant to division (C)(2), (4), or (5) 40936  
of this section shall be conditional upon the receipt by the court 40937  
of consent by the facility, program, or person to accept the 40938  
respondent. 40939

(E) In determining the place to which, or the person with 40940  
whom, the respondent is to be committed, the court shall consider 40941  
the comprehensive evaluation, assessment, diagnosis, and projected 40942  
habilitation plan for the respondent, and shall order the 40943  
implementation of the least restrictive alternative available and 40944  
consistent with habilitation goals. 40945

(F) If, at any time it is determined by the director of the 40946  
facility or program to which, or the person to whom, the 40947  
respondent is committed that the respondent could be equally well 40948  
habilitated in a less restrictive environment that is available, 40949  
the following shall occur: 40950

(1) The respondent shall be released by the director of the 40951  
facility or program or by the person forthwith and referred to the 40952  
court together with a report of the findings and recommendations 40953  
of the facility, program, or person. 40954

(2) The director of the facility or program or the person 40955  
shall notify the respondent's counsel and the designee of the 40956  
director of mental retardation and developmental disabilities. 40957

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(3) The court shall dismiss the case or order placement in the less restrictive environment. 40958  
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(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 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~~ 40960  
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(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. 40969  
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(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. 40976  
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(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 40985  
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least restrictive setting consistent with the need for 40990  
habilitation. A copy of the application shall be provided to 40991  
respondent's counsel. The requirements for notice under section 40992  
5123.73 of the Revised Code and the provisions of divisions (A) to 40993  
(E) of this section apply to all hearings on such applications. 40994

(2) A hearing on the first application for continued 40995  
commitment shall be held at the expiration of the first ninety-day 40996  
period. The hearing shall be mandatory and may not be waived. 40997

(3) Subsequent periods of commitment not to exceed one 40998  
hundred eighty days each may be ordered by the court if the 40999  
designee of the director of mental retardation and developmental 41000  
disabilities files an application for continued commitment, after 41001  
a hearing is held on the application or without a hearing if no 41002  
hearing is requested and no hearing required under division (H)(4) 41003  
of this section is waived. Upon the application of a person 41004  
involuntarily committed under this section, supported by an 41005  
affidavit of a licensed physician alleging that the person is no 41006  
longer a mentally retarded person subject to institutionalization 41007  
by court order, the court for good cause shown may hold a full 41008  
hearing on the person's continued commitment prior to the 41009  
expiration of any subsequent period of commitment set by the 41010  
court. 41011

(4) A mandatory hearing shall be held at least every two 41012  
years after the initial commitment. 41013

(5) If the court, after a hearing upon a request to continue 41014  
commitment, finds that the respondent is a mentally retarded 41015  
person subject to institutionalization by court order, the court 41016  
may make an order pursuant to divisions (C), (D), and (E) of this 41017  
section. 41018

(I) Notwithstanding the provisions of division (H) of this 41019  
section, no person who is found to be a mentally retarded person 41020

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subject to institutionalization by court order pursuant to 41021  
 division ~~(L)~~(P)(2) of section 5123.01 of the Revised Code shall be 41022  
 held under involuntary commitment for more than five years. 41023

(J) The managing officer admitting a person pursuant to a 41024  
 judicial proceeding, within ten working days of the admission, 41025  
 shall make a report of the admission to the department. 41026

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**Sec. 5126.01.** As used in this chapter: 41028

(A) ~~"Adult services" means a range of habilitation services 41029  
 designed to meet the individual needs of persons As used in this 41030  
 division, "adult" means an individual who are is eighteen years of 41031  
 age or over and are not enrolled in a program or service under 41032  
 Chapter 3323. of the Revised Code, and of persons an individual 41033  
 sixteen and or seventeen years of age who are is eligible for 41034  
 adult services under rules adopted by the director of mental 41035  
 retardation and developmental disabilities pursuant to Chapter 41036  
 119. of the Revised Code. Such services may include habilitation 41037  
 programs and services, sheltered employment providing a structured 41038  
 work environment, job training, job placement, supported 41039  
 employment, competitive employment, and planned therapeutic and 41040  
 work activities providing meaningful tasks designed to improve the 41041  
 effectiveness or degree with which an individual meets the 41042  
 standards of personal independence and social responsibility 41043  
 expected of the individual's age and cultural group 41044~~

(1) "Adult services" means services provided to an adult 41045  
 outside the home, except when they are provided within the home 41046  
 according to an individual's assessed needs and identified in an 41047  
 individual service plan, that support learning and assistance in 41048  
 the area of self-care, sensory and motor development, 41049  
 socialization, daily living skills, communication, community 41050  
 living, social skills, or vocational skills. 41051

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<u>(2) "Adult services" includes all of the following:</u>	41052
<u>(a) Adult day habilitation services;</u>	41053
<u>(b) Adult day care;</u>	41054
<u>(c) Prevocational services;</u>	41055
<u>(d) Educational experiences and training obtained through</u>	41056
<u>entities and activities that are not expressly intended for</u>	41057
<u>individuals with mental retardation and developmental</u>	41058
<u>disabilities, including trade schools, vocational or technical</u>	41059
<u>schools, adult education, job exploration and sampling, unpaid</u>	41060
<u>work experience in the community, volunteer activities, and</u>	41061
<u>spectator sports.</u>	41062
<u>(3) "Adult services" does not include community or supported</u>	41063
<u>employment services.</u>	41064
<u>(B)(1) "Adult day habilitation services" means adult services</u>	41065
<u>that do the following:</u>	41066
<u>(a) Provide access to and participation in typical activities</u>	41067
<u>and functions of community life that are desired and chosen by the</u>	41068
<u>general population, including such activities and functions as</u>	41069
<u>opportunities to experience and participate in community</u>	41070
<u>exploration, companionship with friends and peers, leisure</u>	41071
<u>activities, hobbies, maintaining family contacts, community</u>	41072
<u>events, and activities where individuals without disabilities are</u>	41073
<u>involved;</u>	41074
<u>(b) Provide supports or a combination of training and</u>	41075
<u>supports that afford an individual a wide variety of opportunities</u>	41076
<u>to facilitate and build relationships and social supports in the</u>	41077
<u>community.</u>	41078
<u>(2) "Adult day habilitation services" includes all of the</u>	41079
<u>following:</u>	41080
<u>(a) Personal care services needed to ensure an individual's</u>	41081

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<u>ability to experience and participate in vocational services,</u>	41082
<u>educational services, community activities, and any other adult</u>	41083
<u>day habilitation services;</u>	41084
<u>(b) Skilled services provided while receiving adult day</u>	41085
<u>habilitation services, including such skilled services as behavior</u>	41086
<u>management intervention, occupational therapy, speech and language</u>	41087
<u>therapy, physical therapy, and nursing services;</u>	41088
<u>(c) Training and education in self-determination designed to</u>	41089
<u>help the individual do one or more of the following: develop</u>	41090
<u>self-advocacy skills, exercise the individual's civil rights,</u>	41091
<u>acquire skills that enable the individual to exercise control and</u>	41092
<u>responsibility over the services received, and acquire skills that</u>	41093
<u>enable the individual to become more independent, integrated, or</u>	41094
<u>productive in the community;</u>	41095
<u>(d) Recreational and leisure activities identified in the</u>	41096
<u>individual's service plan as therapeutic in nature or assistive in</u>	41097
<u>developing or maintaining social supports;</u>	41098
<u>(e) Transportation necessary to access adult day habilitation</u>	41099
<u>services;</u>	41100
<u>(f) Program management, as described in section 5126.14 of</u>	41101
<u>the Revised Code.</u>	41102
<u>(3) "Adult day habilitation services" does not include the</u>	41103
<u>following:</u>	41104
<u>(a) Activities that are components of the provision of</u>	41105
<u>residential services, family support services, or supported living</u>	41106
<u>services;</u>	41107
<u>(b) Counseling and assistance provided to obtain housing,</u>	41108
<u>including such counseling as identifying options for either rental</u>	41109
<u>or purchase, identifying financial resources, assessing needs for</u>	41110
<u>environmental modifications, locating housing, and planning for</u>	41111

<u>ongoing management and maintenance of the housing selected.</u>	41112
<u>(C) "Community employment services" or "supported employment services" means job training and other services related to employment outside a sheltered workshop. "Community employment services" or "supported employment services" include all of the following:</u>	41113
<u>(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;</u>	41114
<u>(2) Supervised work experience through an employer paid to provide the supervised work experience;</u>	41115
<u>(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;</u>	41116
<u>(4) Ongoing supervision by an employer paid to provide the supervision.</u>	41117
<u>(D) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.</u>	41118
<u>"Developmental disability" means a severe, chronic disability that is characterized by all of the following:</u>	41119
<u>(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;</u>	41120
<u>(2) It is manifested before age twenty-two;</u>	41121
<u>(3) It is likely to continue indefinitely;</u>	41122
<u>(4) It results in one of the following:</u>	41123
<u>(a) In the case of a person under age three, at least one</u>	41124
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developmental delay or an established risk; 41141

(b) In the case of a person at least age three but under age 41142  
six, at least two developmental delays or an established risk; 41143

(c) In the case of a person age six or older, a substantial 41144  
functional limitation in at least three of the following areas of 41145  
major life activity, as appropriate for the person's age: 41146  
self-care, receptive and expressive language, learning, mobility, 41147  
self-direction, capacity for independent living, and, if the 41148  
person is at least age sixteen, capacity for economic 41149  
self-sufficiency. 41150

(5) It causes the person to need a combination and sequence 41151  
of special, interdisciplinary, or other type of care, treatment, 41152  
or provision of services for an extended period of time that is 41153  
individually planned and coordinated for the person. 41154

~~(C)~~(E) "Early childhood services" means a planned program of 41155  
habilitation designed to meet the needs of individuals with mental 41156  
retardation or other developmental disabilities who have not 41157  
attained compulsory school age. 41158

~~(D)~~(F)(1) "Environmental modifications" means the physical 41159  
adaptations to an individual's home, specified in the individual's 41160  
service plan, that are necessary to ensure the individual's 41161  
health, safety, and welfare or that enable the individual to 41162  
function with greater independence in the home, and without which 41163  
the individual would require institutionalization. 41164

(2) "Environmental modifications" includes such adaptations 41165  
as installation of ramps and grab-bars, widening of doorways, 41166  
modification of bathroom facilities, and installation of 41167  
specialized electric and plumbing systems necessary to accommodate 41168  
the individual's medical equipment and supplies. 41169

(3) "Environmental modifications" does not include physical 41170  
adaptations or improvements to the home that are of general 41171

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<u>utility or not of direct medical or remedial benefit to the</u>	41172
<u>individual, including such adaptations or improvements as</u>	41173
<u>carpeting, roof repair, and central air conditioning.</u>	41174
<u>(G) "Family support services" means the services provided</u>	41175
<u>under a family support services program operated under section</u>	41176
<u>5126.11 of the Revised Code.</u>	41177
<u>(H) "Habilitation" means the process by which the staff of</u>	41178
<u>the facility or agency assists an individual with mental</u>	41179
<u>retardation or other developmental disability in acquiring and</u>	41180
<u>maintaining those life skills that enable the individual to cope</u>	41181
<u>more effectively with the demands of the individual's own person</u>	41182
<u>and environment, and in raising the level of the individual's</u>	41183
<u>personal, physical, mental, social, and vocational efficiency.</u>	41184
<u>Habilitation includes, but is not limited to, programs of formal,</u>	41185
<u>structured education and training.</u>	41186
<u>(E)(I) "Habilitation center services" means services provided</u>	41187
<u>by a habilitation center certified by the department of mental</u>	41188
<u>retardation and developmental disabilities under section 5123.041</u>	41189
<u>of the Revised Code and covered by the medicaid program pursuant</u>	41190
<u>to rules adopted under section 5111.041 of the Revised Code.</u>	41191
	41192
<u>(J) "Home and community-based services" means medicaid-funded</u>	41193
<u>home and community-based services provided under a medicaid</u>	41194
<u>component the department of mental retardation and developmental</u>	41195
<u>disabilities administers pursuant to section 5111.871 of the</u>	41196
<u>Revised Code.</u>	41197
<u>(K) "Medicaid" has the same meaning as in section 5111.01 of</u>	41198
<u>the Revised Code.</u>	41199
<u>(L) "Medicaid case management services" means case management</u>	41200
<u>services provided to an individual with mental retardation or</u>	41201
<u>other developmental disability that the state medicaid plan</u>	41202

requires. 41203

(M) "Mental retardation" means a mental impairment manifested 41204  
during the developmental period characterized by significantly 41205  
subaverage general intellectual functioning existing concurrently 41206  
with deficiencies in the effectiveness or degree with which an 41207  
individual meets the standards of personal independence and social 41208  
responsibility expected of the individual's age and cultural 41209  
group. 41210

~~(F)~~(N) "Residential services" means services to individuals 41211  
with mental retardation or other developmental disabilities to 41212  
provide housing, food, clothing, habilitation, staff support, and 41213  
related support services necessary for the health, safety, and 41214  
welfare of the individuals and the advancement of their quality of 41215  
life. "Residential services" includes program management, as 41216  
described in section 5126.14 of the Revised Code. 41217

~~(G)~~(O) "Resources" means available capital and other assets, 41218  
including moneys received from the federal, state, and local 41219  
governments, private grants, and donations; appropriately 41220  
qualified personnel; and appropriate capital facilities and 41221  
equipment. 41222

~~(H)~~(P) "Service and support administration" means the duties 41223  
performed by a service and support administrator pursuant to 41224  
section 5126.15 of the Revised Code. 41225

(O)(1) "Specialized medical, adaptive, and assistive 41226  
equipment, supplies, and supports" means equipment, supplies, and 41227  
supports that enable an individual to increase the ability to 41228  
perform activities of daily living or to perceive, control, or 41229  
communicate within the environment. 41230

(2) "Specialized medical, adaptive, and assistive equipment, 41231  
supplies, and supports" includes the following: 41232

(a) Eating utensils, adaptive feeding dishes, plate guards, 41233

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mylatex straps, hand splints, reaches, feeder seats, adjustable pointer sticks, interpreter services, telecommunication devices for the deaf, computerized communications boards, other communication devices, support animals, veterinary care for support animals, adaptive beds, supine boards, prone boards, wedges, sand bags, sidelayers, bolsters, adaptive electrical switches, hand-held shower heads, air conditioners, humidifiers, emergency response systems, folding shopping carts, vehicle lifts, vehicle hand controls, other adaptations of vehicles for accessibility, and repair of the equipment received.

(b) Nondisposable items not covered by medicaid that are intended to assist an individual in activities of daily living or instrumental activities of daily living.

(R) "Supportive home services" means a range of services to families of individuals with mental retardation or other developmental disabilities to develop and maintain increased acceptance and understanding of such persons, increased ability of family members to teach the person, better coordination between school and home, skills in performing specific therapeutic and management techniques, and ability to cope with specific situations.

(I)(S)(1) "Supported living" means services provided for as long as twenty-four hours a day to an individual with mental retardation or other developmental disability through any public or private resources, including moneys from the individual, that enhance the individual's reputation in community life and advance the individual's quality of life by doing the following:

(1)(a) Providing the support necessary to enable an individual to live in a residence of the individual's choice ~~and to choose to live alone~~, with any number of individuals who are not disabled, or with not more than three individuals with mental retardation and developmental disabilities unless the individuals

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are related by blood or marriage;	41266
<del>(2)(b) Encouraging the individual's participation in the community;</del>	41267 41268
<del>(3)(c) Promoting the individual's rights and autonomy;</del>	41269
<del>(4) Encouraging the increase of the individual's (d)</del>	41270
<u>Assisting the individual in acquiring, retaining, and improving</u>	41271
<u>the skills and competence necessary to live successfully in the</u>	41272
<u>individual's residence.</u>	41273
<u>(2) "Supported living" includes the provision of housing all</u>	41274
<u>of the following:</u>	41275
<u>(a) Housing, food, clothing, habilitation, staff support,</u>	41276
<u>professional services, and any related support services necessary</u>	41277
<u>for to ensure the health, safety, and welfare of the individual</u>	41278
<u>receiving the services;</u>	41279
<u>(b) A combination of life-long or extended-duration</u>	41280
<u>supervision, training, and other services essential to daily</u>	41281
<u>living, including assessment and evaluation and assistance with</u>	41282
<u>the cost of training materials, transportation, fees, and</u>	41283
<u>supplies;</u>	41284
<u>(c) Personal care services and homemaker services;</u>	41285
<u>(d) Household maintenance that does not include modifications</u>	41286
<u>to the physical structure of the residence;</u>	41287
<u>(e) Respite care services;</u>	41288
<u>(f) Program management, as described in section 5126.14 of</u>	41289
<u>the Revised Code.</u>	41290
<b><u>Sec. 5126.035. (A) As used in this section:</u></b>	41291
<u>(1) "Aggrieved party" means the party to a service contract</u>	41292
<u>that is aggrieved by an action the other party has taken or not</u>	41293
<u>taken under the service contract.</u>	41294

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(2) "Other party" means the party to a service contract that has taken or not taken an action under the service contract that causes the aggrieved party to implement the mediation and arbitration provisions of the service contract required by this section.

(3) "Parties" mean a county board of mental retardation and developmental disabilities and a provider that have a service contract with each other.

(4) "Provider" means a person or government entity that provides services to an individual with mental retardation or other developmental disability pursuant to a service contract.

(5) "Service contract" means a contract between a county board of mental retardation and developmental disabilities and a provider under which the provider is to provide services to an individual with mental retardation or other developmental disability.

(B) Each service contract shall provide for the parties to follow the following mediation and arbitration procedures if a party takes or does not take an action under the service contract that causes the aggrieved party to be aggrieved:

(1) No later than thirty days after first notifying the other party that the aggrieved party is aggrieved by an action that the other party has or has not taken or a later date approved by the department of mental retardation and developmental disabilities, the aggrieved party shall file a written notice of mediation and arbitration with the department and provide a copy of the written notice to the other party and the department of job and family services. The written notice shall include an explanation of why the aggrieved party is aggrieved.

(2) Unless otherwise agreed to by both parties, the parties shall continue to operate under the contract in the manner they

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have been operating until the mediation and arbitration process, 41326  
including an appeal under division (B)(8) of this section, if any, 41327  
is completed. 41328

(3) During the thirty days following the date the aggrieved 41329  
party files the written notice of mediation and arbitration under 41330  
division (B)(1) of this section, the parties may attempt to 41331  
resolve the conflict informally. If the parties are able to 41332  
resolve the conflict informally within this time, the aggrieved 41333  
party shall rescind the written notice of mediation and 41334  
arbitration filed under division (B)(1) of this section. 41335

(4) No later than thirty days after the date the aggrieved 41336  
party files the written notice of mediation and arbitration under 41337  
division (B)(1) of this section, the parties shall mutually select 41338  
an individual to conduct the mediation and arbitration and 41339  
schedule the first meeting of the mediation unless the parties 41340  
informally resolve the conflict under division (B)(3) of this 41341  
section. If the parties fail to select an individual to conduct 41342  
the mediation and arbitration within the required time, the 41343  
parties shall request that the chief justice of the supreme court 41344  
of Ohio provide the parties a list of five retired judges who are 41345  
willing to perform the mediation and arbitration duties. The chief 41346  
justice shall create such a list and provide it to the parties. To 41347  
select the retired judge to conduct the mediation and arbitration, 41348  
the parties shall take turns, beginning with the aggrieved party, 41349  
striking retired judges from the list. The retired judge remaining 41350  
on the list after both parties have each stricken two retired 41351  
judges from the list shall perform the mediation and arbitration 41352  
duties, including scheduling the first meeting of mediation if the 41353  
parties are unable to agree on a date for the first meeting. 41354

41355  
(5) A stenographic record or tape recording and transcript of 41356  
each mediation and arbitration meeting shall be maintained as part 41357

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of the mediation and arbitration's official records. The parties 41358  
shall share the cost of the mediation and arbitration, including 41359  
the cost of the retired judge's services but excluding the cost of 41360  
representation. 41361

(6) The first mediation meeting shall be held no later than 41362  
sixty days after the date the aggrieved party files the written 41363  
notice of mediation and arbitration under division (B)(1) of this 41364  
section unless the parties informally resolve the conflict under 41365  
division (B)(3) of this section or the parties mutually agree to 41366  
hold the first meeting at a later time. The mediation shall be 41367  
conducted in the manner the parties mutually agree. If the parties 41368  
are unable to agree on how the mediation is to be conducted, the 41369  
retired judge selected under division (B)(4) of this section shall 41370  
determine how it is to be conducted. The rules of evidence may be 41371  
used. The retired judge shall attempt to resolve the conflict 41372  
through the mediation process. The retired judge's resolution of 41373  
the conflict may be applied retroactively. 41374

(7) If the conflict is not resolved through the mediation 41375  
process, the retired judge shall arbitrate the conflict. The 41376  
parties shall present evidence to the retired judge in the manner 41377  
the retired judge requires. The retired judge shall render a 41378  
written decision based on the service contract, applicable law, 41379  
and the preponderance of the evidence presented during the 41380  
arbitration. The retired judge's decision may be applied 41381  
retroactively. 41382

(8) No later than thirty days after the retired judge renders 41383  
a decision in an arbitration, the retired judge shall inform the 41384  
parties of the decision and forward the decision, transcripts from 41385  
each arbitration meeting, and a copy of all evidence presented to 41386  
the retired judge during the arbitration to the department of 41387  
mental retardation and developmental disabilities. 41388

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(9) No later than thirty days after the department of mental retardation and developmental disabilities receives the retired judge's decision and the materials required by division (B)(8) of this section, the department shall adopt, reject, or modify the retired judge's decision consistent with the retired judge's findings of fact and conclusions of law or remand any portion of the decision to the retired judge for further findings on a specific factual or legal issue. On receipt of the retired judge's response to the remand, the department shall adopt, reject, or modify the retired judge's response. The department's actions regarding the retired judge's decision and response are a final adjudication order subject to appeal to the court of common pleas of Franklin county under section 119.12 of the Revised Code, except that the court shall consider only whether the conclusions of law the department adopts are in accordance with the law.

(10) If the department of mental retardation and developmental disabilities, in consultation with the department of job and family services, determines no later than thirty days following the date the department of mental retardation and developmental disabilities receives the retired judge's decision and the materials required by division (B)(8) of this section, that any aspect of the conflict between the parties affects the medicaid program, the department of mental retardation and developmental disabilities shall take all actions under division (B)(9) of this section in consultation with the department of job and family services.

**Sec. 5126.041.** (A) As used in this section: 41416

(1) "Biological risk" and "environmental risk" have the meanings established pursuant to section 5123.011 of the Revised Code. 41417  
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(2) "Handicapped preschool child" has the same meaning as in 41420

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section 3323.01 of the Revised Code. 41421

(3) "State institution" means all or part of an institution 41422  
under the control of the department of mental retardation and 41423  
developmental disabilities pursuant to section 5123.03 of the 41424  
Revised Code and maintained for the care, treatment, and training 41425  
of the mentally retarded. 41426

(B) Except as provided in division (C) of this section, each 41427  
county board of mental retardation and developmental disabilities 41428  
shall make eligibility determinations in accordance with the 41429  
definition of "developmental disability" in section 5126.01 of the 41430  
Revised Code. Pursuant to rules the department of mental 41431  
retardation and developmental disabilities shall adopt in 41432  
accordance with Chapter 119. of the Revised Code, a county board 41433  
may establish eligibility for programs and services for either of 41434  
the following: 41435

(1) Individuals under age six who have a biological risk or 41436  
environmental risk of a developmental delay; 41437

(2) Any handicapped preschool child eligible for services 41438  
under section 3323.02 of the Revised Code whose handicap is not 41439  
attributable solely to mental illness as defined in section 41440  
5122.01 of the Revised Code. 41441

(C)(1) A county board shall make determinations of 41442  
eligibility for ~~case management services~~ service and support 41443  
administration in accordance with rules adopted under section 41444  
~~5126.15~~ 5126.08 of the Revised Code. 41445

(2) All persons who were eligible for services and enrolled 41446  
in programs offered by a county board of mental retardation and 41447  
developmental disabilities pursuant to this chapter on July 1, 41448  
1991, shall continue to be eligible for those services and to be 41449  
enrolled in those programs as long as they are in need of 41450  
services. 41451

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(3) A person who resided in a state institution on or before 41452  
October 29, 1993, is eligible for programs and services offered by 41453  
a county board of mental retardation and developmental 41454  
disabilities, unless the person is determined by the county board 41455  
not to be in need of those programs and services. 41456

(D) A county board shall refer a person who requests but is 41457  
not eligible for programs and services offered by the board to 41458  
other entities of state and local government or appropriate 41459  
private entities that provide services. 41460

(E) Membership of a person on, or employment of a person by, 41461  
a county board of mental retardation and developmental 41462  
disabilities does not affect the eligibility of any member of that 41463  
person's family for services provided by the board or by any 41464  
entity under contract with the board. 41465

**Sec. 5126.042.** (A) As used in this section: 41466

(1) "Emergency" means any situation that creates for an 41467  
individual with mental retardation or developmental disabilities a 41468  
risk of substantial self-harm or substantial harm to others if 41469  
action is not taken within thirty days. An "emergency" may include 41470  
one or more of the following situations: 41471

(a) Loss of present residence for any reason, including legal 41472  
action; 41473

(b) Loss of present caretaker for any reason, including 41474  
serious illness of the caretaker, change in the caretaker's 41475  
status, or inability of the caretaker to perform effectively for 41476  
the individual; 41477

(c) Abuse, neglect, or exploitation of the individual; 41478

(d) Health and safety conditions that pose a serious risk to 41479  
the individual or others of immediate harm or death; 41480

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(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.

(2) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

~~(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.~~

(B) If a county board of mental retardation and developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request programs and services and may be offered the programs and services, it shall establish waiting lists for services. The board may establish priorities for making placements on its waiting lists according to an individual's emergency ~~or priority~~ status and shall establish priorities in accordance with division (D) of this section.

The individuals who may be placed on a waiting list include individuals with a need for services on an emergency ~~or priority~~ basis and individuals who have requested services for which resources are not available.

An Except for an individual who is to receive priority for services pursuant to division (D)(2)(d) of this section, an individual who currently receives a service but would like to change to another service shall not be placed on a waiting list but shall be placed on a service substitution list. The board shall work with the individual, service providers, and all appropriate entities to facilitate the change in service as expeditiously as possible. The board may establish priorities for making placements on its service substitution lists according to

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an individual's emergency ~~or priority~~ status. 41512

In addition to maintaining waiting lists and service 41513  
 substitution lists, a board shall maintain a long-term service 41514  
 planning registry for individuals who wish to record their 41515  
 intention to request in the future a service they are not 41516  
 currently receiving. The purpose of the registry is to enable the 41517  
 board to document requests and to plan appropriately. The board 41518  
 may not place an individual on the registry who meets the 41519  
 conditions for receipt of services on an emergency ~~or priority~~ 41520  
 basis. 41521

(C) A county board shall establish a separate waiting list 41522  
 for each of the following categories of services, and may 41523  
 establish separate waiting lists within the waiting lists: 41524

(1) Early childhood services; 41525

(2) Educational programs for preschool and school age 41526  
 children; 41527

(3) Adult services; 41528

(4) ~~Case management services~~ service and support 41529  
administration; 41530

(5) Residential services and supported living; 41531

(6) Transportation services; 41532

(7) Other services determined necessary and appropriate for 41533  
 persons with mental retardation or a developmental disability 41534  
 according to their individual habilitation or service plans; 41535

(8) Family support services provided under section 5126.11 of 41536  
 the Revised Code. 41537

(D) Except as provided in division (E) of this section, a 41538  
county board shall do all of the following in accordance with the 41539  
county board's plan approved under section 5123.046 of the Revised 41540  
Code: 41541

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(1) For the purpose of obtaining additional federal medicaid funds for home and community-based services, medicaid case management services, and habilitation center services, do both of the following: 41542  
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(a) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include supported living, residential services, or family support services: 41546  
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(i) Is twenty-two years of age or older; 41552

(ii) Receives supported living or family support services. 41553

(b) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include adult services: 41554  
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41556  
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(i) Resides in the individual's own home or the home of the individual's family and will continue to reside in that home after enrollment in home and community-based services; 41559  
41560  
41561

(ii) Receives adult services from the county board. 41562

(2) As federal medicaid funds become available pursuant to division (D)(1) of this section, give an individual who is eligible for home and community-based services and meets any of the following requirements priority for such services over any other individual on a waiting list established under division (C) of this section other than an individual given priority under division (D)(1) of this section: 41563  
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(a) Does not receive residential services or supported living, either needs services in the individual's current living 41570  
41571

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<u>arrangement or will need services in a new living arrangement, and</u>	41572
<u>has a primary caregiver who is sixty years of age or older;</u>	41573
<u>(b) Is less than twenty-two years of age, does not receive</u>	41574
<u>residential services or supported living, resides in the home of</u>	41575
<u>the individual's family, and has at least one of the following</u>	41576
<u>service needs that are unusual in scope or intensity:</u>	41577
<u>(i) Severe behavior problems for which a behavior support</u>	41578
<u>plan is needed;</u>	41579
<u>(ii) An emotional disorder for which anti-psychotic</u>	41580
<u>medication is needed;</u>	41581
<u>(iii) A medical condition that leaves the individual</u>	41582
<u>dependent on life-support medical technology;</u>	41583
<u>(iv) A condition affecting multiple body systems for which a</u>	41584
<u>combination of specialized medical, psychological, educational, or</u>	41585
<u>habilitation services are needed;</u>	41586
<u>(v) A condition the county board determines to be comparable</u>	41587
<u>in severity to any condition described in division (D)(1)(b)(i) to</u>	41588
<u>(iv) of this section and places the individual at significant risk</u>	41589
<u>of institutionalization.</u>	41590
<u>(c) Is twenty-two years of age or older and is determined by</u>	41591
<u>the county board to have intensive needs for residential services</u>	41592
<u>on an in-home or out-of-home basis;</u>	41593
<u>(d) Resides in an intermediate care facility for the mentally</u>	41594
<u>retarded or nursing facility, chooses to move to another setting,</u>	41595
<u>the department of mental retardation and developmental</u>	41596
<u>disabilities determines the individual is capable of residing in</u>	41597
<u>the other setting, and the county board has assessed the</u>	41598
<u>individual in accordance with the county board's medicaid local</u>	41599
<u>administrative authority under division (A)(1) of section 5126.055</u>	41600
<u>of the Revised Code.</u>	41601

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(E)(1) No individual may receive priority for services pursuant to division (D) of this section over an individual placed on a waiting list established under division (C) of this section on an emergency status. 41602  
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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)(2)(b) of this section. 41606  
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(3) 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)(2)(d) of this section. 41609  
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(F) 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. 41612  
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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 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. The county board shall notify the individual of the individual's placement and position on each waiting list on which the individual is placed. 41620  
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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 41628  
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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. The county board shall notify the  
individual of the individual's placement and position on the  
waiting list on which the individual is placed.

~~(E)(G)~~ A child subject to a determination made pursuant to  
section 121.38 of the Revised Code who requires the home ~~and or~~  
community-based services provided through the ~~medical assistance~~  
~~waiver programs operated~~ medicaid component that the department of  
mental retardation and developmental disabilities administers  
under ~~sections 5111.87 and 5111.88~~ section 5111.871 of the Revised  
Code shall receive services through ~~the waiver programs adopted~~  
~~under Chapters 5111., 5123., and 5126. of the Revised Code that~~  
medicaid component. For all other services, a child subject to a  
determination made pursuant to section 121.38 of the Revised Code  
shall be treated as an emergency by the county boards and shall

not be subject to a waiting list. 41665

~~(F)~~(H) Not later than the fifteenth day of March of each 41666  
even-numbered year, each county board shall prepare and submit to 41667  
the director of mental retardation and developmental disabilities 41668  
its recommendations for the funding of services for individuals 41669  
with mental retardation and developmental disabilities and its 41670  
proposals for reducing the waiting lists for services. 41671

~~(G)~~(I) The following shall take precedence over the 41672  
applicable provisions of this section: 41673

(1) Medicaid rules and regulations; 41674

(2) Any specific requirements that may be contained within a 41675  
medicaid state plan amendment or waiver program that a county 41676  
board has authority to administer or with respect to which it has 41677  
authority to provide services, programs, or supports. 41678

**Sec. 5126.046.** (A) Each county board of mental retardation 41679  
and developmental disabilities that has medicaid local 41680  
administrative authority under division (A) of section 5126.055 of 41681  
the Revised Code for habilitation, vocational, or community 41682  
employment services provided as part of home and community-based 41683  
services shall create a list of all persons and government 41684  
entities eligible to provide such habilitation, vocational, or 41685  
community employment services. If the county board chooses and is 41686  
eligible to provide such habilitation, vocational, or community 41687  
employment services, the county board shall include itself on the 41688  
list. The county board shall make the list available to each 41689  
individual with mental retardation or other developmental 41690  
disability who resides in the county and is eligible for such 41691  
habilitation, vocational, or community employment services. The 41692  
county board shall also make the list available to such 41693  
individuals' families. 41694

An individual with mental retardation or other developmental 41695

disability who is eligible for habilitation, vocational, or 41696  
community employment services may choose the provider of the 41697  
services. 41698

If a county board has medicaid local administrative authority 41699  
under division (A) of section 5126.055 of the Revised Code for 41700  
habilitation, vocational, and community employment services 41701  
provided as part of home and community-based services, the county 41702  
board shall pay the nonfederal share of the habilitation, 41703  
vocational, and community employment services when required by 41704  
section 5126.056 of the Revised Code. The department of mental 41705  
retardation and developmental disabilities shall pay the 41706  
nonfederal share of such habilitation, vocational, and community 41707  
employment services when required by section 5123.047 of the 41708  
Revised Code. 41709

(B) Each month, the department of mental retardation and 41710  
developmental disabilities shall create a list of all persons and 41711  
government entities eligible to provide residential services and 41712  
supported living. The department shall include on the list all 41713  
residential facilities licensed under section 5123.19 of the 41714  
Revised Code and all supported living providers certified under 41715  
section 5126.431 of the Revised Code. The department shall 41716  
distribute the monthly lists to county boards that have local 41717  
administrative authority under division (A) of section 5126.055 of 41718  
the Revised Code for residential services and supported living 41719  
provided as part of home and community-based services. A county 41720  
board that receives a list shall make it available to each 41721  
individual with mental retardation or other developmental 41722  
disability who resides in the county and is eligible for such 41723  
residential services or supported living. The county board shall 41724  
also make the list available to the families of those individuals. 41725

An individual who is eligible for residential services or 41726  
supported living may choose the provider of the residential 41727

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<u>services or supported living.</u>	41728
<u>If a county board has medicaid local administrative authority</u>	41729
<u>under division (A) of section 5126.055 of the Revised Code for</u>	41730
<u>residential services and supported living provided as part of home</u>	41731
<u>and community-based services, the county board shall pay the</u>	41732
<u>nonfederal share of the residential services and supported living</u>	41733
<u>when required by section 5126.056 of the Revised Code. The</u>	41734
<u>department shall pay the nonfederal share of the residential</u>	41735
<u>services and supported living when required by section 5123.047 of</u>	41736
<u>the Revised Code.</u>	41737
<u>(C) If a county board that has medicaid local administrative</u>	41738
<u>authority under division (A) of section 5126.055 of the Revised</u>	41739
<u>Code for home and community-based services violates the right</u>	41740
<u>established by this section of an individual to choose a provider</u>	41741
<u>that is qualified and willing to provide services to the</u>	41742
<u>individual, the individual shall receive timely notice that the</u>	41743
<u>individual may request a hearing under section 5101.35 of the</u>	41744
<u>Revised Code.</u>	41745
<u>(D) The departments of mental retardation and developmental</u>	41746
<u>disabilities and job and family services shall adopt rules in</u>	41747
<u>accordance with Chapter 119. of the Revised Code governing the</u>	41748
<u>implementation of this section. The rules shall include procedures</u>	41749
<u>for individuals to choose their service providers. The rules shall</u>	41750
<u>not be limited by a provider selection system established under</u>	41751
<u>section 5126.42 of the Revised Code, including any pool of</u>	41752
<u>providers created pursuant to a provider selection system.</u>	41753
	41754
<b>Sec. 5126.05.</b> (A) Subject to the rules established by the	41755
director of mental retardation and developmental disabilities	41756
pursuant to Chapter 119. of the Revised Code for programs and	41757
services offered pursuant to this chapter, and subject to the	41758

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rules established by the state board of education pursuant to 41759  
Chapter 119. of the Revised Code for programs and services offered 41760  
pursuant to Chapter 3323. of the Revised Code, the county board of 41761  
mental retardation and developmental disabilities shall: 41762

(1) Administer and operate facilities, programs, and services 41763  
as provided by this chapter and Chapter 3323. of the Revised Code 41764  
and establish policies for their administration and operation; 41765  
41766

(2) Coordinate, monitor, and evaluate existing services and 41767  
facilities available to individuals with mental retardation and 41768  
developmental disabilities; 41769

(3) Provide early childhood services, supportive home 41770  
services, and adult services, according to the plan and priorities 41771  
developed under section 5126.04 of the Revised Code; 41772

(4) Provide or contract for special education services 41773  
pursuant to Chapters 3317. and 3323. of the Revised Code and 41774  
ensure that related services, as defined in section 3323.01 of the 41775  
Revised Code, are available according to the plan and priorities 41776  
developed under section 5126.04 of the Revised Code; 41777

(5) Adopt a budget, authorize expenditures for the purposes 41778  
specified in this chapter and do so in accordance with section 41779  
319.16 of the Revised Code, approve attendance of board members 41780  
and employees at professional meetings and approve expenditures 41781  
for attendance, and exercise such powers and duties as are 41782  
prescribed by the director; 41783

(6) Submit annual reports of its work and expenditures, 41784  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 41785  
the director, the superintendent of public instruction, and the 41786  
board of county commissioners at the close of the fiscal year and 41787  
at such other times as may reasonably be requested; 41788

(7) Authorize all positions of employment, establish 41789

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compensation, including but not limited to salary schedules and	41790
fringe benefits for all board employees, approve contracts of	41791
employment for management employees that are for a term of more	41792
than one year, employ legal counsel under section 309.10 of the	41793
Revised Code, and contract for employee benefits;	41794
<del>(8) Provide case management services, as defined in rules</del>	41795
<del>adopted by the director of mental retardation and developmental</del>	41796
<del>disabilities, service and support administration</del> in accordance	41797
with section <del>5126.15</del> <u>5126.046</u> of the Revised Code;	41798
(9) Certify respite care homes pursuant to rules adopted	41799
under section 5123.171 of the Revised Code by the director of	41800
mental retardation and developmental disabilities.	41801
(B) To the extent that rules adopted under this section apply	41802
to the identification and placement of handicapped children under	41803
Chapter 3323. of the Revised Code, they shall be consistent with	41804
the standards and procedures established under sections 3323.03 to	41805
3323.05 of the Revised Code.	41806
(C) Any county board may enter into contracts with other such	41807
boards and with public or private, nonprofit, or profit-making	41808
agencies or organizations of the same or another county, to	41809
provide the facilities, programs, and services authorized or	41810
required, upon such terms as may be agreeable, and in accordance	41811
with this chapter and Chapter 3323. of the Revised Code and rules	41812
adopted thereunder and in accordance with sections 307.86 and	41813
5126.071 of the Revised Code.	41814
(D) A county board may combine transportation for children	41815
and adults enrolled in programs and services offered under section	41816
5126.12 with transportation for children enrolled in <u>classes</u>	41817
<u>funded under section 3317.20</u> or units approved under section	41818
3317.05 of the Revised Code.	41819
(E) A county board may purchase all necessary insurance	41820

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policies, may purchase equipment and supplies through the 41821  
department of administrative services or from other sources, and 41822  
may enter into agreements with public agencies or nonprofit 41823  
organizations for cooperative purchasing arrangements. 41824

(F) A county board may receive by gift, grant, devise, or 41825  
bequest any moneys, lands, or property for the benefit of the 41826  
purposes for which the board is established and hold, apply, and 41827  
dispose of the moneys, lands, and property according to the terms 41828  
of the gift, grant, devise, or bequest. All money received by 41829  
gift, grant, bequest, or disposition of lands or property received 41830  
by gift, grant, devise, or bequest shall be deposited in the 41831  
county treasury to the credit of such board and shall be available 41832  
for use by the board for purposes determined or stated by the 41833  
donor or grantor, but may not be used for personal expenses of the 41834  
board members. Any interest or earnings accruing from such gift, 41835  
grant, devise, or bequest shall be treated in the same manner and 41836  
subject to the same provisions as such gift, grant, devise, or 41837  
bequest. 41838

(G) The board of county commissioners shall levy taxes and 41839  
make appropriations sufficient to enable the county board of 41840  
mental retardation and developmental disabilities to perform its 41841  
functions and duties, and may utilize any available local, state, 41842  
and federal funds for such purpose. 41843

**Sec. 5126.051.** (A) To the extent that resources are 41844  
available, a county board of mental retardation and developmental 41845  
disabilities ~~may~~ shall provide for or arrange residential services 41846  
and supported living for individuals with mental retardation and 41847  
developmental disabilities. 41848

A county board may acquire, convey, lease, or sell property 41849  
for residential services and supported living and enter into loan 41850  
agreements, including mortgages, for the acquisition of such 41851

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property. A county board is not required to comply with provisions 41852  
of Chapter 307. of the Revised Code providing for competitive 41853  
bidding or sheriff sales in the acquisition, lease, conveyance, or 41854  
sale of property under this division, but the acquisition, lease, 41855  
conveyance, or sale must be at fair market value determined by 41856  
appraisal of one or more disinterested persons appointed by the 41857  
board. 41858

Any action taken by a county board under this division that 41859  
will incur debt on the part of the county shall be taken in 41860  
accordance with Chapter 133. of the Revised Code. A county board 41861  
shall not incur any debt on the part of the county without the 41862  
prior approval of the board of county commissioners. 41863

(B)(1) To the extent that resources are available, in 41864  
addition to sheltered employment and work activities provided as 41865  
adult services pursuant to division (A)(3) of section 5126.05 of 41866  
the Revised Code, a county board of mental retardation and 41867  
developmental disabilities may provide or arrange for job 41868  
training, vocational evaluation, and community employment services 41869  
to mentally retarded and developmentally disabled individuals who 41870  
are age eighteen and older and not enrolled in a program or 41871  
service under Chapter 3323. of the Revised Code or age sixteen or 41872  
seventeen and eligible for adult services under rules adopted by 41873  
the director of mental retardation and developmental disabilities 41874  
under Chapter 119. of the Revised Code. These services shall be 41875  
provided in accordance with the individual's individual service or 41876  
habilitation plan and shall include support services specified in 41877  
the plan. 41878

(2) A county board may, in cooperation with the Ohio 41879  
rehabilitation services commission, seek federal funds for job 41880  
training and community employment. 41881

(3) A county board may contract with any agency, board, or 41882  
other entity that is accredited by the commission on accreditation 41883

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of rehabilitation facilities to provide services. A county board 41884  
that is accredited by the commission on accreditation of 41885  
rehabilitation facilities may provide services for which it is 41886  
certified by the commission. 41887

(C) To the extent that resources are available, a county 41888  
board may provide services to an individual with mental 41889  
retardation or other developmental disability in addition to those 41890  
provided pursuant to this section, section 5126.05 of the Revised 41891  
Code, or any other section of this chapter. The services shall be 41892  
provided in accordance with the individual's habilitation or 41893  
service plan and may be provided in collaboration with other 41894  
entities of state or local government. 41895

**Sec. 5126.053.** (A) As used in this section, "effective tax 41896  
rate" has the same meaning as in section 5126.16 of the Revised 41897  
Code. 41898

(B) Notwithstanding sections 5126.12 and 5126.15 of the 41899  
Revised Code with regard to the distribution of state subsidies to 41900  
county boards of mental retardation and developmental 41901  
disabilities, the department of mental retardation and 41902  
developmental disabilities shall, except as provided in division 41903  
(D) of this section, reduce the funds provided under those 41904  
sections to a county board in each year that the board, on the 41905  
first day of January of that year, has an effective tax rate of 41906  
less than one and one-half mills for general operations for 41907  
programs under which the board provides or arranges the following: 41908

(1) Early childhood services pursuant to section 5126.05 of 41909  
the Revised Code for children under age three; 41910

(2) Adult services pursuant to section 5126.05 and division 41911  
(B) of section 5126.051 of the Revised Code for individuals age 41912  
sixteen or older; 41913

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(3) ~~Case management services~~ Service and support 41914  
administration pursuant to section 5126.15 of the Revised Code. 41915

(C) If a county board is subject to the reduction required by 41916  
 this section, payments to the county board under sections 5126.12 41917  
 and 5126.15 of the Revised Code shall be made in the same 41918  
 percentage that the board's effective tax rate is of one and 41919  
 one-half mills. 41920

(D) A county board subject to the reduction required by this 41921  
 section may appeal to the department for an exemption from the 41922  
 reduction. The board may present evidence of its attempts to 41923  
 obtain passage of levies and any other extenuating circumstances 41924  
 the board considers relevant. The department shall grant an 41925  
 exemption if it determines that the board has made good faith 41926  
 efforts to obtain an effective tax rate of at least one and 41927  
 one-half mills for general operations for programs under which the 41928  
 services described in division (B) of this section are provided 41929  
 and arranged or that there are extenuating circumstances. 41930

**Sec. 5126.054.** (A) Each county board of mental retardation 41931  
and developmental disabilities shall, by resolution, develop a 41932  
three-calendar year plan that includes all of the following 41933  
components: 41934

(1) An assessment component that includes all of the 41935  
following: 41936

(a) The number of individuals with mental retardation or 41937  
other developmental disability residing in the county who need the 41938  
level of care provided by an intermediate care facility for the 41939  
mentally retarded, may seek home and community-based services, are 41940  
given priority for the services pursuant to division (D) of 41941  
section 5126.042 of the Revised Code; the service needs of those 41942  
individuals; and the projected annualized cost for services; 41943

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(b) 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; 41944  
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(c) Any other applicable information or conditions that the department of mental retardation and developmental disabilities requires as a condition of approving the plan under section 5123.046 of the Revised Code. 41948  
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(2) A component that provides for the recruitment, training, and retention of existing and new 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 center 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: 41952  
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(a) The source and amount of funds available for the component; 41966  
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(b) A plan and timeline for implementing the component with the medicaid providers under contract with the county board; 41968  
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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. 41970  
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(3) A component that provides for the implementation of habilitation center services, medicaid case management services, 41973  
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<u>and home and community-based services. A county board shall</u>	41975
<u>include all of the following in the component:</u>	41976
<u>(a) If the department of mental retardation and developmental</u>	41977
<u>disabilities or department of job and family services requires, an</u>	41978
<u>agreement to pay the nonfederal share of medicaid expenditures</u>	41979
<u>that the county board is required by division (A) of section</u>	41980
<u>5126.056 of the Revised Code to pay;</u>	41981
<u>(b) How the services are to be phased in over the period the</u>	41982
<u>plan covers, including how the county board will serve individuals</u>	41983
<u>on a waiting list established under division (C) of section</u>	41984
<u>5126.042 who are given priority status under division (D)(1) of</u>	41985
<u>that section;</u>	41986
<u>(c) Any agreement or commitment regarding the county board's</u>	41987
<u>funding of home and community-based services that the county board</u>	41988
<u>has with the department at the time the county board develops the</u>	41989
<u>component;</u>	41990
<u>(d) Assurances adequate to the department that the county</u>	41991
<u>board will comply with all of the following requirements:</u>	41992
<u>(i) To use any additional funds the county board receives for</u>	41993
<u>the services to improve the county board's resource capabilities</u>	41994
<u>for supporting such services available in the county at the time</u>	41995
<u>the component is developed and to expand the services to</u>	41996
<u>accommodate the unmet need for those services in the county;</u>	41997
<u>(ii) To employ a business manager who is either a new</u>	41998
<u>employee who has earned at least a bachelor's degree in business</u>	41999
<u>administration or a current employee who has the equivalent</u>	42000
<u>experience of a bachelor's degree in business administration. If</u>	42001
<u>the county board will employ a new employee, the county board</u>	42002
<u>shall include in the component a timeline for employing the</u>	42003
<u>employee.</u>	42004
<u>(iii) To employ or contract with a medicaid services manager</u>	42005

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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. Two or three county boards that have a combined total enrollment in county board services not exceeding one thousand individuals as determined pursuant to certifications made under division (B) of section 5126.12 of the Revised Code may satisfy this requirement by sharing the services of a medicaid services manager or using the services of a medicaid services manager employed by or under contract with a regional council that the county boards establish under section 5126.13 of the Revised Code.

(e) An agreement to comply with the method, developed by rules adopted under section 5123.0413 of the Revised Code, of paying for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensuring the availability of adequate funds in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails;

(f) Programmatic and financial accountability measures and projected outcomes expected from the implementation of the plan;

(g) Any other applicable information or conditions that the department requires as a condition of approving the plan under section 5123.046 of the Revised Code.

(B) For the purpose of obtaining the department's approval under section 5123.046 of the Revised Code of the plan the county board develops under division (A) of this section, a county board shall do both of the following:

(1) Submit the components required by divisions (A)(1) and (2) of this section to the department not later than August 1,

2001; 42038

(2) Submit the component required by division (A)(3) of this section to the department not later than November 1, 2001. 42039  
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(C) A county board whose plan developed under division (A) of this section is approved by the department under section 5123.046 of the Revised Code shall update and renew the plan in accordance with a schedule the department shall develop. 42041  
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**Sec. 5126.055.** (A) Except as provided in division (G) of this section, a county board of mental retardation and developmental disabilities with an approved plan under section 5123.046 of the Revised Code has medicaid local administrative authority to, and shall, do all of the following for an individual with mental retardation or other developmental disability who resides in the county that the county board serves and seeks or receives home or community-based services: 42045  
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(1) Perform assessments and evaluations of the individual and assist the department of mental retardation and developmental disabilities in expediting the enrollment of individuals given priority for the services under division (D)(2)(d) of section 5126.042 of the Revised Code into the services. As part of the assessment and evaluation process, the county board shall do all of the following: 42053  
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(a) Make a recommendation to the department of mental retardation and developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an intermediate care facility for the mentally retarded provides; 42060  
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(b) If the individual's application is denied because of the county board's recommendation and the individual requests a hearing under section 5101.35 of the Revised Code, present, with 42066  
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the department of mental retardation and developmental 42069  
disabilities or department of job and family services, whichever 42070  
denies the application, the reasons for the recommendation and 42071  
denial at the hearing; 42072

(c) If the individual's application is approved, recommend to 42073  
the departments of mental retardation and developmental 42074  
disabilities and job and family services the services that should 42075  
be included in the individual's individualized service plan and, 42076  
if either department approves, reduces, denies, or terminates a 42077  
service included in the individual's individualized service plan 42078  
under section 5111.871 of the Revised Code because of the county 42079  
board's recommendation, present, with the department that made the 42080  
approval, reduction, denial, or termination, the reasons for the 42081  
recommendation and approval, reduction, denial, or termination at 42082  
a hearing under section 5101.35 of the Revised Code. 42083

(2) In accordance with the rules adopted under section 42084  
5126.046 of the Revised Code, perform the county board's duties 42085  
under that section regarding assisting the individual's right to 42086  
choose a qualified and willing provider of the services and, at a 42087  
hearing under section 5101.35 of the Revised Code, present 42088  
evidence of the process for appropriate assistance in choosing 42089  
providers; 42090

(3) Unless the county board provides the services under 42091  
division (A)(4) of this section, contract with the person or 42092  
government entity the individual chooses in accordance with 42093  
section 5126.046 of the Revised Code to provide the services if 42094  
the person or government entity is qualified and agrees to provide 42095  
the services. The contract shall contain all the provisions 42096  
required by section 5126.057 of the Revised Code and require the 42097  
provider to agree to furnish, in accordance with the provider's 42098  
medicaid provider agreement and for the authorized reimbursement 42099  
rate, the services the individual requires. 42100

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(4) If the county board is certified under section 5123.045 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; 42101  
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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. 42108  
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(6) Develop, with the individual and the provider of the individual's services, an effective individualized service plan that includes coordination of services, recommend that the departments of mental retardation and developmental disabilities and job and family services approve the plan, and implement the plan unless either department disapproves it. 42114  
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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 medicaid local administrative authority to, and shall, do all of the following for an individual with mental retardation or other developmental disability who resides in the county that the county board serves and seeks or receives medicaid case management services or habilitation center services, other than habilitation center services for which a school district is required by division (E) of section 5111.041 of the Revised Code to pay the nonfederal share: 42120  
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(1) Perform assessments and evaluations of the individual for the purpose of recommending to the departments of mental retardation and developmental disabilities and job and family 42130  
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services the services that should be included in the individual's 42133  
individualized service plan; 42134

(2) If the department of mental retardation and developmental 42135  
disabilities or department of job and family services approves, 42136  
reduces, denies, or terminates a service included in the 42137  
individual's individualized service plan under section 5111.041 or 42138  
5111.042 of the Revised Code because of the county board's 42139  
recommendation under division (B)(1) of this section, present, 42140  
with the department that made the approval, reduction, denial, or 42141  
termination, the reasons for the recommendation and approval, 42142  
reduction, denial, or termination at a hearing under section 42143  
5101.35 of the Revised Code and inform the individual that the 42144  
individual may file a complaint with the county board under 42145  
section 5126.06 of the Revised Code at the same time the 42146  
individual pursues an appeal under section 5101.35 of the Revised 42147  
Code; 42148

(3) In accordance with rules the departments of mental 42149  
retardation and developmental disabilities and job and family 42150  
services shall adopt in accordance with Chapter 119. of the 42151  
Revised Code governing the process for individuals to choose 42152  
providers of medicaid case management services and habilitation 42153  
center services, assist the individual in choosing the provider of 42154  
the services. The rules shall provide for both of the following: 42155

(a) The county board providing the individual up-to-date 42156  
information about qualified providers that the department of 42157  
mental retardation and developmental disabilities shall make 42158  
available to the county board; 42159

(b) If the individual chooses a provider who is qualified and 42160  
willing to provide the services but is denied that provider, the 42161  
individual receiving timely notice that the individual may request 42162  
a hearing under section 5101.35 of the Revised Code and, at the 42163  
hearing, the county board presenting evidence of the process for 42164

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<u>appropriate assistance in choosing providers.</u>	42165
<u>(4) Unless the county board provides the services under</u>	42166
<u>division (B)(5) of this section, contract with the person or</u>	42167
<u>government entity that the individual chooses in accordance with</u>	42168
<u>the rules adopted under division (B)(3) of this section to provide</u>	42169
<u>the services if the person or government entity is qualified and</u>	42170
<u>agrees to provide the services. The contract shall contain all the</u>	42171
<u>provisions required by section 5126.057 of the Revised Code and</u>	42172
<u>require the provider to agree to furnish, in accordance with the</u>	42173
<u>provider's medicaid provider agreement and for the authorized</u>	42174
<u>reimbursement rate, the services the individual requires.</u>	42175
<u>(5) If the county board is certified under section 5123.041</u>	42176
<u>of the Revised Code to provide the services and agrees to provide</u>	42177
<u>the services to the individual and the individual chooses the</u>	42178
<u>county board to provide the services, furnish, in accordance with</u>	42179
<u>the county board's medicaid provider agreement and for the</u>	42180
<u>authorized reimbursement rate, the services the individual</u>	42181
<u>requires;</u>	42182
<u>(6) Monitor the services provided to the individual. The</u>	42183
<u>monitoring shall include quality assurance activities. If the</u>	42184
<u>county board provides the services, the department of mental</u>	42185
<u>retardation and developmental disabilities shall also monitor the</u>	42186
<u>services.</u>	42187
<u>(7) Develop with the individual and the provider of the</u>	42188
<u>individual's services, and with the approval of the departments of</u>	42189
<u>mental retardation and developmental disabilities and job and</u>	42190
<u>family services, implement an effective plan for coordinating the</u>	42191
<u>services in accordance with the individual's approved</u>	42192
<u>individualized service plan.</u>	42193
<u>(C) A county board shall perform its medicaid local</u>	42194
<u>administrative authority under this section in accordance with all</u>	42195
<u>of the following:</u>	42196

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<u>(1) The county board's plan that the department of mental</u>	42197
<u>retardation and developmental disabilities approves under section</u>	42198
<u>5123.046 of the Revised Code;</u>	42199
<u>(2) All applicable federal and state laws;</u>	42200
<u>(3) All applicable policies of the departments of mental</u>	42201
<u>retardation and developmental disabilities and job and family</u>	42202
<u>services and the United States department of health and human</u>	42203
<u>services;</u>	42204
<u>(4) The department of job and family services' supervision</u>	42205
<u>under its authority under section 5111.01 of the Revised Code to</u>	42206
<u>act as the single state medicaid agency;</u>	42207
<u>(5) The department of mental retardation and developmental</u>	42208
<u>disabilities' oversight.</u>	42209
<u>(D) The departments of mental retardation and developmental</u>	42210
<u>disabilities and job and family services shall communicate with</u>	42211
<u>and provide training to county boards regarding medicaid local</u>	42212
<u>administrative authority granted by this section. The</u>	42213
<u>communication and training shall include issues regarding audit</u>	42214
<u>protocols and other standards established by the United States</u>	42215
<u>department of health and human services that the departments</u>	42216
<u>determine appropriate for communication and training. County</u>	42217
<u>boards shall participate in the training. The departments shall</u>	42218
<u>assess the county board's compliance against uniform standards</u>	42219
<u>that the departments shall establish.</u>	42220
<u>(E) A county board may not delegate its medicaid local</u>	42221
<u>administrative authority granted under this section but may</u>	42222
<u>contract with a person or government entity, including a council</u>	42223
<u>of governments, for assistance with its medicaid local</u>	42224
<u>administrative authority. A county board that enters into such a</u>	42225
<u>contract shall notify the director of mental retardation and</u>	42226
<u>developmental disabilities. The notice shall include the tasks and</u>	42227

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responsibilities that the contract gives to the person or 42228  
government entity. The person or government entity shall comply in 42229  
full with all requirements to which the county board is subject 42230  
regarding the person or government entity's tasks and 42231  
responsibilities under the contract. The county remains ultimately 42232  
responsible for the tasks and responsibilities. 42233

(F) A county board that has medicaid local administrative 42234  
authority under this section shall, through the departments of 42235  
mental retardation and developmental disabilities and job and 42236  
family services, reply to, and cooperate in arranging compliance 42237  
with, a program or fiscal audit or program violation exception 42238  
that a state or federal audit or review discovers. The department 42239  
of job and family services shall timely notify the department of 42240  
mental retardation and developmental disabilities and the county 42241  
board of any adverse findings. After receiving the notice, the 42242  
county board, in conjunction with the department of mental 42243  
retardation and developmental disabilities, shall cooperate fully 42244  
with the department of job and family services and timely prepare 42245  
and send to the department a written plan of correction or 42246  
response to the adverse findings. The county board is liable for 42247  
any adverse findings that result from an action it takes or fails 42248  
to take in its implementation of medicaid local administrative 42249  
authority. 42250

(G)(1) If the department of mental retardation and 42251  
developmental disabilities or department of job and family 42252  
services determines that a county board's implementation of its 42253  
medicaid local administrative authority under this section is 42254  
deficient, the department that makes the determination shall 42255  
require that county board do the following: 42256

(a) If the deficiency affects the health, safety, or welfare 42257  
of an individual with mental retardation or other developmental 42258  
disability, correct the deficiency within twenty-four hours; 42259

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(b) If the deficiency does not affect the health, safety, or 42261  
welfare of an individual with mental retardation or other 42262  
developmental disability, receive technical assistance from the 42263  
department or submit a plan of correction to the department that 42264  
is acceptable to the department within sixty days and correct the 42265  
deficiency within the time required by the plan of correction. 42266

(2) If the county board fails to correct a deficiency within 42267  
the time required by division (G)(1) of this section to the 42268  
satisfaction of the department, or submit an acceptable plan of 42269  
correction within the time required by division (G)(1)(b) of this 42270  
section, the department shall issue an order terminating the 42271  
county board's medicaid local administrative authority over all or 42272  
part of home and community-based services, medicaid managed care 42273  
services, habilitation center services, all or part of two of 42274  
those services, or all or part of all three of those services. The 42275  
department shall provide a copy of the order to the board of 42276  
county commissioners, probate judge, county auditor, and president 42277  
and superintendent of the county board. The department shall 42278  
specify in the order the medicaid local administrative authority 42279  
that the department is terminating, the reason for the 42280  
termination, and the county board's option and responsibilities 42281  
under this division. 42282

A county board whose medicaid local administrative authority 42283  
is terminated may, no later than thirty days after the department 42284  
issues the termination order, recommend to the department that 42285  
another county board that has not had any of its medicaid local 42286  
administrative authority terminated or another entity the 42287  
department approves administer the services for which the county 42288  
board's medicaid local administrative authority is terminated. The 42289  
department may contract with the other county board or entity to 42290  
administer the services. If the department enters into such a 42291

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contract, the county board shall adopt a resolution giving the 42292  
other county board or entity full medicaid local administrative 42293  
authority over the services that the other county board or entity 42294  
is to administer. The other county board or entity shall be known 42295  
as the contracting authority. 42296

If the county board does not submit a recommendation to the 42297  
department regarding a contracting authority within the required 42298  
time or the department rejects the county board's recommendation, 42299  
the department shall appoint an administrative receiver to 42300  
administer the services for which the county board's medicaid 42301  
local administrative authority is terminated. To the extent 42302  
necessary for the department to appoint an administrative 42303  
authority, the department may utilize employees of the department, 42304  
management personnel from another county board, or other 42305  
individuals who are not employed by or affiliated with in any 42306  
manner a person or government entity that provides home and 42307  
community-based services, medicaid managed care services, or 42308  
habilitation center services pursuant to a contract with the 42309  
county board. The administrative receiver shall assume full 42310  
administrative responsibility for the county board's services for 42311  
which the county board's medicaid local administrative authority 42312  
is terminated. 42313

The contracting authority or administrative receiver shall 42314  
develop and submit to the department a plan of correction to 42315  
remediate the problems that caused the department to issue the 42316  
termination order. If, after reviewing the plan, the department 42317  
approves it, the contracting authority or administrative receiver 42318  
shall implement the plan. 42319

The county board shall transfer control of state and federal 42320  
funds it is otherwise eligible to receive for the services for 42321  
which the county board's medicaid local administrative authority 42322  
is terminated to the contracting authority or administrative 42323

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receiver administering the services. The amount the county board shall transfer shall be the amount necessary for the contracting authority or administrative receiver to fulfill its duties in administering the services, including its duties to pay its personnel for time worked, travel, and related matters. If the county board fails to make the transfer, the department may withhold the state and federal funds from the county board or bring a mandamus action against the county board in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas. 42324  
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The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code. 42334  
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Sec. 5126.056. (A) A county board of mental retardation and developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under section 5126.041 of the Revised Code is eligible for county board services unless division (C)(2) of section 5123.047 of the Revised Code requires the department of mental retardation and developmental disabilities to pay the nonfederal share. 42338  
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A county board that has medicaid local administrative authority under division (B) of section 5126.055 of the Revised Code for medicaid case management services shall pay the nonfederal share of medicaid expenditures for such services provided to an individual with mental retardation or other developmental disability who the county board determines under 42349  
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section 5126.041 of the Revised Code is eligible for county board services unless division (B)(2) of section 5123.047 of the Revised Code requires the department of mental retardation and developmental disabilities to pay the nonfederal share.

A county board shall pay the nonfederal share of medicaid expenditures for habilitation center services when required to do so by division (D) of section 5111.041 of the Revised Code.

(B) A county board may use the following funds to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay:

(1) To the extent consistent with the levy that generated the taxes, the following taxes:

(a) Taxes levied pursuant to division (L) of section 5705.19 of the Revised Code and section 5705.222 of the Revised Code;

(b) Taxes levied under section 5705.191 of the Revised Code that the board of county commissioners allocates to the county board to pay the nonfederal share of the services.

(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;

(3) Funds that the department allocates to the county board for habilitation center services provided under section 5111.041 of the Revised Code;

(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.

(C) If by December 31, 2001, the United States secretary of health and human services approves at least five hundred more slots for home and community-based services for calendar year 2002

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than were available for calendar year 2001, each county board 42385  
shall provide, by the last day of calendar year 2001, assurances 42386  
to the department of mental retardation and developmental 42387  
disabilities that the county board will have for calendar year 42388  
2002 at least one-third of the value of one-half, effective mill 42389  
levied in the county the preceding year available to pay the 42390  
nonfederal share of the services that the county board is required 42391  
by division (A) of this section to pay. 42392

If by December 31, 2002, the United States secretary approves 42393  
at least five hundred more slots for home and community-based 42394  
services for calendar year 2003 than were available for calendar 42395  
year 2002, each county board shall provide, by the last day of 42396  
calendar year 2002, assurances to the department that the county 42397  
board will have for calendar year 2003 at least two-thirds of the 42398  
value of one-half, effective mill levied in the county the 42399  
preceding year available to pay the nonfederal share of the 42400  
services that the county board is required by division (A) of this 42401  
section to pay. 42402

If by December 31, 2003, the United States secretary approves 42403  
at least five hundred more slots for home and community-based 42404  
services for calendar year 2004 than were available for calendar 42405  
year 2003, each county board shall provide, by the last day of 42406  
calendar year 2003 and each calendar year thereafter, assurances 42407  
to the department that the county board will have for calendar 42408  
year 2004 and each calendar year thereafter at least the value of 42409  
one-half, effective mill levied in the county the preceding year 42410  
available to pay the nonfederal share of the services that the 42411  
county board is required by division (A) of this section to pay. 42412

(D) Each year, each county board shall adopt a resolution 42413  
specifying the amount of funds it will use in the next year to pay 42414  
the nonfederal share of the services that the county board is 42415  
required by division (A) of this section to pay. The amount 42416

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specified shall be adequate to assure that the services will be 42417  
available in the county in a manner that conforms to all 42418  
applicable state and federal laws. A county board shall state in 42419  
its resolution that the payment of the nonfederal share represents 42420  
an ongoing financial commitment of the county board. A county 42421  
board shall adopt the resolution in time for the county auditor to 42422  
make the determination required by division (E) of this section. 42423

(E) Each year, a county auditor shall determine whether the 42424  
amount of funds a county board specifies in the resolution it 42425  
adopts under division (D) of this section will be available in the 42426  
following year for the county board to pay the nonfederal share of 42427  
the services that the county board is required by division (A) of 42428  
this section to pay. The county auditor shall make the 42429  
determination not later than the last day of the year before the 42430  
year in which the funds are to be used. 42431

**Sec. 5126.057.** (A) Each contract that a county board of 42432  
mental retardation and developmental disabilities enters into with 42433  
a person or government entity under section 5126.055 of the 42434  
Revised Code to provide home and community-based services, 42435  
medicaid case management services, or habilitation center services 42436  
shall comply with rules adopted under division (D) of this section 42437  
and include a general operating agreement component and an 42438  
individual service needs addendum. 42439

(B) The general operating agreement component shall include 42440  
all of the following: 42441

(1) The roles and responsibilities of the county board 42442  
regarding services for individuals with mental retardation or 42443  
other developmental disability who reside in the county the county 42444  
board serves; 42445

(2) The roles and responsibilities of the provider; 42446

(3) Procedures for the county board to monitor the provider's 42447

<u>services;</u>	42448
<u>(4) Procedures for the county board to evaluate the quality of care and cost effectiveness of the provider's services;</u>	42449 42450
<u>(5) Procedures for payment of eligible claims;</u>	42451
<u>(6) Procedures for reimbursement that conform to the statewide reimbursement process and the county board's plan submitted under section 5126.054 of the Revised Code;</u>	42452 42453 42454
<u>(7) Procedures for the county board to perform service utilization reviews and the implementation of required corrective actions;</u>	42455 42456 42457
<u>(8) Procedures that ensure that the county board pays the nonfederal share of the medicaid expenditures that the county board is required by division (A) of section 5126.056 of the Revised Code to pay;</u>	42458 42459 42460 42461
<u>(9) Procedures for the provider to submit claims for payment for a service no later than three hundred thirty days after the date the service is provided;</u>	42462 42463 42464
<u>(10) Procedures for rejecting claims for payment that are submitted after the time required by division (B)(9) of this section;</u>	42465 42466 42467
<u>(11) Procedures for developing, modifying, and executing initial and subsequent service plans. The procedures shall provide for the provider's participation.</u>	42468 42469 42470
<u>(12) Procedures for affording individuals due process protections;</u>	42471 42472
<u>(13) General staffing, training, and certification requirements that are consistent with state requirements and compensation arrangements that are adequate to attract, train, and retain competent personnel to deliver the services pursuant to the individual service needs addendum;</u>	42473 42474 42475 42476 42477

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<u>(14) Methods to be used to document services provided and procedures for submitting reports the county board requires;</u>	42478
	42479
<u>(15) Methods for authorizing and documenting within seventy-two hours changes to the individual service needs addendum. The methods shall allow for changes to be initially authorized verbally and in writing.</u>	42480
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<u>(16) Procedures for modifying the individual service needs addendum in accordance with changes to the recipient's individualized service plan;</u>	42484
	42485
	42486
<u>(17) Procedures for terminating the individual service needs addendum within thirty days of a request made by the recipient;</u>	42487
	42488
	42489
<u>(18) A requirement that all parties to the contract accept the contract's terms and conditions;</u>	42490
	42491
<u>(19) A designated contact person and the method of contacting the designated person to respond to medical or behavioral problems and allegations of major unusual incidents or unusual incidents;</u>	42492
	42493
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<u>(20) Procedures for ensuring the health and welfare of the recipient;</u>	42496
	42497
<u>(21) Procedures for ensuring fiscal accountability and the collection and reporting of programmatic data;</u>	42498
	42499
<u>(22) Procedures for implementing the mediation and arbitration process under section 5126.035 of the Revised Code;</u>	42500
	42501
<u>(23) Procedures for amending or terminating the contract;</u>	42502
<u>(24) Anything else allowable under federal and state law that the county board and provider agree to.</u>	42503
	42504
<u>(C) The individual service needs addendum shall be consistent with the general operating agreement component and include all of</u>	42505
	42506

the following: 42507

(1) The name of the individual with mental retardation or other developmental disability who is to receive the services from the provider and any information about the recipient that the provider needs to be able to provide the services; 42508  
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(2) A clear and complete description of the services that the recipient is to receive as determined using statewide assessment tools; 42512  
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(3) A copy of the recipient's assessment and individualized service plan; 42515  
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(4) A clear and complete description of the provider's responsibilities to the recipient and county board in providing appropriate services in a coordinated manner with other providers and in a manner that contributes to and ensures the recipient's health, safety, and welfare. 42517  
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(D) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing the contracts between county boards and providers of home and community-based services, medicaid case management services, and habilitation center services entered into under section 5126.055 of the Revised Code. The contracts do not negate the requirement that a provider have a medicaid provider agreement with the department of job and family services. 42522  
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**Sec. 5126.06.** (A) Except as provided in division (B) of this section and section 5126.035 of the Revised Code, any person who has a complaint involving any of the programs, services, policies, or administrative practices of a county board of mental retardation and developmental disabilities or any of the entities under contract with the county board, may file a complaint with the board. Prior to commencing a civil action regarding the 42530  
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complaint, a person shall attempt to have the complaint resolved 42537  
through the administrative resolution process established in the 42538  
rules adopted under section 5123.043 of the Revised Code. After 42539  
exhausting the administrative resolution process, the person may 42540  
commence a civil action if the complaint is not settled to the 42541  
person's satisfaction. 42542

(B) An employee of a county board may not file under this 42543  
section a complaint related to the terms and conditions of 42544  
employment of the employee. 42545

**Sec. 5126.071.** (A) As used in this section, "minority 42546  
business enterprise" has the meaning given in division (E)(1) of 42547  
section 122.71 of the Revised Code. 42548

(B) Any minority business enterprise that desires to bid on a 42549  
contract under division (C) or (D) of this section shall first 42550  
apply to the equal employment opportunity coordinator in the 42551  
department of administrative services for certification as a 42552  
minority business enterprise. The coordinator shall approve the 42553  
application of any minority business enterprise that complies with 42554  
the rules adopted under section 122.71 of the Revised Code. The 42555  
coordinator shall prepare and maintain a list of minority business 42556  
enterprises certified under this section. 42557

(C) From the contracts to be awarded for the purchases of 42558  
equipment, materials, supplies, insurance, and nonprogram 42559  
services, other than contracts entered into and exempt under 42560  
sections 307.86 and 5126.05 of the Revised Code, each county board 42561  
of mental retardation and developmental disabilities shall select 42562  
a number of contracts with an aggregate value of approximately 42563  
fifteen per cent of the total estimated value of such contracts to 42564  
be awarded in the current calendar year. The board shall set aside 42565  
the contracts so selected for bidding by minority business 42566  
enterprises only. The bidding procedures for such contracts shall 42567

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be the same as for all other contracts awarded under section 42568  
307.86 of the Revised Code, except that only minority business 42569  
enterprises certified and listed under division (B) of this 42570  
section shall be qualified to submit bids. Contracts set aside and 42571  
awarded under this section shall not include contracts for the 42572  
purchase of ~~program~~ services such as direct and ancillary 42573  
services, ~~or case management service and support administration,~~ 42574  
residential services, and family ~~resource~~ support services. 42575

(D) To the extent that a board is authorized to enter into 42576  
contracts for construction which are not exempt from the 42577  
competitive bidding requirements of section 307.86 of the Revised 42578  
Code, the board shall set aside a number of contracts the 42579  
aggregate value of which equals approximately five per cent of the 42580  
aggregate value of construction contracts for the current calendar 42581  
year for bidding by minority business enterprises only. The 42582  
bidding procedures for the contracts set aside for minority 42583  
business enterprises shall be the same as for all other contracts 42584  
awarded by the board, except that only minority business 42585  
enterprises certified and listed under division (B) of this 42586  
section shall be qualified to submit bids. 42587

Any contractor awarded a construction contract pursuant to 42588  
this section shall make every effort to ensure that certified 42589  
minority business subcontractors and ~~materialmen~~ materials 42590  
suppliers participate in the contract. In the case of contracts 42591  
specified in this division, the total value of subcontracts 42592  
awarded to and materials and services purchased from minority 42593  
businesses shall be at least ten per cent of the total value of 42594  
the contract, wherever ~~possible~~ possible and whenever the 42595  
contractor awards subcontracts or purchases materials or services. 42596

(E) In the case of contracts set aside under divisions (C) 42597  
and (D) of this section, if no bid is submitted by a minority 42598  
business enterprise, the contract shall be awarded according to 42599

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normal bidding procedures. The board shall from time to time set  
aside such additional contracts as are necessary to replace those  
contracts previously set aside on which no minority business  
enterprise bid.

(F) This section does not preclude any minority business  
enterprise from bidding on any other contract not specifically set  
aside for minority business enterprises.

(G) Within ninety days after the beginning of each calendar  
year, each county board of mental retardation and developmental  
disabilities shall file a report with the department of mental  
retardation and developmental disabilities that shows for that  
calendar year the name of each minority business enterprise with  
which the board entered into a contract, the value and type of  
each such contract, the total value of contracts awarded under  
divisions (C) and (D) of this section, the total value of  
contracts awarded for the purchases of equipment, materials,  
supplies, or services, other than contracts entered into under the  
exemptions of sections 307.86 and 5126.05 of the Revised Code, and  
the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents ~~himself~~ self  
as owning, controlling, operating, or participating in a minority  
business enterprise for the purpose of obtaining contracts or any  
other benefits under this section shall be guilty of theft by  
deception as provided for in section 2913.02 of the Revised Code.

**Sec. 5126.08.** (A) The director of mental retardation and  
developmental disabilities shall adopt rules in accordance with  
Chapter 119. of the Revised Code for all programs and services  
offered by a county board of mental retardation and developmental  
disabilities. Such rules shall include, but are not limited to,  
the following:

(1) Determination of what constitutes a program or service;

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- (2) Standards to be followed by a board in administering, providing, arranging, or operating programs and services; 42631  
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- (3) Standards for determining the nature and degree of mental retardation, including mild mental retardation, or developmental disability; 42633  
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- (4) Standards for determining eligibility for programs and services under sections 5126.042 and 5126.15 of the Revised Code; 42636  
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- (5) Procedures for obtaining consent for the arrangement of services under section 5126.31 of the Revised Code and for obtaining signatures on individual service plans under that section; 42638  
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- (6) Specification of the ~~case management services~~ service and support administration to be provided by a county board and standards for resolving grievances in connection with ~~case management services~~ service and support administration; 42642  
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- (7) Standards for the provision of environmental modifications, including standards that require adherence to all applicable state and local building codes; 42646  
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- (8) Standards for the provision of specialized medical, adaptive, and assistive equipment, supplies, and supports. 42649  
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- (B) The director shall be the final authority in determining the nature and degree of mental retardation or developmental disability. 42651  
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- Sec. 5126.11.** (A) As used in this section, "respite care" means appropriate, short-term, temporary care that is provided to a mentally retarded or developmentally disabled person to sustain the family structure or to meet planned or emergency needs of the family. 42654  
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- (B) Subject to rules adopted by the director of mental 42659

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retardation and developmental disabilities, and subject to the 42660  
 availability of money from state and federal sources, the county 42661  
 board of mental retardation and developmental disabilities shall 42662  
 establish a family support services program. Under such a program, 42663  
 the board shall make payments to an individual with mental 42664  
 retardation or other developmental disability or the family of an 42665  
 individual with mental retardation or other developmental 42666  
 disability who desires to remain in and be supported in the family 42667  
home. Payments shall be made for all or part of costs incurred or 42668  
 estimated to be incurred for services that would promote 42669  
 self-sufficiency and normalization, prevent or reduce 42670  
 inappropriate institutional care, and further the unity of the 42671  
 family by enabling the family to meet the special needs of the 42672  
 individual and to live as much like other families as possible. 42673  
 Payments may be made in the form of reimbursement for expenditures 42674  
 or in the form of vouchers to be used to purchase services. 42675

(C) Payment shall not be made under this section to an 42676  
 individual or the individual's family if the individual is living 42677  
 in a residential facility that is providing residential services 42678  
 under contract with the department of mental retardation and 42679  
 developmental disabilities or a county board. 42680

(D) Payments may be made for the following services: 42681

(1) Respite care, in or out of the home; 42682

(2) Counseling, supervision, training, and education ~~for~~ of 42683  
the individual, the individual's caregivers, and members of the 42684  
 individual's family that aid the family in providing proper care 42685  
 for the individual ~~and~~, provide for the special needs of the 42686  
 family, and assist in all aspects of the individual's daily 42687  
living; 42688

(3) Special diets, purchase or lease of special equipment, or 42689  
 modifications of the home, if such diets, equipment, or 42690

modifications are necessary to improve or facilitate the care and living environment of the individual;

(4) Providing support necessary for the individual's continued skill development, including such services as development of interventions to cope with unique problems that may occur within the complexity of the family, enrollment of the individual in special summer programs, provision of appropriate leisure activities, and other social skills development activities;

(5) Any other services that are consistent with the purposes specified in division (B) of this section and specified in the individual's service plan.

(E) In order to be eligible for payments under a family support services program, the individual or the individual's family must reside in the county served by the county board, and the individual must be in need of habilitation. Payments shall be adjusted for income in accordance with the payment schedule established in rules adopted under this section. Payments shall be made only after the county board has taken into account all other available assistance for which the individual or family is eligible.

(F) Before incurring expenses for a service for which payment will be sought under a family support services program, the individual or family shall apply to the county board for a determination of eligibility and approval of the service. The service need not be provided in the county served by the county board. After being determined eligible and receiving approval for the service, the individual or family may incur expenses for the service or use the vouchers received from the county board for the purchase of the service.

If the county board refuses to approve a service, an appeal

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may be made in accordance with rules adopted by the department 42722  
under this section. 42723

(G) To be reimbursed for expenses incurred for approved 42724  
services, the individual or family shall submit to the county 42725  
board a statement of the expenses incurred accompanied by any 42726  
evidence required by the board. To redeem vouchers used to 42727  
purchase approved services, the entity that provided the service 42728  
shall submit to the county board evidence that the service was 42729  
provided and a statement of the charges. The county board shall 42730  
make reimbursements and redeem vouchers no later than forty-five 42731  
days after it receives the statements and evidence required by 42732  
this division. 42733

(H) A county board shall consider the following objectives in 42734  
carrying out a family support services program: 42735

(1) Enabling individuals to return to their families from an 42736  
institution under the jurisdiction of the department of mental 42737  
retardation and developmental disabilities; 42738

(2) Enabling individuals found to be subject to 42739  
institutionalization by court order under section 5123.76 of the 42740  
Revised Code to remain with their families with the aid of 42741  
payments provided under this section; 42742

(3) Providing services to eligible children and adults 42743  
currently residing in the community; 42744

(4) Providing services to individuals with developmental 42745  
disabilities who are not receiving other services from the board. 42746

(I) The director shall adopt, and may amend and rescind, 42747  
rules for the implementation of family support services programs 42748  
by county boards. Such rules shall include the following: 42749

(1) A payment schedule adjusted for income; 42750

(2) A formula for distributing to county boards the money 42751

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appropriated for family support services;	42752
(3) Standards for supervision, training, and quality control in the provision of respite care services;	42753 42754
(4) Eligibility standards and procedures for providing temporary emergency respite care;	42755 42756
(5) Procedures for hearing and deciding appeals made under division (F) of this section;	42757 42758
(6) Requirements to be followed by county boards regarding reports submitted under division (K) of this section.	42759 42760
Rules adopted under divisions (I)(1) and (2) of this section shall be adopted in accordance with section 111.15 of the Revised Code. Rules adopted under divisions (I)(3) to (6) of this section shall be adopted in accordance with Chapter 119. of the Revised Code.	42761 42762 42763 42764 42765
(J) All individuals certified by the superintendent of the county board as eligible for temporary emergency respite care in accordance with rules adopted under this section shall be considered eligible for temporary emergency respite care for not more than five days to permit the determination of eligibility for family support services. The requirements of divisions (E) and (F) of this section do not apply to temporary emergency respite care.	42766 42767 42768 42769 42770 42771 42772 42773
(K) On the first day of July of each year, the department of mental retardation and developmental disabilities shall distribute to county boards money appropriated for family support services. A county board shall use no more than seven per cent of the funds for administrative costs. Each county board shall submit reports to the department on payments made under this section. The reports shall be submitted at those times and in the manner specified in rules adopted under this section.	42774 42775 42776 42777 42778 42779 42780 42781

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(L) The county board shall not be required to make payments 42782  
for family support services at a level that exceeds available 42783  
state and federal funds for such payments. 42784

**Sec. 5126.12.** (A) As used in this section: 42785

(1) "Approved school age unit class" means a class ~~or unit~~ 42786  
operated by a county board of mental retardation and developmental 42787  
disabilities and approved funded by the ~~state board~~ department of 42788  
education under ~~division (D)~~ of section ~~3317.05~~ 3317.20 of the 42789  
Revised Code. 42790

(2) "Approved preschool unit" means a class or unit operated 42791  
by a county board of mental retardation and developmental 42792  
disabilities and approved by the state board of education under 42793  
division (B) of section 3317.05 of the Revised Code. 42794

(3) "Active treatment" means a continuous treatment program, 42795  
which includes aggressive, consistent implementation of a program 42796  
of specialized and generic training, treatment, health services, 42797  
and related services, that is directed toward the acquisition of 42798  
behaviors necessary for an individual with mental retardation or 42799  
other developmental disability to function with as much 42800  
self-determination and independence as possible and toward the 42801  
prevention of deceleration, regression, or loss of current optimal 42802  
functional status. 42803

(4) "Eligible for active treatment" means that an individual 42804  
with mental retardation or other developmental disability resides 42805  
in an intermediate care facility for the mentally retarded 42806  
certified under Title XIX of the "Social Security Act," 49 Stat. 42807  
620 (1935), 42 U.S.C. 301, as amended; resides in a state 42808  
institution operated by the department of mental retardation and 42809  
developmental disabilities; or is enrolled in a home and 42810  
community-based services waiver program administered by the 42811  
department of mental retardation and developmental disabilities as 42812

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part of the medical assistance program established under section 42813  
5111.01 of the Revised Code. 42814

(5) "Community alternative funding system" means the program 42815  
under which habilitation center services are reimbursed under the 42816  
~~medical assistance~~ medicaid program pursuant to section 5111.041 42817  
of the Revised Code and rules adopted under that section. 42818

~~(6) "Community employment program" means community employment 42819  
services provided outside of a sheltered workshop setting under 42820  
which the person earns competitive wages for the performance of 42821  
work. 42822~~

~~(7) "Traditional adult services" means vocational and 42823  
nonvocational activities conducted within a sheltered workshop or 42824  
adult activity center or supportive home services. 42825~~

(B) Each county board of mental retardation and developmental 42826  
disabilities shall certify to the director of mental retardation 42827  
and developmental disabilities all of the following: 42828

(1) On or before the fifteenth day of October, the average 42829  
daily membership for the first full week of programs and services 42830  
during October receiving: 42831

(a) Early childhood services provided pursuant to section 42832  
5126.05 of the Revised Code for children who are less than three 42833  
years of age on the thirtieth day of September of the academic 42834  
year; 42835

(b) Special education for handicapped children in approved 42836  
school age ~~units~~ classes; 42837

(c) Adult services for persons sixteen years of age and older 42838  
operated pursuant to section 5126.05 and division (B) of section 42839  
5126.051 of the Revised Code. Separate counts shall be made for 42840  
the following: 42841

(i) Persons enrolled in traditional adult services who are 42842

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eligible for but not enrolled in active treatment under the	42843
community alternative funding system;	42844
(ii) Persons enrolled in traditional adult services who are	42845
eligible for and enrolled in active treatment under the community	42846
alternative funding system;	42847
(iii) Persons enrolled in traditional adult services but who	42848
are not eligible for active treatment under the community	42849
alternative funding system;	42850
(iv) Persons participating in community employment services.	42851
To be counted as participating in community employment services, a	42852
person must have spent an average of no less than ten hours per	42853
week in that employment during the preceding six months.	42854
(d) Other programs in the county for individuals with mental	42855
retardation and developmental disabilities that have been approved	42856
for payment of subsidy by the department of mental retardation and	42857
developmental disabilities.	42858
The membership in each such program and service in the county	42859
shall be reported on forms prescribed by the department of mental	42860
retardation and developmental disabilities.	42861
The department of mental retardation and developmental	42862
disabilities shall adopt rules defining full-time equivalent	42863
enrollees and for determining the average daily membership	42864
therefrom, except that certification of average daily membership	42865
in approved school age <del>units</del> <u>classes</u> shall be in accordance with	42866
rules adopted by the state board of education. The average daily	42867
membership figure shall be determined by dividing the amount	42868
representing the sum of the number of enrollees in each program or	42869
service in the week for which the certification is made by the	42870
number of days the program or service was offered in that week. No	42871
enrollee may be counted in average daily membership for more than	42872
one program or service.	42873

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(2) By the fifteenth day of December, the number of children	42874
enrolled in approved preschool units on the first day of December;	42875
(3) On or before the thirtieth day of March, an itemized	42876
report of all income and operating expenditures for the	42877
immediately preceding calendar year, in the format specified by	42878
the department of mental retardation and developmental	42879
disabilities;	42880
(4) By the fifteenth day of February, a report of the total	42881
annual cost per enrollee for operation of programs and services in	42882
the preceding calendar year. The report shall include a grand	42883
total of all programs operated, the cost of the individual	42884
programs, and the sources of funds applied to each program.	42885
(5) That each required certification and report is in	42886
accordance with rules established by the department of mental	42887
retardation and developmental disabilities and the state board of	42888
education for the operation and subsidization of the programs and	42889
services.	42890
(C) To compute payments under this section to the board for	42891
the fiscal year, the department of mental retardation and	42892
developmental disabilities shall use the certification of average	42893
daily membership required by division (B)(1) of this section	42894
exclusive of the average daily membership in any approved school	42895
age <u>unit class</u> and the number in any approved preschool unit.	42896
(D) The department shall pay each county board for each	42897
fiscal year an amount equal to nine hundred fifty dollars times	42898
the certified number of persons who on the first day of December	42899
of the academic year are under three years of age and are not in	42900
an approved preschool unit. For persons who are at least age	42901
sixteen and are not in an approved school age <u>unit class</u> , the	42902
department shall pay each county board for each fiscal year the	42903
following amounts:	42904

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(1) One thousand dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for but not enrolled in active treatment under the community alternative funding system;

(2) One thousand two hundred dollars times the certified average daily membership of persons enrolled in traditional adult services who are eligible for and enrolled in active treatment under the community alternative funding system;

(3) No less than one thousand five hundred dollars times the certified average daily membership of persons enrolled in traditional adult services but who are not eligible for active treatment under the community alternative funding system;

(4) No less than one thousand five hundred dollars times the certified average daily membership of persons participating in community employment services.

(E) The department shall distribute this subsidy to county boards in semiannual installments of equal amounts. The installments shall be made not later than the thirty-first day of August and the thirty-first day of January.

(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.

(G) In determining the reimbursement of a county board for the provision of case management and service and support administration, family support services, and other services

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required or approved by the director for which children three 42936  
through twenty-one years of age are eligible, the department shall 42937  
include the average daily membership in approved school age or 42938  
preschool units. The department, in accordance with this section 42939  
and upon receipt and approval of the certification required by 42940  
this section and any other information it requires to enable it to 42941  
determine a board's payments, shall pay the agency providing the 42942  
specialized training the amounts payable under this section. 42943

Sec. 5126.14. The entity responsible for the program 42944  
management included in adult day habilitation services, 42945  
residential services, and supported living shall provide 42946  
administrative oversight by doing all of the following: 42947

(A) Having available supervisory personnel to monitor and 42948  
ensure implementation of all interventions in accordance with 42949  
every individual service plan implemented by the staff who work 42950  
with the individuals receiving the services; 42951

(B) Providing appropriate training and technical assistance 42952  
for all staff who work with the individuals receiving services; 42953

(C) Communicating with service and support administration 42954  
staff for the purpose of coordinating activities to ensure that 42955  
services are provided to individuals in accordance with individual 42956  
service plans and intended outcomes; 42957

(D) Monitoring for major unusual incidents and cases of 42958  
abuse, neglect, or exploitation involving the individual under the 42959  
care of staff who are providing the services; taking immediate 42960  
actions as necessary to maintain the health, safety, and welfare 42961  
of the individuals receiving the services; and providing notice of 42962  
major unusual incidents and suspected cases of abuse, neglect, or 42963  
exploitation to the investigative agent for the county board of 42964  
mental retardation and developmental disabilities; 42965

(E) Performing other administrative duties as required by 42966

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state or federal law or by the county board of mental retardation 42967  
and developmental disabilities through contracts with providers. 42968

**Sec. 5126.15.** (A) A county board of mental retardation and 42969  
 developmental disabilities shall provide ~~the case management~~ 42970  
~~services specified in rules adopted by the department of mental~~ 42971  
~~retardation and developmental disabilities under section 5126.08~~ 42972  
~~of the Revised Code to individuals who are eligible for other~~ 42973  
~~programs and services. A county board shall make determinations of~~ 42974  
~~eligibility for case management services in accordance with~~ 42975  
~~standards established in rules adopted by the department under~~ 42976  
~~section 5126.08 of the Revised Code.~~ 42977

~~Case management services shall be a mechanism to improve the~~ 42978  
~~quality and appropriateness of services rendered to individuals.~~ 42979  
~~In carrying out case management responsibilities, including~~ 42980  
~~monitoring the provision of services to individuals, case managers~~ 42981  
~~shall be impartial toward all providers of services and shall show~~ 42982  
~~no preference toward any provider.~~ 42983

~~(B) A county board may provide case management services~~ 42984  
~~directly or by contracting for the provision of services with~~ 42985  
~~other public or private, nonprofit or profit-making agencies or~~ 42986  
~~organizations. The county board or the agency or organization with~~ 42987  
~~which the board contracts for case management services shall~~ 42988  
~~establish a separate service unit for case management, responsible~~ 42989  
~~directly to the superintendent of the county board and independent~~ 42990  
~~of all other programs of the county board, agency, or~~ 42991  
~~organization.~~ 42992

~~Persons employed as county board case managers shall be~~ 42993  
~~assigned no program duties by the county board. County board case~~ 42994  
~~managers service and support administration to each individual who~~ 42995  
~~is eligible for other services of the board. A board may provide~~ 42996  
~~service and support administration to an individual who is not~~ 42997

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eligible for other services of the board. Service and support 42998  
administration shall be provided in accordance with rules adopted 42999  
under section 5126.08 of the Revised Code. 43000

A board may provide service and support administration by 43001  
directly employing service and support administrators or by 43002  
contracting with entities for the performance of service and 43003  
support administration. Individuals employed or under contract as 43004  
service and support administrators shall not be in the same 43005  
collective bargaining unit as employees who perform duties that 43006  
are not administrative. 43007

Individuals employed by a board as service and support 43008  
administrators shall not be assigned responsibilities for 43009  
implementing services for individuals and shall not be employed by 43010  
or serve in a decision-making or policy-making capacity for any 43011  
other agency or organization entity that provides programs or 43012  
services to individuals with mental retardation or developmental 43013  
disabilities. 43014

~~A county board that is a party to an agreement with other~~ 43015  
~~county boards or other agencies or organizations under which~~ 43016  
~~facilities, programs, or services are operated or provided shall~~ 43017  
~~establish a clear policy regarding the relationships between the~~ 43018  
~~case managers and the boards, agencies, or organizations that are~~ 43019  
~~parties to the agreement.~~ 43020

~~(C) Each county board shall develop procedures, in accordance~~ 43021  
~~with rules adopted by the department of mental retardation and~~ 43022  
~~developmental disabilities, for the resolution of grievances in~~ 43023  
~~connection with case management services.~~ 43024

~~(D)~~ (B) The individuals employed by or under contract with a 43025  
board to provide service and support administration shall do all 43026  
of the following: 43027

(1) Establish an individual's eligibility for the services of 43028

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<u>the county board of mental retardation and developmental</u>	43029
<u>disabilities;</u>	43030
<u>(2) Assess individual needs for services;</u>	43031
<u>(3) Develop individual service plans with the active</u>	43032
<u>participation of the individual to be served, other persons</u>	43033
<u>selected by the individual, and, when applicable, the provider</u>	43034
<u>selected by the individual, and recommend the plans for approval</u>	43035
<u>by the department of mental retardation and developmental</u>	43036
<u>disabilities when services included in the plans are funded</u>	43037
<u>through medicaid;</u>	43038
<u>(4) Establish budgets for services based on the individual's</u>	43039
<u>assessed needs and preferred ways of meeting those needs;</u>	43040
<u>(5) Assist individuals in making selections from among the</u>	43041
<u>providers they have chosen;</u>	43042
<u>(6) Ensure that services are effectively coordinated and</u>	43043
<u>provided by appropriate providers;</u>	43044
<u>(7) Establish and implement an ongoing system of monitoring</u>	43045
<u>the implementation of individual service plans to achieve</u>	43046
<u>consistent implementation and the desired outcomes for the</u>	43047
<u>individual;</u>	43048
<u>(8) Perform quality assurance reviews as a distinct function</u>	43049
<u>of service and support administration;</u>	43050
<u>(9) Incorporate the results of quality assurance reviews and</u>	43051
<u>identified trends and patterns of unusual incidents and major</u>	43052
<u>unusual incidents into amendments of an individual's service plan</u>	43053
<u>for the purpose of improving and enhancing the quality and</u>	43054
<u>appropriateness of services rendered to the individual;</u>	43055
<u>(10) Ensure that each individual receiving services has a</u>	43056
<u>designated person who is responsible on a continuing basis for</u>	43057
<u>providing the individual with representation, advocacy, advice,</u>	43058

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and assistance related to the day-to-day coordination of services 43059  
in accordance with the individual's service plan. The service and 43060  
support administrator shall give the individual receiving services 43061  
an opportunity to designate the person to provide daily 43062  
representation. If the individual declines to make a designation, 43063  
the administrator shall make the designation. In either case, the 43064  
individual receiving services may change at any time the person 43065  
designated to provide daily representation. 43066

(C) Subject to available funds, the department of mental 43067  
retardation and developmental disabilities shall pay a county 43068  
board an annual subsidy for ~~case management services if the ratio~~ 43069  
~~of the board's average daily membership certified under section~~ 43070  
~~5126.12 of the Revised Code to the number of case managers~~ 43071  
~~employed by the board is at least equal to the minimum ratio~~ 43072  
~~specified in rules the Department shall adopt in accordance with~~ 43073  
~~Chapter 119. of the Revised Code~~ service and support 43074  
administration. The amount of the subsidy shall be equal to the 43075  
greater of twenty thousand dollars or two hundred dollars times 43076  
the board's certified average daily membership. The payments shall 43077  
be made in semiannual installments, which shall be made no later 43078  
than the thirty-first day of August and the thirty-first day of 43079  
January. Funds received shall be used solely for ~~case management~~ 43080  
~~services~~ service and support administration. 43081

**Sec. 5126.16.** As used in sections 5126.16 to 5126.18 of the 43082  
Revised Code: 43083

(A) "Taxable value" means the total taxable value of real and 43084  
public utility property and of tangible personal property in a 43085  
county as shown on the county auditor's tax lists. 43086

(B) "Taxes" means the total taxes levied pursuant to division 43087  
(L) of section 5705.19 of the Revised Code or pursuant to that 43088  
section and section 5705.222, as shown on the preceding year's tax 43089

## As Reported by the Senate Finance and Financial Institutions Committee

lists of real and public utility property and tangible personal	43090
property, after making the reductions required by section 319.301	43091
of the Revised Code.	43092
(C) "Enrollment" means a county board of mental retardation	43093
and developmental disabilities' average daily membership of	43094
programs and services as certified under divisions (B)(1)(a), (b),	43095
and (c) and (B)(2) of section 5126.12 of the Revised Code,	43096
exclusive of individuals who are served solely through <del>case</del>	43097
<u>management service and support administration provided pursuant to</u>	43098
<u>section 5126.15 of the Revised Code</u> or family support services	43099
provided pursuant to <del>sections</del> <u>section</u> 5126.11 <del>and 5126.15</del> of the	43100
Revised Code.	43101
(D) "Effective tax rate" for a county board means a fraction,	43102
the numerator of which is the county board's taxes and the	43103
denominator of which is the county board's taxable value.	43104
(E) "Local revenue factor" means a county board's taxes	43105
divided by the lesser of the aggregate rate of tax authorized to	43106
be levied by the board of county commissioners pursuant to	43107
division (L) of section 5705.19 and section 5705.222 of the	43108
Revised Code or the aggregate rate of tax authorized pursuant to	43109
that division and that section and certified to the county auditor	43110
under section 319.30 of the Revised Code.	43111
(F) "Hypothetical local revenue per enrollee" means the	43112
quotient obtained by dividing a county board's local revenue	43113
factor by its enrollment.	43114
(G) "Hypothetical statewide average revenue per enrollee"	43115
means the quotient obtained by dividing the sum of all county	43116
boards' local revenue factors by the total enrollment of all	43117
county boards.	43118
(H) "Infant and adult enrollment" means a county board of	43119
mental retardation and developmental disabilities' total average	43120

daily membership of programs and services as certified under 43121  
divisions (B)(1)(a) and (c) of section 5126.12 of the Revised 43122  
Code, exclusive of individuals who are served solely through ~~case~~ 43123  
~~management service and support administration provided pursuant to~~ 43124  
~~section 5126.15 of the Revised Code~~ or family support services 43125  
provided pursuant to ~~sections~~ section 5126.11 ~~and 5126.15~~ of the 43126  
Revised Code. 43127

**Sec. 5126.18.** (A) The department of mental retardation and 43128  
developmental disabilities ~~may~~ shall pay to each county board of 43129  
mental retardation and developmental disabilities whose 43130  
hypothetical local revenue per enrollee is less than the 43131  
hypothetical statewide average revenue per enrollee the amount 43132  
computed under division (B) of this section. ~~If this section is~~ 43133  
~~implemented in any year, payments~~ Payments shall be made on or 43134  
before the thirtieth day of September. 43135

(B) Except as provided in division (C) of this section, the 43136  
amount to be paid to a county board shall be equal to the 43137  
following: 43138

(1) If the county board's effective tax rate is equal to or 43139  
greater than one mill, the product obtained by multiplying the 43140  
following two quantities: 43141

(a) The amount by which the hypothetical statewide average 43142  
revenue per enrollee exceeds the county board's hypothetical local 43143  
revenue per enrollee; 43144

(b) The county board's infant and adult enrollment. 43145

(2) If the county board's effective tax rate is less than one 43146  
mill, the product obtained by multiplying the following three 43147  
quantities: 43148

(a) The amount by which the hypothetical statewide average 43149  
revenue per enrollee exceeds the county board's hypothetical local 43150

revenue per enrollee; 43151

(b) The county board's infant and adult enrollment; 43152

(c) The quotient obtained by dividing the county board's 43153  
effective tax rate by one mill. 43154

(C)(1) For each individual who is enrolled in active 43155  
treatment under the community alternative funding system as 43156  
defined in section 5126.12 of the Revised Code, the department may 43157  
reduce the portion of the payment made under this section for that 43158  
individual by fifty per cent or less. 43159

(2) If, in any year, an appropriation by the general assembly 43160  
to the department for purposes of this section is less than the 43161  
total amount required to make, in full, the payments as determined 43162  
under and authorized by this section, the department shall pay 43163  
each county board the same percentage of the board's payment as 43164  
determined under this section without regard to this division that 43165  
the amount of the appropriation available for purposes of this 43166  
section is of the total amount of payments as determined under 43167  
this section without regard to this division. 43168

(3) Payments made to a county board pursuant to this section 43169  
shall not exceed thirty per cent of the payments made to that 43170  
board pursuant to section 5126.12 of the Revised Code. 43171

(D) Payments made under this section are supplemental to all 43172  
other state or federal funds for which county boards are eligible 43173  
and shall be made from funds appropriated for purposes of this 43174  
section. The A county board shall use the payments shall be used 43175  
solely for the development and implementation of early 43176  
intervention services for individuals included in the board's 43177  
infant enrollment and adult services for individuals included in 43178  
the board's adult enrollment to pay the nonfederal share of 43179  
medicaid expenditures that division (A) of section 5126.056 of the 43180  
Revised Code requires the county board to pay. 43181

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(E) Each county board that receives a payment under this 43182  
section shall, for each year it receives a payment, certify to the 43183  
department that it will make a good faith effort to obtain 43184  
revenues, including federal funds, for services to individuals 43185  
included in its infant and adult enrollment. 43186

**Sec. 5126.19.** (A) The director of mental retardation and 43187  
developmental disabilities may grant temporary funding from the 43188  
community mental retardation and developmental disabilities trust 43189  
fund to a county board of mental retardation and developmental 43190  
disabilities. With the consent of the county board, the director 43191  
may distribute all or part of the funding directly to the persons 43192  
who provide the services for which the funding is granted. 43193

(B) Funding granted under this section shall be granted 43194  
according to the availability of moneys in the fund and priorities 43195  
established by the director. Funding may be granted for any of the 43196  
following purposes: 43197

(1) Behavioral or short-term interventions for persons with 43198  
mental retardation or developmental disabilities that assist them 43199  
in remaining in the community by preventing institutionalization; 43200

(2) Emergency respite care services, as defined in section 43201  
5126.11 of the Revised Code; 43202

(3) Family support services provided under section 5126.11 of 43203  
the Revised Code; 43204

(4) Supported living, as defined in section 5126.01 of the 43205  
Revised Code; 43206

(5) Staff training for county board employees, employees of 43207  
providers of residential services as defined in section 5126.01 of 43208  
the Revised Code, and other personnel under contract with a county 43209  
board, to provide the staff with necessary training in serving 43210  
mentally retarded or developmentally disabled persons in the 43211

community; 43212

(6) Short-term provision of early childhood services provided 43213  
under section 5126.05, adult services provided under sections 43214  
5126.05 and 5126.051, and ~~case management services~~ service and 43215  
support administration provided under section 5126.15 of the 43216  
Revised Code, when local moneys are insufficient to meet the need 43217  
for such services due to the successive failure within a two-year 43218  
period of three or more proposed levies for the services; 43219

(7) Contracts with providers of residential services to 43220  
maintain persons with mental retardation and developmental 43221  
disabilities in their programs and avoid institutionalization. 43222

(C) If the trust fund contains more than ten million dollars 43223  
on the first day of July the director shall use one million 43224  
dollars for payments under section 5126.12 of the Revised Code, 43225  
one million dollars for payments under section 5126.18 of the 43226  
Revised Code, and two million dollars for payments under section 43227  
5126.44 of the Revised Code. Distributions of funds under this 43228  
division shall be made prior to August 31 of the state fiscal year 43229  
in which the funds are available. The funds shall be distributed 43230  
to a county board in an amount equal to the same percentage of the 43231  
total amount distributed for the services that the county board 43232  
received in the immediately preceding state fiscal year. 43233

**Sec. 5126.20.** As used in this section and sections 5126.21 to 43234  
5126.29 of the Revised Code: 43235

(A) "Service employee" means a person employed by a county 43236  
board of mental retardation and developmental disabilities in a 43237  
position which may require evidence of registration under section 43238  
5126.25 of the Revised Code but for which a bachelor's degree from 43239  
an accredited college or university is not required, and includes 43240  
employees in the positions listed in division (C) of section 43241  
5126.22 of the Revised Code. 43242

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(B) "Professional employee" means a person employed by a board in a position for which either a bachelor's degree from an accredited college or university or a license or certificate issued under Title XLVII of the Revised Code is a minimum requirement, and includes employees in the positions listed in division (B) of section 5126.22 of the Revised Code.

(C) "Management employee" means a person employed by a board in a position having supervisory or managerial responsibilities and duties, and includes employees in the positions listed in division (A) of section 5126.22 of the Revised Code.

(D) "Limited contract" means a contract of limited duration which is renewable at the discretion of the superintendent.

(E) "Continuing contract" means a contract of employment that was issued prior to June 24, 1988, to a classified employee under which the employee has completed ~~his~~ the employee's probationary period and under which ~~he~~ the employee retains ~~his~~ employment until ~~he~~ the employee retires or resigns, is removed pursuant to section 5126.23 of the Revised Code, or is laid off.

(F) "Supervisory responsibilities and duties" includes the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees of the board; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(G) "Managerial responsibilities and duties" includes formulating policy on behalf of the board, responsibly directing the implementation of policy, assisting in the preparation for the conduct of collective negotiations, administering collectively negotiated agreements, or having a major role in personnel administration.

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<u>(H) "Investigative agent" means an individual who conducts</u>	43274
<u>investigations under section 5126.313 of the Revised Code.</u>	43275
<b>Sec. 5126.22.</b> (A) Employees who hold the following positions	43276
in a county board of mental retardation and developmental	43277
disabilities are management employees:	43278
assistant superintendent	43279
director of business	43280
director of personnel	43281
adult services director	43282
workshop director	43283
habilitation manager	43284
director of residential services	43285
principal (director of children services)	43286
program or service supervisor	43287
plant manager	43288
production manager	43289
<del>case management</del> <u>service and support administration</u> supervisor	43290
<u>investigative agent</u>	43291
confidential employees as defined in section 4117.01 of the	43292
Revised Code	43293
positions designated by the director of mental retardation	43294
and developmental disabilities as having managerial or supervisory	43295
responsibilities and duties	43296
positions designated by the county board in accordance with	43297
division (D) of this section.	43298
(B) Employees who hold the following positions in a board are	43299
professional employees:	43300

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personnel certified pursuant to Chapter 3319. of the Revised	43301
Code	43302
early intervention specialist	43303
physical development specialist	43304
habilitation specialist	43305
work adjustment specialist	43306
placement specialist	43307
vocational evaluator	43308
psychologist	43309
occupational therapist	43310
speech and language pathologist	43311
recreation specialist	43312
behavior management specialist	43313
physical therapist	43314
supportive home services specialist	43315
licensed practical nurse or registered nurse	43316
rehabilitation counselor	43317
doctor of medicine and surgery or of osteopathic medicine and	43318
surgery	43319
dentist	43320
<del>case manager</del> <u>service and support administrator</u>	43321
social worker	43322
any position that is not a management position and for which	43323
the standards for certification established by the director of	43324
mental retardation and developmental disabilities under section	43325
5126.25 of the Revised Code require a bachelor's or higher degree	43326

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professional positions designated by the director	43327
professional positions designated by the county board in accordance with division (D) of this section.	43328 43329
(C) Employees who hold positions in a board that are neither management positions nor professional positions are service employees. Service employee positions include:	43330 43331 43332
workshop specialist	43333
workshop specialist assistant	43334
contract procurement specialist	43335
community employment specialist	43336
any assistant to a professional employee certified to provide, or supervise the provision of, adult services or <del>case</del> <u>management service and support administration</u>	43337 43338 43339
service positions designated by the director	43340
service positions designated by a county board in accordance with division (D) of this section.	43341 43342
(D) A county board may designate a position only if the position does not include directly providing, or supervising employees who directly provide, service or instruction to individuals with mental retardation or developmental disabilities.	43343 43344 43345 43346
(E) If a county board desires to have a position established that is not specifically listed in this section that includes directly providing, or supervising employees who directly provide, services or instruction to individuals with mental retardation or developmental disabilities, the board shall submit to the director a written description of the position and request that the director designate the position as a management, professional, or service position under this section. The director shall consider each request submitted under this division and respond within	43347 43348 43349 43350 43351 43352 43353 43354 43355

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thirty days. If the director approves the request, ~~he~~ the director shall designate the position as a management, professional, or service position.

(F) A county board shall not terminate its employment of any management, professional, or service employee solely because a position is added to or eliminated from those positions listed in this section or because a position is designated or no longer designated by the director or a county board.

Sec. 5126.221. Each county board of mental retardation and developmental disabilities shall employ at least one investigative agent or contract with a person or government entity, including another county board of mental retardation and developmental disabilities or a regional council established under section 5126.13 of the Revised Code, for the services of an investigative agent. Neither a county board nor a person or government entity with which a county board contracts for the services of an investigative agent shall assign any duties to an investigative agent other than conducting investigations under section 5126.313 of the Revised Code.

All investigative agents shall be trained in civil and criminal investigatory practices and report directly to a county board's superintendent. No investigative agent shall do anything that interferes with the investigative agent's objectivity in conducting investigations under section 5126.313 of the Revised Code.

**Sec. 5126.25.** (A) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code establishing uniform standards and procedures for the certification of persons for employment by county boards of mental retardation and developmental disabilities

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as superintendents, management employees, and professional 43386  
employees and uniform standards and procedures for the 43387  
registration of persons for employment by county boards as 43388  
registered service employees. As part of the rules, the director 43389  
may establish continuing education and professional training 43390  
requirements for renewal of certificates and evidence of 43391  
registration and shall establish such requirements for renewal of 43392  
an investigative agent certificate. The director shall not adopt 43393  
rules that require any service employee to have or obtain a 43394  
bachelor's or higher degree. 43395

The director shall adopt a rule that requires an 43396  
investigative agent to have or obtain no less than an associate 43397  
degree from an accredited college or university. 43398

The director shall not adopt rules for certification of 43399  
service and support administrators that require an individual to 43400  
have higher than an associate's degree. The rules shall permit 43401  
certification of an individual without an associate's degree if 43402  
the individual has adequate experience. 43403

The director shall adopt the rules in a manner that provides 43404  
for the issuance of certificates and evidence of registration 43405  
according to categories, levels, and grades. The rules shall 43406  
describe each category, level, and grade. 43407

The rules adopted under this division shall apply to persons 43408  
employed or seeking employment in a position that includes 43409  
directly providing, or supervising persons who directly provide, 43410  
services or instruction to or on behalf of individuals with mental 43411  
retardation or developmental disabilities, except that the rules 43412  
shall not apply to persons who hold a valid license issued under 43413  
Chapter 3319. of the Revised Code and perform no duties other than 43414  
teaching or supervision of a teaching program or persons who hold 43415  
a valid license or certificate issued under Title XLVII of the 43416  
Revised Code and perform only those duties governed by the license 43417

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or certificate. The rules shall specify the positions that require 43418  
certification or registration. The rules shall specify that the 43419  
position of investigative agent requires certification. 43420

(B) The director shall adopt rules in accordance with Chapter 43421  
119. of the Revised Code establishing standards for approval of 43422  
courses of study to prepare persons to meet certification 43423  
requirements. The director shall approve courses of study meeting 43424  
the standards and provide for the inspection of the courses to 43425  
ensure the maintenance of satisfactory training procedures. The 43426  
director shall approve courses of study only if given by a state 43427  
university or college as defined in section 3345.32 of the Revised 43428  
Code, a state university or college of another state, or an 43429  
institution that has received a certificate of authorization to 43430  
confer degrees from the board of regents pursuant to Chapter 1713. 43431  
of the Revised Code or from a comparable agency of another state. 43432  
43433

(C) Each applicant for a certificate for employment or 43434  
evidence of registration for employment by a county board shall 43435  
apply to the department of mental retardation and developmental 43436  
disabilities on forms that the director of the department shall 43437  
prescribe and provide. The application shall be accompanied by the 43438  
application fee established in rules adopted under this section. 43439  
43440

(D) The director shall issue a certificate for employment to 43441  
each applicant who meets the standards for certification 43442  
established under this section and shall issue evidence of 43443  
registration for employment to each applicant who meets the 43444  
standards for registration established under this section. Each 43445  
certificate or evidence of registration shall state the category, 43446  
level, and grade for which it is issued. 43447

The director shall issue, renew, deny, suspend, or revoke 43448  
certificates and evidence of registration in accordance with rules 43449

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adopted under this section. The director shall deny, suspend, or  
revoke a certificate or evidence of registration if the director  
finds, pursuant to an adjudication conducted in accordance with  
Chapter 119. of the Revised Code, that the applicant for or holder  
of the certificate or evidence of registration is guilty of  
intemperate, immoral, or other conduct unbecoming to the  
applicant's or holder's position, or is guilty of incompetence or  
negligence within the scope of the applicant's or holder's duties.  
The director shall deny or revoke a certificate or evidence of  
registration if the director finds, pursuant to an adjudication  
conducted in accordance with Chapter 119. of the Revised Code,  
that the applicant for or holder of the certificate or evidence of  
registration has been convicted of or pleaded guilty to any of the  
offenses described in division (E) of section 5126.28 of the  
Revised Code, unless the individual meets standards for  
rehabilitation that the director establishes in the rules adopted  
under that section. Evidence supporting such allegations shall be  
presented to the director in writing and the director shall  
provide prompt notice of the allegations to the person who is the  
subject of the allegations. A denial, suspension, or revocation  
may be appealed in accordance with procedures the director shall  
establish in the rules adopted under this section.

(E)(1) A person holding a valid certificate under this  
section on the effective date of any rules adopted under this  
section that increase certification standards shall have such  
period as the rules prescribe, but not less than one year after  
the effective date of the rules, to meet the new certification  
standards.

A person who is registered under this section on the  
effective date of any rule that changes the standards adopted  
under this section shall have such period as the rules prescribe,  
but not less than one year, to meet the new registration

standards. 43482

(2) If an applicant for a certificate for employment has not 43483  
completed the courses of instruction necessary to meet the 43484  
department's standards for certification, the department shall 43485  
inform the applicant of the courses the applicant must 43486  
successfully complete to meet the standards and shall specify the 43487  
time within which the applicant must complete the courses. The 43488  
department shall grant the applicant at least one year to complete 43489  
the courses and shall not require the applicant to complete more 43490  
than four courses in any one year. The applicant is not subject to 43491  
any changes regarding the courses required for certification that 43492  
are made after the department informs the applicant of the courses 43493  
the applicant must complete, unless the applicant does not 43494  
successfully complete the courses within the time specified by the 43495  
department. 43496

(F) A person who holds a certificate or evidence of 43497  
registration, other than one designated as temporary, is qualified 43498  
to be employed according to that certificate or evidence of 43499  
registration by any county board. 43500

(G) The director shall monitor county boards to ensure that 43501  
their employees who must be certified or registered are 43502  
appropriately certified or registered and performing those 43503  
functions they are authorized to perform under their certificate 43504  
or evidence of registration. 43505

(H) A county board superintendent or the superintendent's 43506  
designee may certify to the director that county board employees 43507  
who are required to meet continuing education or professional 43508  
training requirements as a condition of renewal of certificates or 43509  
evidence of registration have met the requirements. The 43510  
superintendent or the superintendent's designee shall maintain in 43511  
appropriate personnel files evidence acceptable to the director 43512  
that the employees have met the requirements and permit 43513

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representatives of the department access to the evidence on 43514  
request. 43515

(I) All fees collected pursuant to this section shall be 43516  
deposited in the state treasury to the credit of the employee 43517  
certification and registration fund, which is hereby created. 43518  
Money credited to the fund shall be used solely for the operation 43519  
of the certification and registration program established under 43520  
this section and for providing continuing training to county board 43521  
employees. 43522

(J) Employees of entities that contract with county boards of 43523  
mental retardation and developmental disabilities to operate 43524  
programs and services for individuals with mental retardation and 43525  
developmental disabilities are subject to the certification and 43526  
registration requirements established under section 5123.082 of 43527  
the Revised Code. 43528

**Sec. 5126.31.** (A) A county board of mental retardation and 43529  
developmental disabilities shall review reports of abuse and 43530  
neglect made under section 5123.61 of the Revised Code and reports 43531  
referred to it under section 5101.611 of the Revised Code to 43532  
determine whether the person who is the subject of the report is 43533  
an adult with mental retardation or a developmental disability in 43534  
need of services to deal with the abuse or neglect. The board 43535  
shall give notice of each report to the registry office of the 43536  
department of mental retardation and developmental disabilities 43537  
established pursuant to section 5123.61 of the Revised Code on the 43538  
first working day after receipt of the report. If the report 43539  
alleges that there is a substantial risk to the adult of immediate 43540  
physical harm or death, the board shall initiate review within 43541  
twenty-four hours of its receipt of the report. If the board 43542  
determines that the person is sixty years of age or older but does 43543  
not have mental retardation or a developmental disability, it 43544

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shall refer the case to the county department of job and family 43545  
services. If the board determines that the person is an adult with 43546  
mental retardation or a developmental disability, it shall 43547  
continue its review of the case. 43548

(B) For each review over which the board retains 43549  
responsibility under division (A) of this section, it shall do all 43550  
of the following: 43551

(1) Give both written and oral notice of the purpose of the 43552  
review to the adult and, if any, to the adult's legal counsel or 43553  
caretaker, in simple and clear language; 43554

(2) Visit the adult, in the adult's residence if possible, 43555  
and explain the notice given under division (B)(1) of this 43556  
section; 43557

(3) Request from the registry office any prior reports 43558  
concerning the adult or other principals in the case; 43559

(4) Consult, if feasible, with the person who made the report 43560  
under section 5101.61 or 5123.61 of the Revised Code and with any 43561  
agencies or persons who have information about the alleged abuse 43562  
or neglect; 43563

(5) Cooperate fully with the law enforcement agency 43564  
responsible for investigating the report and for filing any 43565  
resulting criminal charges and, on request, turn over evidence to 43566  
the agency; 43567

(6) Determine whether the adult needs services, and prepare a 43568  
written report stating reasons for the determination. No adult 43569  
shall be determined to be abused, neglected, or in need of 43570  
services for the sole reason that, in lieu of medical treatment, 43571  
the adult relies on or is being furnished spiritual treatment 43572  
through prayer alone in accordance with the tenets and practices 43573  
of a church or religious denomination of which the adult is a 43574  
member or adherent. 43575

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(C) The board shall arrange for the provision of services for 43576  
the prevention, correction or discontinuance of abuse or neglect 43577  
or of a condition resulting from abuse or neglect for any adult 43578  
who has been determined to need the services and consents to 43579  
receive them. These services may include, but are not limited to, 43580  
~~case management~~ service and support administration, fiscal 43581  
management, medical, mental health, home health care, homemaker, 43582  
legal, and residential services and the provision of temporary 43583  
accommodations and necessities such as food and clothing. The 43584  
services do not include acting as a guardian, trustee, or 43585  
protector as defined in section 5123.55 of the Revised Code. If 43586  
the provision of residential services would require expenditures 43587  
by the department of mental retardation and developmental 43588  
disabilities, the board shall obtain the approval of the 43589  
department prior to arranging the residential services. 43590

To arrange services, the board shall: 43591

(1) Develop an individualized service plan identifying the 43592  
types of services required for the adult, the goals for the 43593  
services, and the persons or agencies that will provide them; 43594

(2) In accordance with rules established by the director of 43595  
mental retardation and developmental disabilities, obtain the 43596  
consent of the adult or the adult's guardian to the provision of 43597  
any of these services and obtain the signature of the adult or 43598  
guardian on the individual service plan. An adult who has been 43599  
found incompetent under Chapter 2111. of the Revised Code may 43600  
consent to services. If the board is unable to obtain consent, it 43601  
may seek, if the adult is incapacitated, a court order pursuant to 43602  
section 5126.33 of the Revised Code authorizing the board to 43603  
arrange these services. 43604

(D) The board shall ensure that the adult receives the 43605  
services arranged by the board from the provider and shall have 43606  
the services terminated if the adult withdraws consent. 43607

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(E) On completion of a review, the board shall submit a written report to the registry office established under section 5123.61 of the Revised Code. If the report includes a finding that a person with mental retardation or a developmental disability is a victim of action or inaction that may constitute a crime under federal law or the law of this state, the board shall submit the report to the law enforcement agency responsible for investigating the report. Reports prepared under this section are not public records as defined in section 149.43 of the Revised Code.

(F) The board shall provide comprehensive formal training for employees and other persons authorized to implement the requirements of this section.

**Sec. 5126.311.** ~~(A)~~ Notwithstanding the requirement of section 5126.31 of the Revised Code that a county board of mental retardation and developmental disabilities review reports of abuse and neglect, ~~if the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities determines that it would be inappropriate for the county board to investigate a report of abuse or neglect made under section 5123.61 of the Revised Code, at the request of the department or county board,~~ one of the following government entities may, at the request of the county board or the department of mental retardation and developmental disabilities, shall review the report instead of the county board if circumstances specified in rules adopted under division (B) of this section exist:

~~(A)~~(1) Another county board of mental retardation and developmental disabilities;

~~(B)~~(2) The department;

~~(C)~~(3) A regional council of government established pursuant

to Chapter 167. of the Revised Code; 43639

~~(D)~~(4) Any other government entity authorized to investigate 43640  
reports of abuse and neglect. 43641

(B) The director of mental retardation and developmental 43642  
disabilities shall adopt rules in accordance with Chapter 119. of 43643  
the Revised Code specifying circumstances under which it is 43644  
inappropriate for a county board to review reports of abuse and 43645  
neglect. 43646

**Sec. 5126.313.** (A) If after reviewing a report under section 43647  
5126.31 of the Revised Code, a county board of mental retardation 43648  
and developmental disabilities has reason to believe that the 43649  
subject of the report may be the victim of abuse or neglect, the 43650  
county board shall conduct an investigation if circumstances 43651  
specified in rules adopted under division (B) of this section 43652  
exist. If the circumstances specified in the rules exist, the 43653  
county board shall conduct the investigation in the manner 43654  
specified by the rules. 43655

(B) The director of mental retardation and developmental 43656  
disabilities shall adopt rules in accordance with Chapter 119. of 43657  
the Revised Code specifying circumstances under which a county 43658  
board shall conduct investigations under division (A) of this 43659  
section and the manner in which the county board shall conduct the 43660  
investigation. 43661

**Sec. 5126.32.** If during the course of the review conducted 43662  
under section 5126.31 of the Revised Code or the investigation 43663  
conducted under section 5126.313 of the Revised Code, any person 43664  
denies or obstructs the board's access to the residence of the 43665  
adult who is the subject of a report of abuse or neglect the 43666  
review or investigation, the board may file a petition with the 43667  
probate court of the county in which the residence is located for 43668

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a temporary restraining order, in accordance with Civil Rule 65, 43669  
to prevent the denial or obstruction of access. If the court finds 43670  
reasonable cause to believe that the adult is abused or neglected 43671  
and that access to ~~his~~ the adult's residence has been denied or 43672  
obstructed, the court shall issue a temporary order restraining 43673  
the interference or obstruction. After the order has been 43674  
obtained, at the request of the board, an officer of the law 43675  
enforcement agency investigating the report shall accompany 43676  
representatives of the board to the adult's residence. 43677

If a person refuses to allow or interferes with the provision 43678  
of services described in division (C) of section 5126.31 of the 43679  
Revised Code to an adult who has consented to them, the county 43680  
board may file a petition with the probate court of the county in 43681  
which the adult resides for appropriate injunctive relief in 43682  
accordance with Civil Rule 65. 43683

**Sec. 5126.357.** (A) As used in this section: 43684

(1) "In-home care" means the supportive services provided 43685  
within the home of an individual who receives funding for the 43686  
services as a county board client, including any client who 43687  
receives residential services funded through ~~the medical~~ 43688  
~~assistance program's~~ home ~~and or~~ community-based services ~~waivers~~ 43689  
~~administered by the department of mental retardation and~~ 43690  
~~developmental disabilities~~, family support services provided under 43691  
section 5126.11 of the Revised Code, or supported living provided 43692  
in accordance with sections 5126.41 to 5126.47 of the Revised 43693  
Code. "In-home care" includes care that is provided outside a 43694  
client's home in places incidental to the home, and while 43695  
traveling to places incidental to the home, except that "in-home 43696  
care" does not include care provided in the facilities of a county 43697  
board of mental retardation and developmental disabilities or care 43698  
provided in schools. 43699

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(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent. 43700  
43701

(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. 43702  
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(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. 43705  
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(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 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. 43712  
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(C) A family member who authorizes an unlicensed in-home care 43731

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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 authorization granted by the family member to an unlicensed in-home care worker is void, and the family member may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.

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Sec. 5126.431. (A) Pursuant to Chapter 119. of the Revised Code, the department of mental retardation and developmental disabilities shall adopt rules establishing standards and procedures for certification of persons ~~and government entities~~ that provide or propose to provide, under contract with ~~the department until July 1, 1995, or with~~ a county board of mental retardation and developmental disabilities, supported living for individuals with mental retardation or developmental disabilities. The rules shall allow a person to automatically satisfy a standard for certification under this section if the person holds a current, valid license under section 5123.19 of the Revised Code to operate a residential facility and had to satisfy the standard to obtain the residential facility license.

(B) Pursuant to Chapter 119. of the Revised Code, the department shall adopt rules establishing quality assurance standards for supported living provided to individuals by providers certified under this section.

(C) The rules adopted under this section shall include the following:

(1) Procedures for ensuring that providers comply with section 5126.281 of the Revised Code;

(2) Methods of evaluating the services provided and protecting the due process rights of any individual or entity affected by an evaluation or decision made pursuant to this section;

(3) Procedures for revoking certification.

(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:

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(a) The provider's experience and financial responsibility;	43794
(b) The ability to comply with program standards for supported living;	43795 43796
(c) The ability to meet the needs of the individuals served;	43797
(d) <del>The ability to work cooperatively with the department, county boards, and other providers;</del>	43798 43799
<del>(e)</del> Any other factor considered relevant.	43800
(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.	43801 43802 43803 43804 43805
(E) The department shall certify providers in accordance with the rules adopted under this section. The department may revoke a provider's certification <u>in accordance with Chapter 119. of the Revised Code</u> 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.	43806 43807 43808 43809 43810 43811 43812
<b>Sec. 5139.01.</b> (A) As used in this chapter:	43813
(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.	43814 43815 43816
(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.	43817 43818
(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	43819 43820 43821 43822

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right to have physical possession of the child; the right and duty 43823  
to train, protect, and control the child; the responsibility to 43824  
provide the child with food, clothing, shelter, education, and 43825  
medical care; and the right to determine where and with whom the 43826  
child shall live, subject to the minimum periods of, or periods 43827  
of, institutional care prescribed in section 2151.355 of the 43828  
Revised Code; provided, that these rights and responsibilities are 43829  
exercised subject to the powers, rights, duties, and 43830  
responsibilities of the guardian of the person of the child, and 43831  
subject to any residual parental rights and responsibilities. 43832

(4) Unless the context requires a different meaning, 43833  
"institution" means a state facility that is created by the 43834  
general assembly and that is under the management and control of 43835  
the department of youth services or a private entity with which 43836  
the department has contracted for the institutional care and 43837  
custody of felony delinquents. 43838

(5) "Full-time care" means care for twenty-four hours a day 43839  
for over a period of at least two consecutive weeks. 43840

(6) "Placement" means the conditional release of a child 43841  
under the terms and conditions that are specified by the 43842  
department of youth services. The department shall retain legal 43843  
custody of a child released pursuant to division (C) of section 43844  
2151.38 of the Revised Code or division (C) of section 5139.06 of 43845  
the Revised Code until the time that it discharges the child or 43846  
until the legal custody is terminated as otherwise provided by 43847  
law. 43848

(7) "Home placement" means the placement of a child in the 43849  
home of the child's parent or parents or in the home of the 43850  
guardian of the child's person. 43851

(8) "Discharge" means that the department of youth services' 43852  
legal custody of a child is terminated. 43853

(9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release.

(10) "Delinquent child" has the same meaning as in section 2151.02 of the Revised Code.

(11) "Felony delinquent" means any child who is at least twelve years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony.

(12) "Juvenile traffic offender" has the same meaning as in section 2151.021 of the Revised Code.

(13) "Public safety beds" means all of the following:

(a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility;

(b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated delinquent children for having committed in that institution or community corrections facility an act that if committed by an adult would be a felony;

(c) Children who satisfy all of the following:

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(i) They are at least twelve years of age but less than eighteen years of age.	43885 43886
(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.	43887 43888
(iii) They are committed to the department of youth services by the juvenile court of a county that has had one-tenth of one per cent or less of the statewide adjudications for felony delinquents as averaged for the past four fiscal years.	43889 43890 43891 43892
(iv) They are in the care and custody of an institution or a community corrections facility.	43893 43894
(d) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution, commit in that institution an act that if committed by an adult would be a felony, who are serving disciplinary time for having committed that act, and who have been institutionalized or institutionalized in a secure facility for the minimum period of time specified in division (A)(4) or (5) of section 2151.355 of the Revised Code.	43895 43896 43897 43898 43899 43900 43901 43902
(e) Felony delinquents who are subject to and serving a three-year period of commitment order imposed by a juvenile court pursuant to division (A)(7) of section 2151.355 of the Revised Code for an act, other than a violation of section 2911.11 of the Revised Code, that would be a category one offense or category two offense if committed by an adult.	43903 43904 43905 43906 43907 43908
(f) Felony delinquents who are described in divisions (A)(13)(a) to (e) of this section, who have been granted a judicial release under division (B) of section 2151.38 of the Revised Code or an early release under division (C) of that section from the commitment to the department of youth services for the act described in divisions (A)(13)(a) to (e) of this section, who have violated the terms and conditions of that	43909 43910 43911 43912 43913 43914 43915

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judicial release or early release, and who, pursuant to an order 43916  
of the court of the county in which the particular felony 43917  
delinquent was placed on release that is issued pursuant to 43918  
division (D) of section 2151.38 of the Revised Code, have been 43919  
returned to the department for institutionalization or 43920  
institutionalization in a secure facility. 43921

(g) Felony delinquents who have been committed to the custody 43922  
of the department of youth services, who have been granted 43923  
supervised release from the commitment pursuant to section 5139.51 43924  
of the Revised Code, who have violated the terms and conditions of 43925  
that supervised release, and who, pursuant to an order of the 43926  
court of the county in which the particular child was placed on 43927  
supervised release issued pursuant to division (F) of section 43928  
5139.52 of the Revised Code, have had the supervised release 43929  
revoked and have been returned to the department for 43930  
institutionalization. A felony delinquent described in this 43931  
division shall be a public safety bed only for the time during 43932  
which the felony delinquent is institutionalized as a result of 43933  
the revocation subsequent to the initial thirty-day period of 43934  
institutionalization required by division (F) of section 5139.52 43935  
of the Revised Code. 43936

(14) "State target youth" means twenty-five per cent of the 43937  
projected total number of felony delinquents for each year of a 43938  
biennium, factoring in revocations and recommitments. 43939

(15) Unless the context requires a different meaning, 43940  
"community corrections facility" means a county or multicounty 43941  
rehabilitation center for felony delinquents who have been 43942  
committed to the department of youth services and diverted from 43943  
care and custody in an institution and placed in the 43944  
rehabilitation center pursuant to division (E) of section 5139.36 43945  
of the Revised Code. 43946

(16) "Secure facility" means any facility that is designed 43947

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and operated to ensure that all of its entrances and exits are 43948  
under the exclusive control of its staff and to ensure that, 43949  
because of that exclusive control, no child who has been 43950  
institutionalized in the facility may leave the facility without 43951  
permission or supervision. 43952

(17) "Community residential program" means a program that 43953  
satisfies both of the following: 43954

(a) It is housed in a building or other structure that has no 43955  
associated major restraining construction, including, but not 43956  
limited to, a security fence. 43957

(b) It provides twenty-four-hour care, supervision, and 43958  
programs for felony delinquents who are in residence. 43959

(18) "Category one offense" and "category two offense" have 43960  
the same meanings as in section 2151.26 of the Revised Code. 43961

(19) "Disciplinary time" means additional time that the 43962  
department of youth services requires a felony delinquent to serve 43963  
in an institution, that delays the felony delinquent's planned 43964  
release, and that the department imposes upon the felony 43965  
delinquent following the conduct of an internal due process 43966  
hearing for having committed any of the following acts while 43967  
committed to the department and in the care and custody of an 43968  
institution: 43969

(a) An act that if committed by an adult would be a felony; 43970

(b) An act that if committed by an adult would be a 43971  
misdemeanor; 43972

(c) An act that is not described in division (A)(19)(a) or 43973  
(b) of this section and that violates an institutional rule of 43974  
conduct of the department. 43975

(20) "Unruly child" has the same meaning as in section 43976  
2151.022 of the Revised Code. 43977

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(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, 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

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same conduct, criminal or delinquent episode, or plan as the 44009  
criminal or delinquent act committed against the victim. 44010

(27) "Judicial release" means a release of a child from 44011  
institutional care or institutional care in a secure facility that 44012  
is granted by a court pursuant to division (B) of section 2151.38 44013  
of the Revised Code during the period specified in that division. 44014

(28) "Early release" means a release of a child from 44015  
institutional care or institutional care in a secure facility that 44016  
is granted by a court pursuant to division (C) of section 2151.38 44017  
of the Revised Code during the period specified in that division. 44018

(29) "Juvenile justice system" includes all of the functions 44019  
of the juvenile courts, the department of youth services, any 44020  
public or private agency whose purposes include the prevention of 44021  
delinquency or the diversion, adjudication, detention, or 44022  
rehabilitation of delinquent children, and any of the functions of 44023  
the criminal justice system that are applicable to children. 44024

(30) "Metropolitan county criminal justice services agency" 44025  
means an agency that is established pursuant to division (A) of 44026  
section 181.54 of the Revised Code. 44027

(31) "Administrative planning district" means a district that 44028  
is established pursuant to division (A) or (B) of section 181.56 44029  
of the Revised Code. 44030

(32) "Criminal justice coordinating council" means a criminal 44031  
justice services agency that is established pursuant to division 44032  
(D) of section 181.56 of the Revised Code. 44033

(33) "Comprehensive plan" means a document that coordinates, 44034  
evaluates, and otherwise assists, on an annual or multi-year 44035  
basis, all of the functions of the juvenile justice systems of the 44036  
state or a specified area of the state, that conforms to the 44037  
priorities of the state with respect to juvenile justice systems, 44038  
and that conforms with the requirements of all federal criminal 44039

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<u>justice acts. These functions include, but are not limited to, all</u>	44040
<u>of the following:</u>	44041
<u>(a) Delinquency prevention;</u>	44042
<u>(b) Identification, detection, apprehension, and detention of</u> <u>persons charged with delinquent acts;</u>	44043 44044
<u>(c) Assistance to crime victims or witnesses, except that the</u> <u>comprehensive plan does not include the functions of the attorney</u> <u>general pursuant to sections 109.91 and 109.92 of the Revised</u> <u>Code;</u>	44045 44046 44047 44048
<u>(d) Adjudication or diversion of persons charged with</u> <u>delinquent acts;</u>	44049 44050
<u>(e) Custodial treatment of delinquent children;</u>	44051
<u>(f) Institutional and noninstitutional rehabilitation of</u> <u>delinquent children.</u>	44052 44053
(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in section 108.05 of the Revised Code, the director shall devote the director's entire time to the duties of the director's office and shall hold no other office or position of trust or profit during the director's term of office.	44054 44055 44056 44057 44058 44059 44060 44061 44062
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	44063 44064 44065 44066 44067 44068 44069

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shall be an appointing authority within the meaning of Chapter 44070  
124. of the Revised Code. Whenever this or any other chapter or 44071  
section of the Revised Code imposes a duty on or requires an 44072  
action of the department, the duty or action shall be performed by 44073  
the director or, upon the director's order, in the name of the 44074  
department. 44075

**Sec. 5139.11.** The department of youth services shall do all 44076  
of the following: 44077

(A) Through a program of education, promotion, and 44078  
organization, form groups of local citizens and assist these 44079  
groups in conducting activities aimed at the prevention and 44080  
control of juvenile delinquency, making use of local people and 44081  
resources for the following purposes: 44082

(1) Combatting local conditions known to contribute to 44083  
juvenile delinquency; 44084

(2) Developing recreational and other programs for youth 44085  
work; 44086

(3) Providing adult sponsors for delinquent children cases; 44087

(4) Dealing with other related problems of the locality; 44088

(B) Advise local, state, and federal officials, public and 44089  
private agencies, and lay groups on the needs for and possible 44090  
methods of the reduction and prevention of juvenile delinquency 44091  
and the treatment of delinquent children; 44092

(C) Consult with the schools and courts of this state on the 44093  
development of programs for the reduction and prevention of 44094  
delinquency and the treatment of delinquents; 44095

(D) Cooperate with other agencies whose services deal with 44096  
the care and treatment of delinquent children to the end that 44097  
delinquent children who are state wards may be assisted whenever 44098

possible to a successful adjustment outside of institutional care;	44099
(E) Cooperate with other agencies in surveying, developing,	44100
and utilizing the recreational resources of a community as a means	44101
of combatting the problem of juvenile delinquency and effectuating	44102
rehabilitation;	44103
(F) Hold district and state conferences from time to time in	44104
order to acquaint the public with current problems of juvenile	44105
delinquency and develop a sense of civic responsibility toward the	44106
prevention of juvenile delinquency;	44107
(G) Assemble and distribute information relating to juvenile	44108
delinquency and report on studies relating to community conditions	44109
that affect the problem of juvenile delinquency;	44110
(H) Assist any community within the state by conducting a	44111
comprehensive survey of the community's available public and	44112
private resources, and recommend methods of establishing a	44113
community program for combatting juvenile delinquency and crime,	44114
but no survey of that type shall be conducted unless local	44115
individuals and groups request it through their local authorities,	44116
and no request of that type shall be interpreted as binding the	44117
community to following the recommendations made as a result of the	44118
request;	44119
(I) Evaluate the rehabilitation of children committed to the	44120
department and prepare and submit periodic reports to the	44121
committing court for the following purposes:	44122
(1) Evaluating the effectiveness of institutional treatment;	44123
(2) Making recommendations for early release where	44124
appropriate and recommending terms and conditions for release;	44125
(3) Reviewing the placement of children and recommending	44126
alternative placements where appropriate.	44127
(J) Coordinate dates for hearings to be conducted under	44128

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section 2151.38 of the Revised Code and assist in the transfer and	44129
release of children from institutionalization to the custody of	44130
the committing court;	44131
<u>(K)(1) Coordinate and assist juvenile justice systems by</u>	44132
<u>doing the following:</u>	44133
<u>(a) Performing juvenile justice system planning in the state,</u>	44134
<u>including any planning that is required by any federal law;</u>	44135
<u>(b) Collecting, analyzing, and correlating information and</u>	44136
<u>data concerning the juvenile justice system in the state;</u>	44137
<u>(c) Cooperating with and providing technical assistance to</u>	44138
<u>state departments, administrative planning districts, metropolitan</u>	44139
<u>county criminal justice services agencies, criminal justice</u>	44140
<u>coordinating councils, and agencies, offices, and departments of</u>	44141
<u>the juvenile justice system in the state, and other appropriate</u>	44142
<u>organizations and persons;</u>	44143
<u>(d) Encouraging and assisting agencies, offices, and</u>	44144
<u>departments of the juvenile justice system in the state and other</u>	44145
<u>appropriate organizations and persons to solve problems that</u>	44146
<u>relate to the duties of the department;</u>	44147
<u>(e) Administering within the state any juvenile justice acts</u>	44148
<u>and programs that the governor requires the department to</u>	44149
<u>administer;</u>	44150
<u>(f) Implementing the state comprehensive plans;</u>	44151
<u>(g) Auditing grant activities of agencies, offices,</u>	44152
<u>organizations, and persons that are financed in whole or in part</u>	44153
<u>by funds granted through the department;</u>	44154
<u>(h) Monitoring or evaluating the performance of juvenile</u>	44155
<u>justice system projects and programs in the state that are</u>	44156
<u>financed in whole or in part by funds granted through the</u>	44157
<u>department;</u>	44158

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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. 44159  
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- (j) Contracting with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the department; 44170  
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- (k) Overseeing the activities of metropolitan county criminal justice services agencies, administrative planning districts, and juvenile justice coordinating councils in the state; 44173  
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- (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; 44177  
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- (m) Preparing and recommending legislation to the general assembly and governor for the improvement of the juvenile justice system in the state; 44181  
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- (n) Assisting, advising, and making any reports that are required by the governor, attorney general, or general assembly; 44184  
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- (o) Adopting rules pursuant to Chapter 119. of the Revised Code. 44186  
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- (2) Division (K)(1) of this section does not limit the discretion or authority of the attorney general with respect to 44188  
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<u>crime victim assistance and criminal and juvenile justice</u>	44190
<u>programs.</u>	44191
<u>(3) Nothing in division (K)(1) of this section is intended to</u>	44192
<u>diminish or alter the status of the office of the attorney general</u>	44193
<u>as a criminal justice services agency;</u>	44194
<u>(4) The governor may appoint any advisory committees to</u>	44195
<u>assist the department that the governor considers appropriate or</u>	44196
<u>that are required under any state or federal law.</u>	44197
<b>Sec. 5139.29.</b> The department of youth services shall adopt	44198
and promulgate regulations prescribing the method of calculating	44199
the amount of and the time and manner for the payment of financial	44200
assistance granted under sections 5139.27, <u>and</u> 5139.271, <del>and</del>	44201
<del>5139.28</del> of the Revised Code, for the construction or acquisition	44202
of a district detention home established under section 2151.34 of	44203
the Revised Code, or for the construction and maintenance of a	44204
school, forestry camp, or other facility established under section	44205
2151.65 of the Revised Code.	44206
<b>Sec. 5139.31.</b> The department of youth services may inspect	44207
any school, forestry camp, district detention home, or other	44208
facility for which an application for financial assistance has	44209
been made to the department under section 2151.341, 2151.3416, <u>or</u>	44210
<del>2151.651, or 2151.652</del> of the Revised Code or for which financial	44211
assistance has been granted by the department under section	44212
5139.27, 5139.271, <del>5139.28,</del> or 5139.281 of the Revised Code. The	44213
inspection may include, but need not be limited to, examination	44214
and evaluation of the physical condition of the school, forestry	44215
camp, district detention home, or other facility, including any	44216
equipment used in connection with it; observation and evaluation	44217
of the training and treatment of children admitted to it;	44218
examination and analysis and copying of any papers, records, or	44219

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other documents relating to the qualifications of personnel, the 44220  
commitment of children to it, and its administration. 44221

Sec. 5139.87. There are hereby created in the state treasury 44222  
the federal juvenile justice programs funds. A separate fund shall 44223  
be established each federal fiscal year. All federal grants and 44224  
other moneys received for federal juvenile programs shall be 44225  
deposited into the funds. All receipts deposited into the funds 44226  
shall be used for federal juvenile programs. All investment 44227  
earnings on the cash balance in a federal juvenile program fund 44228  
shall be credited to that fund for the appropriate federal fiscal 44229  
year. 44230

Sec. 5153.06. The county children services board may enter 44231  
into a written contract with the board's executive director 44232  
specifying terms and conditions of the executive director's 44233  
employment. The executive director shall not be in the classified 44234  
civil service. The period of the contract shall not exceed three 44235  
years. Such a contract shall in no way abridge the right of the 44236  
county children services board to terminate the employment of the 44237  
executive director as an unclassified employee at will, but may 44238  
specify terms and conditions for any such termination. 44239

Sec. 5153.165. If a family is encountering an emergency that 44240  
could lead, or has led, to removal of a child from the family's 44241  
home pursuant to Chapter 2151. of the Revised Code, the public 44242  
children services agency shall determine whether the child could 44243  
remain safely with, or be safely returned to, the family if the 44244  
emergency were alleviated by providing ~~assistance~~ benefits and 44245  
services under the prevention, retention, and contingency program 44246  
established under Chapter 5108. of the Revised Code. If it is 44247  
determined that the child could remain safely with, or be safely 44248  
returned to, the family, the agency, with the cooperation of the 44249  
child's family, shall determine the amount of ~~assistance~~ benefits 44250

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and services necessary to prevent the removal of the child from 44251  
the home or to permit the child's return to the home and may 44252  
provide the ~~assistance~~ benefits and services pursuant to a plan of 44253  
cooperation entered into under section 307.983 of the Revised 44254  
Code. 44255

**Sec. 5153.60.** The department of job and family services shall 44256  
establish a statewide program that provides the training section 44257  
5153.122 of the Revised Code requires public children services 44258  
agency caseworkers and supervisors to complete. The program may 44259  
also provide the preplacement and continuing training described in 44260  
sections 5103.039, 5103.0310, and 5103.0311 of the Revised Code 44261  
that foster caregivers are required by sections 5103.031, 44262  
5103.032, and 5103.033 of the Revised Code to obtain. The program 44263  
shall be called the "Ohio child welfare training program." 44264  
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**Sec. 5153.69.** The training program steering committee shall 44266  
monitor and evaluate the Ohio child welfare training program to 44267  
ensure ~~that~~ the following: 44268

(A) That the Ohio child welfare training program is a 44269  
competency-based training system that satisfies the training 44270  
requirements for public children services agency caseworkers and 44271  
supervisors under section 5153.122 of the Revised Code; 44272

(B) That, if the Ohio child welfare training program provides 44273  
preplacement or continuing training for foster caregivers, it 44274  
meets the same requirements that preplacement training programs 44275  
and continuing training programs must meet pursuant to section 44276  
5103.038 of the Revised Code to obtain approval by the department 44277  
of job and family services, except that the Ohio child welfare 44278  
training program is not required to obtain department approval. 44279

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<b>Sec. 5153.78.</b> (A) As used in this section:	44281
(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended.	44282 44283
(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980).	44284 44285
(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.	44286 44287
(B) For purposes of <u>adequately</u> funding the Ohio child welfare training program, the department of job and family services <del>shall</del> <u>may</u> use <u>any of</u> the following to <del>adequately fund the Ohio child welfare training program:</del>	44288 44289 44290 44291
(1) The federal financial participation funds withheld pursuant to division (D) of section 5101.141 of the Revised Code in an amount determined by the department;	44292 44293 44294
(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;	44295 44296
(3) <del>Any other</del> <u>Other</u> available state or federal funds.	44297
<b>Sec. 5703.17.</b> (A) In making an investigation as to any company, firm, corporation, person, association, partnership, or public utility subject to the laws which the tax commissioner is required to administer, the commissioner may appoint by an order in writing an agent, <u>a tax auditor agent, or a tax auditor agent manager</u> , whose duties shall be prescribed in such order.	44298 44299 44300 44301 44302 44303
In the discharge of <del>his</del> <u>such agent's</u> duties <del>such, the</del> agent shall have every power of an inquisitorial nature granted by law to the commissioner, and the same powers as a notary public as to the taking of depositions, and all powers given by law to a notary public relative to depositions are hereby given to such agent.	44304 44305 44306 44307 44308

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(B) No person shall be appointed as a tax auditor agent or a tax auditor agent manager, unless that person meets one of the following requirements: 44309  
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(1) The person holds from an accredited college or university a baccalaureate or higher degree in accounting, business, business administration, public administration, or management, a doctoral degree in law, a bachelor of laws degree, or a master of laws degree in taxation. 44312  
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(2) The person possesses a current certified public accountant, certified managerial accountant, or certified internal auditor certificate; a professional tax designation issued by the institute for professionals in taxation or the international association of assessing officers; or a designation as an enrolled agent of the Internal Revenue Service. 44317  
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(3) The person has accounting, auditing, or taxation experience that is acceptable to the department of taxation. 44323  
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(4) The person has experience as a tax commissioner agent, tax auditor agent, or supervisor of tax agents that is acceptable to the department of taxation. 44325  
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**Sec. 5703.49.** (A) As used in this section, "internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork known as the world wide web. 44328  
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(B) On or before December 31, 2001, the tax commissioner shall establish an electronic site accessible through the internet. The tax commissioner shall provide access on the site for each municipal corporation that has not established its own electronic site to post documents or information required under section 718.07 of the Revised Code. The tax commissioner shall provide electronic links for each municipal corporation that 44332  
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establishes a site under that section and for which a uniform 44339  
resource locator has been provided to the tax commissioner. The 44340  
tax commissioner is not responsible for the accuracy of the posted 44341  
information, and is not liable for any inaccurate or outdated 44342  
information provided by a municipal corporation. The tax 44343  
commissioner may adopt rules governing the format and means of 44344  
submitting such documents or information and other matters 44345  
necessary to implement this section. The tax commissioner may 44346  
charge municipal corporations a fee to defray the cost of 44347  
establishing and maintaining the electronic site established under 44348  
this section. 44349

(C) The tax commissioner shall deposit any fees received 44350  
under this section to the credit of the municipal internet site 44351  
fund, which is hereby created in the state treasury. The 44352  
commissioner shall use the fund for costs of establishing and 44353  
maintaining the electronic site established under this section. 44354

**Sec. 5705.091.** The board of county commissioners of each 44355  
county shall establish a county mental retardation and 44356  
developmental disabilities general fund. Notwithstanding sections 44357  
5705.09 and 5705.10 of the Revised Code, proceeds from levies 44358  
under section 5705.222 and division (L) of section 5705.19 of the 44359  
Revised Code shall be deposited to the credit of the county mental 44360  
retardation and developmental disabilities general fund. Accounts 44361  
shall be established within the county mental retardation and 44362  
developmental disabilities general fund for each of the several 44363  
particular purposes of the levies as specified in the resolutions 44364  
under which the levies were approved, and proceeds from different 44365  
levies that were approved for the same particular purpose shall be 44366  
credited to accounts for that purpose. Other money received by the 44367  
county for the purposes of Chapters 3323. and 5126. of the Revised 44368  
Code and not required by state or federal law to be deposited to 44369  
the credit of a different fund shall also be deposited to the 44370

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credit of the county mental retardation and developmental 44371  
disabilities general fund, in an account appropriate to the 44372  
particular purpose for which the money was received. Unless 44373  
otherwise provided by law, an unexpended balance at the end of a 44374  
fiscal year in any account in the county mental retardation and 44375  
developmental disabilities general fund shall be appropriated the 44376  
next fiscal year to the same fund. 44377

A county board of mental retardation and developmental 44378  
disabilities may request, by resolution, that the board of county 44379  
commissioners establish a county mental retardation and 44380  
developmental disabilities capital fund for money to be used for 44381  
acquisition, construction, or improvement of capital facilities or 44382  
acquisition of capital equipment used in providing services to 44383  
mentally retarded and developmentally disabled persons. The county 44384  
board of mental retardation and developmental disabilities shall 44385  
transmit a certified copy of the resolution to the board of county 44386  
commissioners. Upon receiving the resolution, the board of county 44387  
commissioners shall establish a county mental retardation and 44388  
developmental disabilities capital fund. 44389

A county board shall request, by resolution, that the board 44390  
of county commissioners establish a county MR/DD medicaid reserve 44391  
fund. On receipt of the resolution, the board of county 44392  
commissioners shall establish a county MR/DD medicaid reserve 44393  
fund. The portion of federal revenue funds that the county board 44394  
earns for providing habilitation center services, medicaid case 44395  
management services, and home and community-based services that is 44396  
needed for the county board to pay for extraordinary costs, 44397  
including extraordinary costs for services to individuals with 44398  
mental retardation or other developmental disability, and ensure 44399  
the availability of adequate funds in the event a county property 44400  
tax levy for services for individuals with mental retardation or 44401  
other developmental disability fails shall be deposited into the 44402

fund. The county board shall use money in the fund for those 44403  
purposes in accordance with rules adopted under section 5123.0413 44404  
of the Revised Code. 44405

**Sec. 5705.19.** This section does not apply to school districts 44406  
or county school financing districts. 44407

The taxing authority of any subdivision at any time and in 44408  
any year, by vote of two-thirds of all the members of the taxing 44409  
authority, may declare by resolution and certify the resolution to 44410  
the board of elections not less than seventy-five days before the 44411  
election upon which it will be voted that the amount of taxes that 44412  
may be raised within the ten-mill limitation will be insufficient 44413  
to provide for the necessary requirements of the subdivision and 44414  
that it is necessary to levy a tax in excess of that limitation 44415  
for any of the following purposes: 44416

(A) For current expenses of the subdivision, except that the 44417  
total levy for current expenses of a detention home district or 44418  
district organized under section 2151.65 of the Revised Code shall 44419  
not exceed two mills and that the total levy for current expenses 44420  
of a combined district organized under sections 2151.34 and 44421  
2151.65 of the Revised Code shall not exceed four mills; 44422

(B) For the payment of debt charges on certain described 44423  
bonds, notes, or certificates of indebtedness of the subdivision 44424  
issued subsequent to January 1, 1925; 44425

(C) For the debt charges on all bonds, notes, and 44426  
certificates of indebtedness issued and authorized to be issued 44427  
prior to January 1, 1925; 44428

(D) For a public library of, or supported by, the subdivision 44429  
under whatever law organized or authorized to be supported; 44430  
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(E) For a municipal university, not to exceed two mills over 44432

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the limitation of one mill prescribed in section 3349.13 of the Revised Code;	44433 44434
(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;	44435 44436 44437
(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;	44438 44439 44440
(H) For recreational purposes;	44441
(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employers' contribution required under section 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;	44442 44443 44444 44445 44446 44447 44448 44449 44450 44451
(J) For the purpose of providing and maintaining motor vehicles, communications, and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;	44452 44453 44454 44455 44456 44457 44458 44459 44460 44461
(K) For the maintenance and operation of a county home;	44462
(L) For community mental retardation and developmental	44463

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disabilities programs and services pursuant to Chapter 5126. of	44464
the Revised Code, except that the procedure for such levies shall	44465
be as provided in section 5705.222 of the Revised Code;	44466
(M) For regional planning;	44467
(N) For a county's share of the cost of maintaining and	44468
operating schools, district detention homes, forestry camps, or	44469
other facilities, or any combination thereof, established under	44470
section 2151.34 or 2151.65 of the Revised Code or both of those	44471
sections;	44472
(O) For providing for flood defense, providing and	44473
maintaining a flood wall or pumps, and other purposes to prevent	44474
floods;	44475
(P) For maintaining and operating sewage disposal plants and	44476
facilities;	44477
(Q) For the purpose of purchasing, acquiring, constructing,	44478
enlarging, improving, equipping, repairing, maintaining, or	44479
operating, or any combination of the foregoing, a county transit	44480
system pursuant to sections 306.01 to 306.13 of the Revised Code,	44481
or of making any payment to a board of county commissioners	44482
operating a transit system or a county transit board pursuant to	44483
section 306.06 of the Revised Code;	44484
(R) For the subdivision's share of the cost of acquiring or	44485
constructing any schools, forestry camps, detention homes, or	44486
other facilities, or any combination thereof, under section	44487
2151.34 or 2151.65 of the Revised Code or both of those sections;	44488
(S) For the prevention, control, and abatement of air	44489
pollution;	44490
(T) For maintaining and operating cemeteries;	44491
(U) For providing ambulance service, emergency medical	44492
service, or both;	44493

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(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	44494 44495
(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;	44496 44497 44498
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	44499 44500
(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;	44501 44502 44503
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	44504 44505 44506
(AA) For the maintenance and operation of a free public museum of art, science, or history;	44507 44508
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	44509 44510
(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.	44511 44512 44513 44514 44515
(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;	44516 44517 44518
(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code;	44519 44520 44521 44522 44523

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(FF) For the purpose of acquiring, establishing,	44524
constructing, improving, equipping, maintaining, or operating, or	44525
any combination of the foregoing, a township airport, landing	44526
field, or other air navigation facility pursuant to section 505.15	44527
of the Revised Code;	44528
(GG) For the payment of costs incurred by a township as a	44529
result of a contract made with a county pursuant to section	44530
505.263 of the Revised Code in order to pay all or any part of the	44531
cost of constructing, maintaining, repairing, or operating a water	44532
supply improvement;	44533
(HH) For a board of township trustees to acquire, other than	44534
by appropriation, an ownership interest in land, water, or	44535
wetlands, or to restore or maintain land, water, or wetlands in	44536
which the board has an ownership interest, not for purposes of	44537
recreation, but for the purposes of protecting and preserving the	44538
natural, scenic, open, or wooded condition of the land, water, or	44539
wetlands against modification or encroachment resulting from	44540
occupation, development, or other use, which may be styled as	44541
protecting or preserving "greenspace" in the resolution, notice of	44542
election, or ballot form;	44543
(II) For the support by a county of a crime victim assistance	44544
program that is provided and maintained by a county agency or a	44545
private, nonprofit corporation or association under section 307.62	44546
of the Revised Code;	44547
(JJ) For any or all of the purposes set forth in divisions	44548
(I) and (J) of this section. This division applies only to a	44549
township.	44550
(KK) For a countywide public safety communications system	44551
under section 307.63 of the Revised Code. This division applies	44552
only to counties.	44553
(LL) For the support by a county of criminal justice services	44554

under section 307.45 of the Revised Code; 44555

(MM) For the purpose of maintaining and operating a jail or 44556  
other detention facility as defined in section 2921.01 of the 44557  
Revised Code; 44558

(NN) For purchasing, maintaining, or improving, or any 44559  
combination of the foregoing, real estate on which to hold 44560  
agricultural fairs. This division applies only to a county. 44561

(OO) For constructing, rehabilitating, repairing, or 44562  
maintaining sidewalks, walkways, trails, bicycle pathways, or 44563  
similar improvements, or acquiring ownership interests in land 44564  
necessary for the foregoing improvements, by a board of township 44565  
trustees; 44566

(PP) For both of the purposes set forth in divisions (G) and 44567  
(OO) of this section. This division applies only to a township. 44568

(QQ) For both of the purposes set forth in divisions (H) and 44569  
(HH) of this section. This division applies only to a township. 44570

(RR) For the legislative authority of a municipal 44571  
corporation, board of county commissioners of a county, or board 44572  
of township trustees of a township to acquire agricultural 44573  
easements, as defined in section 5301.67 of the Revised Code, and 44574  
to supervise and enforce the easements. 44575

(SS) For both of the purposes set forth in divisions (BB) and 44576  
(KK) of this section. This division applies only to a county. 44577

The resolution shall be confined to the purpose or purposes 44578  
described in one division of this section, to which the revenue 44579  
derived therefrom shall be applied. The existence in any other 44580  
division of this section of authority to levy a tax for any part 44581  
or all of the same purpose or purposes does not preclude the use 44582  
of such revenues for any part of the purpose or purposes of the 44583  
division under which the resolution is adopted. 44584

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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;

(b) For the maintenance and operation of a joint recreation district;

(c) A levy imposed by a township for the purposes set forth in division (G) of this section.

(4) When the increase is for the purpose set forth in division (D) or (CC) of this section or for both of the purposes

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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.

(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.

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.

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  
each year for the current expenses and the other purpose or  
purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as  
the taxing authority of its county or as the taxing authority of a  
sewer district or subdistrict created under Chapter 6117. of the  
Revised Code, by resolution declares it necessary to levy a tax in  
excess of the ten-mill limitation for the purpose of constructing,

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improving, or extending sewage disposal plants or sewage systems, 44647  
the tax may be in effect for any number of years not exceeding 44648  
twenty, and the proceeds of the tax, notwithstanding the general 44649  
provisions of this section, may be used to pay debt charges on any 44650  
obligations issued and outstanding on behalf of the subdivision 44651  
for the purposes enumerated in this paragraph, provided that any 44652  
such obligations have been specifically described in the 44653  
resolution. 44654

The resolution shall go into immediate effect upon its 44655  
passage, and no publication of the resolution is necessary other 44656  
than that provided for in the notice of election. 44657

When the electors of a subdivision have approved a tax levy 44658  
under this section, the taxing authority of the subdivision may 44659  
anticipate a fraction of the proceeds of the levy and issue 44660  
anticipation notes in accordance with section 5705.191 or 5705.193 44661  
of the Revised Code. 44662

**Sec. 5705.41.** No subdivision or taxing unit shall: 44663

(A) Make any appropriation of money except as provided in 44664  
Chapter 5705. of the Revised Code; provided, that the 44665  
authorization of a bond issue shall be deemed to be an 44666  
appropriation of the proceeds of the bond issue for the purpose 44667  
for which such bonds were issued, but no expenditure shall be made 44668  
from any bond fund until first authorized by the taxing authority; 44669

(B) Make any expenditure of money unless it has been 44670  
appropriated as provided in such chapter; 44671

(C) Make any expenditure of money except by a proper warrant 44672  
drawn against an appropriate fund; 44673

(D)(1) Except as otherwise provided in division (D)(2) of 44674  
this section and section 5705.44 of the Revised Code, make any 44675  
contract or give any order involving the expenditure of money 44676

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unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision's fiscal officer. Every such contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by the taxing authority of the subdivision or taxing unit of a certificate of the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances, such taxing authority may authorize the drawing of a warrant in payment of amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days from the receipt of such certificate; provided that, if the amount involved is less than one hundred dollars in the case of counties or one thousand dollars in the case of all other subdivisions or taxing units, the fiscal officer may authorize it to be paid without such affirmation of the taxing authority of the subdivision or taxing unit, if such expenditure is otherwise valid.

(2) Annually, the board of county commissioners may adopt a resolution exempting for the current fiscal year county purchases of seven hundred fifty dollars or less from the requirement of division (D)(1) of this section that a certificate be attached to any contract or order involving the expenditure of money. The

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resolution shall state the dollar amount that is exempted from the certificate requirement and whether the exemption applies to all purchases, to one or more specific classes of purchases, or to the purchase of one or more specific items. Prior to the adoption of the resolution, the board shall give written notice to the county auditor that it intends to adopt the resolution. The notice shall state the dollar amount that is proposed to be exempted and whether the exemption would apply to all purchases, to one or more specific classes of purchases, or to the purchase of one or more specific items. The county auditor may review and comment on the proposal, and shall send any comments to the board within fifteen days after receiving the notice. The board shall wait at least fifteen days after giving the notice to the auditor before adopting the resolution. A person authorized to make a county purchase in a county that has adopted such a resolution shall prepare and file with the county auditor, within three business days after incurring an obligation not requiring a certificate, a written document specifying the purpose and amount of the expenditure, the date of the purchase, the name of the vendor, and such additional information as the auditor of state may prescribe.

(3) Upon certification by the auditor or other chief fiscal officer that a certain sum of money, not in excess of five thousand dollars, has been lawfully appropriated, authorized, or directed for a certain purpose and is in the treasury or in the process of collection to the credit of a specific line-item appropriation account in a certain fund free from previous and then outstanding obligations or certifications, then for such purpose and from such line-item appropriation account in such fund, over a period not exceeding three months and not extending beyond the end of the fiscal year, expenditures may be made, orders for payment issued, and contracts or obligations calling for or requiring the payment of money made and assumed; provided,

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that the aggregate sum of money included in and called for by such expenditures, orders, contracts, and obligations shall not exceed the sum so certified. Such a certification need be signed only by the fiscal officer of the subdivision or the taxing district and may, but need not, be limited to a specific vendor. An itemized statement of obligations incurred and expenditures made under such certificate shall be rendered to the auditor or other chief fiscal officer before another such certificate may be issued, and not more than one such certificate shall be outstanding at a time.

In addition to providing the certification for expenditures of five thousand dollars or less as provided in this division, a subdivision also may make expenditures, issue orders for payment, and make contracts or obligations calling for or requiring the payment of money made and assumed for specified permitted purposes from a specific line-item appropriation account in a specified fund for a sum of money exceeding five thousand dollars upon the certification by the fiscal officer of the subdivision that this sum of money has been lawfully appropriated, authorized, or directed for a permitted purpose and is in the treasury or in the process of collection to the credit of the specific line-item appropriation account in the specified fund free from previous and then-outstanding obligations or certifications; provided that the aggregate sum of money included in and called for by the expenditures, orders, and obligations shall not exceed the certified sum. The purposes for which a subdivision may lawfully appropriate, authorize, or issue such a certificate are the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser by or on behalf of the subdivision or contracting authority; fuel oil, gasoline, food items, roadway materials, and utilities; and any purchases exempt from competitive bidding under section 125.04 of the Revised Code and

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any other specific expenditure that is a recurring and reasonably  
predictable operating expense. Such a certification shall not  
extend beyond the end of the fiscal year or, in the case of a  
board of county commissioners that has established a quarterly  
spending plan under section 5705.392 of the Revised Code, beyond  
the quarter to which the plan applies. Such a certificate shall be  
signed by the fiscal officer and may, but need not, be limited to  
a specific vendor. An itemized statement of obligations incurred  
and expenditures made under such a certificate shall be rendered  
to the fiscal officer for each certificate issued. More than one  
such certificate may be outstanding at any time.

In any case in which a contract is entered into upon a per  
unit basis, the head of the department, board, or commission for  
the benefit of which the contract is made shall make an estimate  
of the total amount to become due upon such contract, which  
estimate shall be certified in writing to the fiscal officer of  
the subdivision. Such a contract may be entered into if the  
appropriation covers such estimate, or so much thereof as may be  
due during the current year. In such a case the certificate of the  
fiscal officer based upon the estimate shall be a sufficient  
compliance with the law requiring a certificate.

Any certificate of the fiscal officer attached to a contract  
shall be binding upon the political subdivision as to the facts  
set forth therein. Upon request of any person receiving an order  
or entering into a contract with any political subdivision, the  
certificate of the fiscal officer shall be attached to such order  
or contract. "Contract" as used in this section excludes current  
payrolls of regular employees and officers.

Taxes and other revenue in process of collection, or the  
proceeds to be derived from authorized bonds, notes, or  
certificates of indebtedness sold and in process of delivery,  
shall for the purpose of this section be deemed in the treasury or

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in process of collection and in the appropriate fund. This section 44806  
applies neither to the investment of sinking funds by the trustees 44807  
of such funds, nor to investments made under sections 731.56 to 44808  
731.59 of the Revised Code. 44809

No district authority shall, in transacting its own affairs, 44810  
do any of the things prohibited to a subdivision by this section, 44811  
but the appropriation referred to shall become the appropriation 44812  
by the district authority, and the fiscal officer referred to 44813  
shall mean the fiscal officer of the district authority. 44814

**Sec. 5705.44.** When contracts or leases run beyond the 44815  
termination of the fiscal year in which they are made, the fiscal 44816  
officer of the taxing authority shall make a certification for the 44817  
amount required to meet the obligation of such contract or lease 44818  
maturing in such fiscal year. The amount of the obligation under 44819  
such contract or lease remaining unfulfilled at the end of a 44820  
fiscal year, and which will become payable during the next fiscal 44821  
year, shall be included in the annual appropriation measure for 44822  
the next year as a fixed charge. 44823

The certificate required by section 5705.41 of the Revised 44824  
Code as to money in the treasury shall not be required for 44825  
contracts on which payments are to be made from the earnings of a 44826  
publicly operated water works or public utility, but in the case 44827  
of any such contract made without such certification, no payment 44828  
shall be made on account thereof, and no claim or demand thereon 44829  
shall be recoverable, except out of such earnings. That 44830  
certificate also shall not be required if requiring the 44831  
certificate makes it impossible for a county board of mental 44832  
retardation and developmental disabilities to pay the nonfederal 44833  
share of medicaid expenditures that the county board is required 44834  
by division (A) of section 5126.056 of the Revised Code to pay. 44835

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**Sec. 5709.17.** (A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation, shall be exempt from taxation.

(B) Real estate and tangible personal property held or occupied by a war veterans' organization, which is organized exclusively for charitable purposes and incorporated under the laws of this state or the United States, except real estate held by such organization for the production of rental income, shall be exempt from taxation.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is surplus property obtained as described in 112 Stat. 1340, 36 U.S.C.A. 40730.

**Sec. 5711.33.** (A)(1) When a county treasurer receives a certificate from a county auditor pursuant to division (A) of section 5711.32 of the Revised Code charging the treasurer with the collection of an amount of taxes due as the result of a deficiency assessment, the treasurer shall immediately prepare and mail a tax bill to the taxpayer owing such tax. The tax bill shall contain the name of the taxpayer; the taxable value, tax rate, and taxes charged for each year being assessed; the total amount of taxes due; the final date payment may be made without additional penalty; and any other information the treasurer considers pertinent or necessary. Taxes due and payable as a result of a

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deficiency assessment, less any amount specifically excepted from 44867  
collection under division (B) of section 5711.32 of the Revised 44868  
Code, shall be paid with interest thereon as prescribed by section 44869  
5719.041 of the Revised Code on or before the sixtieth day 44870  
following the date of issuance of the certificate by the county 44871  
auditor. The balance of taxes found due and payable after a final 44872  
determination by the tax commissioner or a final judgment of the 44873  
board of tax appeals or any court to which such final judgment may 44874  
be appealed, shall be paid with interest thereon as prescribed by 44875  
section 5719.041 of the Revised Code on or before the sixtieth day 44876  
following the date of certification by the auditor to the 44877  
treasurer pursuant to division (C) of section 5711.32 of the 44878  
Revised Code of such final determination or judgment. Such final 44879  
dates for payment shall be determined and exhibited on the tax 44880  
bill by the treasurer. 44881

(2) If, on or before the sixtieth day following the date of a 44882  
certification of a deficiency assessment under division (A) of 44883  
section 5711.32 of the Revised Code or of a certification of a 44884  
final determination or judgment under division (C) of section 44885  
5711.32 of the Revised Code, the taxpayer pays the full amount of 44886  
taxes and interest due at the time of the receipt of certification 44887  
with respect to that assessment, determination, or judgment, no 44888  
interest shall accrue or be charged with respect to that 44889  
assessment, determination, or judgment for the period that begins 44890  
on the first day of the month in which the certification is made 44891  
and that ends on the last day of the month preceding the month in 44892  
which such sixtieth day occurs. 44893

(3) In addition to any other means provided by law for the 44894  
collection of such taxes, the county treasurer may enter into a 44895  
written tax contract with a taxpayer charged with the payment of 44896  
taxes as a result of a deficiency assessment issued under division 44897  
(A) of section 5711.32 of the Revised Code whereby the taxpayer is 44898

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permitted to pay the full amount of those taxes in installments. 44899  
Such a contract may not be entered into later than the sixtieth 44900  
day after the day the assessment is issued. The terms of the tax 44901  
contract shall include the amount payable and the due date of each 44902  
installment including the final payment date, which shall be not 44903  
more than five years after the date of the first payment. A 44904  
receipt shall be issued for each installment payment when paid. 44905  
Each payment shall be applied to the taxes and interest in the 44906  
same order as each became due and shall be apportioned among the 44907  
various funds for which the taxes were levied at the next 44908  
succeeding tax settlement. When a payment is not tendered as 44909  
agreed upon, the treasurer shall declare the tax contract to be 44910  
void and proceed to collect the unpaid balance by any means 44911  
provided by law. When the treasurer declares a tax contract to be 44912  
void, the remaining tax and interest due becomes delinquent, and 44913  
the penalty provided by division (B) of this section shall be 44914  
imposed on that remaining tax and interest due. The treasurer may 44915  
permit a delinquent tax contract to be undertaken on any 44916  
delinquent tax due as provided in section 5719.05 of the Revised 44917  
Code. 44918

(B) When the taxes charged, as mentioned in division (A) of 44919  
this section, are not paid within the time prescribed by such 44920  
division or if a tax contract is not entered into as provided in 44921  
division (A)(3) of this section, a penalty of ten per cent of the 44922  
amount due and unpaid and interest for the period described in 44923  
division (A)(2) of this section shall accrue at the time the 44924  
treasurer closes the treasurer's office for business on the last 44925  
day so prescribed, but if the taxes are paid within ten days 44926  
subsequent to the last day prescribed, the treasurer shall waive 44927  
the collection of and the auditor shall remit one-half of the 44928  
penalty. The treasurer shall not thereafter accept less than the 44929  
full amount of taxes and penalty except as otherwise authorized by 44930

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law. Such penalty shall be distributed in the same manner and at 44931  
the same time as the tax upon which it has accrued. The whole 44932  
amount collected shall be included in the next succeeding 44933  
settlement of appropriate taxes. 44934

(C) When the taxes charged, as mentioned in division (A) of 44935  
this section, remain unpaid after the final date for payment 44936  
prescribed by such division, such charges shall be deemed to be 44937  
delinquent taxes. The county auditor shall cause such charges, 44938  
including the penalty that has accrued pursuant to this section, 44939  
to be added to the delinquent tax duplicate in accordance with 44940  
section 5719.04 of the Revised Code. 44941

(D) The county auditor, upon consultation with the county 44942  
treasurer, shall remit a penalty imposed under division (B) of 44943  
this section or division (C) of section 5719.03 of the Revised 44944  
Code for the late payment of taxes when: 44945

(1) The taxpayer could not make timely payment of the tax 44946  
because of the negligence or error of the auditor or treasurer in 44947  
the performance of a statutory duty relating to the levy or 44948  
collection of such tax. 44949

(2) In cases other than those described in division (D)(1) of 44950  
this section, the taxpayer failed to receive a tax bill or a 44951  
correct tax bill, and the taxpayer made a good faith effort to 44952  
obtain such bill within thirty days after the last day for payment 44953  
of the tax. 44954

(3) The tax was not timely paid because of the death or 44955  
serious injury of the taxpayer, or the taxpayer's confinement in a 44956  
hospital within sixty days preceding the last day for payment of 44957  
the tax if, in any case, the tax was subsequently paid within 44958  
sixty days after the last day for payment of such tax. 44959

(4) The taxpayer demonstrates to the satisfaction of the 44960  
auditor that the full payment was properly deposited in the mail 44961

in sufficient time for the envelope to be postmarked by the United States postal service on or before the last day for payment of such tax. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the date of payment of such tax.

(E) The taxpayer, upon application, may request the tax commissioner to review the denial of the remission of a penalty by the auditor. The commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the taxpayer and to the treasurer and auditor who shall correct the tax list and duplicate accordingly. The commissioner shall issue orders and instructions for the uniform implementation of this section by all auditors and treasurers, and such orders and instructions shall be followed by such officers.

**Sec. 5721.30.** As used in sections 5721.30 to 5721.42 of the Revised Code:

(A) "Tax certificate," "certificate," or "duplicate 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 44993  
pursuant to section 5721.36 of the Revised Code. 44994

(D) "Certificate purchase price" means, with respect to the 44995  
sale of tax certificates under sections 5721.32 and 5721.33 of the 44996  
Revised Code, the amount equal to delinquent taxes, assessments, 44997  
penalties, and interest computed under section 323.121 of the 44998  
Revised Code charged against a certificate parcel at the time the 44999  
tax certificate respecting that parcel is sold, not including any 45000  
delinquent taxes, assessments, penalties, interest, and charges, 45001  
the lien for which has been conveyed to a certificate holder 45002  
through a prior sale of a tax certificate respecting that parcel; 45003  
provided, however, that payment of the certificate purchase price 45004  
in a sale under section 5721.33 of the Revised Code may be made 45005  
wholly in cash or partially in cash and partially by noncash 45006  
consideration acceptable to the county treasurer from the 45007  
purchaser. In the event that any such noncash consideration is 45008  
delivered to pay a portion of the certificate purchase price, such 45009  
noncash consideration may be subordinate to the rights of the 45010  
holders of other obligations whose proceeds paid the cash portion 45011  
of the certificate purchase price. 45012

"Certificate purchase price" also includes the amount of the 45013  
fee charged by the county treasurer to the purchaser of the 45014  
certificate under division (H) of section 5721.32 of the Revised 45015  
Code. 45016

(E) With respect to a sale of tax certificates under section 45017  
5721.32 of the Revised Code and except as provided in division 45018  
(E)(3) of this section, "certificate redemption price" means the 45019  
amount determined under division (E)(1) or (2) of this section. 45020

(1) During the first year after the date on which a tax 45021  
certificate is sold, the sum of the following: 45022

(a) The certificate purchase price; 45023

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(b) The greater of the following:	45024
(i) Interest, at the certificate rate of interest, accruing during the certificate interest period on the certificate purchase price;	45025 45026 45027
(ii) Six per cent of the certificate purchase price.	45028
(c) The fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.	45029 45030 45031
(2) After the first year after the date on which a tax certificate is sold, the sum of the following:	45032 45033
(a)(i) If division (E)(1)(b)(i) applied during the first year, the certificate purchase price;	45034 45035
(ii) If division (E)(1)(b)(ii) applied during the first year, the sum of the certificate purchase price plus six per cent of the certificate purchase price.	45036 45037 45038
(b)(i) If division (E)(1)(b)(i) applied during the first year, interest at the certificate rate of interest accruing during the certificate interest period on the certificate purchase price;	45039 45040 45041
(ii) If division (E)(1)(b)(ii) applied during the first year, interest at the certificate rate of interest, accruing during the part of the certificate interest period that begins one year after the date of the sale of the certificate, on the sum of the certificate purchase price plus six per cent of the certificate purchase price.	45042 45043 45044 45045 45046 45047
(c) The fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.	45048 45049 45050
(3) If the certificate rate of interest equals zero, the certificate redemption price equals the certificate purchase price plus the fee charged by the county treasurer to the purchaser of	45051 45052 45053

the certificate under division (H) of section 5721.32 of the Revised Code. 45054  
45055

(F) With respect to a sale of tax certificates under section 5721.33 of the Revised Code, "certificate redemption price" means the amount equal to the sum of the following: 45056  
45057  
45058

(1) The certificate purchase price; 45059

(2) Interest accrued on the certificate purchase price at the certificate rate of interest from the date on which a tax certificate is delivered through and including the day immediately preceding the day on which the certificate redemption price is paid; 45060  
45061  
45062  
45063  
45064

(3) The fee, if any, charged by the county treasurer to the purchaser of the certificate under division (J) of section 5721.33 of the Revised Code; 45065  
45066  
45067

(4) Any other fees charged by any county office in connection with the recording of tax certificates. 45068  
45069

(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. 45070  
45071  
45072  
45073  
45074  
45075  
45076

(H) "Cash" means United States currency, certified checks, money orders, bank drafts, or electronic transfer of funds, and excludes any other form of payment. 45077  
45078  
45079

(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 45080  
45081  
45082  
45083

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the Revised Code, the date designated by the county treasurer for 45084  
the submission of bids and, with respect to a negotiated sale 45085  
under section 5721.33 of the Revised Code, the date of delivery of 45086  
the tax certificates to the purchasers thereof pursuant to a tax 45087  
certificate sale/purchase agreement. 45088

(J) "Purchaser of a tax certificate pursuant to section 45089  
5721.32 of the Revised Code" means the winning bidder in an 45090  
auction of a tax certificate held under section 5721.32 of the 45091  
Revised Code. 45092

(K) "Certificate interest period" means, with respect to a 45093  
tax certificate sold under section 5721.32 of the Revised Code, 45094  
the period beginning on the date the certificate is purchased and, 45095  
with respect to a tax certificate sold under section 5721.33 of 45096  
the Revised Code, the period beginning on the date of delivery of 45097  
the tax certificate, and in either case ending on one of the 45098  
following dates: 45099

(1) In the case of foreclosure proceedings instituted under 45100  
section 5721.37 of the Revised Code, the date the certificate 45101  
holder submits a payment to the treasurer under division (B) of 45102  
that section; 45103

(2) In the case of a certificate parcel redeemed under 45104  
division (A) or (C) of section 5721.38 of the Revised Code, the 45105  
date the owner of record of the certificate parcel, or any other 45106  
person entitled to redeem that parcel, pays to the county 45107  
treasurer or to the certificate holder, as applicable, the full 45108  
amount determined under that section. 45109

(L) "County treasurer" means, with respect to the sale of tax 45110  
certificates under section 5721.32, or 5721.33 of the Revised 45111  
Code, the county treasurer of a county having a population of at 45112  
least two hundred thousand according to the then most recent 45113  
federal decennial census ~~and, with respect to the sale of tax~~ 45114

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~~certificates under section 5721.33 of the Revised Code, the county 45115~~  
~~treasurer of a county having a population of at least one million 45116~~  
~~four hundred thousand according to the then most recent federal 45117~~  
~~decennial census. 45118~~

(M) "Qualified trustee" means a trust company within the 45119  
state or a bank having the power of a trust company within the 45120  
state with a combined capital stock, surplus, and undivided 45121  
profits of at least one hundred million dollars. 45122

(N) "Tax certificate sale/purchase agreement" means the 45123  
purchase and sale agreement described in division (C) of section 45124  
5721.33 of the Revised Code setting forth the certificate purchase 45125  
price, plus any applicable premium or less any applicable 45126  
discount, including, without limitation, the amount thereof to be 45127  
paid in cash and the amount and nature of any noncash 45128  
consideration, the date of delivery of the tax certificates, and 45129  
the other terms and conditions of the sale, including, without 45130  
limitation, the rate of interest that the tax certificates shall 45131  
bear. 45132

(O) "Noncash consideration" means any form of consideration 45133  
other than cash, including, but not limited to, promissory notes 45134  
whether subordinate or otherwise. 45135

(P) "Private attorney" means for purposes of section 5721.37 45136  
of the Revised Code, any attorney licensed to practice law in this 45137  
state, whether practicing with a firm of attorneys or otherwise, 45138  
whose license has not been revoked or otherwise suspended and who 45139  
brings foreclosure proceedings pursuant to section 5721.37 of the 45140  
Revised Code on behalf of a certificate holder. 45141

(Q) "Related certificate parcel" means, with respect to a 45142  
certificate holder, the certificate parcel with respect to which 45143  
the certificate holder has purchased and holds a tax certificate 45144  
pursuant to sections 5721.30 to 5721.41 of the Revised Code and, 45145  
with respect to a tax certificate, the certificate parcel against 45146

which the tax certificate has been sold pursuant to those 45147  
sections. 45148

**Sec. 5725.31.** (A) As used in this section: 45149

(1) "Eligible employee" and "eligible training costs" have 45150  
the same meanings as in section 5733.42 of the Revised Code. 45151

(2) "Tax assessed under this chapter" means, in the case of a 45152  
dealer in intangibles, the tax assessed under sections 5725.13 to 45153  
5725.17 of the Revised Code and, in the case of a domestic 45154  
insurance company, the taxes assessed under sections 5725.18 to 45155  
5725.26 of the Revised Code. 45156

(3) "Taxpayer" means a dealer in intangibles or a domestic 45157  
insurance company subject to a tax assessed under this chapter. 45158

(4) "Credit period" means, in the case of a dealer in 45159  
intangibles, the calendar year ending on the thirty-first day of 45160  
December next preceding the day the report is required to be 45161  
returned under section 5725.14 of the Revised Code and, in the 45162  
case of a domestic insurance company, the calendar year ending on 45163  
the thirty-first day of December next preceding the day the annual 45164  
statement is required to be returned under section 5725.18 or 45165  
5725.181 of the Revised Code. 45166

(B) There is hereby allowed a nonrefundable credit against 45167  
the tax imposed under this chapter for a taxpayer for which a tax 45168  
credit certificate is issued under section 5733.42 of the Revised 45169  
Code. The credit may be claimed for credit periods beginning on or 45170  
after January 1, ~~2001~~ 2003, and ending on or before December 31, 45171  
~~2003~~ 2005. The amount of the credit for the credit period 45172  
beginning on January 1, 2003, shall equal one-half of the average 45173  
of the eligible training costs paid or incurred by the taxpayer 45174  
during ~~the three~~ calendar years ~~immediately preceding the credit~~ 45175  
~~period for which the credit is claimed~~ 1998, 1999, and 2000, not 45176

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to exceed one thousand dollars for each eligible employee on 45177  
account of whom eligible training costs were paid or incurred by 45178  
the taxpayer. The amount of the credit for the credit period 45179  
beginning on January 1, 2004, shall equal one-half of the average 45180  
of the eligible training costs paid or incurred by the taxpayer 45181  
during calendar years 2002, 2003, and 2004, not to exceed one 45182  
thousand dollars for each eligible employee on account of whom 45183  
eligible training costs were paid or incurred by the taxpayer. The 45184  
amount of the credit for the credit period beginning on January 1, 45185  
2005, shall equal one-half of the average of the eligible training 45186  
costs paid or incurred by the taxpayer during calendar years 2003, 45187  
2004, and 2005, not to exceed one thousand dollars for each 45188  
eligible employee on account of whom eligible training costs were 45189  
paid or incurred by the taxpayer. The credit claimed by a taxpayer 45190  
each credit period shall not exceed one hundred thousand dollars. 45191

A taxpayer shall apply to the director of job and family 45192  
services for a tax credit certificate in the manner prescribed by 45193  
division (C) of section 5733.42 of the Revised Code. Divisions (C) 45194  
to (H) of that section govern the tax credit allowed by this 45195  
section, except that "credit period" shall be substituted for "tax 45196  
year with respect to a calendar year" wherever that phrase appears 45197  
in those divisions and that a taxpayer under this section shall be 45198  
considered a taxpayer for the purposes of that section. 45199

A taxpayer may carry forward the credit allowed under this 45200  
section to the extent that the credit exceeds the taxpayer's tax 45201  
due for the credit period. The taxpayer may carry the excess 45202  
credit forward for three credit periods following the credit 45203  
period for which the credit is first claimed under this section. 45204  
The credit allowed by this section is in addition to any credit 45205  
allowed under section 5729.031 of the Revised Code. 45206

**Sec. 5727.25.** (A) Except as provided in division (B) of this 45207  
section, within forty-five days after the last day of March, June, 45208

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September, and December, each natural gas company or combined 45209  
company subject to the excise tax imposed by section 5727.24 of 45210  
the Revised Code shall file a return with the ~~treasurer of state~~ 45211  
tax commissioner, in such form as the tax commissioner prescribes, 45212  
and pay the full amount of the tax due on its taxable gross 45213  
receipts for the preceding calendar quarter, except that the first 45214  
payment of this tax shall be made on or before November 15, 2000, 45215  
for the five-month period of May 1, 2000, to September 30, 2000. 45216  
All payments made under this division shall be made by electronic 45217  
funds transfer in accordance with section 5727.311 of the Revised 45218  
Code. 45219

(B) Any natural gas company or combined company subject to 45220  
the excise tax imposed by this section that has an annual tax 45221  
liability for the preceding calendar year ending on the 45222  
thirty-first day of December of less than three hundred 45223  
twenty-five thousand dollars may elect to file an annual return 45224  
with the ~~treasurer of state~~ tax commissioner, in such form as the 45225  
tax commissioner prescribes, for the next year. A company that 45226  
elects to file an annual return for the calendar year shall file 45227  
the return and remit the taxes due on its taxable gross receipts 45228  
within forty-five days after the thirty-first day of December. The 45229  
first payment of the tax under this division shall be made on or 45230  
before February 14, 2001, for the period of May 1, 2000, to 45231  
December 31, 2000. The minimum tax for a natural gas company or 45232  
combined company subject to this division shall be fifty dollars, 45233  
and the company shall not be required to remit the tax due by 45234  
electronic funds transfer. 45235

(C) A return required to be filed under division (A) or (B) 45236  
of this section shall show the amount of tax due from the company 45237  
for the period covered by the return and any other information as 45238  
prescribed by the tax commissioner. A return shall be considered 45239  
filed when received by the ~~treasurer of state~~ tax commissioner. 45240

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The commissioner may extend the time for making and filing returns 45241  
and paying the tax. 45242

(D) Any natural gas company or combined company that fails to 45243  
file a return or pay the full amount of the tax due within the 45244  
period prescribed under this section shall pay an additional 45245  
charge of fifty dollars or ten per cent of the tax required to be 45246  
paid for the reporting period, whichever is greater. If any tax 45247  
due is not paid timely in accordance with this section, the 45248  
company liable for the tax shall pay interest, calculated at the 45249  
rate per annum prescribed by section 5703.47 of the Revised Code, 45250  
from the date the tax payment was due to the date of payment or to 45251  
the date an assessment was issued, whichever occurs first. The tax 45252  
commissioner may collect any additional charge or interest imposed 45253  
by this section by assessment in the manner provided in section 45254  
5727.26 of the Revised Code. The commissioner may abate all or a 45255  
portion of the additional charge and may adopt rules governing 45256  
such abatements. 45257

(E) The tax commissioner shall immediately forward to the 45258  
treasurer of state any amounts that the commissioner receives 45259  
under this section. The taxes, additional charges, penalties, and 45260  
interest collected under sections 5727.24 to 5727.29 of the 45261  
Revised Code shall be credited in accordance with section 5727.45 45262  
of the Revised Code. 45263

**Sec. 5727.26.** (A) The tax commissioner may make an 45264  
assessment, based on any information in the commissioner's 45265  
possession, against any natural gas company or combined company 45266  
that fails to file a return or pay any tax, interest, or 45267  
additional charge as required by sections 5727.24 to 5727.29 of 45268  
the Revised Code. The commissioner shall give the company assessed 45269  
written notice of the assessment as provided in section 5703.37 of 45270  
the Revised Code. A penalty of up to fifteen per cent may be added 45271  
to all amounts assessed under this section. The tax commissioner 45272

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may adopt rules providing for the imposition and remission of the 45273  
penalty. 45274

(B) If a party to whom the notice of assessment is directed 45275  
objects to the assessment, the party may file a petition for 45276  
reassessment with the tax commissioner. The petition must be made 45277  
in writing, signed by the party or the party's authorized agent 45278  
having knowledge of the facts, and filed with the commissioner, 45279  
either personally or by certified mail, within sixty days after 45280  
service of the notice of assessment. The petition shall indicate 45281  
the objections of the company assessed, but additional objections 45282  
may be raised in writing if received prior to the date shown on 45283  
the final determination of the commissioner. Upon receipt of a 45284  
properly filed petition, the commissioner ~~shall~~ may notify the 45285  
treasurer of state. 45286

Unless the petitioner waives a hearing, the commissioner 45287  
shall grant the petitioner a hearing on the petition, assign a 45288  
time and place for the hearing, and notify the petitioner of the 45289  
time and place of the hearing as provided in section 5703.37 of 45290  
the Revised Code. The commissioner may continue the hearing from 45291  
time to time, if necessary. 45292

If the party to whom the notice of assessment is directed 45293  
does not file a petition for reassessment, the assessment is final 45294  
and the amount of the assessment is due and payable from the 45295  
company assessed ~~to the treasurer of state. The company assessed~~ 45296  
shall make the payment payable to the treasurer of state and shall 45297  
deliver the payment to the tax commissioner. 45298

(C) The tax commissioner may make any correction to the 45299  
assessment that the commissioner finds proper and shall issue a 45300  
final determination thereon. The commissioner shall serve a copy 45301  
of the final determination on the petitioner as provided in 45302  
section 5703.37 of the Revised Code, and the commissioner's 45303  
decision in the matter is final, subject to appeal under section 45304

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5717.02 of the Revised Code. The commissioner ~~also shall~~ may 45305  
transmit a copy of the final determination to the treasurer of 45306  
state. Only objections decided on the merits by the board of tax 45307  
appeals or a court shall be given collateral estoppel or res 45308  
judicata effect in considering an application for refund of an 45309  
amount paid pursuant to the assessment. 45310

(D) After an assessment becomes final, if any portion of the 45311  
assessment, including accrued interest, remains unpaid, a 45312  
certified copy of the tax commissioner's entry making the 45313  
assessment final may be filed in the office of the clerk of the 45314  
court of common pleas in the county in which the natural gas 45315  
company's or combined company's principal place of business is 45316  
located, or in the office of the clerk of court of common pleas of 45317  
Franklin county. 45318

The clerk, immediately on the filing of the entry, must enter 45319  
judgment for the state against the company assessed in the amount 45320  
shown on the entry. The judgment may be filed by the clerk in a 45321  
loose-leaf book entitled, "special judgments for the public 45322  
utility excise tax on natural gas and combined companies," and 45323  
shall have the same effect as other judgments. Execution shall 45324  
issue upon the judgment at the request of the tax commissioner, 45325  
and all laws applicable to sales on execution shall apply to sales 45326  
made under the judgment. 45327

The portion of the assessment not paid within sixty days 45328  
after the day the assessment was issued shall bear interest at the 45329  
rate per annum prescribed by section 5703.47 of the Revised Code 45330  
from the day the tax commissioner issues the assessment until it 45331  
is paid. Interest shall be paid in the same manner as the tax and 45332  
may be collected by the issuance of an assessment under this 45333  
section. 45334

(E) If the tax commissioner believes that collection of the 45335  
tax will be jeopardized unless proceedings to collect or secure 45336

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collection of the tax are instituted without delay, the 45337  
commissioner may issue a jeopardy assessment against the person 45338  
liable for the tax. On issuance of the jeopardy assessment, the 45339  
commissioner immediately shall file an entry with the clerk of the 45340  
court of common pleas in the manner prescribed by division (D) of 45341  
this section. Notice of the jeopardy assessment shall be served on 45342  
the party assessed or the party's legal representative as provided 45343  
in section 5703.37 of the Revised Code within five days of the 45344  
filing of the entry with the clerk. The total amount assessed is 45345  
immediately due and payable, unless the person assessed files a 45346  
petition for reassessment in accordance with division (B) of this 45347  
section and provides security in a form satisfactory to the 45348  
commissioner and in an amount sufficient to satisfy the unpaid 45349  
balance of the assessment. Full or partial payment of the 45350  
assessment does not prejudice the commissioner's consideration of 45351  
the petition for reassessment. 45352

(F) ~~All interest collected by the~~ The tax commissioner shall 45353  
immediately forward to the treasurer of state all amounts that the 45354  
tax commissioner receives under this section ~~shall be paid to the~~ 45355  
~~treasurer of state, and when paid such amounts~~ shall be considered 45356  
revenue arising from the tax imposed by section 5727.24 of the 45357  
Revised Code. 45358

(G) No assessment shall be made or issued against a natural 45359  
gas company or combined company for the tax imposed by section 45360  
5727.24 of the Revised Code more than four years after the return 45361  
date for the period in which the tax was reported, or more than 45362  
four years after the return for the period was filed, whichever is 45363  
later. 45364

**Sec. 5727.81.** (A) For the purpose of raising revenue for 45365  
public education and state and local government operations, an 45366  
excise tax is hereby levied and imposed on an electric 45367

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distribution company for all electricity distributed by such 45368  
 company beginning with the measurement period that includes May 1, 45369  
 2001, at the following rates per kilowatt hour of electricity 45370  
 distributed in a thirty-day period by the company through a meter 45371  
 of an end user in this state: 45372

KILOWATT HOURS DISTRIBUTED TO	RATE PER	45373
AN END USER	KILOWATT HOUR	45374
For the first 2,000	\$.00465	45375
For the next 2,001 to 15,000	\$.00419	45376
For 15,001 and above	\$.00363	45377

If no meter is used to measure the kilowatt hours of 45378  
 electricity distributed by the company, the rates shall apply to 45379  
 the estimated kilowatt hours of electricity distributed to an 45380  
 unmetered location in this state. 45381

The electric distribution company shall base the monthly tax 45382  
 on the kilowatt hours of electricity distributed to an end user 45383  
 through the meter of the end user that is not measured for a 45384  
 thirty-day period by dividing the days in the measurement period 45385  
 into the total kilowatt hours measured during the measurement 45386  
 period to obtain a daily average usage. The tax shall be 45387  
 determined by obtaining the sum of divisions (A)(1), (2), and (3) 45388  
 of this section and multiplying that amount by the number of days 45389  
 in the measurement period: 45390

(1) Multiplying \$0.00465 per kilowatt hour for the first 45391  
 sixty-seven kilowatt hours distributed using a daily average; 45392

(2) Multiplying \$0.00419 for the next sixty-eight to five 45393  
 hundred kilowatt hours distributed using a daily average; 45394

(3) Multiplying \$0.00363 for the remaining kilowatt hours 45395  
 distributed using a daily average. 45396

~~Except~~ Until January 1, 2003, except as provided in division 45397  
 (C) of this section, the electric distribution company shall pay 45398

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the tax to the treasurer of state in accordance with section 45399  
5727.82 of the Revised Code. Beginning January 1, 2003, except as 45400  
provided in division (C) of this section, the electric 45401  
distribution company shall pay the tax to the tax commissioner in 45402  
accordance with section 5727.82 of the Revised Code, unless 45403  
required to remit each tax payment by electronic funds transfer to 45404  
the treasurer of state in accordance with section 5727.83 of the 45405  
Revised Code. 45406

Only the distribution of electricity through a meter of an 45407  
end user in this state shall be used by the electric distribution 45408  
company to compute the amount or estimated amount of tax due. In 45409  
the event a meter is not actually read for a measurement period, 45410  
the estimated kilowatt hours distributed by an electric 45411  
distribution company to bill for its distribution charges shall be 45412  
used. 45413

(B) Except as provided in division (C) of this section, each 45414  
electric distribution company shall pay the tax imposed by this 45415  
section in all of the following circumstances: 45416

(1) The electricity is distributed by the company through a 45417  
meter of an end user in this state; 45418

(2) The company is distributing electricity through a meter 45419  
located in another state, but the electricity is consumed in this 45420  
state in the manner prescribed by the tax commissioner; 45421

(3) The company is distributing electricity in this state 45422  
without the use of a meter, but the electricity is consumed in 45423  
this state as estimated and in the manner prescribed by the tax 45424  
commissioner. 45425

(C)(1) As used in division (C) of this section: 45426

(a) "Total price of electricity" means the aggregate value in 45427  
money of anything paid or transferred, or promised to be paid or 45428  
transferred, to obtain electricity or electric service, including 45429

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but not limited to the value paid or promised to be paid for the 45430  
transmission or distribution of electricity and for transition 45431  
costs as described in Chapter 4928. of the Revised Code. 45432

(b) "Package" means the provision or the acquisition, at a 45433  
combined price, of electricity with other services or products, or 45434  
any combination thereof, such as natural gas or other fuels; 45435  
energy management products, software, and services; machinery and 45436  
equipment acquisition; and financing agreements. 45437

(c) "Single location" means a facility located on contiguous 45438  
property separated only by a roadway, railway, or waterway. 45439

(2) Division (C) of this section applies to any commercial or 45440  
industrial purchaser's receipt of electricity through a meter of 45441  
an end user in this state or through more than one meter at a 45442  
single location in this state in a quantity that exceeds 45443  
forty-five million kilowatt hours of electricity over the course 45444  
of the preceding calendar year, or any commercial or industrial 45445  
purchaser that will consume more than forty-five million kilowatt 45446  
hours of electricity over the course of the succeeding twelve 45447  
months as estimated by the tax commissioner. The tax commissioner 45448  
shall make such an estimate upon the written request by an 45449  
applicant for registration as a self-assessing purchaser under 45450  
this division. Such a purchaser may elect to self-assess the 45451  
excise tax imposed by this section at the rate of \$.00075 per 45452  
kilowatt hour on ~~not more than~~ the first five hundred four million 45453  
kilowatt hours distributed to that meter or location during the 45454  
registration year, and four per cent of the total price of all 45455  
electricity distributed to that meter or location. A qualified end 45456  
user that receives electricity through a meter of an end user in 45457  
this state or through more than one meter at a single location in 45458  
this state and that consumes, over the course of the previous 45459  
calendar year, more than forty-five million kilowatt hours in 45460  
other than its qualifying manufacturing process, may elect to 45461

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self-assess the tax as allowed by this division with respect to 45462  
the electricity used in other than its qualifying manufacturing 45463  
process. Payment Until January 1, 2003, payment of the tax shall 45464  
be made directly to the treasurer of state in accordance with 45465  
divisions (A)(4) and (5) of section 5727.82 of the Revised Code. 45466  
Beginning January 1, 2003, payment of the tax shall be made 45467  
directly to the tax commissioner in accordance with divisions 45468  
(A)(4) and (5) of section 5727.82 of the Revised Code, or the 45469  
treasurer of state in accordance with section 5727.83 of the 45470  
Revised Code. If the electric distribution company serving the 45471  
self-assessing purchaser is a municipal electric utility and the 45472  
purchaser is within the municipal corporation's corporate limits, 45473  
payment shall be made to such municipal corporation's general fund 45474  
and reports shall be filed in accordance with divisions (A)(4) and 45475  
(5) of section 5727.82 of the Revised Code, except that "municipal 45476  
corporation" shall be substituted for "treasurer of state" and 45477  
"tax commissioner." A self-assessing purchaser that pays the 45478  
excise tax as provided in this division shall not be required to 45479  
pay the tax to the electric distribution company from which its 45480  
electricity is distributed. If a self-assessing purchaser's 45481  
receipt of electricity is not subject to the tax as measured under 45482  
this division, the tax on the receipt of such electricity shall be 45483  
measured and paid as provided in division (A) of this section. 45484

45485

(3) In the case of the acquisition of a package, unless the 45486  
elements of the package are separately stated isolating the total 45487  
price of electricity from the price of the remaining elements of 45488  
the package, the tax imposed under this section applies to the 45489  
entire price of the package. If the elements of the package are 45490  
separately stated, the tax imposed under this section applies to 45491  
the total price of the electricity. 45492

(4) Any electric supplier that sells electricity as part of a 45493

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package shall separately state to the purchaser the total price of  
the electricity and, upon request by the tax commissioner, the  
total price of each of the other elements of the package.

(5) The tax commissioner may adopt rules relating to the  
computation of the total price of electricity with respect to  
self-assessing purchasers, which may include rules to establish  
the total price of electricity purchased as part of a package.

(6) ~~Application~~ An annual application for registration as a  
self-assessing purchaser shall be made for each qualifying meter  
or location, on a form prescribed by the tax commissioner. The  
registration year begins on the first day of may and ends on the  
following thirtieth day of April. Persons may apply after the  
first day of May for the remainder of the registration year. In  
the case of an applicant applying on the basis of an estimated  
consumption of forty-five million kilowatt hours over the course  
of the succeeding twelve months, the applicant shall provide such  
information as the tax commissioner considers to be necessary to  
estimate such consumption. At the time of making the application  
and by the first day of May of each year, excluding May 1, 2000, a  
self-assessing purchaser shall pay a fee of five hundred dollars  
to the tax commissioner, or to the treasurer of state as provided  
in section 5727.83 of the Revised Code, for each qualifying meter  
or location. The tax commissioner shall immediately pay to the  
treasurer of state all amounts that the tax commissioner receives  
under this section. The treasurer of state shall deposit such fees  
amounts into the kilowatt hour excise tax administration fund,  
which is hereby created in the state treasury. Money in the fund  
shall be used to defray the tax commissioner's cost in  
administering the tax owed under section 5727.81 of the Revised  
Code by self-assessing purchasers. After the application is  
approved by the tax commissioner, the registration shall remain in  
effect for the current registration year, or until canceled by the

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registrant upon written notification to the commissioner of the 45526  
election to pay the tax in accordance with division (A) of this 45527  
section, or until canceled by the tax commissioner for not paying 45528  
the tax or fee under division (C) of this section, or for not 45529  
meeting the qualifications in division (C)(2) of this section. The 45530  
tax commissioner shall give written notice to the electric 45531  
distribution company from which electricity is delivered to a 45532  
self-assessing purchaser of the purchaser's self-assessing status, 45533  
and the electric distribution company is relieved of the 45534  
obligation to pay the tax imposed by division (A) of this section 45535  
for electricity distributed to that self-assessing purchaser until 45536  
it is notified by the tax commissioner that the self-assessing 45537  
purchaser's registration is canceled. Within fifteen days of 45538  
notification of the canceled registration, the electric 45539  
distribution company shall be responsible for payment of the tax 45540  
imposed by division (A) of this section on electricity distributed 45541  
to a purchaser that is no longer registered as a self-assessing 45542  
purchaser. A self-assessing purchaser with a canceled registration 45543  
must file a report and remit the tax imposed by division (A) of 45544  
this section on all electricity it receives for any measurement 45545  
period prior to the tax being reported and paid by the electric 45546  
distribution company. A self-assessing purchaser whose 45547  
registration is canceled by the tax commissioner is not eligible 45548  
to register as a self-assessing purchaser for two years after the 45549  
registration is canceled. 45550

(7) If the tax commissioner cancels the self-assessing 45551  
registration of a purchaser registered on the basis of its 45552  
estimated consumption because the purchaser does not consume at 45553  
least forty-five million kilowatt hours of electricity over the 45554  
course of the twelve-month period for which the estimate was made, 45555  
the tax commissioner shall assess and collect from the purchaser 45556  
the difference between (a) the amount of tax that would have been 45557  
payable under division (A) of this section on the electricity 45558

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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 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	45590
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For the first 100 MCF per month	\$ .1593	45591
For the next 101 to 2000 MCF per month	\$ .0877	45592
For 2001 and above MCF per month	\$ .0411	45593

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. 45594  
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(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 Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5747.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code. 45598  
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(C) A natural gas distribution company with fifty thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company. 45611  
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(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer. The natural gas distribution company correspondingly shall reduce the per MCF rate that it charges the flex customer for natural gas distribution services by \$.02 per MCF of natural gas distributed 45617  
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to the flex customer. 45623

(E) Except as provided in division (F) of this section, each 45624  
natural gas distribution company shall pay the tax imposed by this 45625  
section in all of the following circumstances: 45626

(1) The natural gas is distributed by the company through a 45627  
meter of an end user in this state; 45628

(2) The natural gas distribution company is distributing 45629  
natural gas through a meter located in another state, but the 45630  
natural gas is consumed in this state in the manner prescribed by 45631  
the tax commissioner; 45632

(3) The natural gas distribution company is distributing 45633  
natural gas in this state without the use of a meter, but the 45634  
natural gas is consumed in this state as estimated and in the 45635  
manner prescribed by the tax commissioner. 45636

(F) The tax levied by this section does not apply to the 45637  
distribution of natural gas to the federal government, or natural 45638  
gas produced by an end user in this state that is consumed by that 45639  
end user or its affiliates and is not distributed through the 45640  
facilities of a natural gas company. 45641

**Sec. 5727.82.** (A)(1) Except as provided in divisions (A)(3) 45642  
and (D) of this section, by the twentieth day of each month, each 45643  
electric distribution company required to pay the tax imposed by 45644  
section 5727.81 of the Revised Code shall file with the ~~treasurer~~ 45645  
of state tax commissioner a return as prescribed by the tax 45646  
commissioner and shall make payment of the full amount of tax due 45647  
for the preceding month. The first payment of this tax shall be 45648  
made on or before June 20, 2001. The electric distribution company 45649  
shall make payment to the tax commissioner unless required to 45650  
remit each tax payment by electronic funds transfer to the 45651  
treasurer of state as provided in section 5727.83 of the Revised 45652

Code. 45653

(2) By the twentieth day of May, August, November, and 45654  
February, each natural gas distribution company required to pay 45655  
the tax imposed by section 5727.811 of the Revised Code shall file 45656  
with the ~~treasurer of state tax commissioner~~ a return as 45657  
prescribed by the tax commissioner and shall make payment to the 45658  
tax commissioner, or to the treasurer of state as provided in 45659  
section 5727.83 of the Revised Code, of the full amount of tax due 45660  
for the preceding quarter. The first payment of this tax shall be 45661  
made on or before November 20, 2001, for the quarter ending 45662  
September 30, 2001. 45663

(3) If the electric distribution company required to pay the 45664  
tax imposed by section 5727.81 of the Revised Code is a municipal 45665  
electric utility, it may retain in its general fund that portion 45666  
of the tax on the kilowatt hours distributed to end users located 45667  
within the boundaries of the municipal corporation. However, the 45668  
municipal electric utility shall make payment in accordance with 45669  
division (A)(1) of this section of the tax due on the kilowatt 45670  
hours distributed to end users located outside the boundaries of 45671  
the municipal corporation. 45672

(4) By the twentieth day of each month, each self-assessing 45673  
purchaser that under division (C) of section 5727.81 of the 45674  
Revised Code pays directly to the tax commissioner or the 45675  
treasurer of state the tax imposed by section 5727.81 of the 45676  
Revised Code shall file with the ~~treasurer of state tax~~ 45677  
commissioner a return as prescribed by the tax commissioner and 45678  
shall make payment of the full amount of the tax due for the 45679  
preceding month. 45680

(5) As prescribed by the tax commissioner, a return shall be 45681  
signed by the company or self-assessing purchaser required to file 45682  
it, or an authorized employee, officer, or agent of the company or 45683

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~~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 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

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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  
user reporting to an electric distribution company that it is a  
qualified end user shall provide documentation to the commissioner  
that establishes the volume of electricity consumed daily by the  
qualified end user and the total number of kilowatt hours consumed  
in a qualifying manufacturing process.

(E) The tax commissioner shall immediately pay to the  
treasurer of state all amounts that the tax commissioner receives  
under this section. The treasurer of state shall credit such  
amounts in accordance with this chapter.

**Sec. 5727.84.** (A) As used in this section and sections  
5727.85, 5727.86, and 5727.87 of the Revised Code:

(1) "School district" means a city, local, or exempted  
village school district.

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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid" means the sum of ~~the state basic aid and state special education~~ aid amounts computed for a school district or joint vocational school district under ~~divisions (A) and (C) of section 3317.022~~ Chapter 3317. of the Revised Code.

(5) "State education aid offset" means the amount ~~certified determined~~ for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.

(6) "~~Adjusted total taxable value~~ Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.

(7) "Electric company tax value loss" means the amount determined under division (D) of this section.

(8) "Natural gas company tax value loss" means the amount determined under division (E) of this section.

(9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

(10) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.

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(11) "Fixed-rate levy loss" means the amount determined under 45777  
division (G) of this section. 45778

(12) "Fixed-sum levy" means a tax levied on property at 45779  
whatever rate is required to produce a specified amount of tax 45780  
money or levied in excess of the ten-mill limitation to pay debt 45781  
charges, and includes school district emergency levies imposed 45782  
pursuant to section 5705.194 of the Revised Code. 45783

(13) "Fixed-sum levy loss" means the amount determined under 45784  
division (H) of this section. 45785

(14) "Consumer price index" means the consumer price index 45786  
(all items, all urban consumers) prepared by the bureau of labor 45787  
statistics of the United States department of labor. 45788

(B) All The kilowatt-hour tax receipts fund is hereby created 45789  
in the state treasury and shall consist of money arising from the 45790  
tax imposed by section 5727.81 of the Revised Code. All money in 45791  
the kilowatt-hour tax receipts fund shall be credited as follows: 45792

(1) Fifty-nine and nine hundred seventy-six one-thousandths 45793  
per cent, ~~plus an amount equal to seventy per cent of the total~~ 45794  
~~state education aid offset~~, shall be credited to the general 45795  
revenue fund. 45796

(2) Two and six hundred forty-six one-thousandths per cent 45797  
shall be credited to the local government fund, for distribution 45798  
in accordance with section 5747.50 of the Revised Code. 45799

(3) Three hundred seventy-eight one-thousandths per cent 45800  
shall be credited to the local government revenue assistance fund, 45801  
for distribution in accordance with section 5747.61 of the Revised 45802  
Code. 45803

(4) Twenty-five and nine-tenths per cent, ~~less an amount~~ 45804  
~~equal to seventy per cent of the total state education aid offset,~~ 45805  
shall be credited to the school district property tax replacement 45806

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fund, which is hereby created in the state treasury for the 45807  
purpose of making the payments described in section 5727.85 of the 45808  
Revised Code. 45809

(5) Eleven and one-tenth per cent shall be credited to the 45810  
local government property tax replacement fund, which is hereby 45811  
created in the state treasury for the purpose of making the 45812  
payments described in section 5727.86 of the Revised Code. 45813

(6) ~~Beginning in the fiscal year in which payments are~~ 45814  
~~required to be made under sections 5727.85 and 5727.86 of the~~ 45815  
~~Revised Code~~ In fiscal years 2002, 2003, 2004, 2005, and 2006, if 45816  
the revenue arising from the tax levied by section 5727.81 of the 45817  
Revised Code is less than five hundred fifty-two million dollars, 45818  
the amount credited to the general revenue fund under division 45819  
(B)(1) of this section shall be reduced by the amount necessary to 45820  
credit to each of the funds in divisions (B)(2), and (3), ~~(4), and~~ 45821  
~~(5)~~ of this section the amount it would have received if the tax 45822  
did raise five hundred fifty-two million dollars for that fiscal 45823  
year. The tax commissioner shall certify to the director of budget 45824  
and management the amounts that shall be credited under this 45825  
division. 45826

(7) Beginning in fiscal year 2007, if the revenue arising 45827  
from the tax levied by section 5727.81 of the Revised Code is less 45828  
than five hundred fifty-two million dollars, the amount credited 45829  
to the general revenue fund under division (B)(1) of this section 45830  
shall be reduced by the amount necessary to credit to each of the 45831  
funds in divisions (B)(2), (3), (4), and (5) of this section the 45832  
amount that it would have received if the tax did raise five 45833  
hundred fifty-two million dollars for that fiscal year. The tax 45834  
commissioner shall certify to the director of budget and 45835  
management the amounts to be credited under division (B)(7) of 45836  
this section. 45837

(C) All The natural gas tax receipts fund is hereby created 45838

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in the state treasury and shall consist of money arising from the 45839  
 tax imposed by section 5727.811 of the Revised Code. All money in 45840  
the fund shall be credited as follows: 45841

(1) ~~Seventy per cent, less an amount equal to thirty per cent~~ 45842  
~~of the total state education aid offset,~~ shall be credited to the 45843  
 school district property tax replacement fund for the purpose of 45844  
 making the payments described in section 5727.85 of the Revised 45845  
 Code. 45846

(2) Thirty per cent shall be credited to the local government 45847  
 property tax replacement fund for the purpose of making the 45848  
 payments described in section 5727.86 of the Revised Code. 45849

(3) ~~An amount equal to thirty per cent of the total state~~ 45850  
~~education aid offset shall be credited to the general revenue~~ 45851  
~~fund.~~ 45852

~~(4) Beginning in the fiscal year in which payments are~~ 45853  
~~required to be made under sections 5727.85 and 5727.86 of the~~ 45854  
~~Revised Code 2007,~~ if the revenue arising from the tax levied by 45855  
 section 5727.811 of the Revised Code is less than ninety million 45856  
 dollars, the an amount credited to equal to the difference between 45857  
the amount collected and ninety million dollars shall be 45858  
transferred from the general revenue fund ~~under division (C)(3) of~~ 45859  
~~this section shall be reduced by the amount necessary to credit to~~ 45860  
 each of the funds in divisions (C)(1) and (2) of this section ~~the~~ 45861  
~~amount that it would have received if the tax did raise ninety~~ 45862  
~~million dollars for that fiscal year~~ in the same percentages as if 45863  
that amount had been collected as taxes under section 5727.811 of 45864  
the Revised Code. The tax commissioner shall certify to the 45865  
 director of budget and management the amounts that shall be 45866  
~~credited~~ transferred under this division. 45867

(D) Not later than January 1, 2002, the tax commissioner 45868  
 shall determine for each taxing district its electric company tax 45869  
 value loss, which is the sum of the amounts described in divisions 45870

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(D)(1) and (2) of this section:	45871
(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.	45872 45873 45874
(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;	45875 45876 45877 45878 45879
(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.	45880 45881 45882 45883 45884
(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section.	45885 45886 45887
(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments;	45888 45889 45890 45891 45892 45893
(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.	45894 45895 45896 45897 45898
(E) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in	45899 45900 45901

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divisions (E)(1) and (2) of this section:	45902
(1) The difference obtained by subtracting the amount	45903
described in division (E)(1)(b) from the amount described in	45904
division (E)(1)(a) of this section.	45905
(a) The value of all natural gas company tangible personal	45906
property, other than property described in division (E)(2) of this	45907
section, as assessed by the tax commissioner for tax year 1999 on	45908
a preliminary assessment, or an amended preliminary assessment if	45909
issued prior to March 1, 2000, and apportioned to the taxing	45910
district for tax year 1999;	45911
(b) The value of all natural gas company tangible personal	45912
property, other than property described in division (E)(2) of this	45913
section, as assessed by the tax commissioner for tax year 1999 had	45914
the property been apportioned to the taxing district for tax year	45915
2001, and assessed at the rates in effect for tax year 2001.	45916
(2) The difference in the value of current gas obtained by	45917
subtracting the amount described in division (E)(2)(b) from the	45918
amount described in division (E)(2)(a) of this section.	45919
(a) The three-year average assessed value of current gas as	45920
assessed by the tax commissioner for tax years 1997, 1998, and	45921
1999 on a preliminary assessment, or an amended preliminary	45922
assessment if issued prior to March 1, 2001, and as apportioned in	45923
the taxing district for those respective years;	45924
(b) The three-year average assessed value from current gas	45925
under division (E)(2)(a) of this section for tax years 1997, 1998,	45926
and 1999, as reflected in the preliminary assessment, using an	45927
assessment rate of twenty-five per cent.	45928
(F) The tax commissioner may request that natural gas	45929
companies, electric companies, and rural electric companies file a	45930
report to help determine the tax value loss under divisions (D)	45931
and (E) of this section. The report shall be filed within thirty	45932

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days of the commissioner's request. A company that fails to file 45933  
the report or does not timely file the report is subject to the 45934  
penalty in section 5727.60 of the Revised Code. 45935

(G) Not later than January 1, 2002, the tax commissioner 45936  
shall determine for each school district, joint vocational school 45937  
district, and local taxing unit its fixed-rate levy loss, which is 45938  
the sum of its electric company tax value loss multiplied by the 45939  
tax rate in effect in tax year 1998 for fixed-rate levies and its 45940  
natural gas company tax value loss multiplied by the tax rate in 45941  
effect in tax year 1999 for fixed-rate levies. 45942

(H) Not later than January 1, 2002, the tax commissioner 45943  
shall determine for each school district, joint vocational school 45944  
district, and local taxing unit its fixed-sum levy loss, which is 45945  
the amount obtained by subtracting the amount described in 45946  
division (H)(2) of this section from the amount described in 45947  
division (H)(1) of this section: 45948

(1) The sum of the electric company tax value loss multiplied 45949  
by the tax rate in effect in tax year 1998, and the natural gas 45950  
company tax value loss multiplied by the tax rate in effect in tax 45951  
year 1999, for fixed-sum levies for all taxing districts within 45952  
each school district, joint vocational school district, and local 45953  
taxing unit. For the years 2002 through 2006, this computation 45954  
shall include school district emergency levies that existed in 45955  
1998 in the case of the electric company tax value loss, and 1999 45956  
in the case of the natural gas company tax value loss, and all 45957  
other fixed-sum levies that existed in 1998 in the case of the 45958  
electric company tax value loss and 1999 in the case of the 45959  
natural gas company tax value loss and continue to be charged in 45960  
the tax year preceding the distribution year. For the years 2007 45961  
through 2016 in the case of school district emergency levies, and 45962  
for all years after 2006 in the case of all other fixed-sum 45963  
levies, this computation shall exclude all fixed-sum levies that 45964

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existed in 1998 in the case of the electric company tax value loss 45965  
 and 1999 in the case of the natural gas company tax value loss, 45966  
 but are no longer in effect in the tax year preceding the 45967  
 distribution year. For the purposes of this section, an emergency 45968  
 levy that existed in 1998 in the case of the electric company tax 45969  
 value loss, and 1999 in the case of the natural gas company tax 45970  
 value loss, continues to exist in a year beginning on or after 45971  
 January 1, 2007, but before January 1, 2017, if, in that year, the 45972  
 board of education levies a school district emergency levy for an 45973  
 annual sum at least equal to the annual sum levied by the board in 45974  
 tax year 1998 or 1999, respectively, less the amount of the 45975  
 payment certified under this division for 2002. 45976

(2) ~~The total taxable value in tax year 1998 in the case of~~ 45977  
~~the electric company tax value loss and 1999 in the case of the~~ 45978  
~~natural gas company 1999 less the tax value loss in each school~~ 45979  
 district, joint vocational school district, and local taxing unit 45980  
 multiplied by one-fourth of one mill. 45981

If the amount computed under division (H) of this section for 45982  
 any school district, joint vocational school district, or local 45983  
 taxing unit is greater than zero, that amount shall equal the 45984  
 fixed-sum levy loss reimbursed pursuant to division (E) of section 45985  
 5727.85 of the Revised Code or division (A)(2) of section 5727.86 45986  
 of the Revised Code, and the one-fourth of one mill that is 45987  
 subtracted under division (H)(2) of this section shall be 45988  
 apportioned among all contributing fixed-sum levies in the 45989  
 proportion of each levy to the sum of all fixed-sum levies within 45990  
 each school district, joint vocational school district, or local 45991  
 taxing unit. 45992

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 45993  
 section, in computing the tax value loss, fixed-rate levy loss, 45994  
 and fixed-sum levy loss, the tax commissioner shall use the 45995  
 greater of the 1998 tax rate or the 1999 tax rate in the case of 45996

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levy losses associated with the electric company tax value loss, 45997  
 but the 1999 tax rate shall not include for this purpose any tax 45998  
 levy approved by the voters after June 30, 1999, and the tax 45999  
 commissioner shall use the greater of the 1999 or the 2000 tax 46000  
 rate in the case of levy losses associated with the natural gas 46001  
 company tax value loss, ~~but the 2000 tax rate shall not include~~ 46002  
~~for this purpose any tax levy approved by the voters after~~ 46003  
~~November 7, 2000.~~ 46004

(J) Not later than January 1, 2002, the tax commissioner 46005  
 shall certify to the department of education the tax value loss 46006  
 determined under divisions (D) and (E) of this section for each 46007  
 taxing district, the fixed-rate levy loss calculated under 46008  
division (G) of this section, and the fixed-sum levy loss 46009  
calculated under division (H) of this section. The calculations 46010  
under divisions (G) and (H) of this section shall separately 46011  
display the levy loss for each levy eligible for reimbursement.(K) 46012  
Not later than September 1, 2001, the tax commissioner shall 46013  
certify the amount of the fixed-sum levy loss to the county 46014  
auditor of each county in which a school district with a fixed-sum 46015  
levy loss has territory. 46016

**Sec. 5727.85.** (A) By the thirty-first day of July of each 46017  
 year, beginning in 2002 and ending in 2016, the department of 46018  
 education shall determine the following for each school district 46019  
and each joint vocational school district eligible for payment 46020  
 under division (C) or (D) of this section: 46021

(1) The state education aid offset, which is the difference 46022  
 obtained by subtracting the amount described in division (A)(1)(b) 46023  
 of this section from the amount described in division (A)(1)(a) of 46024  
 this section: 46025

(a) The state education aid computed for the school district 46026  
or joint vocational school district for the current fiscal year ~~on~~ 46027

~~the basis of the adjusted total taxable value as of the~~ 46028  
~~thirty-first day of July;~~ 46029

(b) The state education aid that would be computed for the 46030  
school district or joint vocational school district for the 46031  
current fiscal year as of the thirty-first day of July if the 46032  
~~district's adjusted total taxable value~~ recognized valuation 46033  
included the tax value loss for ~~all taxing districts~~ in the school 46034  
district or joint vocational school district. 46035

(2) The greater of zero or difference obtained by subtracting 46036  
the state education aid offset determined under division (A)(1) of 46037  
this section from the fixed-rate levy loss ~~determined~~ certified 46038  
under division ~~(G)~~(J) of section 5727.84 of the Revised Code for 46039  
all taxing districts in each school district and joint vocational 46040  
school district. ~~The~~ 46041

By the fifth day of August of each such year, the department 46042  
of education shall certify the amount so determined under division 46043  
(A)(1) of this section to the director of budget and management. 46044

(B) Not later than the thirty-first day of October of the 46045  
years 2006 through 2016, the department of education shall 46046  
determine all of the following for each school district: 46047

(1) The amount obtained by subtracting the district's state 46048  
education aid computed for fiscal year 2002 from the district's 46049  
state education aid computed for the current fiscal year; 46050

(2) The inflation-adjusted property tax loss. The 46051  
inflation-adjusted property tax loss equals the fixed-rate levy 46052  
loss, excluding the tax loss from levies within the ten-mill 46053  
limitation to pay debt charges, determined under division (G) of 46054  
section 5727.84 of the Revised Code for all taxing districts in 46055  
each school district plus the product obtained by multiplying that 46056  
loss by the cumulative percentage increase in the consumer price 46057  
index from January 1, 2002, to the thirtieth day of June of the 46058

current year. 46059

(3) The difference obtained by subtracting the amount 46060  
computed under division (B)(1) from the amount of the 46061  
inflation-adjusted property tax loss. If this difference is zero 46062  
or a negative number, no further payments shall be made under 46063  
division (C) of this section to the school district from the 46064  
school district property tax replacement fund. ~~If the difference~~ 46065  
~~is greater than zero, the department of education shall certify~~ 46066  
~~the amount calculated in division (A)(2) of this section to the~~ 46067  
~~director of budget and management not later than the thirty-first~~ 46068  
~~day of December of each year, beginning in 2006 and ending in~~ 46069  
~~2016.~~ 46070

(C) ~~For all taxing districts in each school district, the~~ 46071  
~~director of budget and management~~ The department of education 46072  
shall pay from the school district property tax replacement fund 46073  
to the county undivided income tax fund in the proper county 46074  
treasury each school district all of the following: 46075

(1) In February 2002, one-half of the fixed-rate levy loss 46076  
certified under division ~~(G)~~(J) of section 5727.84 of the Revised 46077  
Code ~~on or before the day prescribed for the settlement under~~ 46078  
~~division (A) of section 321.24 of the Revised Code~~ between the 46079  
twenty-first and twenty-eighth days of February. 46080

(2) From August 2002 through August 2006, one-half of the 46081  
amount ~~certified~~ calculated for that fiscal year under division 46082  
(A)(2) of this section ~~on or before each of the days prescribed~~ 46083  
~~for the settlements under divisions (A) and (C) of section 321.24~~ 46084  
~~of the Revised Code~~ between the twenty-first and twenty-eighth 46085  
days of August and of February. 46086

(3) From February 2007 through August 2016, one-half of the 46087  
amount ~~certified~~ calculated for that calendar year under division 46088  
(B)(3) of this section ~~on or before each of the days prescribed~~ 46089  
~~for the settlements under divisions (A) and (C) of section 321.24~~ 46090

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~~of the Revised Code.~~ 46091

~~The county treasurer shall distribute amounts paid under~~ 46092  
~~divisions (C)(1), (2), and (3) of this section to the proper~~ 46093  
~~school district as if they had been levied and collected as taxes,~~ 46094  
~~and the school district shall apportion the amounts so received~~ 46095  
~~among its funds in the same proportions as if those amounts had~~ 46096  
~~been levied and collected as taxes between the twenty-first and~~ 46097  
~~twenty-eighth days of August and of February.~~ 46098

~~(4) For taxes levied within the ten-mill limitation for debt~~ 46099  
~~purposes in tax year 1998 in the case of electric company tax~~ 46100  
~~value losses, and in tax year 1999 in the case of natural gas~~ 46101  
~~company tax value losses, payments shall be made equal to one~~ 46102  
~~hundred per cent of the loss computed as if the tax were a~~ 46103  
~~fixed-rate levy, but those payments shall extend from fiscal year~~ 46104  
~~2006 through fiscal year 2016.~~ 46105

~~The department of education shall report to each school~~ 46106  
~~district the apportionment of the payments among the school~~ 46107  
~~district's funds based on the certifications under division (J) of~~ 46108  
~~section 5727.84 of the Revised Code.~~ 46109

~~(D) Not later than January 1, 2002, for all taxing districts~~ 46110  
~~in each joint vocational school district, the tax commissioner~~ 46111  
~~shall certify to the director of budget and management department~~ 46112  
~~of education the fixed-rate levy loss determined under division~~ 46113  
~~(G) of section 5727.84 of the Revised Code. From February 2002 to~~ 46114  
~~August 2016, the director department shall pay from the school~~ 46115  
~~district property tax replacement fund to the county undivided~~ 46116  
~~income tax fund in the proper county treasury, joint vocational~~ 46117  
~~school district one-half of the fixed-rate levy loss so certified~~ 46118  
~~for each year on or before each of the days prescribed for the~~ 46119  
~~settlements under divisions (A) and (C) of section 321.24 of the~~ 46120  
~~Revised Code. The county treasurer shall distribute such amounts~~ 46121  
~~to the proper joint vocational school district as if they had been~~ 46122

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~~levied and collected as taxes, and the joint vocational school~~ 46123  
~~district shall apportion the amounts so received among its funds~~ 46124  
~~in the same proportions as if those amounts had been levied and~~ 46125  
~~collected as taxes~~ amount calculated for that fiscal year under 46126  
division (A)(2) of this section between the twenty-first and 46127  
twenty-eighth days of August and of February. 46128

(E)(1) Not later than January 1, 2002, for each fixed-sum 46129  
levy levied by each school district or joint vocational school 46130  
district and for each year for which a determination is made under 46131  
division (H) of section 5727.84 of the Revised Code that a 46132  
fixed-sum levy loss is to be reimbursed, the tax commissioner 46133  
shall certify to the ~~director of budget and management~~ department 46134  
of education the fixed-sum levy loss determined under that 46135  
division. The certification shall cover a time period sufficient 46136  
to include all fixed-sum levies for which the tax commissioner 46137  
made such a determination. The ~~director~~ department shall pay from 46138  
the school district property tax replacement fund to the ~~county~~ 46139  
~~undivided income tax fund in the proper county treasury~~ school 46140  
district or joint vocational school district one-half of the 46141  
fixed-sum levy loss so certified for each year ~~on or before each~~ 46142  
~~of the days prescribed for the settlements under divisions (A) and~~ 46143  
~~(C) of section 321.24 of the Revised Code. The county treasurer~~ 46144  
~~shall distribute the amounts to the proper school district or~~ 46145  
~~joint vocational school district as if they had been levied and~~ 46146  
~~collected as taxes, and the district shall apportion the amounts~~ 46147  
~~so received among its funds in the same proportions as if those~~ 46148  
~~amounts had been levied and collected as taxes~~ between the 46149  
twenty-first and twenty-eighth days of August and of February. 46150

(2) Beginning in 2003, by the thirty-first day of January of 46151  
each year, the tax commissioner shall review the certification 46152  
originally made under division (E)(1) of this section. If the 46153  
commissioner determines that a ~~fixed-sum~~ debt levy that had been 46154

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scheduled to be reimbursed in the current year has expired, a 46155  
 revised certification for that and all subsequent years shall be 46156  
 made to the ~~director of budget and management~~ department of 46157  
education. 46158

(F) Beginning in August 2002, and ending in February 2017, 46159  
the director of budget and management shall transfer from the 46160  
school district property tax replacement fund to the general 46161  
revenue fund each of the following: 46162

(1) Between the twenty-eighth day of August and the fifth day 46163  
of September, the lesser of one-half of the amount certified for 46164  
that fiscal year under division (A)(3) of this section or the 46165  
balance in the school district property tax replacement fund; 46166

(2) Between the first and fifth days of March, the lesser of 46167  
one-half of the amount certified for that fiscal year under 46168  
division (A)(3) of this section or the balance in the school 46169  
district property tax replacement fund. 46170

(G) By August 5, 2002, the tax commissioner shall estimate 46171  
 the amount of money in the school district property tax 46172  
 replacement fund in excess of the amount necessary to make 46173  
 payments ~~in that month~~ under divisions (C), (D), ~~and (E), and (F)~~ 46174  
 of this section. Notwithstanding division (C) of this section, the 46175  
 department of education, in consultation with the tax commissioner 46176  
 and from those excess funds, may pay any school district four and 46177  
 one-half times the amount certified under division (A)(2) of this 46178  
 section. Payments shall be made in order from the smallest annual 46179  
 loss to the largest annual loss. A payment made under this 46180  
 division shall be in lieu of the payment to be made in August 2002 46181  
 under division (C)(2) of this section. No payments shall be made 46182  
 in the manner established in this division to any school district 46183  
 with annual losses from permanent improvement fixed-rate levies in 46184  
 excess of twenty thousand dollars, or annual losses from any other 46185  
 fixed-rate levies in excess of twenty thousand dollars. A school 46186

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district receiving a payment under this division is no longer 46187  
entitled to any further payments under division (C) of this 46188  
section. 46189

~~(G)~~(H) On the thirty-first day of July of 2003, 2004, 2005, 46190  
and 2006, and on the thirty-first day of January and July of 2007 46191  
and each year thereafter, if the amount credited to the school 46192  
district property tax replacement fund exceeds the amount needed 46193  
to make payments from the fund under divisions (C), (D), ~~and (E)~~, 46194  
~~and (F)~~ of this section ~~in the following month~~, the ~~director of~~ 46195  
~~budget and management~~ department of education shall distribute the 46196  
excess among school districts and joint vocational school 46197  
districts. The amount distributed to each district shall bear the 46198  
same proportion to the excess remaining in the fund as the ADM of 46199  
the district bears to the ADM of all of the districts. For the 46200  
purpose of this division, "ADM" means the formula ADM in the case 46201  
of a school district, and the average daily membership reported 46202  
under section 3317.03 of the Revised Code in the case of a joint 46203  
vocational school district. 46204

If, in the opinion of the ~~director of budget and management~~ 46205  
department of education, the excess remaining in the school 46206  
district property tax replacement fund in any year is not 46207  
sufficient to warrant distribution under this division, the excess 46208  
shall remain to the credit of the fund. 46209

Amounts received by a school district or joint vocational 46210  
school district under this division shall be used exclusively for 46211  
capital improvements. 46212

~~(H)~~ If (I) From fiscal year 2002 through fiscal year 2016, if 46213  
the total amount in the school district property tax replacement 46214  
fund is insufficient to make all payments under divisions (C), 46215  
(D), and (E) of this section, ~~the payments required under division~~ 46216  
~~(E) of this section shall be made first in their entirety. After~~ 46217  
~~all payments are made under division (E) of this section, payments~~ 46218

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~~under divisions (C) and (D) of this section shall be made from the~~ 46219  
~~balance of money available in the proportion of each school~~ 46220  
~~district's or joint vocational school district's payment amount to~~ 46221  
~~the total amount of payments under divisions (C) and (D) of this~~ 46222  
~~section at the time the payments are to be made, the director of~~ 46223  
~~budget and management shall transfer from the general revenue fund~~ 46224  
~~to the school district property tax replacement fund the~~ 46225  
~~difference between the total amount to be paid and the total~~ 46226  
~~amount in the school district property tax replacement fund.~~ 46227

~~(I)~~(J) If all or a part of the territory of a school district 46229  
or joint vocational school district is merged with or transferred 46230  
to another district, the department of education, in consultation 46231  
with the tax commissioner shall adjust the payments made under 46232  
this section to each of the districts in proportion to the tax 46233  
value loss apportioned to the merged or transferred territory. 46234

(J)~~(K)~~ There is hereby created the public utility property 46236  
tax study committee, effective January 1, 2011. The committee 46237  
shall consist of the following seven members: the tax 46238  
commissioner, three members of the senate appointed by the 46239  
president of the senate, and three members of the house of 46240  
representatives appointed by the speaker of the house of 46241  
representatives. The appointments shall be made not later than 46242  
January 31, 2011. The tax commissioner shall be the chairperson of 46243  
the committee. 46244

The committee shall study the extent to which each school 46245  
district or joint vocational school district has been compensated, 46246  
under sections 5727.84 and 5727.85 of the Revised Code as enacted 46247  
by Substitute Senate Bill No. 3 of the 123rd general assembly and 46248  
any subsequent acts, for the property tax loss caused by the 46249  
reduction in the assessment rates for natural gas, electric, and 46250

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rural electric company tangible personal property. Not later than 46251  
June 30, 2011, the committee shall issue a report of its findings, 46252  
including any recommendations for providing additional 46253  
compensation for the property tax loss or regarding remedial 46254  
legislation, to the president of the senate and the speaker of the 46255  
house of representatives, at which time the committee shall cease 46256  
to exist. 46257

The department of taxation and department of education shall 46258  
provide such information and assistance as is required for the 46259  
committee to carry out its duties. 46260

**Sec. 5727.86.** (A) Not later than January 1, 2002, the tax 46261  
commissioner shall ~~certify to the director of budget and~~ 46262  
~~management, for all taxing districts in each local taxing unit,~~ 46263  
~~the fixed-rate levy loss determined under division (G), and the~~ 46264  
~~fixed-sum levy loss determined under division (H), of section~~ 46265  
~~5727.84 of the Revised Code. Based on that certification, the~~ 46266  
~~director shall~~ compute the payments to be made to each local 46267  
taxing unit for each year according to divisions (A)(1), (2), ~~and~~ 46268  
~~(3), and (4)~~ and division (E) of this section, and shall 46269  
distribute the payments in the manner prescribed by division (C) 46270  
of this section. The ~~certification~~ calculation of the fixed-sum 46271  
levy loss shall cover a time period sufficient to include all 46272  
fixed-sum levies for which the tax commissioner determined, 46273  
pursuant to division (H) of section 5727.84 of the Revised Code, 46274  
that a fixed-sum levy loss is to be reimbursed. 46275

(1) Except as provided in ~~division~~ divisions (A)(3) ~~and (4)~~ 46276  
of this section, for fixed-rate levy losses determined under 46277  
division (G) of section 5727.84 of the Revised Code, payments 46278  
shall be made in each of the following years at the following 46279  
percentage of the fixed-rate levy loss certified under division 46280  
(A) of this section: 46281

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YEAR	PERCENTAGE	
		46282
2002	100%	46283
2003	100%	46284
2004	100%	46285
2005	100%	46286
2006	100%	46287
2007	80%	46288
2008	80%	46289
2009	80%	46290
2010	80%	46291
2011	80%	46292
2012	66.7%	46293
2013	53.4%	46294
2014	40.1%	46295
2015	26.8%	46296
2016	13.5%	46297
2017 and thereafter	0%	46298

(2) For fixed-sum levy losses determined under division (H) 46299  
of section 5727.84 of the Revised Code, payments shall be made in 46300  
the amount of one hundred per cent of the fixed-sum levy loss 46301  
~~certified under division (A) of this section~~ for payments required 46302  
to be made in 2002 and thereafter. 46303

(3) A local taxing unit in a county of less than two hundred 46304  
fifty square miles that receives eighty per cent or more of its 46305  
combined general fund and bond retirement fund revenues from 46306  
property taxes and rollbacks based on 1997 actual revenues as 46307  
presented in its 1999 tax budget, and in which electric companies 46308  
and rural electric companies comprise over twenty per cent of its 46309  
property valuation, shall receive one hundred per cent of its 46310  
fixed-rate levy losses from electric company tax value losses 46311  
certified under division (A) of this section in years 2002 to 46312  
2016. 46313

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(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2016.

(B) Beginning in 2003, by the thirty-first day of January of each year, the tax commissioner shall review the certification calculation originally made under division (A) of this section of the fixed-sum levy loss determined under division (H) of section 5727.84 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised certification calculation for that and all subsequent years shall be made.

(C) Payments to local taxing units required to be made under divisions (A) and (E) of this section shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. One-half of the amount certified under those divisions shall be paid ~~on or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code~~ between the twenty-first and twenty-eighth days of August and of February. The county treasurer shall distribute amounts paid under division (A) of this section to the proper local taxing unit as if they had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes. Amounts distributed under division (E) of this section shall be credited to the general fund of the local taxing unit that receives them.

(D) By February 5, 2002, the tax commissioner shall estimate

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the amount of money in the local government property tax replacement fund in excess of the amount necessary to make payments in that month under division (C) of this section. Notwithstanding division (A) of this section, the tax commissioner may pay any local taxing unit, from those excess funds, nine and four-tenths times the amount computed for 2002 under division (A)(1) of this section. A payment made under this division shall be in lieu of the payment to be made in February 2002 under division (A)(1) of this section. A local taxing unit receiving a payment under this division will no longer be entitled to any further payments under division (A)(1) of this section. A payment made under this division shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. The county treasurer shall distribute the payment to the proper local taxing unit as if it had been levied and collected as taxes, and the local taxing unit shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(E) On the thirty-first day of July of 2002, 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 local government property tax replacement fund exceeds the amount needed to be distributed from the fund under division (A) of this section in the following month, the ~~director of budget and management tax commissioner~~ shall distribute the excess to each county as follows:

(1) One-half shall be distributed to each county in proportion to each county's population.

(2) One-half shall be distributed to each county in the proportion that the amounts determined under divisions (G) and (H) of section 5727.84 of the Revised Code for all local taxing units

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in the county is of the total amounts so determined for all local taxing units in the state. 46378 46379

The amounts distributed to each county under this division shall be distributed by the county ~~budget commission~~ treasurer to each local taxing unit in the county in the proportion that the unit's current taxes charged and payable are of the total current taxes charged and payable of all the local taxing units in the county. As used in this division, "current taxes charged and payable" means the taxes charged and payable as most recently determined for local taxing units in the county. 46380 46381 46382 46383 46384 46385 46386 46387

If, in the opinion of the ~~director of budget and management tax commissioner~~, the excess remaining in the local government property tax replacement fund in any year is not sufficient to warrant distribution under this division, the excess shall remain to the credit of the fund. 46388 46389 46390 46391 46392

(F) ~~If~~ From fiscal year 2002 through fiscal year 2016, if the total amount in the local government property tax replacement fund is insufficient to make all payments under division (C) of this section, ~~the payments required under division (A)(2) of this section shall be made first in their entirety. After all such payments are made, payments under divisions (A)(1) and (3) of this section shall be made from the balance of money available in the proportion of each local taxing unit's payment amount to the total amount of all payments to be made under divisions (A)(1) and (3) of this section~~ at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax replacement fund the difference between the total amount to be paid and the amount in the local government property tax replacement fund. 46393 46394 46395 46396 46397 46398 46399 46400 46401 46402 46403 46404 46405 46406

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall 46407 46408 46409

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adjust the payments made under this section to each of the local 46410  
 taxing units in proportion to the tax value loss apportioned to 46411  
 the merged or annexed territory, or as otherwise provided by a 46412  
 written agreement between the legislative authorities of the local 46413  
 taxing units certified to the tax commissioner not later than the 46414  
 first day of June of the calendar year in which the payment is to 46415  
 be made. 46416

**Sec. 5727.87.** (A) As used in this section: 46417

(1) "Administrative fees" means the dollar percentages 46418  
 allowed by the county auditor for services or by the county 46419  
 treasurer as fees, or paid to the credit of the real estate 46420  
 assessment fund, under divisions (A) and (B) of section 319.54 and 46421  
 division (A) of section 321.26 of the Revised Code. 46422

(2) "Administrative fee loss" means a county's loss of 46423  
 administrative fees due to its tax value loss, determined as 46424  
 follows: 46425

(a) For purposes of the determination made under division (B) 46426  
 of this section in the years 2002 through 2006, the administrative 46427  
 fee loss shall be computed by multiplying the amounts determined 46428  
 for all taxing districts in the county under divisions (G) and (H) 46429  
 of section 5727.84 of the Revised Code by nine thousand six 46430  
 hundred fifty-nine ten-thousandths of a one per cent~~7~~, if total 46431  
 taxes collected in the county in ~~tax year 1998~~ 1999 exceeded one 46432  
 hundred fifty million dollars, or one and one thousand one hundred 46433  
 fifty-nine ten-thousandths of a one per cent~~7~~, if total taxes 46434  
 collected in the county in ~~tax year 1998~~ 1999 were one hundred 46435  
 fifty million dollars or less; 46436

(b) For purposes of the determination under division (B) of 46437  
 this section in the years 2007 through 2011, the administrative 46438  
 fee loss shall be determined by subtracting from the dollar amount 46439  
 of administrative fees collected in the county in ~~tax year 1998~~ 46440

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1999, the dollar amount of administrative fees collected in the county in the current calendar year.

(3) "Total taxes collected" means all money collected on any tax duplicate of the county, other than the estate tax duplicates. "Total taxes collected" does not include amounts received pursuant to divisions (F) and (G) of section 321.24 or section 323.156 of the Revised Code.

(B) Not later than the thirty-first day of December of 2001 through 2005, the tax commissioner shall certify to each county auditor the tax levy losses calculated under divisions (G) and (H) of section 5727.84 of the Revised Code for each school district, joint vocational school district, and local taxing unit in the county. Not later than the first thirty-first day of June January of 2002 through 2011, the county auditor shall determine the administrative fee loss for the county and certify it to the county budget commission. Notwithstanding divisions (C), (D), and (E) of section 5727.85 and division (C) of section 5727.86 of the Revised Code, prior to distribution by the county treasurer of the payments provided under those divisions, the county budget commission shall deduct from those payments the amount of the administrative fee loss certified by the county auditor, as follows:

(1) Seventy per cent of the administrative fee loss shall be deducted from the payments provided under divisions (C), (D), and (E) of section 5727.85 of the Revised Code.

(2) Thirty per cent of the administrative fee loss shall be deducted from the payments provided under division (C) of section 5727.86 of the Revised Code and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.

(C) On or before each of the days prescribed for the

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settlements under divisions (A) and (C) of section 321.24 of the  
Revised Code in the years 2002 through 2011, the county ~~budget~~  
~~commissioner~~ treasurer shall ~~pay~~ deduct one-half of the amount  
apportioned to each school district, joint vocational school  
district, and local taxing unit from the portions of revenue  
payable to them.

(D) On or before each of the days prescribed for settlements  
under divisions (A) and (C) of section 321.24 of the Revised Code  
in the years 2002 through 2011, the county auditor shall cause to  
be deposited an amount equal to one-half of the amount of the  
administrative fee loss ~~to the county auditor, county treasurer,~~  
~~or real estate assessment fund as if the amount had been allowed~~  
~~as administrative fees, and shall deposit the amount in the same~~  
funds as if allowed as administrative fees.

After payment of the administrative fee loss on or before  
August 10, 2011, all payments under this section shall cease.

**Sec. 5728.08.** Except as provided in section 5728.03 of the  
Revised Code and except as otherwise provided in this section,  
whoever is liable for the payment of the tax levied by section  
5728.06 of the Revised Code, on or before the last day of each  
January, April, July, and October, shall file with the ~~treasurer~~  
~~of state tax commissioner~~, on forms prescribed by the tax  
commissioner, a highway use tax return and make payment of the  
full amount of the tax due for the operation of each commercial  
car and commercial tractor for the next preceding three calendar  
months. If the commercial cars or commercial tractors are farm  
trucks and the amount of motor fuel used to operate the trucks  
during the next preceding twelve calendar months was less than  
fifteen thousand gallons, the highway use tax return shall be  
filed and the full amount of tax due paid on or before the last  
day of each July for the next preceding twelve calendar months. If

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the commercial cars or commercial tractors are farm trucks and the amount of motor fuel used to operate the trucks during the next preceding twelve calendar months was fifteen thousand gallons or more, the highway use tax return shall be filed and the full amount of the tax due paid either on or before the last day of each July for the next preceding twelve calendar months, or on or before the last day of each January, April, July, and October for the next preceding three calendar months, at the option of the person liable for payment of the tax. If the commercial cars or commercial tractors are not farm trucks, and if, in the estimation of the tax commissioner, the amount of the tax due does not warrant quarterly filing, the commissioner may authorize the filing of the highway use tax return and payment of the full amount due on or before the last day of each July for the next preceding twelve months.

~~Immediately upon the receipt of a highway use tax return, the treasurer of state shall mark on the return the date it was received by the treasurer of state and the amount of tax payment accompanying the return and shall transmit the return to the~~ The 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.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the taxes levied by section 5728.06 of the Revised Code, amounts equal to the refund certified by the tax commissioner pursuant to section 5728.061 of the Revised Code. Receipts from the tax shall be used by the tax commissioner to defray expenses incurred by the department of taxation in administering sections 5728.01 to 5728.14 of the Revised Code.

All moneys received in the state treasury from taxes levied by section 5728.06 of the Revised Code and fees assessed under

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sections 5728.02 and 5728.03 of the Revised Code which are not  
required to be placed to the credit of the tax refund fund as  
provided by this section shall, during each calendar year, be  
credited to the highway improvement bond retirement fund created  
by section 5528.12 of the Revised Code until the commissioners of  
the sinking fund certify to the treasurer of state, as required by  
section 5528.17 of the Revised Code, that there are sufficient  
moneys to the credit of the highway improvement bond retirement  
fund to meet in full all payments of interest, principal, and  
charges for the retirement of bonds and other obligations issued  
pursuant to Section 2g of Article VIII, Ohio Constitution, and  
sections 5528.10 and 5528.11 of the Revised Code due and payable  
during the current calendar year and during the next succeeding  
calendar year. From the date of the receipt of the certification  
required by section 5528.17 of the Revised Code by the treasurer  
of state until the thirty-first day of December of the calendar  
year in which the certification is made, all moneys received in  
the state treasury from taxes levied under section 5728.06 of the  
Revised Code and fees assessed under sections 5728.02 and 5728.03  
of the Revised Code which are not required to be placed to the  
credit of the tax refund fund as provided by this section shall be  
credited to the highway obligations bond retirement fund created  
by section 5528.32 of the Revised Code until the commissioners of  
the sinking fund certify to the treasurer of state, as required by  
section 5528.38 of the Revised Code, that there are sufficient  
moneys to the credit of the highway obligations bond retirement  
fund to meet in full all payments of interest, principal, and  
charges for the retirement of bonds and other obligations issued  
pursuant to Section 2i of Article VIII, Ohio Constitution, and  
sections 5528.30 and 5528.31 of the Revised Code due and payable  
during the current calendar year and during the next succeeding  
calendar year. From the date of the receipt of the certification  
required by section 5528.38 of the Revised Code by the treasurer

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of state until the thirty-first day of December of the calendar 46569  
year in which the certification is made, all moneys received in 46570  
the state treasury from taxes levied under section 5728.06 of the 46571  
Revised Code and fees assessed under sections 5728.02 and 5728.03 46572  
of the Revised Code which are not required to be placed to the 46573  
credit of the tax refund fund as provided by this section shall be 46574  
credited to the highway operating fund created by section 5735.291 46575  
of the Revised Code, except as provided by the next succeeding 46576  
paragraph of this section. 46577

From the date of the receipt by the treasurer of state of 46578  
certifications from the commissioners of the sinking fund, as 46579  
required by sections 5528.18 and 5528.39 of the Revised Code, 46580  
certifying that the moneys to the credit of the highway 46581  
improvement bond retirement fund are sufficient to meet in full 46582  
all payments of interest, principal, and charges for the 46583  
retirement of all bonds and other obligations which may be issued 46584  
pursuant to Section 2g of Article VIII, Ohio Constitution, and 46585  
sections 5528.10 and 5528.11 of the Revised Code, and to the 46586  
credit of the highway obligations bond retirement fund are 46587  
sufficient to meet in full all payments of interest, principal, 46588  
and charges for the retirement of all obligations issued pursuant 46589  
to Section 2i of Article VIII, Ohio Constitution, and sections 46590  
5528.30 and 5528.31 of the Revised Code, all moneys received in 46591  
the state treasury from the taxes levied under section 5728.06 and 46592  
fees assessed under sections 5728.02 and 5728.03 of the Revised 46593  
Code, which are not required to be placed to the credit of the tax 46594  
refund fund as provided by this section, shall be deposited to the 46595  
credit of the highway operating fund. 46596

As used in this section, "farm truck" means any commercial 46597  
car or commercial tractor that is registered as a farm truck under 46598  
Chapter 4503. of the Revised Code. 46599

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Sec. 5729.07. As used in this section: 46600

(A) "Eligible employee" and "eligible training costs" have 46601  
the same meanings as in section 5733.42 of the Revised Code. 46602

(B) "Credit period" means the calendar year ending on the 46603  
thirty-first day of December next preceding the day the annual 46604  
statement is required to be returned under section 5729.02 of the 46605  
Revised Code. 46606

There is hereby allowed a nonrefundable credit against the 46607  
tax imposed under this chapter for a foreign insurance company for 46608  
which a tax credit certificate is issued under section 5733.42 of 46609  
the Revised Code. The credit may be claimed for credit periods 46610  
beginning on or after January 1, ~~2001~~ 2003, and ending on or 46611  
before December 31, ~~2003~~ 2005. The amount of the credit for the 46612  
credit period beginning on January 1, 2003, shall equal one-half 46613  
of the average of the eligible training costs paid or incurred by 46614  
the company during ~~the three~~ calendar years ~~immediately preceding~~ 46615  
~~the credit period for which the credit is claimed~~ 1998, 1999, and 46616  
2000, not to exceed one thousand dollars for each eligible 46617  
employee on account of whom eligible training costs were paid or 46618  
incurred by the company. The amount of the credit for the credit 46619  
period beginning on January 1, 2004, shall equal one-half of the 46620  
average of the eligible training costs paid or incurred by the 46621  
company during calendar years 2002, 2003, and 2004, not to exceed 46622  
one thousand dollars for each eligible employee on account of whom 46623  
eligible training costs were paid or incurred by the company. The 46624  
amount of the credit for the credit period beginning on January 1, 46625  
2005, shall equal one-half of the average of the eligible training 46626  
costs paid or incurred by the company during calendar years 2003, 46627  
2004, and 2005, not to exceed one thousand dollars for each 46628  
eligible employee on account of whom eligible training costs were 46629  
paid or incurred by the company. The credit claimed by a company 46630  
for each credit period shall not exceed one hundred thousand 46631

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dollars. 46632

A foreign insurance company shall apply to the director of 46633  
job and family services for a tax credit certificate in the manner 46634  
prescribed by division (C) of section 5733.42 of the Revised Code. 46635  
Divisions (C) to (H) of that section govern the tax credit allowed 46636  
by this section, except that "credit period" shall be substituted 46637  
for "tax year with respect to a calendar year" wherever that 46638  
phrase appears in those divisions and that the company shall be 46639  
considered a taxpayer for the purposes of those divisions. 46640

A foreign insurance company may carry forward the credit 46641  
allowed under this section to the extent that the credit exceeds 46642  
the company's tax due for the credit period. The company may carry 46643  
the excess credit forward for three credit periods following the 46644  
credit period for which the credit is first claimed under this 46645  
section. The credit allowed by this section is in addition to any 46646  
credit allowed under section 5729.031 of the Revised Code. 46647

The reduction in the tax due under this chapter to the extent 46648  
of the credit allowed by this section does not increase the amount 46649  
of the tax otherwise due under section 5729.06 of the Revised 46650  
Code. 46651

**Sec. 5731.21.** (A)(1)(a) Except as provided under division 46652  
(A)(3) of this section, the executor or administrator, or, if no 46653  
executor or administrator has been appointed, another person in 46654  
possession of property the transfer of which is subject to estate 46655  
taxes under section 5731.02 or division (A) of section 5731.19 of 46656  
the Revised Code, shall file an estate tax return, within nine 46657  
months of the date of the decedent's death, in the form prescribed 46658  
by the tax commissioner, in duplicate, with the probate court of 46659  
the county. The return shall include all property the transfer of 46660  
which is subject to estate taxes, whether that property is 46661  
transferred under the last will and testament of the decedent or 46662

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otherwise. The time for filing the return may be extended by the tax commissioner.

(b) The estate tax return described in division (A)(1)(a) of this section shall be accompanied by a certificate, in the form prescribed by the tax commissioner, that is signed by the executor, administrator, or other person required to file the return, and that states all of the following:

(i) The fact that the return was filed;

(ii) The date of the filing of the return;

(iii) The fact that the estate taxes under section 5731.02 or division (A) of section 5731.19 of the Revised Code, that are shown to be due in the return, have been paid in full;

(iv) If applicable, the fact that real property listed in the inventory for the decedent's estate is included in the return;

(v) If applicable, the fact that real property not listed in the inventory for the decedent's estate, including, but not limited to, survivorship tenancy property as described in section 5302.17 of the Revised Code or transfer on death property as described in sections 5302.22 and 5302.23 of the Revised Code, also is included in the return. In this regard, the certificate additionally shall describe that real property by the same description used in the return.

(2) The probate court shall forward one copy of the estate tax return described in division (A)(1)(a) of this section to the tax commissioner.

(3) A person may, but shall not be required to, file a return under division (A) of this section if the decedent was a resident of this state and the value of the decedent's gross estate is twenty-five thousand dollars or less in the case of a decedent dying on or after July 1, 1968, but before January 1, 2001; two hundred thousand dollars or less in the case of a decedent dying

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on or after January 1, 2001, but before January 1, 2002; or three  
hundred thirty-eight thousand three hundred thirty-three dollars  
or less in the case of a decedent dying on or after January 1,  
2002. If a probate court issues an order that grants a summary  
release from administration in connection with a decedent's estate  
under section 2113.031 of the Revised Code, that order eliminates  
the duty of all persons to file an estate tax return and  
certificate under divisions (A)(1)(a) and (b) of this section with  
respect to the estate for which the order was granted.

(4)(a) Upon receipt of the estate tax return described in  
division (A)(1)(a) of this section and the accompanying  
certificate described in division (A)(1)(b) of this section, the  
probate court promptly shall give notice of the return, by a form  
prescribed by the tax commissioner, to the county auditor. The  
auditor then shall make a charge based upon the notice and shall  
certify a duplicate of the charge to the county treasurer. The  
treasurer then shall collect, subject to division (A) of section  
5731.25 of the Revised Code or any other statute extending the  
time for payment of an estate tax, the tax so charged.

(b) Upon receipt of the return and the accompanying  
certificate, the probate court also shall forward the certificate  
to the auditor. When satisfied that the estate taxes under section  
5731.02 or division (A) of section 5731.19 of the Revised Code,  
that are shown to be due in the return, have been paid in full,  
the auditor shall stamp the certificate so forwarded to verify  
that payment. The auditor then shall return the stamped  
certificate to the probate court.

(5)(a) The certificate described in division (A)(1)(b) of  
this section is a public record subject to inspection and copying  
in accordance with section 149.43 of the Revised Code. It shall be  
kept in the records of the probate court pertaining to the

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decedent's estate and is not subject to the confidentiality 46726  
provisions of section 5731.90 of the Revised Code. 46727

(b) All persons are entitled to rely on the statements 46728  
contained in a certificate as described in division (A)(1)(b) of 46729  
this section if it has been filed in accordance with that 46730  
division, forwarded to a county auditor and stamped in accordance 46731  
with division (A)(4) of this section, and placed in the records of 46732  
the probate court pertaining to the decedent's estate in 46733  
accordance with division (A)(5)(a) of this section. The real 46734  
property referred to in the certificate shall be free of, and may 46735  
be regarded by all persons as being free of, any lien for estate 46736  
taxes under section 5731.02 and division (A) of section 5731.19 of 46737  
the Revised Code. 46738

(B) An estate tax return filed under this section, in the 46739  
form prescribed by the tax commissioner, and showing that no 46740  
estate tax is due shall result in a determination that no estate 46741  
tax is due, if the tax commissioner within three months after the 46742  
receipt of the return by the department of taxation, fails to file 46743  
exceptions to the return in the probate court of the county in 46744  
which the return was filed. A copy of exceptions to a return of 46745  
that nature, when the tax commissioner files them within that 46746  
period, shall be sent by ordinary mail to the person who filed the 46747  
return. The tax commissioner is not bound under this division by a 46748  
determination that no estate tax is due, with respect to property 46749  
not disclosed in the return. 46750

(C) If the executor, administrator, or other person required 46751  
to file an estate tax return fails to file it within nine months 46752  
of the date of the decedent's death, the tax commissioner may 46753  
determine the estate tax in that estate and issue a certificate of 46754  
determination in the same manner as is provided in division (B) of 46755  
section 5731.27 of the Revised Code. A certificate of 46756  
determination of that nature has the same force and effect as 46757

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though a return had been filed and a certificate of determination 46758  
issued with respect to the return. 46759

**Sec. 5733.02.** Annually, between the first day of January and 46760  
the thirty-first day of March or on or before the date as extended 46761  
under section 5733.13 of the Revised Code, each taxpayer shall 46762  
make a report in writing to the ~~treasurer of state tax~~ 46763  
commissioner in such form as the tax commissioner prescribes, and 46764  
shall remit to the ~~treasurer of state~~ commissioner, with the 46765  
remittance made payable to the treasurer of state, the amount of 46766  
the tax as shown to be due by such report less the amount paid for 46767  
the year on a declaration of estimated tax report filed by the 46768  
taxpayer as provided by section 5733.021 of the Revised Code. 46769  
Remittance shall be made in the form prescribed by the ~~treasurer~~ 46770  
~~of state~~ commissioner, including electronic funds transfer if 46771  
required by section 5733.022 of the Revised Code. ~~The treasurer~~ 46772  
~~shall show on the report the date it was filed and the amount of~~ 46773  
~~the payment remitted to the treasurer. Thereafter, the treasurer~~ 46774  
~~shall immediately transmit all reports filed under this section to~~ 46775  
~~the tax commissioner.~~ 46776

The commissioner shall furnish corporations, on request, 46777  
copies of the forms prescribed by the commissioner for the purpose 46778  
of making such report. A domestic corporation shall not dissolve, 46779  
and a foreign corporation shall not withdraw or retire from 46780  
business in Ohio, on or after the first day of January in any year 46781  
without making a franchise tax report to the commissioner and 46782  
paying or securing the tax charged for the year in which such 46783  
dissolution or withdrawal occurs. 46784

The annual corporation report shall be signed by the 46785  
president, vice-president, secretary, treasurer, general manager, 46786  
superintendent, or managing agent in this state of such 46787  
corporation. If a domestic corporation has not completed its 46788

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organization, its annual report shall be signed by one of its 46789  
incorporators. 46790

The report shall contain the facts, figures, computations, 46791  
and attachments that result in the tax charged by this chapter and 46792  
determined in the manner provided within the chapter. 46793

**Sec. 5733.021.** (A) Each taxpayer which does not in the month 46794  
of January file the report and make the payment required by 46795  
section 5733.02 of the Revised Code shall make and file a 46796  
declaration of estimated tax report for the tax year. 46797

The declaration of estimated tax report shall be filed with 46798  
the ~~treasurer of state~~ tax commissioner on or before the last day 46799  
of January in such form as prescribed by the tax commissioner, and 46800  
shall reflect an estimate of the total amount due under this 46801  
chapter for the tax year. 46802

(B) A taxpayer required to file a declaration of estimated 46803  
tax report shall make remittance of such estimated tax to the 46804  
~~treasurer of state~~ tax commissioner as follows: 46805

(1) The entire estimated tax at the time of filing the 46806  
declaration of estimated tax report, if such estimated tax is not 46807  
in excess of the minimum tax as provided in section 5733.06 of the 46808  
Revised Code; 46809

(2) If the estimated tax is in excess of the minimum tax: 46810

(a) One-third of the estimated tax at the time of filing the 46811  
declaration of estimated tax report; 46812

(b) Two-thirds of the estimated tax on or before the last day 46813  
of March of the tax year, unless the report and payment required 46814  
by section 5733.02 of the Revised Code ~~is~~ are filed and paid on or 46815  
before the last day of March of the tax year~~+~~. 46816

(3) If the estimated tax due is in excess of the minimum tax, 46817

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and an extension of time for filing the report required by section 46818  
5733.02 of the Revised Code has been granted pursuant to section 46819  
5733.13 of the Revised Code~~+~~: 46820

(a) One-third of the estimated tax at the time of filing the 46821  
declaration of estimated tax report; 46822

(b) One-third of the estimated tax on or before the last day 46823  
of March of the tax year; 46824

(c) One-third of the estimated tax on or before the last day 46825  
of May of the tax year, unless the report and payments required by 46826  
section 5733.02 of the Revised Code are filed and paid on or 46827  
before the last day of May of the tax year. 46828

Remittance of the estimated tax shall be made payable to the 46829  
treasurer of state and shall be made in the form prescribed by the 46830  
~~treasurer of state~~ tax commissioner, including electronic funds 46831  
transfer if required by section 5733.022 of the Revised Code. 46832

The tax commissioner shall immediately forward to the 46833  
treasurer of state all amounts received under this section, and 46834  
the treasurer of state shall credit all payments of such estimated 46835  
tax as provided in section 5733.12 of the Revised Code, ~~shall show~~ 46836  
~~on all reports the date each was filed and the amount of payment~~ 46837  
~~remitted, and shall immediately transmit all reports filed under~~ 46838  
~~this section to the tax commissioner.~~ 46839

**Sec. 5733.053.** (A) As used in this section: 46840

(1) "Transfer" means a transaction or series of related 46841  
transactions in which a corporation directly or indirectly 46842  
transfers or distributes substantially all of its assets or equity 46843  
to another corporation, if the transfer or distribution qualifies 46844  
for nonrecognition of gain or loss under the Internal Revenue 46845  
Code. 46846

(2) "Transferor" means a corporation that has made a 46847

transfer. 46848

(3) "Transferee" means a corporation that received 46849  
substantially all of the assets or equity of a transferor in a 46850  
transfer. 46851

(B) ~~For~~ Except as provided in division (F) of this section, 46852  
for purposes of valuing its issued and outstanding shares of stock 46853  
under division (B) of section 5733.05 of the Revised Code, a 46854  
transferee shall add to its net income allocated or apportioned to 46855  
this state its transferor's net income allocated or apportioned to 46856  
this state. The transferee shall add such income in computing its 46857  
tax for the same tax year or years that such income would have 46858  
been reported by the transferor if the transfer had not been made. 46859  
The transferee shall add such income only to the extent the income 46860  
is not required to be reported by the transferor for the purposes 46861  
of the tax imposed by divisions (A) and (B) of section 5733.06 of 46862  
the Revised Code. 46863

(C) The following shall be determined in the same manner as 46864  
if the transfer had not been made: 46865

(1) The transferor's net income allocated or apportioned to 46866  
this state for the tax year under divisions (B)(1) and (2) of 46867  
section 5733.05 of the Revised Code; 46868

(2) The transferor's requirements for the combination of net 46869  
income under section 5733.052 of the Revised Code; 46870

(3) Any other determination regarding the transferor that is 46871  
necessary to avoid an absurd or unreasonable result in the 46872  
application of this chapter. 46873

(D) A transferee shall be allowed the following credits and 46874  
shall make the following adjustments in the same manner that they 46875  
would have been available to the transferor: 46876

(1) The credits enumerated in section 5733.98 of the Revised 46877

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Code;	46878
(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;	46879 46880 46881 46882 46883
(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.	46884 46885 46886 46887 46888 46889
(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.	46890 46891 46892 46893 46894 46895 46896
<u>(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.</u>	46897 46898 46899 46900 46901 46902
<b>Sec. 5733.056.</b> (A) As used in this section:	46903
(1) "Billing address" means the address where any notice, statement, or bill relating to a customer's account is mailed, as indicated in the books and records of the taxpayer on the first day of the taxable year or on such later date in the taxable year	46904 46905 46906 46907

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- when the customer relationship began. 46908
- (2) "Borrower or credit card holder located in this state" 46909  
means: 46910
- (a) A borrower, other than a credit card holder, that is 46911  
engaged in a trade or business and maintains its commercial 46912  
domicile in this state; or 46913
- (b) A borrower that is not engaged in a trade or business, or 46914  
a credit card holder, whose billing address is in this state. 46915
- (3) "Branch" means a "domestic branch" as defined in section 46916  
3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 46917  
1813(o), as amended. 46918
- (4) "Compensation" means wages, salaries, commissions, and 46919  
any other form of remuneration paid to employees for personal 46920  
services that are included in such employee's gross income under 46921  
the Internal Revenue Code. In the case of employees not subject to 46922  
the Internal Revenue Code, such as those employed in foreign 46923  
countries, the determination of whether such payments would 46924  
constitute gross income to such employees under the Internal 46925  
Revenue Code shall be made as though such employees were subject 46926  
to the Internal Revenue Code. 46927
- (5) "Credit card" means a credit, travel, or entertainment 46928  
card. 46929
- (6) "Credit card issuer's reimbursement fee" means the fee a 46930  
taxpayer receives from a merchant's bank because one of the 46931  
persons to whom the taxpayer has issued a credit card has charged 46932  
merchandise or services to the credit card. 46933
- (7) "Deposits" has the meaning given in section 3 of the 46934  
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 46935  
as amended. 46936
- (8) "Employee" means, with respect to a particular taxpayer, 46937

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any individual who under the usual common law rules applicable in 46938  
determining the employer-employee relationship, has the status of 46939  
an employee of that taxpayer. 46940

(9) "Gross rents" means the actual sum of money or other 46941  
consideration payable for the use or possession of property. 46942

"Gross rents" includes: 46943

(a) Any amount payable for the use or possession of real 46944  
property or tangible personal property whether designated as a 46945  
fixed sum of money or as a percentage of receipts, profits, or 46946  
otherwise; 46947

(b) Any amount payable as additional rent or in lieu of rent, 46948  
such as interest, taxes, insurance, repairs, or any other amount 46949  
required to be paid by the terms of a lease or other arrangement; 46950  
and 46951

(c) A proportionate part of the cost of any improvement to 46952  
real property made by or on behalf of the taxpayer which reverts 46953  
to the owner or lessor upon termination of a lease or other 46954  
arrangement. The amount to be included in gross rents is the 46955  
amount of amortization or depreciation allowed in computing the 46956  
taxable income base for the taxable year. However, where a 46957  
building is erected on leased land, by or on behalf of the 46958  
taxpayer, the value of the land is determined by multiplying the 46959  
gross rent by eight, and the value of the building is determined 46960  
in the same manner as if owned by the taxpayer. 46961

(d) The following are not included in the term "gross rents": 46962  
46963

(i) Reasonable amounts payable as separate charges for water 46964  
and electric service furnished by the lessor; 46965

(ii) Reasonable amounts payable as service charges for 46966  
janitorial services furnished by the lessor; 46967

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- (iii) Reasonable amounts payable for storage, provided such amounts are payable for space not designated and not under the control of the taxpayer; and
- (iv) That portion of any rental payment which is applicable to the space subleased from the taxpayer and not used by it.
- (10) "Loan" means any extension of credit resulting from direct negotiations between the taxpayer and its customer, or the purchase, in whole or in part, of such extension of credit from another. Loans include debt obligations of subsidiaries, participations, syndications, and leases treated as loans for federal income tax purposes. "Loan" does not include: properties treated as loans under section 595 of the Internal Revenue Code; futures or forward contracts; options; notional principal contracts such as swaps; credit card receivables, including purchased credit card relationships; non-interest bearing balances due from depositor institutions; cash items in the process of collection; federal funds sold; securities purchased under agreements to resell; assets held in a trading account; securities; interests in a real estate mortgage investment conduit or other mortgage-backed or asset-backed security; and other similar items.
- (11) "Loan secured by real property" means that fifty per cent or more of the aggregate value of the collateral used to secure a loan or other obligation, when valued at fair market value as of the time the original loan or obligation was incurred, was real property.
- (12) "Merchant discount" means the fee, or negotiated discount, charged to a merchant by the taxpayer for the privilege of participating in a program whereby a credit card is accepted in payment for merchandise or services sold to the card holder.
- (13) "Participation" means an extension of credit in which an

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undivided ownership interest is held on a pro rata basis in a 46999  
 single loan or pool of loans and related collateral. In a loan 47000  
 participation, the credit originator initially makes the loan and 47001  
 then subsequently resells all or a portion of it to other lenders. 47002  
 The participation may or may not be known to the borrower. 47003

(14) "Principal base of operations" with respect to 47004  
 transportation property means the place of more or less permanent 47005  
 nature from which the property is regularly directed or 47006  
 controlled. With respect to an employee, the "principal base of 47007  
 operations" means the place of more or less permanent nature from 47008  
 which the employee regularly (a) starts work and to which the 47009  
 employee customarily returns in order to receive instructions from 47010  
 the employer or (b) communicates with the employee's customers or 47011  
 other persons or (c) performs any other functions necessary to the 47012  
 exercise of the trade or profession at some other point or points. 47013

(15) "Qualified institution" means a financial institution 47014  
 that on or after June 1, 1997: 47015

(a)(i) Has consummated one or more approved transactions with 47016  
 insured banks with different home states that would qualify under 47017  
 section 102 of the "Riegle-Neal Interstate Banking and Branching 47018  
 Efficiency Act of 1994," Public Law 103-328, 108 ~~stat.~~ Stat. 2338; 47019  
 47020

(ii) Is a federal savings association or federal savings bank 47021  
 that has consummated one or more interstate acquisitions that 47022  
 result in a financial institution that has branches in more than 47023  
 one state; or 47024

(iii) Has consummated one or more approved interstate 47025  
 acquisitions under authority of Title XI of the Revised Code that 47026  
 result in a financial institution that has branches in more than 47027  
 one state; and 47028

(b) Has at least ten per cent of its deposits in this state 47029

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- as of the last day of June prior to the beginning of the tax year. 47030
- (16) "Real property owned" and "tangible personal property 47031  
owned" mean real and tangible personal property, respectively, on 47032  
which the taxpayer may claim depreciation for federal income tax 47033  
purposes, or to which the taxpayer holds legal title and on which 47034  
no other person may claim depreciation for federal income tax 47035  
purposes, or could claim depreciation if subject to federal income 47036  
tax. Real and tangible personal property do not include coin, 47037  
currency, or property acquired in lieu of or pursuant to a 47038  
foreclosure. 47039
- (17) "Regular place of business" means an office at which the 47040  
taxpayer carries on its business in a regular and systematic 47041  
manner and which is continuously maintained, occupied, and used by 47042  
employees of the taxpayer. 47043
- (18) "State" means a state of the United States, the District 47044  
of Columbia, the commonwealth of Puerto Rico, or any territory or 47045  
possession of the United States. 47046
- (19) "Syndication" means an extension of credit in which two 47047  
or more persons fund and each person is at risk only up to a 47048  
specified percentage of the total extension of credit or up to a 47049  
specified dollar amount. 47050
- (20) "Transportation property" means vehicles and vessels 47051  
capable of moving under their own power, such as aircraft, trains, 47052  
water vessels and motor vehicles, as well as any equipment or 47053  
containers attached to such property, such as rolling stock, 47054  
barges, trailers, or the like. 47055
- (B) The annual financial institution report determines the 47056  
value of the issued and outstanding shares of stock of the 47057  
taxpayer, and is the base or measure of the franchise tax 47058  
liability. Such determination shall be made as of the date shown 47059  
by the report to have been the beginning of the financial 47060

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institution's annual accounting period that includes the first day  
of January of the tax year. For purposes of this section, division  
(A) of section 5733.05, and division (D) of section 5733.06 of the  
Revised Code, the value of the issued and outstanding shares of  
stock of the financial institution shall include the total value,  
as shown by the books of the financial institution, of its  
capital, surplus, whether earned or unearned, undivided profits,  
and reserves, but exclusive of:

(1) Reserves for accounts receivable, depreciation,  
depletion, and any other valuation reserves with respect to  
specific assets;

(2) Taxes due and payable during the year for which such  
report was made;

(3) Voting stock and participation certificates in  
corporations chartered pursuant to the "Farm Credit Act of 1971,"  
85 Stat. 597, 12 U.S.C. 2091, as amended;

(4) Good will, appreciation, and abandoned property as set up  
in the annual report of the financial institution, provided a  
certified balance sheet of the company is made available upon the  
request of the tax commissioner. Such balance sheet shall not be a  
part of the public records, but shall be a confidential report for  
use of the tax commissioner only.

(5) A portion of the value of the issued and outstanding  
shares of stock of such financial institution equal to the amount  
obtained by multiplying such value by the quotient obtained by:

(a) Dividing (1) the amount of the financial institution's  
assets, as shown on its books, represented by investments in the  
capital stock and indebtedness of public utilities of which at  
least eighty per cent of the utility's issued and outstanding  
common stock is owned by the financial institution by (2) the  
total assets of such financial institution as shown on its books;

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(b) Dividing (1) the amount of the financial institution's assets, as shown on its books, represented by investments in the capital stock and indebtedness of insurance companies of which at least eighty per cent of the insurance company's issued and outstanding common stock is owned by the financial institution by (2) the total assets of such financial institution as shown on its books;

(c) Dividing (1) the amount of the financial institution's assets, as shown on its books, represented by investments in the capital stock and indebtedness of other financial institutions of which at least twenty-five per cent of the other financial institution's issued and outstanding common stock is owned by the financial institution by (2) the total assets of the financial institution as shown on its books. Division (B)(5)(c) of this section applies only with respect to such other financial institutions that for the tax year immediately following the taxpayer's taxable year will pay the tax imposed by division (D) of section 5733.06 of the Revised Code.

(6) Land that has been determined pursuant to section 5713.31 of the Revised Code by the county auditor of the county in which the land is located to be devoted exclusively to agricultural use as of the first Monday of June in the financial institution's taxable year.

(7) Property within this state used exclusively during the taxable year for qualified research as defined in section 5733.05 of the Revised Code.

(C) The base upon which the tax levied under division (D) of section 5733.06 of the Revised Code shall be computed by multiplying the value of a financial institution's issued and 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

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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  
income tax purposes shall be treated as charged-off for purposes  
of this section.

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(c) Credit card receivables are valued at their outstanding principal balance, without regard to any reserve for bad debts. If a credit card receivable is charged-off in whole or in part for federal income tax purposes, the portion of the receivable charged-off is not outstanding.

(3) The average value of property owned by the taxpayer is computed on an annual basis by adding the value of the property on the first day of the taxable year and the value on the last day of the taxable year and dividing the sum by two. If averaging on this basis does not properly reflect average value, the tax commissioner may require averaging on a more frequent basis. The taxpayer may elect to average on a more frequent basis. When averaging on a more frequent basis is required by the tax commissioner or is elected by the taxpayer, the same method of valuation must be used consistently by the taxpayer with respect to property within and without this state and on all subsequent returns unless the taxpayer receives prior permission from the tax commissioner or the tax commissioner requires a different method of determining value.

(4)(a) The average value of real property and tangible personal property that the taxpayer has rented from another and is not treated as property owned by the taxpayer for federal income tax purposes, shall be determined annually by multiplying the gross rents payable during the taxable year by eight.

(b) Where the use of the general method described in division (D)(4)(a) of this section results in inaccurate valuations of rented property, any other method which properly reflects the value may be adopted by the tax commissioner or by the taxpayer when approved in writing by the tax commissioner. Once approved, such other method of valuation must be used on all subsequent returns unless the taxpayer receives prior approval from the tax commissioner or the tax commissioner requires a different method

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of valuation. 47187

(5)(a) Except as described in division (D)(5)(b) of this 47188  
section, real property and tangible personal property owned by or 47189  
rented to the taxpayer is considered to be located within this 47190  
state if it is physically located, situated, or used within this 47191  
state. 47192

(b) Transportation property is included in the numerator of 47193  
the property factor to the extent that the property is used in 47194  
this state. The extent an aircraft will be deemed to be used in 47195  
this state and the amount of value that is to be included in the 47196  
numerator of this state's property factor is determined by 47197  
multiplying the average value of the aircraft by a fraction, the 47198  
numerator of which is the number of landings of the aircraft in 47199  
this state and the denominator of which is the total number of 47200  
landings of the aircraft everywhere. If the extent of the use of 47201  
any transportation property within this state cannot be 47202  
determined, then the property will be deemed to be used wholly in 47203  
the state in which the property has its principal base of 47204  
operations. A motor vehicle will be deemed to be used wholly in 47205  
the state in which it is registered. 47206

(6)(a)(i) A loan, other than a loan or advance described in 47207  
division (D)(6)(d) of this section, is considered to be located 47208  
within this state if it is properly assigned to a regular place of 47209  
business of the taxpayer within this state. 47210

(ii) A loan is properly assigned to the regular place of 47211  
business with which it has a preponderance of substantive 47212  
contacts. A loan assigned by the taxpayer to a regular place of 47213  
business without the state shall be presumed to have been properly 47214  
assigned if: 47215

(I) The taxpayer has assigned, in the regular course of its 47216  
business, such loan on its records to a regular place of business 47217

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consistent with federal or state regulatory requirements; 47218

(II) Such assignment on its records is based upon substantive 47219  
contacts of the load to such regular place of business; and 47220  
47221

(III) The taxpayer uses the records reflecting assignment of 47222  
loans for the filing of all state and local tax returns for which 47223  
an assignment of loans to a regular place of business is required. 47224

(iii) The presumption of proper assignment of a loan provided 47225  
in division (D)(6)(a)(ii) of this section may be rebutted upon a 47226  
showing by the tax commissioner, supported by a preponderance of 47227  
the evidence, that the preponderance of substantive contacts 47228  
regarding such loan did not occur at the regular place of business 47229  
to which it was assigned on the taxpayer's records. When such 47230  
presumption has been rebutted, the loan shall then be located 47231  
within this state if (1) the taxpayer had a regular place of 47232  
business within this state at the time the loan was made; and (2) 47233  
the taxpayer fails to show, by a preponderance of the evidence, 47234  
that the preponderance of substantive contacts regarding such load 47235  
did not occur within this state. 47236  
47237

(b) In the case of a loan which is assigned by the taxpayer 47238  
to a place without this state which is not a regular place of 47239  
business, it shall be presumed, subject to rebuttal by the 47240  
taxpayer on a showing supported by the preponderance of evidence, 47241  
that the preponderance of substantive contacts regarding the loan 47242  
occurred within this state if, at the time the loan was made the 47243  
taxpayer's commercial domicile was within this state. 47244

(c) To determine the state in which the preponderance of 47245  
substantive contacts relating to a loan have occurred, the facts 47246  
and circumstances regarding the loan at issue shall be reviewed on 47247  
a case-by-case basis and consideration shall be given to such 47248

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activities as the solicitation, investigation, negotiation, 47249  
approval, and administration of the loan. The terms 47250  
"solicitation," "investigation," "negotiation," "approval," and 47251  
"administration" are defined as follows: 47252

(i) "Solicitation" is either active or passive. Active 47253  
solicitation occurs when an employee of the taxpayer initiates the 47254  
contact with the customer. Such activity is located at the regular 47255  
place of business which the taxpayer's employee is regularly 47256  
connected with or working out of, regardless of where the services 47257  
of such employee were actually performed. Passive solicitation 47258  
occurs when the customer initiates the contact with the taxpayer. 47259  
If the customer's initial contact was not at a regular place of 47260  
business of the taxpayer, the regular place of business, if any, 47261  
where the passive solicitation occurred is determined by the facts 47262  
in each case. 47263

(ii) "Investigation" is the procedure whereby employees of 47264  
the taxpayer determine the creditworthiness of the customer as 47265  
well as the degree of risk involved in making a particular 47266  
agreement. Such activity is located at the regular place of 47267  
business which the taxpayer's employees are regularly connected 47268  
with or working out of, regardless of where the services of such 47269  
employees were actually performed. 47270

(iii) Negotiation is the procedure whereby employees of the 47271  
taxpayer and its customer determine the terms of the agreement, 47272  
such as the amount, duration, interest rate, frequency of 47273  
repayment, currency denomination, and security required. Such 47274  
activity is located at the regular place of business to which the 47275  
taxpayer's employees are regularly connected or working from, 47276  
regardless of where the services of such employees were actually 47277  
performed. 47278

(iv) "Approval" is the procedure whereby employees or the 47279  
board of directors of the taxpayer make the final determination 47280

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whether to enter into the agreement. Such activity is located at 47281  
the regular place of business to which the taxpayer's employees 47282  
are regularly connected or working from, regardless of where the 47283  
services of such employees were actually performed. If the board 47284  
of directors makes the final determination, such activity is 47285  
located at the commercial domicile of the taxpayer. 47286

(v) "Administration" is the process of managing the account. 47287  
This process includes bookkeeping, collecting the payments, 47288  
corresponding with the customer, reporting to management regarding 47289  
the status of the agreement, and proceeding against the borrower 47290  
or the security interest if the borrower is in default. Such 47291  
activity is located at the regular place of business that oversees 47292  
this activity. 47293

(d) A loan or advance to a subsidiary corporation at least 47294  
fifty-one per cent of whose common stock is owned by the financial 47295  
institution shall be allocated in and out of the state by the 47296  
application of a ratio whose numerator is the sum of the net book 47297  
value of the subsidiary's real property owned in this state and 47298  
the subsidiary's tangible personal property owned in this state 47299  
and whose denominator is the sum of the subsidiary's real property 47300  
owned wherever located and the subsidiary's tangible personal 47301  
property owned wherever located. For purposes of calculating this 47302  
ratio, the taxpayer shall determine net book value in accordance 47303  
with generally accepted accounting principles. If the subsidiary 47304  
corporation owns at least fifty-one per cent of the common stock 47305  
of another corporation, the ratio shall be calculated by including 47306  
the other corporation's real property and tangible personal 47307  
property. The calculation of the ratio applies with respect to all 47308  
lower-tiered subsidiaries, provided that the immediate parent 47309  
corporation of the subsidiary owns at least fifty-one per cent of 47310  
the common stock of that subsidiary. 47311

(7) For purposes of determining the location of credit card 47312

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receivables, credit card receivables shall be treated as loans and 47313  
shall be subject to division (D)(6) of this section. 47314

(8) A loan that has been properly assigned to a state shall, 47315  
absent any change of material fact, remain assigned to that state 47316  
for the length of the original term of the loan. Thereafter, the 47317  
loan may be properly assigned to another state if the loan has a 47318  
preponderance of substantive contact to a regular place of 47319  
business there. 47320

(E) A financial institution shall calculate the payroll 47321  
factor as follows: 47322

(1) The payroll factor is a fraction, the numerator of which 47323  
is the total amount paid in this state during the taxable year by 47324  
the taxpayer for compensation, and the denominator of which is the 47325  
total compensation paid both within and without this state during 47326  
the taxable year. 47327

(2) Compensation is paid in this state if any one of the 47328  
following tests, applied consecutively, is met: 47329

(a) The employee's services are performed entirely within 47330  
this state. 47331

(b) The employee's services are performed both within and 47332  
without this state, but the service performed without this state 47333  
is incidental to the employee's service within this state. The 47334  
term "incidental" means any service which is temporary or 47335  
transitory in nature, or which is rendered in connection with an 47336  
isolated transaction. 47337

(c) The employee's services are performed both within and 47338  
without this state, and: 47339

(i) The employee's principal base of operations is within 47340  
this state; or 47341

(ii) There is no principal base of operations in any state in 47342

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which some part of the services are performed, but the place from 47343  
which the services are directed or controlled is in this state; or 47344  
47345

(iii) The principal base of operations and the place from 47346  
which the services are directed or controlled are not in any state 47347  
in which some part of the service is performed but the employee's 47348  
residence is in this state. 47349

(F) A financial institution shall calculate the sales factor 47350  
as follows: 47351

(1) The sales factor is a fraction, the numerator of which is 47352  
the receipts of the taxpayer in this state during the taxable year 47353  
and the denominator of which is the receipts of the taxpayer 47354  
within and without this state during the taxable year. The method 47355  
of calculating receipts for purposes of the denominator is the 47356  
same as the method used in determining receipts for purposes of 47357  
the numerator. 47358

(2) The numerator of the sales factor includes receipts from 47359  
the lease or rental of real property owned by the taxpayer if the 47360  
property is located within this state, or receipts from the 47361  
sublease of real property if the property is located within this 47362  
state. 47363

(3)(a) Except as described in division (F)(3)(b) of this 47364  
section the numerator of the sales factor includes receipts from 47365  
the lease or rental of tangible personal property owned by the 47366  
taxpayer if the property is located within this state when it is 47367  
first placed in service by the lessee. 47368

(b) Receipts from the lease or rental of transportation 47369  
property owned by the taxpayer are included in the numerator of 47370  
the sales factor to the extent that the property is used in this 47371  
state. The extent an aircraft will be deemed to be used in this 47372  
state and the amount of receipts that is to be included in the 47373

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numerator of this state's sales factor is determined by 47374  
multiplying all the receipts from the lease or rental of the 47375  
aircraft by a fraction, the numerator of which is the number of 47376  
landings of the aircraft in this state and the denominator of 47377  
which is the total number of landings of the aircraft. If the 47378  
extent of the use of any transportation property within this state 47379  
cannot be determined, then the property will be deemed to be used 47380  
wholly in the state in which the property has its principal base 47381  
of operations. A motor vehicle will be deemed to be used wholly in 47382  
the state in which it is registered. 47383

(4)(a) The numerator of the sales factor includes interest 47384  
and fees or penalties in the nature of interest from loans secured 47385  
by real property if the property is located within this state. If 47386  
the property is located both within this state and one or more 47387  
other states, the receipts described in this paragraph are 47388  
included in the numerator of the sales factor if more than fifty 47389  
per cent of the fair market value of the real property is located 47390  
within this state. If more than fifty per cent of the fair market 47391  
value of the real property is not located within any one state, 47392  
then the receipts described in this paragraph shall be included in 47393  
the numerator of the sales factor if the borrower is located in 47394  
this state. 47395

(b) The determination of whether the real property securing a 47396  
loan is located within this state shall be made as of the time the 47397  
original agreement was made and any and all subsequent 47398  
substitutions of collateral shall be disregarded. 47399

(5) The numerator of the sales factor includes interest and 47400  
fees or penalties in the nature of interest from loans not secured 47401  
by real property if the borrower is located in this state. 47402

(6) The numerator of the sales factor includes net gains from 47403  
the sale of loans. Net gains from the sale of loans includes 47404  
income recorded under the coupon stripping rules of section 1286 47405

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- of the Internal Revenue Code. 47406
- (a) The amount of net gains, but not less than zero, from the 47407  
sale of loans secured by real property included in the numerator 47408  
is determined by multiplying such net gains by a fraction the 47409  
numerator of which is the amount included in the numerator of the 47410  
sales factor pursuant to division (F)(4) of this section and the 47411  
denominator of which is the total amount of interest and fees or 47412  
penalties in the nature of interest from loans secured by real 47413  
property. 47414
- (b) The amount of net gains, but not less than zero, from the 47415  
sale of loans not secured by real property included in the 47416  
numerator is determined by multiplying such net gains by a 47417  
fraction the numerator of which is the amount included in the 47418  
numerator of the sales factor pursuant to division (F)(5) of this 47419  
section and the denominator of which is the total amount of 47420  
interest and fees or penalties in the nature of interest from 47421  
loans not secured by real property. 47422
- (7) The numerator of the sales factor includes interest and 47423  
fees or penalties in the nature of interest from credit card 47424  
receivables and receipts from fees charged to card holders, such 47425  
as annual fees, if the billing address of the card holder is in 47426  
this state. 47427
- (8) The numerator of the sales factor includes net gains, but 47428  
not less than zero, from the sale of credit card receivables 47429  
multiplied by a fraction, the numerator of which is the amount 47430  
included in the numerator of the sales factor pursuant to division 47431  
(F)(7) of this section and the denominator of which is the 47432  
taxpayer's total amount of interest and fees or penalties in the 47433  
nature of interest from credit card receivables and fees charged 47434  
to card holders. 47435
- (9) The numerator of the sales factor includes all credit 47436

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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.

(12) The numerator of the sales factor includes receipts from

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services not otherwise apportioned under this section if the 47468  
service is performed in this state. If the service is performed 47469  
both within and without this state, the numerator of the sales 47470  
factor includes receipts from services not otherwise apportioned 47471  
under this section, if a greater proportion of the income 47472  
producing activity is performed in this state based on cost of 47473  
performance. 47474

(13)(a) Interest, dividends, net gains, but not less than 47475  
zero, and other income from investment assets and activities and 47476  
from trading assets and activities shall be included in the sales 47477  
factor. Investment assets and activities and trading assets and 47478  
activities include but are not limited to: investment securities; 47479  
trading account assets; federal funds; securities purchased and 47480  
sold under agreements to resell or repurchase; options; futures 47481  
contracts; forward contracts; notional principal contracts such as 47482  
swaps; equities; and foreign currency transactions. With respect 47483  
to the investment and trading assets and activities described in 47484  
divisions (F)(13)(a)(i) and (ii) of this section, the sales factor 47485  
shall include the amounts described in such divisions. 47486

(i) The sales factor shall include the amount by which 47487  
interest from federal funds sold and securities purchased under 47488  
resale agreements exceeds interest expense on federal funds 47489  
purchased and securities sold under repurchase agreements. 47490

(ii) The sales factor shall include the amount by which 47491  
interest, dividends, gains, and other income from trading assets 47492  
and activities, including, but not limited to, assets and 47493  
activities in the matched book, in the arbitrage book, and foreign 47494  
currency transactions, exceed amounts paid in lieu of interest, 47495  
amounts paid in lieu of dividends, and losses from such assets and 47496  
activities. 47497

(b) The numerator of the sales factor includes interest, 47498  
dividends, net gains, but not less than zero, and other income 47499

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from investment assets and activities and from trading assets and 47500  
activities described in division (F)(13)(a) of this section that 47501  
are attributable to this state. 47502

(i) The amount of interest, other than interest described in 47503  
division (F)(13)(b)(iv) of this section, dividends, other than 47504  
dividends described in that division, net gains, but not less than 47505  
zero, and other income from investment assets and activities in 47506  
the investment account to be attributed to this state and included 47507  
in the numerator is determined by multiplying all such income from 47508  
such assets and activities by a fraction, the numerator of which 47509  
is the average value of such assets which are properly assigned to 47510  
a regular place of business of the taxpayer within this state and 47511  
the denominator of which is the average value of all such assets. 47512

(ii) The amount of interest from federal funds sold and 47513  
purchased and from securities purchased under resale agreements 47514  
and securities sold under repurchase agreements attributable to 47515  
this state and included in the numerator is determined by 47516  
multiplying the amount described in division (F)(13)(a)(i) of this 47517  
section from such funds and such securities by a fraction, the 47518  
numerator of which is the average value of federal funds sold and 47519  
securities purchased under agreements to resell which are properly 47520  
assigned to a regular place of business of the taxpayer within 47521  
this state and the denominator of which is the average value of 47522  
all such funds and such securities. 47523

(iii) The amount of interest, dividends, gains, and other 47524  
income from trading assets and activities, including but not 47525  
limited to assets and activities in the matched book, in the 47526  
arbitrage book, and foreign currency transaction, but excluding 47527  
amounts described in division (F)(13)(b)(i) or (ii) of this 47528  
section, attributable to this state and included in the numerator 47529  
is determined by multiplying the amount described in division 47530  
(F)(13)(a)(ii) of this section by a fraction, the numerator of 47531

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which is the average value of such trading assets which are 47532  
properly assigned to a regular place of business of the taxpayer 47533  
within this state and the denominator of which is the average 47534  
value of all such assets. 47535

(iv) The amount of dividends received on the capital stock 47536  
of, and the amount of interest received from loans and advances 47537  
to, subsidiary corporations at least fifty-one per cent of whose 47538  
common stock is owned by the reporting financial institution shall 47539  
be allocated in and out of this state by the application of a 47540  
ratio whose numerator is the sum of the net book value of the 47541  
payor's real property owned in this state and the payor's tangible 47542  
personal property owned in this state and whose denominator is the 47543  
sum of the net book value of the payor's real property owned 47544  
wherever located and the payor's tangible personal property owned 47545  
wherever located. For purposes of calculating this ratio, the 47546  
taxpayer shall determine net book value in accordance with 47547  
generally accepted accounting principles. 47548

(v) For purposes of this division, average value shall be 47549  
determined using the rules for determining the average value of 47550  
tangible personal property set forth in division (D)(2) and (3) of 47551  
this section. 47552

(c) In lieu of using the method set forth in division 47553  
(F)(13)(b) of this section, the taxpayer may elect, or the tax 47554  
commissioner may require in order to fairly represent the business 47555  
activity of the taxpayer in this state, the use of the method set 47556  
forth in division (F)(13)(c) of this section. 47557

(i) The amount of interest, other than interest described in 47558  
division (F)(13)(b)(iv) of this section, dividends, other than 47559  
dividends described in that division, net gains, but not less than 47560  
zero, and other income from investment assets and activities in 47561  
the investment account to be attributed to this state and included 47562  
in the numerator is determined by multiplying all such income from 47563

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such assets and activities by a fraction, the numerator of which 47564  
is the gross income from such assets and activities which are 47565  
properly assigned to a regular place of business of the taxpayer 47566  
within this state, and the denominator of which is the gross 47567  
income from all such assets and activities. 47568

(ii) The amount of interest from federal funds sold and 47569  
purchased and from securities purchased under resale agreements 47570  
and securities sold under repurchase agreements attributable to 47571  
this state and included in the numerator is determined by 47572  
multiplying the amount described in division (F)(13)(a)(i) of this 47573  
section from such funds and such securities by a fraction, the 47574  
numerator of which is the gross income from such funds and such 47575  
securities which are properly assigned to a regular place of 47576  
business of the taxpayer within this state and the denominator of 47577  
which is the gross income from all such funds and such securities. 47578

(iii) The amount of interest, dividends, gains, and other 47579  
income from trading assets and activities, including, but not 47580  
limited to, assets and activities in the matched book, in the 47581  
arbitrage book, and foreign currency transactions, but excluding 47582  
amounts described in division (F)(13)(a)(i) or (ii) of this 47583  
section, attributable to this state and included in the numerator, 47584  
is determined by multiplying the amount described in division 47585  
(F)(13)(a)(ii) of this section by a fraction, the numerator of 47586  
which is the gross income from such trading assets and activities 47587  
which are properly assigned to a regular place of business of the 47588  
taxpayer within this state and the denominator of which is the 47589  
gross income from all such assets and activities. 47590

(iv) The amount of dividends received on the capital stock 47591  
of, and the amount of interest received from loans and advances 47592  
to, subsidiary corporations at least fifty-one per cent of whose 47593  
common stock is owned by the reporting financial institution shall 47594  
be allocated in and out of this state by the application of a 47595

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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  
receipts if either:

(a) The income-producing activity is performed solely in this state; or

(b) The income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed within this state than in any other state, based on costs of performance.

(G) A qualified institution may calculate the base upon which the fee provided for in division (D) of section 5733.06 ~~(D)~~ of the ~~revised code~~ Revised Code is determined for each of the tax years 1998, 1999, 2000, ~~and 2001, 2002, and 2003~~ by multiplying the value of its issued and outstanding shares of stock determined under division (B) of this section by a single deposits fraction whose numerator is the deposits assigned to branches in this state and whose denominator is the deposits assigned to branches everywhere. Deposits shall be assigned to branches in the same manner in which the assignment is made for regulatory purposes. If the base calculated under this division is less than the base calculated under division (C) of this section, then the qualifying institution may elect to substitute the base calculated under this division for the base calculated under division (C) of this section. Such election may be made annually for each of the tax years 1998, 1999, 2000, ~~and 2001, 2002, and 2003~~ on the corporate report. The election need not accompany the report; rather, the election may accompany a subsequently filed but timely application for refund, a subsequently filed but timely amended report, or a subsequently filed but timely petition for reassessment. The election is not irrevocable and it applies only to the specified tax year. Nothing in this division shall be construed to extend any statute of limitations set forth in this chapter

(H) If the apportionment provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax commissioner

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may require, in respect to all or any part of the taxpayer's	47660
business activity, if reasonable:	47661
(1) Separate accounting;	47662
(2) The exclusion of any one or more of the factors;	47663
(3) The inclusion of one or more additional factors which	47664
will fairly represent the taxpayer's business activity in this	47665
state; or	47666
(4) The employment of any other method to effectuate an	47667
equitable allocation and apportionment of the taxpayer's value.	47668
<b>Sec. 5733.06.</b> The tax hereby charged each corporation subject	47669
to this chapter shall be the greater of the sum of divisions (A)	47670
and (B) of this section, after the reduction, if any, provided by	47671
division (J) of this section, or division (C) of this section,	47672
after the reduction, if any, provided by division (J) of this	47673
section, except that the tax hereby charged each financial	47674
institution subject to this chapter shall be the amount computed	47675
under division (D) of this section:	47676
(A) Except as set forth in division (F) of this section, five	47677
and one-tenth per cent upon the first fifty thousand dollars of	47678
the value of the taxpayer's issued and outstanding shares of stock	47679
as determined under division (B) of section 5733.05 of the Revised	47680
Code;	47681
(B) Except as set forth in division (F) of this section,	47682
eight and one-half per cent upon the value so determined in excess	47683
of fifty thousand dollars; or	47684
(C) Except as otherwise provided under division (G) of this	47685
section, four mills times that portion of the value of the issued	47686
and outstanding shares of stock as determined under division (C)	47687
of section 5733.05 of the Revised Code. For the purposes of	47688
division (C) of this section, division (C)(2) of section 5733.065,	47689

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and division (C) of section 5733.066 of the Revised Code, the 47690  
value of the issued and outstanding shares of stock of a qualified 47691  
holding company is zero. 47692

(D) The tax charged each financial institution subject to 47693  
this chapter shall be that portion of the value of the issued and 47694  
outstanding shares of stock as determined under division (A) of 47695  
section 5733.05 of the Revised Code, multiplied by the following 47696  
amounts: 47697

(1) For tax years prior to the 1999 tax year, fifteen mills; 47698

(2) For the 1999 tax year, fourteen mills; 47699

(3) For tax year 2000 and thereafter, thirteen mills. 47700

(E) No tax shall be charged from any corporation that has 47701  
been adjudicated bankrupt, or for which a receiver has been 47702  
appointed, or that has made a general assignment for the benefit 47703  
of creditors, except for the portion of the then current tax year 47704  
during which the tax commissioner finds such corporation had the 47705  
power to exercise its corporate franchise unimpaired by such 47706  
proceedings or act. The minimum payment for all corporations shall 47707  
be fifty dollars. 47708

The tax charged to corporations under this chapter for the 47709  
privilege of engaging in business in this state, which is an 47710  
excise tax levied on the value of the issued and outstanding 47711  
shares of stock, shall in no manner be construed as prohibiting or 47712  
otherwise limiting the powers of municipal corporations, joint 47713  
economic development zones created under section 715.691 of the 47714  
Revised Code, and joint economic development districts created 47715  
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 47716  
Revised Code in this state to impose an income tax on the income 47717  
of such corporations. 47718

(F) If two or more taxpayers satisfy the ownership or control 47719  
requirements of division (A) of section 5733.052 of the Revised 47720

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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 net income that was not included in a report filed by the

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corporation or its transferee pursuant to section 5733.02, 47752  
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 47753

(f) The corporation would have been subject to the tax 47754  
computed under divisions (A), (B), (C), (F), and (G) of this 47755  
section if the corporation is assumed to be a corporation 47756  
described in division (A) of section 5733.01 of the Revised Code 47757  
on the first day of January immediately following the calendar 47758  
year to which division (H)(1)(a) of this section refers. 47759

(2) For the purposes of division (H) of this section, 47760  
"unreported net income" means net income that was not previously 47761  
included in a report filed pursuant to section 5733.02, 5733.021, 47762  
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 47763  
realized or recognized during the calendar year to which division 47764  
(H)(1) of this section refers or the immediately preceding 47765  
calendar year. 47766

(3) Each exiting corporation shall pay a tax computed by 47767  
first allocating and apportioning the unreported net income 47768  
pursuant to division (B) of section 5733.05 and section 5733.051 47769  
and, if applicable, section 5733.052 of the Revised Code. The 47770  
exiting corporation then shall compute the tax due on its 47771  
unreported net income allocated and apportioned to this state by 47772  
applying divisions (A), (B), and (F) of this section to that 47773  
income. 47774

(4) Divisions (C) and (G) of this section, division (D)(2) of 47775  
section 5733.065, and division (C) of section 5733.066 of the 47776  
Revised Code do not apply to an exiting corporation, but exiting 47777  
corporations are subject to every other provision of this chapter. 47778

(5) Notwithstanding division (B) of section 5733.01 or 47779  
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 47780  
contrary, each exiting corporation shall report and pay the tax 47781  
due under division (H) of this section on or before the 47782

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thirty-first day of May immediately following the calendar year to 47783  
which division (H)(1)(a) of this section refers. The exiting 47784  
corporation shall file that report on the form most recently 47785  
prescribed by the tax commissioner for the purposes of complying 47786  
with sections 5733.02 and 5733.03 of the Revised Code. Upon 47787  
request by the corporation, the tax commissioner may extend the 47788  
date for filing the report. 47789

(6) If, on account of the application of section 5733.053 of 47790  
the Revised Code, net income is subject to the tax imposed by 47791  
divisions (A) and (B) of this section, such income shall not be 47792  
subject to the tax imposed by division (H)(3) of this section. 47793

(7) The amendments made to division (H) of this section by 47794  
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 47795  
any transfer, as defined in section 5733.053 of the Revised Code, 47796  
for which negotiations began prior to January 1, 2001, and that 47797  
was commenced in and completed during calendar year 2001, unless 47798  
the taxpayer makes an election prior to December 31, 2001, to 47799  
apply the section. 47800

(8) The tax commissioner may adopt rules governing division 47801  
(H) of this section. 47802

(I) Any reference in the Revised Code to "the tax imposed by 47803  
section 5733.06 of the Revised Code" or "the tax due under section 47804  
5733.06 of the Revised Code" includes the taxes imposed under 47805  
sections 5733.065 and 5733.066 of the Revised Code. 47806

(J)(1) Division (J) of this section applies solely to a 47807  
combined company. Section 5733.057 of the Revised Code shall apply 47808  
when calculating the adjustments required by division (J) of this 47809  
section. 47810

(2) Subject to division (J)(4) of this section, the total tax 47811  
calculated in divisions (A) and (B) of this section shall be 47812  
reduced by an amount calculated by multiplying such tax by a 47813

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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 amount of taxes imposed under section 5733.06 of the Revised Code

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that are overpaid, paid illegally or erroneously, or paid on any  
illegal, erroneous, or excessive assessment, with interest thereon  
as provided by section 5733.26 of the Revised Code, shall be filed  
with the tax commissioner, on the form prescribed by the  
commissioner, within three years from the date of the illegal,  
erroneous, or excessive payment of the tax, or within any  
additional period allowed by division (C)(2) of section 5733.031,  
division (D)(2) of section 5733.067, or division (A) of section  
5733.11 of the Revised Code.

On the filing of the refund application, the commissioner  
shall determine the amount of refund due and certify such amount  
to the director of budget and management and treasurer of state  
for payment from the tax refund fund created by section 5703.052  
of the Revised Code.

(C) "Ninety days" shall be substituted for "three years" in  
division (B) of this section if the taxpayer satisfies both of the  
following:

(1) The taxpayer has applied for a refund based in whole or  
in part upon section 5733.0611 of the Revised Code;

(2) The taxpayer asserts that the imposition or collection of  
the tax imposed or charged by section 5733.06 of the Revised Code  
or any portion of such tax violates the Constitution of the United  
States or the Constitution of this state.

(D)(1) Division (D)(2) of this section applies only if all of  
the following conditions are satisfied:

(a) A qualifying pass-through entity pays an amount of the  
tax imposed by section 5733.41 of the Revised Code;

(b) The taxpayer is a qualifying investor as to that  
qualifying pass-through entity;

(c) The taxpayer did not claim the credit provided for in

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section 5733.0611 of the Revised Code as to the tax described in 47875  
division (D)(1)(a) of this section; 47876

(d) The three-year period described in division (B) of this 47877  
section has ended as to the taxable year for which the taxpayer 47878  
otherwise would have claimed that credit. 47879

(2) A taxpayer shall file an application for refund pursuant 47880  
to this division within one year after the date the payment 47881  
described in division (D)(1)(a) of this section is made. An 47882  
application filed under this division shall only claim refund of 47883  
overpayments resulting from the taxpayer's failure to claim the 47884  
credit described in division (D)(1)(c) of this section. Nothing in 47885  
this division shall be construed to relieve a taxpayer from 47886  
complying with the provisions of division (I)(14) of section 47887  
5733.04 of the Revised Code. 47888

**Sec. 5733.122.** Between the first and fifteenth days of July 47889  
each year, the tax commissioner shall certify to the director of 47890  
budget and management the total reported liability of the taxes or 47891  
surcharges levied in the second preceding year under sections 47892  
5733.065 and 5733.066 of the Revised Code. Notwithstanding section 47893  
5733.12 of the Revised Code, during the period July 1, 1980, to 47894  
December 31, 1981, four million dollars received by the treasurer 47895  
of state under this chapter the total amount certified in each 47896  
year less an amount to be retained by the department of taxation 47897  
for expenses resulting from the administration of the taxes or 47898  
surcharges levied under sections 5733.065 and 5733.066 of the 47899  
Revised Code shall be credited to the recycling and litter 47900  
prevention fund created by section 1502.02 of the Revised Code. 47901  
Thereafter, during each of the consecutive six-month periods 47902  
beginning January 1, 1982, five million dollars from amounts 47903  
received by the treasurer of state under this chapter shall be 47904  
credited to that fund. No amount shall be credited to the local 47905

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government fund from any receipts credited to the recycling and 47906  
litter prevention fund under this section. 47907

The office of budget and mangement shall provide the 47908  
treasurer of state with a monthly schedule in accordance with 47909  
which the amounts shall be credited. 47910

**Sec. 5733.18.** Annually, on the day fixed for the payment of 47911  
any excise or franchise tax required to be paid by law, such tax, 47912  
together with any penalties subsequently accruing thereon, shall 47913  
become a lien on all property in this state of a corporation, 47914  
whether such property is employed by the corporation in the 47915  
prosecution of its business or is in the hands of an assignee, 47916  
trustee, or receiver for the benefit of the creditors and 47917  
stockholders. Such lien shall continue until such taxes, together 47918  
with any penalties subsequently accruing, are paid. 47919

Upon failure of such corporation to pay such tax on the day 47920  
fixed for payment, ~~the treasurer of state shall thereupon notify~~ 47921  
the tax commissioner ~~and the commissioner~~ may file, for which 47922  
filing no fee shall be charged, in the office of the county 47923  
recorder in each county in this state in which such corporation 47924  
owns or has a beneficial interest in real estate, notice of such 47925  
lien containing a brief description of such real estate. Such lien 47926  
shall not be valid as against any mortgagee, purchaser, or 47927  
judgment creditor whose rights have attached prior to the time 47928  
such notice is so filed in the county in which the real estate 47929  
which is the subject of such mortgage, purchase, or judgment lien 47930  
is located. Such notice shall be recorded in a book kept by the 47931  
recorder, called the corporation franchise lien record, and 47932  
indexed under the name of the corporation charged with such tax. 47933  
When such tax, together with any penalties subsequently accruing 47934  
thereon, has been paid, the tax commissioner shall furnish to the 47935  
corporation an acknowledgment of such payment which the 47936  
corporation may record with the recorder of each county in which 47937

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notice of such lien has been filed, for which recording the 47938  
recorder shall charge and receive a fee of two dollars. 47939

**Sec. 5733.351.** (A) As used in this section, "qualified 47940  
research expenses" has the same meaning as in section 41 of the 47941  
Internal Revenue Code. 47942

(B)(1) A nonrefundable credit is allowed against the tax 47943  
imposed by section 5733.06 of the Revised Code for tax year 2002 47944  
for a taxpayer whose taxable year for tax year 2002 ended before 47945  
July 1, 2001. The credit shall equal seven per cent of the excess 47946  
of qualified research expenses incurred in this state by the 47947  
taxpayer between January 1, 2001, and the end of the taxable year, 47948  
over the taxpayer's average annual qualified research expenses 47949  
incurred in this state for the three preceding taxable years. 47950

(2) A nonrefundable credit also is allowed against the tax 47951  
imposed by section 5733.06 of the Revised Code for each tax year, 47952  
commencing with tax year 2004. The credit shall equal seven per 47953  
cent of the excess of qualified research expenses incurred in this 47954  
state by the taxpayer for the taxable year over the taxpayer's 47955  
average annual qualified research expenses incurred in this state 47956  
for the three preceding taxable years. ~~The~~ 47957

(3) The taxpayer shall claim the credit allowed under 47958  
division (B)(1) or (2) of this section in the order required under 47959  
by section 5733.98 of the Revised Code. Any credit amount in 47960  
excess of the tax due under section 5733.06 of the Revised Code, 47961  
after allowing for any other credits that precede the credit under 47962  
this section in the order required under section 5733.98 of the 47963  
Revised Code, may be carried forward for seven taxable years, but 47964  
the amount of the excess credit allowed in any such year shall be 47965  
deducted from the balance carried forward to the next year. 47966

(C) In the case of a qualifying controlled group, the credit 47967  
allowed under division (B)(1) or (2) of this section to taxpayers 47968

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in the qualifying controlled group shall be computed as if all 47969  
corporations in the qualifying controlled group were a 47970  
consolidated, single taxpayer. The credit shall be allocated to 47971  
such taxpayers in any amount elected for the taxable year by the 47972  
qualifying controlled group. The election shall be revocable and 47973  
amendable during the period prescribed by division (B) of section 47974  
5733.12 of the Revised Code. 47975

**Sec. 5733.401.** (A) As used in this section: 47976

(1) "Investment pass-through entity" means a pass-through 47977  
entity having for its qualifying taxable year at least ninety per 47978  
cent of its gross income from transaction fees in connection with 47979  
the acquisition, ownership, or disposition of intangible property, 47980  
loan fees, financing fees, consent fees, waiver fees, application 47981  
fees, net management fees, dividend income, interest income, net 47982  
capital gains from the sale or exchange of intangible property, or 47983  
distributive shares of income from pass-through entities; and 47984  
having for its qualifying taxable year at least ninety per cent of 47985  
the net book value of its assets represented by intangible assets. 47986  
Such percentages shall be the quarterly average of those 47987  
percentages as calculated during the pass-through entity's taxable 47988  
year. 47989

(2) "Net management fees" means management fees that a 47990  
pass-through entity earns or receives from all sources, reduced by 47991  
management fees that the pass-through entity incurs or pays to any 47992  
person. 47993

(B) For the purposes of divisions (A) and (C) of this section 47994  
only, an investment in a pass-through entity shall be deemed to be 47995  
an investment in an intangible asset. 47996

(C) Except as otherwise provided in division (D) of this 47997  
section, for the purposes of division (A) of section 5733.40 of 47998  
the Revised Code, an investment pass-through entity shall exclude 47999

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from the calculation of the adjusted qualifying amount all  
transaction fees in connection with the acquisition, ownership, or  
disposition of intangible property; loan fees; financing fees; consent  
fees; waiver fees; application fees; net management  
fees, but if such fees exceed five per cent of the entity's net  
income calculated in accordance with generally accepted accounting  
principles, all net management fees shall be included in the  
calculation of the adjusted qualifying amount; dividend income;  
interest income; net capital gains from the sale or exchange of  
intangible property; and all types and classifications of income  
attributable to distributive shares of income from other  
pass-through entities. Nothing in this division shall be construed  
to provide for an exclusion of any item from adjusted qualifying  
amount more than once.

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(D) Sections 5733.057 and 5747.231 of the Revised Code do not  
apply for the purposes of making the determinations required by  
division (A) of this section or claiming the exclusion provided by  
division (C) of this section.

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**Sec. 5733.42.** (A) As used in this section:

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(1) "Eligible training program" means a program to provide  
job skills to eligible employees who are unable effectively to  
function on the job due to skill deficiencies or who would  
otherwise be displaced because of their skill deficiencies or  
inability to use new technology, or to provide job skills to  
eligible employees that enable them to perform other job duties  
for the taxpayer. Eligible training programs do not include  
executive, management, or personal enrichment training programs,  
or training programs intended exclusively for personal career  
development.

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(2) "Eligible employee" means an individual who is employed  
in this state by a taxpayer and has been so employed by the same

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taxpayer for at least one hundred eighty consecutive days before 48031  
the day an application for the credit is filed under this section. 48032  
"Eligible employee" does not include any employee for which a 48033  
credit is claimed pursuant to division (A)(5) of section 5709.65 48034  
of the Revised Code for all or any part of the same year, an 48035  
employee who is not a full-time employee, or executive or 48036  
managerial personnel except for the immediate supervisors of 48037  
nonexecutive, nonmanagerial personnel. 48038

(3) "Eligible training costs" means: 48039

(a) Direct instructional costs, such as instructor salaries, 48040  
materials and supplies, textbooks and manuals, videotapes, and 48041  
other instructional media and training equipment used exclusively 48042  
for the purpose of training eligible employees; 48043

(b) Wages paid to eligible employees for time devoted 48044  
exclusively to an eligible training program during normal paid 48045  
working hours. 48046

(4) "Full-time employee" means an individual who is employed 48047  
for consideration for at least thirty-five hours per week, or who 48048  
renders any other standard of service generally accepted by custom 48049  
or specified by contract as full-time employment. 48050

(5) "Partnership" includes a limited liability company formed 48051  
under Chapter 1705. of the Revised Code or under the laws of 48052  
another state, provided that the company is not classified for 48053  
federal income tax purposes as an association taxable as a 48054  
corporation. 48055

(B) There is hereby allowed a nonrefundable credit against 48056  
the tax imposed by section 5733.06 of the Revised Code for 48057  
taxpayers for which a tax credit certificate is issued under 48058  
division (C) of this section. The credit may ~~not~~ be claimed for 48059  
~~any tax year after tax year years 2004, except for amounts carried~~ 48060  
~~forward to subsequent tax years to the extent allowed under~~ 48061

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~~division (J) of this section 2005, and 2006.~~ The amount of the 48062  
credit for ~~each~~ tax year ~~2004~~ shall equal one-half of the average 48063  
of the eligible training costs paid or incurred by the taxpayer 48064  
during ~~the three~~ calendar years ~~immediately preceding the tax year~~ 48065  
~~for which the credit is claimed 1999, 2000, and 2001,~~ not to 48066  
exceed one thousand dollars for each eligible employee on account 48067  
of whom eligible training costs were paid or incurred by the 48068  
taxpayer during those calendar years. The amount of the credit for 48069  
tax year 2005 shall equal one-half of the average of the eligible 48070  
training costs paid or incurred by the taxpayer during calendar 48071  
years 2002, 2003, and 2004, not to exceed one thousand dollars for 48072  
each eligible employee on account of whom eligible training costs 48073  
were paid or incurred by the taxpayer during those calendar years. 48074  
The amount of the credit for tax year 2006 shall equal one-half of 48075  
the average of the eligible training costs paid or incurred by the 48076  
taxpayer during calendar years 2003, 2004, and 2005, not to exceed 48077  
one thousand dollars for each eligible employee on account of whom 48078  
eligible training costs were paid or incurred by the taxpayer 48079  
during those calendar years. The credit claimed by a taxpayer each 48080  
tax year shall not exceed one hundred thousand dollars. 48081

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(C) A taxpayer who proposes to conduct an eligible training 48083  
program may apply to the director of job and family services for a 48084  
tax credit certificate under this section. The taxpayer may apply 48085  
for such a certificate for ~~each tax year with respect to a~~ 48086  
~~calendar year in which the taxpayer paid or incurred eligible~~ 48087  
~~training costs~~ tax years 2004, 2005, and 2006, subject to division 48088  
(L) of this section. The director shall prescribe the form of the 48089  
application, which shall require a detailed description of the 48090  
proposed training program. The director may require applicants to 48091  
remit an application fee with each application filed with the 48092  
director. The fee shall not exceed the reasonable and necessary 48093  
expenses incurred by the director in receiving, reviewing, and 48094

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approving such applications and issuing tax credit certificates. 48095  
Proceeds from fees shall be used solely for the purpose of 48096  
receiving, reviewing, and approving such applications and issuing 48097  
such certificates. 48098

After receipt of an application, the director shall authorize 48099  
a credit under this section by issuing a tax credit certificate, 48100  
in the form prescribed by the director, if the director determines 48101  
all of the following: 48102

(1) The proposed training program is an eligible training 48103  
program under this section; 48104

(2) The proposed training program is economically sound and 48105  
will benefit the people of this state by improving workforce 48106  
skills and strengthening the economy of this state; 48107

(3) Receiving the tax credit is a major factor in the 48108  
taxpayer's decision to go forward with the training program; 48109

(4) Authorization of the credit is consistent with division 48110  
(H) of this section. 48111

The credit also is allowed for a taxpayer that is a partner 48112  
in a partnership that pays or incurs eligible training costs. Such 48113  
a taxpayer shall determine the taxpayer's credit amount in the 48114  
manner prescribed by division (K) of this section. 48115

(D) If the director of job and family services denies an 48116  
application for a tax credit certificate, the director shall send 48117  
notice of the denial and the reason for denial to the applicant by 48118  
certified mail, return receipt requested. If the director 48119  
determines that an authorized training program, as actually 48120  
conducted, fails to meet the requirements of this section or to 48121  
comply with any condition set forth in the authorization, the 48122  
director may reduce the amount of the tax credit previously 48123  
granted. If the director reduces a tax credit, the director shall 48124  
send notice of the reduction and the reason for the reduction to 48125

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the taxpayer by certified mail, return receipt requested, and 48126  
shall certify the reduction to the tax commissioner or, in the 48127  
case of the reduction of a credit claimed by an insurance company, 48128  
the superintendent of insurance. The tax commissioner or 48129  
superintendent of insurance shall reduce the credit that may be 48130  
claimed by the taxpayer accordingly. Within sixty days after 48131  
receiving a notice of denial or notice of reduction of the tax 48132  
credit, an applicant or taxpayer may request, in writing, a 48133  
hearing before the director to review the denial or reduction. 48134  
Within sixty days after receiving a request that is filed within 48135  
the prescribed time, the director shall hold such a hearing at a 48136  
location to be determined by the director. Within thirty days 48137  
after the hearing is adjourned, the director shall issue a 48138  
redetermination affirming, reversing, or modifying the denial or 48139  
reduction of the tax credit and send notice of the redetermination 48140  
to the applicant or taxpayer by certified mail, return receipt 48141  
requested, and shall issue a notice of the redetermination to the 48142  
tax commissioner or superintendent of insurance. If an applicant 48143  
or taxpayer is aggrieved by the director's redetermination, the 48144  
applicant or taxpayer may appeal the redetermination to the board 48145  
of tax appeals in the manner prescribed by section 5717.02 of the 48146  
Revised Code. 48147

(E) A taxpayer to which a tax credit certificate is issued 48148  
shall retain records indicating the eligible training costs it 48149  
pays or incurs for the eligible training program for which the 48150  
certificate is issued for four years following the end of the tax 48151  
year for which the credit is claimed. Such records shall be open 48152  
to inspection by the director of job and family services upon the 48153  
director's request during business hours. 48154

Financial statements and other information submitted by an 48155  
applicant to the director of job and family services for a tax 48156  
credit under this section, and any information taken for any 48157

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purpose from such statements or information, are not public 48158  
records subject to section 149.43 of the Revised Code. However, 48159  
the director of job and family services, the tax commissioner, or 48160  
superintendent of insurance may make use of the statements and 48161  
other information for purposes of issuing public reports or in 48162  
connection with court proceedings concerning tax credits allowed 48163  
under this section and sections 5725.31, 5729.07, and 5747.39 of 48164  
the Revised Code. 48165

(F) The director of job and family services, in accordance 48166  
with Chapter 119. of the Revised Code, shall adopt rules necessary 48167  
to implement this section and sections 5725.31, 5729.07, and 48168  
5747.39 of the Revised Code. The rules shall be adopted after 48169  
consultation with the tax commissioner and the superintendent of 48170  
insurance. At the time the director gives public notice under 48171  
division (A) of section 119.03 of the Revised Code of the adoption 48172  
of the rules, the director shall submit copies of the proposed 48173  
rules to the chairpersons and ranking minority members of the 48174  
standing committees in the senate and the house of representatives 48175  
to which legislation on economic development matters are 48176  
customarily referred. 48177

(G) On or before the thirtieth day of September of ~~2001,~~ 48178  
~~2002,~~ 2003, ~~and~~ 2004, 2005, and 2006, the director of job and 48179  
family services shall submit a report to the governor, the 48180  
president of the senate, and the speaker of the house of 48181  
representatives on the tax credit program under this section and 48182  
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The 48183  
report shall include information on the number of training 48184  
programs that were authorized under those sections during the 48185  
preceding calendar year, a description of each authorized training 48186  
program, the dollar amounts of the credits granted, and an 48187  
estimate of the impact of the credits on the economy of this 48188  
state. 48189

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(H) The aggregate amount of credits authorized under this 48190  
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 48191  
Code shall not exceed twenty million dollars per calendar year. No 48192  
more than ten million dollars in credits per calendar year shall 48193  
be authorized for persons engaged primarily in manufacturing. No 48194  
less than five million dollars in credits per calendar year shall 48195  
be set aside for persons engaged primarily in activities other 48196  
than manufacturing and having fewer than five hundred employees. 48197  
Subject to such limits, credits shall be authorized for applicants 48198  
meeting the requirements of this section in the order in which 48199  
they submit complete and accurate applications. 48200

(I) A nonrefundable credit allowed under this section shall 48201  
be claimed in the order required under section 5733.98 of the 48202  
Revised Code. 48203

(J) The taxpayer may carry forward any credit amount in 48204  
excess of its tax due after allowing for any other credits that 48205  
precede the credit under this section in the order required under 48206  
section 5733.98 of the Revised Code. The excess credit may be 48207  
carried forward for three years following the tax year for which 48208  
it is first claimed under this section. 48209

(K) A taxpayer that is a partner in a partnership on the last 48210  
day of the third calendar year of the three-year period during 48211  
which the partnership pays or incurs eligible training costs may 48212  
claim a credit under this section for the tax year immediately 48213  
following that calendar year. The amount of a partner's credit 48214  
equals the partner's interest in the partnership on the last day 48215  
of such calendar year multiplied by the credit available to the 48216  
partnership as computed by the partnership. 48217

(L) The director of job and family services shall not 48218  
authorize any credits under this section and sections 5725.31, 48219  
5729.07, and 5747.39 of the Revised Code for eligible training 48220  
costs paid or incurred after December 31, ~~2003~~ 2005. 48221

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**Sec. 5735.06.** (A) On or before the last day of each month, 48222  
each motor fuel dealer shall file with the ~~treasurer of state tax~~ 48223  
commissioner a report for the preceding calendar month, on forms 48224  
prescribed by or in a form acceptable to the tax commissioner. The 48225  
report shall include the following information: 48226

(1) An itemized statement of the number of gallons of all 48227  
motor fuel received during the preceding calendar month by such 48228  
motor fuel dealer, which has been produced, refined, prepared, 48229  
distilled, manufactured, blended, or compounded by such motor fuel 48230  
dealer in the state; 48231

(2) An itemized statement of the number of gallons of all 48232  
motor fuel received by such motor fuel dealer in the state from 48233  
any source during the preceding calendar month, other than motor 48234  
fuel included in division (A)(1) of this section, together with a 48235  
statement showing the date of receipt of such motor fuel; the name 48236  
of the person from whom purchased or received; the date of receipt 48237  
of each shipment of motor fuel; the point of origin and the point 48238  
of destination of each shipment; the quantity of each of said 48239  
purchases or shipments; the name of the carrier; the number of 48240  
gallons contained in each car if shipped by rail; the point of 48241  
origin, destination, and shipper if shipped by pipe line; or the 48242  
name and owner of the boat, barge, or vessel if shipped by water; 48243

(3) An itemized statement of the number of gallons of motor 48244  
fuel which such motor fuel dealer has during the preceding 48245  
calendar month: 48246

(a) For motor fuel other than gasoline sold for use other 48247  
than for operating motor vehicles on the public highways or on 48248  
waters within the boundaries of this state; 48249

(b) Exported from this state to any other state or foreign 48250  
country as provided in division (A)(3) of section 5735.05 of the 48251  
Revised Code; 48252

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(c) Sold to the United States government or any of its agencies;	48253 48254
(d) Sold for delivery to motor fuel dealers;	48255
(e) Sold exclusively for use in the operation of aircraft;	48256
(4) Such other information incidental to the enforcement of the motor fuel laws of the state as the commissioner requires.	48257 48258
(B) The report shall show the tax due, computed as follows:	48259
(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:	48260 48261 48262
(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;	48263 48264 48265 48266
(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;	48267 48268 48269 48270
(c) To cover the costs of the motor fuel dealer in compiling the report, and evaporation, shrinkage, or other unaccounted-for losses:	48271 48272 48273
(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 to a retail dealer during the preceding calendar month;	48274 48275 48276 48277 48278 48279 48280
(ii) If the report required by division (A) of this section is not timely filed and the tax is not timely paid, no deduction	48281 48282

shall be allowed; 48283

(iii) If the report is incomplete, no deduction shall be 48284  
allowed for any fuel on which the tax is not timely reported and 48285  
paid; 48286

(2) The number of gallons remaining after the deductions have 48287  
been made shall be multiplied separately by each of the following 48288  
amounts: 48289

(a) The cents per gallon rate; 48290

(b) Two cents. 48291

The sum of the products obtained in divisions (B)(2)(a) and 48292  
(b) of this section shall be the amount of motor fuel tax for the 48293  
preceding calendar month. 48294

(C) The report shall be filed together with payment of the 48295  
tax shown on the report to be due, unless the motor fuel dealer is 48296  
required by section 5735.062 of the Revised Code to pay the tax by 48297  
electronic funds transfer, in which case the dealer shall file the 48298  
report pursuant to this section and pay the tax pursuant to 48299  
section 5735.062 of the Revised Code. The commissioner may extend 48300  
the time for filing reports and may remit all or part of penalties 48301  
which may become due under sections 5735.01 to 5735.99 of the 48302  
Revised Code. ~~The treasurer of state shall stamp or otherwise mark~~ 48303  
~~on all returns the date received by the treasurer and shall also~~ 48304  
~~show thereon by stamp or otherwise the amount of payment received~~ 48305  
~~for the month for which the report is filed. Thereafter, the~~ 48306  
~~treasurer of state shall immediately transmit all reports filed~~ 48307  
~~under this section to the commissioner.~~ For purposes of this 48308  
section and sections 5735.062 and 5735.12 of the Revised Code, a 48309  
report required to be filed under this section is considered filed 48310  
when it is received by the ~~treasurer of state~~ tax commissioner, 48311  
and remittance of the tax due is considered to be made when the 48312  
remittance is received by the ~~treasurer of state~~ tax commissioner 48313

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or when credited to an account designated by the treasurer of 48314  
state and the tax commissioner for the receipt of tax remittances. 48315  
The tax commissioner shall immediately forward to the treasurer of 48316  
state all amounts received under this section. 48317

(D) The tax commissioner may require a motor fuel dealer to 48318  
file a report for a period other than one month. Such a report, 48319  
together with payment of the tax, shall be filed not later than 48320  
thirty days after the last day of the prescribed reporting period. 48321

(E) No person required by this section to file a tax report 48322  
shall file a false or fraudulent tax report or supporting 48323  
schedule. 48324

**Sec. 5735.061.** (A) By the fifteenth day of June of 1988, 48325  
1989, 1990, 1991, 1992, and 1993, the tax commissioner shall 48326  
certify to each dealer the following: 48327

(1) The cents per gallon rate computed for the period that 48328  
begins on the first day of July of the current year pursuant to 48329  
section 5735.011 of the Revised Code; 48330

(2) The difference between the cents per gallon rate 48331  
presently in effect and the cents per gallon rate referred to in 48332  
division (A)(1) of this section. 48333

(B) By the thirty-first day of July of each year each motor 48334  
fuel dealer shall file with the ~~treasurer of state tax~~ 48335  
commissioner, on forms prescribed by the commissioner, a report 48336  
signed by the motor fuel dealer showing the total number of 48337  
gallons of all motor fuel that is held in the inventory of such 48338  
motor fuel dealer as of the beginning of business on the first day 48339  
of July of such year and on which the motor fuel tax has been 48340  
paid. 48341

(C) If the cents per gallon rate referred to in division 48342  
(A)(1) of this section is greater than the cents per gallon rate 48343

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it replaced, each motor fuel dealer shall pay to the ~~treasurer of~~ 48344  
~~state tax commissioner~~, upon the filing of the report under 48345  
division (B) of this section, an amount equal to the product 48346  
obtained by multiplying the gallonage referred to in division (B) 48347  
of this section by the cents per gallon rate difference referred 48348  
to in division (A)(2) of this section. ~~Taxes collected pursuant to~~ 48349  
The tax commissioner shall immediately forward to the treasurer of 48350  
state all money collected under this section, and such money shall 48351  
be treated as revenue arising from the tax levied pursuant to 48352  
section 5735.05 of the Revised Code. 48353

(D) If the cents per gallon rate referred to in division 48354  
(A)(1) of this section is lower than the cents per gallon rate it 48355  
replaced, each motor fuel dealer shall be entitled to a refund in 48356  
an amount equal to the product obtained by multiplying the 48357  
gallonage referred to in division (B) of this section by the cents 48358  
per gallon rate difference referred to in division (A)(2) of this 48359  
section. Within forty-five days from the date the motor fuel 48360  
dealer files a report pursuant to division (B) of this section, 48361  
the tax commissioner shall certify the amount of the refund to the 48362  
director of budget and management and treasurer of state for 48363  
payment from the tax refund fund created by section 5703.052 of 48364  
the Revised Code. 48365

**Sec. 5739.01.** As used in this chapter: 48366

(A) "Person" includes individuals, receivers, assignees, 48367  
trustees in bankruptcy, estates, firms, partnerships, 48368  
associations, joint-stock companies, joint ventures, clubs, 48369  
societies, corporations, the state and its political subdivisions, 48370  
and combinations of individuals of any form. 48371

(B) "Sale" and "selling" include all of the following 48372  
transactions for a consideration in any manner, whether absolutely 48373  
or conditionally, whether for a price or rental, in money or by 48374

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exchange, and by any means whatsoever:	48375
(1) All transactions by which title or possession, or both,	48376
of tangible personal property, is or is to be transferred, or a	48377
license to use or consume tangible personal property is or is to	48378
be granted;	48379
(2) All transactions by which lodging by a hotel is or is to	48380
be furnished to transient guests;	48381
(3) All transactions by which:	48382
(a) An item of tangible personal property is or is to be	48383
repaired, except property, the purchase of which would be exempt	48384
from the tax imposed by section 5739.02 of the Revised Code;	48385
(b) An item of tangible personal property is or is to be	48386
installed, except property, the purchase of which would be exempt	48387
from the tax imposed by section 5739.02 of the Revised Code or	48388
property that is or is to be incorporated into and will become a	48389
part of a production, transmission, transportation, or	48390
distribution system for the delivery of a public utility service;	48391
(c) The service of washing, cleaning, waxing, polishing, or	48392
painting a motor vehicle is or is to be furnished;	48393
(d) Industrial laundry cleaning services are or are to be	48394
provided;	48395
(e) Automatic data processing, computer services, or	48396
electronic information services are or are to be provided for use	48397
in business when the true object of the transaction is the receipt	48398
by the consumer of automatic data processing, computer services,	48399
or electronic information services rather than the receipt of	48400
personal or professional services to which automatic data	48401
processing, computer services, or electronic information services	48402
are incidental or supplemental. Notwithstanding any other	48403
provision of this chapter, such transactions that occur between	48404

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members of an affiliated group are not sales. An affiliated group 48405  
means two or more persons related in such a way that one person 48406  
owns or controls the business operation of another member of the 48407  
group. In the case of corporations with stock, one corporation 48408  
owns or controls another if it owns more than fifty per cent of 48409  
the other corporation's common stock with voting rights. 48410

(f) Telecommunications service is provided that originates or 48411  
terminates in this state and is charged in the records of the 48412  
telecommunications service vendor to the consumer's telephone 48413  
number or account in this state, or that both originates and 48414  
terminates in this state; but does not include transactions by 48415  
which telecommunications service is paid for by using a prepaid 48416  
authorization number or prepaid telephone calling card, or by 48417  
which local telecommunications service is obtained from a 48418  
coin-operated telephone and paid for by using coin; 48419

(g) Landscaping and lawn care service is or is to be 48420  
provided; 48421

(h) Private investigation and security service is or is to be 48422  
provided; 48423

(i) Information services or tangible personal property is 48424  
provided or ordered by means of a nine hundred telephone call; 48425

(j) Building maintenance and janitorial service is or is to 48426  
be provided; 48427

(k) Employment service is or is to be provided; 48428

(l) Employment placement service is or is to be provided; 48429

(m) Exterminating service is or is to be provided; 48430

(n) Physical fitness facility service is or is to be 48431  
provided; 48432

(o) Recreation and sports club service is or is to be 48433  
provided. 48434

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(4) All transactions by which printed, imprinted, 48435  
overprinted, lithographic, multilithic, blueprinted, photostatic, 48436  
or other productions or reproductions of written or graphic matter 48437  
are or are to be furnished or transferred; 48438

(5) The production or fabrication of tangible personal 48439  
property for a consideration for consumers who furnish either 48440  
directly or indirectly the materials used in the production of 48441  
fabrication work; and include the furnishing, preparing, or 48442  
serving for a consideration of any tangible personal property 48443  
consumed on the premises of the person furnishing, preparing, or 48444  
serving such tangible personal property. Except as provided in 48445  
section 5739.03 of the Revised Code, a construction contract 48446  
pursuant to which tangible personal property is or is to be 48447  
incorporated into a structure or improvement on and becoming a 48448  
part of real property is not a sale of such tangible personal 48449  
property. The construction contractor is the consumer of such 48450  
tangible personal property, provided that the sale and 48451  
installation of carpeting, the sale and installation of 48452  
agricultural land tile, the sale and erection or installation of 48453  
portable grain bins, or the provision of landscaping and lawn care 48454  
service and the transfer of property as part of such service is 48455  
never a construction contract. The transfer of copyrighted motion 48456  
picture films for exhibition purposes is not a sale, except such 48457  
films as are used solely for advertising purposes. Other than as 48458  
provided in this section, "sale" and "selling" do not include 48459  
professional, insurance, or personal service transactions ~~which~~ 48460  
that involve the transfer of tangible personal property as an 48461  
inconsequential element, for which no separate charges are made. 48462

As used in division (B)(5) of this section: 48463

(a) "Agricultural land tile" means fired clay or concrete 48464  
tile, or flexible or rigid perforated plastic pipe or tubing, 48465  
incorporated or to be incorporated into a subsurface drainage 48466

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system appurtenant to land used or to be used directly in 48467  
production by farming, agriculture, horticulture, or floriculture. 48468  
The term does not include such materials when they are or are to 48469  
be incorporated into a drainage system appurtenant to a building 48470  
or structure even if the building or structure is used or to be 48471  
used in such production. 48472

(b) "Portable grain bin" means a structure that is used or to 48473  
be used by a person engaged in farming or agriculture to shelter 48474  
the person's grain and that is designed to be disassembled without 48475  
significant damage to its component parts. 48476

(6) All transactions in which all of the shares of stock of a 48477  
closely held corporation are transferred, if the corporation is 48478  
not engaging in business and its entire assets consist of boats, 48479  
planes, motor vehicles, or other tangible personal property 48480  
operated primarily for the use and enjoyment of the shareholders; 48481

(7) All transactions in which a warranty, maintenance or 48482  
service contract, or similar agreement by which the vendor of the 48483  
warranty, contract, or agreement agrees to repair or maintain the 48484  
tangible personal property of the consumer is or is to be 48485  
provided; 48486

(8) All transactions by which a prepaid authorization number 48487  
or a prepaid telephone calling card is or is to be transferred. 48488

(C) "Vendor" means the person providing the service or by 48489  
whom the transfer effected or license given by a sale is or is to 48490  
be made or given and, for sales described in division (B)(3)(i) of 48491  
this section, the telecommunications service vendor that provides 48492  
the nine hundred telephone service; if two or more persons are 48493  
engaged in business at the same place of business under a single 48494  
trade name in which all collections on account of sales by each 48495  
are made, such persons shall constitute a single vendor. 48496

Physicians, dentists, hospitals, and veterinarians who are 48497

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engaged in selling tangible personal property as received from 48498  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 48499  
articles, are vendors. Veterinarians who are engaged in 48500  
transferring to others for a consideration drugs, the dispensing 48501  
of which does not require an order of a licensed veterinarian or 48502  
physician under federal law, are vendors. 48503

(D)(1) "Consumer" means the person for whom the service is 48504  
provided, to whom the transfer effected or license given by a sale 48505  
is or is to be made or given, to whom the service described in 48506  
division (B)(3)(f) or (i) of this section is charged, or to whom 48507  
the admission is granted. 48508

(2) Physicians, dentists, hospitals, and blood banks operated 48509  
by nonprofit institutions and persons licensed to practice 48510  
veterinary medicine, surgery, and dentistry are consumers of all 48511  
tangible personal property and services purchased by them in 48512  
connection with the practice of medicine, dentistry, the rendition 48513  
of hospital or blood bank service, or the practice of veterinary 48514  
medicine, surgery, and dentistry. In addition to being consumers 48515  
of drugs administered by them or by their assistants according to 48516  
their direction, veterinarians also are consumers of drugs that 48517  
under federal law may be dispensed only by or upon the order of a 48518  
licensed veterinarian or physician, when transferred by them to 48519  
others for a consideration to provide treatment to animals as 48520  
directed by the veterinarian. 48521

(3) A person who performs a facility management, or similar 48522  
service contract for a contractee is a consumer of all tangible 48523  
personal property and services purchased for use in connection 48524  
with the performance of such contract, regardless of whether title 48525  
to any such property vests in the contractee. The purchase of such 48526  
property and services is not subject to the exception for resale 48527  
under division (E)(1) of this section. 48528

(4)(a) In the case of a person who purchases printed matter 48529

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for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exception under division (E)(8) of this section for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(E) "Retail sale" and "sales at retail" include all sales except those in which the purpose of the consumer is:

(1) To resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person;

(2) To incorporate the thing transferred as a material or a part, into tangible personal property to be produced for sale by

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manufacturing, assembling, processing, or refining, or to use or 48561  
consume the thing transferred directly in producing a product for 48562  
sale by mining, including without limitation the extraction from 48563  
the earth of all substances ~~which~~ that are classed geologically as 48564  
minerals, production of crude oil and natural gas, farming, 48565  
agriculture, horticulture, or floriculture, and persons engaged in 48566  
rendering farming, agricultural, horticultural, or floricultural 48567  
services, and services in the exploration for, and production of, 48568  
crude oil and natural gas, for others are deemed engaged directly 48569  
in farming, agriculture, horticulture, and floriculture, or 48570  
exploration for, and production of, crude oil and natural gas; 48571  
directly in the rendition of a public utility service, except that 48572  
the sales tax levied by section 5739.02 of the Revised Code shall 48573  
be collected upon all meals, drinks, and food for human 48574  
consumption sold upon Pullman and railroad coaches. This paragraph 48575  
does not exempt or except from "retail sale" or "sales at retail" 48576  
the sale of tangible personal property that is to be incorporated 48577  
into a structure or improvement to real property. 48578

(3) To hold the thing transferred as security for the 48579  
performance of an obligation of the vendor; 48580

(4) To use or consume the thing transferred in the process of 48581  
reclamation as required by Chapters 1513. and 1514. of the Revised 48582  
Code; 48583

(5) To resell, hold, use, or consume the thing transferred as 48584  
evidence of a contract of insurance; 48585

(6) To use or consume the thing directly in commercial 48586  
fishing; 48587

(7) To incorporate the thing transferred as a material or a 48588  
part into, or to use or consume the thing transferred directly in 48589  
the production of, magazines distributed as controlled circulation 48590  
publications; 48591

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(8) To use or consume the thing transferred in the production 48592  
and preparation in suitable condition for market and sale of 48593  
printed, imprinted, overprinted, lithographic, multilithic, 48594  
blueprinted, photostatic, or other productions or reproductions of 48595  
written or graphic matter; 48596

(9) To use the thing transferred, as described in section 48597  
5739.011 of the Revised Code, primarily in a manufacturing 48598  
operation to produce tangible personal property for sale; 48599

(10) To use the benefit of a warranty, maintenance or service 48600  
contract, or similar agreement, as defined in division (B)(7) of 48601  
this section, to repair or maintain tangible personal property, if 48602  
all of the property that is the subject of the warranty, contract, 48603  
or agreement would be exempt on its purchase from the tax imposed 48604  
by section 5739.02 of the Revised Code; 48605

(11) To use the thing transferred as qualified research and 48606  
development equipment; 48607

(12) To use or consume the thing transferred primarily in 48608  
storing, transporting, mailing, or otherwise handling purchased 48609  
sales inventory in a warehouse, distribution center, or similar 48610  
facility when the inventory is primarily distributed outside this 48611  
state to retail stores of the person who owns or controls the 48612  
warehouse, distribution center, or similar facility, to retail 48613  
stores of an affiliated group of which that person is a member, or 48614  
by means of direct marketing. Division (E)(12) of this section 48615  
does not apply to motor vehicles registered for operation on the 48616  
public highways. As used in division (E)(12) of this section, 48617  
"affiliated group" has the same meaning as in division (B)(3)(e) 48618  
of this section and "direct marketing" has the same meaning as in 48619  
division (B)(37) of section 5739.02 of the Revised Code. 48620

(13) To use or consume the thing transferred to fulfill a 48621  
contractual obligation incurred by a warrantor pursuant to a 48622

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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.

(H)(1) "Price," except as provided in divisions (H)(2) and  
(3) of this section, means the aggregate value in money of

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anything paid or delivered, or promised to be paid or delivered, 48654  
in the complete performance of a retail sale, without any 48655  
deduction on account of the cost of the property sold, cost of 48656  
materials used, labor or service cost, interest, discount paid or 48657  
allowed after the sale is consummated, or any other expense. If 48658  
the retail sale consists of the rental or lease of tangible 48659  
personal property, "price" means the aggregate value in money of 48660  
anything paid or delivered, or promised to be paid or delivered, 48661  
in the complete performance of the rental or lease, without any 48662  
deduction for tax, interest, labor or service charge, damage 48663  
liability waiver, termination or damage charge, discount paid or 48664  
allowed after the lease is consummated, or any other expense. The 48665  
sales tax shall be calculated and collected by the lessor on each 48666  
payment made by the lessee. Price does not include the 48667  
consideration received as a deposit refundable to the consumer 48668  
upon return of a beverage container, the consideration received as 48669  
a deposit on a carton or case that is used for such returnable 48670  
containers, or the consideration received as a refundable security 48671  
deposit for the use of tangible personal property to the extent 48672  
that it actually is refunded, if the consideration for such 48673  
refundable deposit is separately stated from the consideration 48674  
received or to be received for the tangible personal property 48675  
transferred in the retail sale. Such separation must appear in the 48676  
sales agreement or on the initial invoice or initial billing 48677  
rendered by the vendor to the consumer. Price is the amount 48678  
received inclusive of the tax, provided the vendor establishes to 48679  
the satisfaction of the tax commissioner that the tax was added to 48680  
the price. When the price includes both a charge for tangible 48681  
personal property and a charge for providing a service and the 48682  
sale of the property and the charge for the service are separately 48683  
taxable, or have a separately determinable tax status, the price 48684  
shall be separately stated for each such charge so the tax can be 48685  
correctly computed and charged. 48686

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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 any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of

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property returned or services rejected by consumers when the full  
sale price and tax are refunded either in cash or by credit. 48719  
48720

(J) "Place of business" means any location at which a person  
engages in business. 48721  
48722

(K) "Premises" includes any real property or portion thereof  
upon which any person engages in selling tangible personal 48723  
property at retail or making retail sales and also includes any 48724  
real property or portion thereof designated for, or devoted to, 48725  
use in conjunction with the business engaged in by such person. 48726  
48727

(L) "Casual sale" means a sale of an item of tangible 48728  
personal property ~~which~~ that was obtained by the person making the 48729  
sale, through purchase or otherwise, for the person's own use in 48730  
this state and ~~which~~ was previously subject to any state's taxing 48731  
jurisdiction on its sale or use, and includes such items acquired 48732  
for the seller's use ~~which~~ that are sold by an auctioneer employed 48733  
directly by the person for such purpose, provided the location of 48734  
such sales is not the auctioneer's permanent place of business. As 48735  
used in this division, "permanent place of business" includes any 48736  
location where such auctioneer has conducted more than two 48737  
auctions during the year. 48738

(M) "Hotel" means every establishment kept, used, maintained,  
advertised, or held out to the public to be a place where sleeping 48739  
accommodations are offered to guests, in which five or more rooms 48740  
are used for the accommodation of such guests, whether ~~such~~ the 48741  
rooms are in one or several structures. 48742  
48743

(N) "Transient guests" means persons occupying a room or 48744  
rooms for sleeping accommodations for less than thirty consecutive 48745  
days. 48746

(O) "Making retail sales" means the effecting of transactions 48747  
wherein one party is obligated to pay the price and the other 48748  
party is obligated to provide a service or to transfer title to or 48749

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possession of the item sold. "Making retail sales" does not  
include the preliminary acts of promoting or soliciting the retail  
sales, other than the distribution of printed matter which  
displays or describes and prices the item offered for sale, nor  
does it include delivery of a predetermined quantity of tangible  
personal property or transportation of property or personnel to or  
from a place where a service is performed, regardless of whether  
the vendor is a delivery vendor.

(P) "Used directly in the rendition of a public utility  
service" means that property which is to be incorporated into and  
will become a part of the consumer's production, transmission,  
transportation, or distribution system and ~~which~~ that retains its  
classification as tangible personal property after such  
incorporation; fuel or power used in the production, transmission,  
transportation, or distribution system; and tangible personal  
property used in the repair and maintenance of the production,  
transmission, transportation, or distribution system, including  
only such motor vehicles as are specially designed and equipped  
for such use. Tangible personal property and services used  
primarily in providing highway transportation for hire are not  
used in providing a public utility service as defined in this  
division.

(Q) "Refining" means removing or separating a desirable  
product from raw or contaminated materials by distillation or  
physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting  
together parts to form a product, but do not include packaging a  
product.

(S) "Manufacturing operation" means a process in which  
materials are changed, converted, or transformed into a different  
state or form from which they previously existed and includes  
refining materials, assembling parts, and preparing raw materials

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and parts by mixing, measuring, blending, or otherwise committing 48782  
such materials or parts to the manufacturing process. 48783  
"Manufacturing operation" does not include packaging. 48784

(T) "Fiscal officer" means, with respect to a regional 48785  
transit authority, the secretary-treasurer thereof, and with 48786  
respect to a county ~~which~~ that is a transit authority, the fiscal 48787  
officer of the county transit board if one is appointed pursuant 48788  
to section 306.03 of the Revised Code or the county auditor if the 48789  
board of county commissioners operates the county transit system. 48790

(U) "Transit authority" means a regional transit authority 48791  
created pursuant to section 306.31 of the Revised Code or a county 48792  
in which a county transit system is created pursuant to section 48793  
306.01 of the Revised Code. For the purposes of this chapter, a 48794  
transit authority must extend to at least the entire area of a 48795  
single county. A transit authority ~~which~~ that includes territory 48796  
in more than one county must include all the area of the most 48797  
populous county ~~which~~ that is a part of such transit authority. 48798  
County population shall be measured by the most recent census 48799  
taken by the United States census bureau. 48800

(V) "Legislative authority" means, with respect to a regional 48801  
transit authority, the board of trustees thereof, and with respect 48802  
to a county ~~which~~ that is a transit authority, the board of county 48803  
commissioners. 48804

(W) "Territory of the transit authority" means all of the 48805  
area included within the territorial boundaries of a transit 48806  
authority as they from time to time exist. Such territorial 48807  
boundaries must at all times include all the area of a single 48808  
county or all the area of the most populous county ~~which~~ that is a 48809  
part of such transit authority. County population shall be 48810  
measured by the most recent census taken by the United States 48811  
census bureau. 48812

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(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.	48813 48814 48815
(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.	48816 48817 48818 48819
(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.	48820 48821 48822 48823 48824 48825
(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:	48826 48827 48828
(i) Examining or acquiring data stored in or accessible to the computer equipment;	48829 48830
(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.	48831 48832 48833
(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.	48834 48835 48836
(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:	48837 48838 48839 48840
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control,	48841 48842

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information security, and auditing and any other situation where	48843
the service provider receives data or information and studies,	48844
alters, analyzes, interprets, or adjusts such material;	48845
(b) Analyzing business policies and procedures;	48846
(c) Identifying management information needs;	48847
(d) Feasibility studies, including economic and technical	48848
analysis of existing or potential computer hardware or software	48849
needs and alternatives;	48850
(e) Designing policies, procedures, and custom software for	48851
collecting business information, and determining how data should	48852
be summarized, sequenced, formatted, processed, controlled, and	48853
reported so that it will be meaningful to management;	48854
(f) Developing policies and procedures that document how	48855
business events and transactions are to be authorized, executed,	48856
and controlled;	48857
(g) Testing of business procedures;	48858
(h) Training personnel in business procedure applications;	48859
(i) Providing credit information to users of such information	48860
by a consumer reporting agency, as defined in the "Fair Credit	48861
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	48862
as hereafter amended, including but not limited to gathering,	48863
organizing, analyzing, recording, and furnishing such information	48864
by any oral, written, graphic, or electronic medium;	48865
(j) Providing debt collection services by any oral, written,	48866
graphic, or electronic means.	48867
The services listed in divisions (Y)(2)(a) to (j) of this	48868
section are not automatic data processing or computer services.	48869
(Z) "Highway transportation for hire" means the	48870
transportation of personal property belonging to others for	48871

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- consideration by any of the following: 48872
- (1) The holder of a permit or certificate issued by this 48873  
state or the United States authorizing the holder to engage in 48874  
transportation of personal property belonging to others for 48875  
consideration over or on highways, roadways, streets, or any 48876  
similar public thoroughfare; 48877
- (2) A person who engages in the transportation of personal 48878  
property belonging to others for consideration over or on 48879  
highways, roadways, streets, or any similar public thoroughfare 48880  
but who could not have engaged in such transportation on December 48881  
11, 1985, unless the person was the holder of a permit or 48882  
certificate of the types described in division (Z)(1) of this 48883  
section; 48884
- (3) A person who leases a motor vehicle to and operates it 48885  
for a person described by division (Z)(1) or (2) of this section. 48886
- (AA) "Telecommunications service" means the transmission of 48887  
any interactive, two-way electromagnetic communications, including 48888  
voice, image, data, and information, through the use of any medium 48889  
such as wires, cables, microwaves, cellular radio, radio waves, 48890  
light waves, or any combination of those or similar media. 48891  
"Telecommunications service" includes message toll service even 48892  
though the vendor provides the message toll service by means of 48893  
wide area transmission type service or private communications 48894  
service purchased from another telecommunications service 48895  
provider, but does not include any of the following: 48896
- (1) Sales of incoming or outgoing wide area transmission 48897  
service or wide area transmission type service, including eight 48898  
hundred or eight-hundred-type service, to the person contracting 48899  
for the receipt of that service; 48900
- (2) Sales of private communications service to the person 48901  
contracting for the receipt of that service that entitles the 48902

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purchaser to exclusive or priority use of a communications channel	48903
or group of channels between exchanges;	48904
(3) Sales of telecommunications service by companies subject	48905
to the excise tax imposed by Chapter 5727. of the Revised Code;	48906
(4) Sales of telecommunications service to a provider of	48907
telecommunications service, including access services, for use in	48908
providing telecommunications service;	48909
(5) Value-added nonvoice services in which computer	48910
processing applications are used to act on the form, content,	48911
code, or protocol of the information to be transmitted;	48912
(6) Transmission of interactive video programming by a cable	48913
television system as defined in section 505.90 of the Revised	48914
Code.	48915
(BB) "Industrial laundry cleaning services" means removing	48916
soil or dirt from or supplying towels, linens, or articles of	48917
clothing that belong to others and are used in a trade or	48918
business.	48919
(CC) "Magazines distributed as controlled circulation	48920
publications" means magazines containing at least twenty-four	48921
pages, at least twenty-five per cent editorial content, issued at	48922
regular intervals four or more times a year, and circulated	48923
without charge to the recipient, provided that such magazines are	48924
not owned or controlled by individuals or business concerns which	48925
conduct such publications as an auxiliary to, and essentially for	48926
the advancement of the main business or calling of, those who own	48927
or control them.	48928
(DD) "Landscaping and lawn care service" means the services	48929
of planting, seeding, sodding, removing, cutting, trimming,	48930
pruning, mulching, aerating, applying chemicals, watering,	48931
fertilizing, and providing similar services to establish, promote,	48932
or control the growth of trees, shrubs, flowers, grass, ground	48933

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cover, and other flora, or otherwise maintaining a lawn or  
landscape grown or maintained by the owner for ornamentation or  
other nonagricultural purpose. However, "landscaping and lawn care  
service" does not include the providing of such services by a  
person who has less than five thousand dollars in sales of such  
services during the calendar year.

(EE) "Private investigation and security service" means the  
performance of any activity for which the provider of such service  
is required to be licensed pursuant to Chapter 4749. of the  
Revised Code, or would be required to be so licensed in performing  
such services in this state, and also includes the services of  
conducting polygraph examinations and of monitoring or overseeing  
the activities on or in, or the condition of, the consumer's home,  
business, or other facility by means of electronic or similar  
monitoring devices. "Private investigation and security service"  
does not include special duty services provided by off-duty police  
officers, deputy sheriffs, and other peace officers regularly  
employed by the state or a political subdivision.

(FF) "Information services" means providing conversation,  
giving consultation or advice, playing or making a voice or other  
recording, making or keeping a record of the number of callers,  
and any other service provided to a consumer by means of a nine  
hundred telephone call, except when the nine hundred telephone  
call is the means by which the consumer makes a contribution to a  
recognized charity.

(GG) "Research and development" means designing, creating, or  
formulating new or enhanced products, equipment, or manufacturing  
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.

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(HH) "Qualified research and development equipment" means 48966  
capitalized tangible personal property, and leased personal 48967  
property that would be capitalized if purchased, used by a person 48968  
primarily to perform research and development. Tangible personal 48969  
property primarily used in testing, as defined in division (A)(4) 48970  
of section 5739.011 of the Revised Code, or used for recording or 48971  
storing test results, is not qualified research and development 48972  
equipment unless such property is primarily used by the consumer 48973  
in testing the product, equipment, or manufacturing process being 48974  
created, designed, or formulated by the consumer in the research 48975  
and development activity or in recording or storing such test 48976  
results. 48977

(II) "Building maintenance and janitorial service" means 48978  
cleaning the interior or exterior of a building and any tangible 48979  
personal property located therein or thereon, including any 48980  
services incidental to such cleaning for which no separate charge 48981  
is made. However, "building maintenance and janitorial service" 48982  
does not include the providing of such service by a person who has 48983  
less than five thousand dollars in sales of such service during 48984  
the calendar year. 48985

(JJ) "Employment service" means providing or supplying 48986  
personnel, on a temporary or long-term basis, to perform work or 48987  
labor under the supervision or control of another, when the 48988  
personnel so supplied receive their wages, salary, or other 48989  
compensation from the provider of the service. "Employment 48990  
service" does not include: 48991

(1) Acting as a contractor or subcontractor, where the 48992  
personnel performing the work are not under the direct control of 48993  
the purchaser. 48994

(2) Medical and health care services. 48995

(3) Supplying personnel to a purchaser pursuant to a contract 48996

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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. 48997  
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(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 49000  
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(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position. 49002  
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(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. 49005  
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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. 49010  
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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 continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization. 49017  
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(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(QQ) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(RR) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting 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

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series sanctioned by one or more motor racing sanctioning 49059  
organizations. A "motor racing vehicle" means a vehicle for which 49060  
the chassis, engine, and parts are designed exclusively for motor 49061  
racing, and does not include a stock or production model vehicle 49062  
that may be modified for use in racing. For the purposes of this 49063  
division: 49064

(1) A "competitive professional racing event" is a motor 49065  
vehicle racing event sanctioned by one or more motor racing 49066  
sanctioning organizations, at which aggregate cash prizes in 49067  
excess of eight hundred thousand dollars are awarded to the 49068  
competitors. 49069

(2) "Full-time employee" means an individual who is employed 49070  
for consideration for thirty-five or more hours a week, or who 49071  
renders any other standard of service generally accepted by custom 49072  
or specified by contract as full-time employment. 49073

(UU)(1) "Prepaid authorization number" means a numeric or 49074  
alphanumeric combination that represents a prepaid account that 49075  
can be used by the account holder solely to obtain 49076  
telecommunications service, and includes any renewals or increases 49077  
in the prepaid account. 49078

(2) "Prepaid telephone calling card" means a tangible item 49079  
that contains a prepaid authorization number that can be used 49080  
solely to obtain telecommunications service, and includes any 49081  
renewals or increases in the prepaid account. 49082

**Sec. 5739.02.** For the purpose of providing revenue with which 49083  
to meet the needs of the state, for the use of the general revenue 49084  
fund of the state, for the purpose of securing a thorough and 49085  
efficient system of common schools throughout the state, for the 49086  
purpose of affording revenues, in addition to those from general 49087  
property taxes, permitted under constitutional limitations, and 49088  
from other sources, for the support of local governmental 49089

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functions, and for the purpose of reimbursing the state for the 49090  
expense of administering this chapter, an excise tax is hereby 49091  
levied on each retail sale made in this state. 49092

(A) The tax shall be collected pursuant to the schedules in 49093  
section 5739.025 of the Revised Code. 49094

The tax applies and is collectible when the sale is made, 49095  
regardless of the time when the price is paid or delivered. 49096

In the case of a sale, the price of which consists in whole 49097  
or in part of rentals for the use of the thing transferred, the 49098  
tax, as regards such rentals, shall be measured by the 49099  
installments thereof. 49100

In the case of a sale of a service defined under division 49101  
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 49102  
which consists in whole or in part of a membership for the receipt 49103  
of the benefit of the service, the tax applicable to the sale 49104  
shall be measured by the installments thereof. 49105

(B) The tax does not apply to the following: 49106

(1) Sales to the state or any of its political subdivisions, 49107  
or to any other state or its political subdivisions if the laws of 49108  
that state exempt from taxation sales made to this state and its 49109  
political subdivisions; 49110

(2) Sales of food for human consumption off the premises 49111  
where sold; 49112

(3) Sales of food sold to students only in a cafeteria, 49113  
dormitory, fraternity, or sorority maintained in a private, 49114  
public, or parochial school, college, or university; 49115

(4) Sales of newspapers, and of magazine subscriptions 49116  
shipped by second class mail, and sales or transfers of magazines 49117  
distributed as controlled circulation publications; 49118

(5) The furnishing, preparing, or serving of meals without 49119

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charge by an employer to an employee provided the employer records 49120  
the meals as part compensation for services performed or work 49121  
done; 49122

(6) Sales of motor fuel upon receipt, use, distribution, or 49123  
sale of which in this state a tax is imposed by the law of this 49124  
state, but this exemption shall not apply to the sale of motor 49125  
fuel on which a refund of the tax is allowable under section 49126  
5735.14 of the Revised Code; and the tax commissioner may deduct 49127  
the amount of tax levied by this section applicable to the price 49128  
of motor fuel when granting a refund of motor fuel tax pursuant to 49129  
section 5735.14 of the Revised Code and shall cause the amount 49130  
deducted to be paid into the general revenue fund of this state; 49131

(7) Sales of natural gas by a natural gas company, of water 49132  
by a water-works company, or of steam by a heating company, if in 49133  
each case the thing sold is delivered to consumers through pipes 49134  
or conduits, and all sales of communications services by a 49135  
telephone or telegraph company, all terms as defined in section 49136  
5727.01 of the Revised Code; 49137

(8) Casual sales by a person, or auctioneer employed directly 49138  
by the person to conduct such sales, except as to such sales of 49139  
motor vehicles, watercraft or outboard motors required to be 49140  
titled under section 1548.06 of the Revised Code, watercraft 49141  
documented with the United States coast guard, snowmobiles, and 49142  
all-purpose vehicles as defined in section 4519.01 of the Revised 49143  
Code; 49144

(9) Sales of services or tangible personal property, other 49145  
than motor vehicles, mobile homes, and manufactured homes, by 49146  
churches, organizations exempt from taxation under section 49147  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 49148  
organizations operated exclusively for charitable purposes as 49149  
defined in division (B)(12) of this section, provided that the 49150  
number of days on which such tangible personal property or 49151

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services, other than items never subject to the tax, are sold does 49152  
not exceed six in any calendar year. If the number of days on 49153  
which such sales are made exceeds six in any calendar year, the 49154  
church or organization shall be considered to be engaged in 49155  
business and all subsequent sales by it shall be subject to the 49156  
tax. In counting the number of days, all sales by groups within a 49157  
church or within an organization shall be considered to be sales 49158  
of that church or organization, except that sales made by separate 49159  
student clubs and other groups of students of a primary or 49160  
secondary school, and sales made by a parent-teacher association, 49161  
booster group, or similar organization that raises money to 49162  
support or fund curricular or extracurricular activities of a 49163  
primary or secondary school, shall not be considered to be sales 49164  
of such school, and sales by each such club, group, association, 49165  
or organization shall be counted separately for purposes of the 49166  
six-day limitation. This division does not apply to sales by a 49167  
noncommercial educational radio or television broadcasting 49168  
station. 49169

(10) Sales not within the taxing power of this state under 49170  
the Constitution of the United States; 49171

(11) The transportation of persons or property, unless the 49172  
transportation is by a private investigation and security service; 49173

(12) Sales of tangible personal property or services to 49174  
churches, to organizations exempt from taxation under section 49175  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 49176  
nonprofit organizations operated exclusively for charitable 49177  
purposes in this state, no part of the net income of which inures 49178  
to the benefit of any private shareholder or individual, and no 49179  
substantial part of the activities of which consists of carrying 49180  
on propaganda or otherwise attempting to influence legislation; 49181  
sales to offices administering one or more homes for the aged or 49182  
one or more hospital facilities exempt under section 140.08 of the 49183

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Revised Code; and sales to organizations described in division (D) 49184  
of section 5709.12 of the Revised Code. 49185

"Charitable purposes" means the relief of poverty; the 49186  
improvement of health through the alleviation of illness, disease, 49187  
or injury; the operation of an organization exclusively for the 49188  
provision of professional, laundry, printing, and purchasing 49189  
services to hospitals or charitable institutions; the operation of 49190  
a home for the aged, as defined in section 5701.13 of the Revised 49191  
Code; the operation of a radio or television broadcasting station 49192  
that is licensed by the federal communications commission as a 49193  
noncommercial educational radio or television station; the 49194  
operation of a nonprofit animal adoption service or a county 49195  
humane society; the promotion of education by an institution of 49196  
learning that maintains a faculty of qualified instructors, 49197  
teaches regular continuous courses of study, and confers a 49198  
recognized diploma upon completion of a specific curriculum; the 49199  
operation of a parent-teacher association, booster group, or 49200  
similar organization primarily engaged in the promotion and 49201  
support of the curricular or extracurricular activities of a 49202  
primary or secondary school; the operation of a community or area 49203  
center in which presentations in music, dramatics, the arts, and 49204  
related fields are made in order to foster public interest and 49205  
education therein; the production of performances in music, 49206  
dramatics, and the arts; or the promotion of education by an 49207  
organization engaged in carrying on research in, or the 49208  
dissemination of, scientific and technological knowledge and 49209  
information primarily for the public. 49210

Nothing in this division shall be deemed to exempt sales to 49211  
any organization for use in the operation or carrying on of a 49212  
trade or business, or sales to a home for the aged for use in the 49213  
operation of independent living facilities as defined in division 49214  
(A) of section 5709.12 of the Revised Code. 49215

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(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision thereof, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of such structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; and building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state;

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(14) Sales of ships or vessels or rail rolling stock used or 49248  
to be used principally in interstate or foreign commerce, and 49249  
repairs, alterations, fuel, and lubricants for such ships or 49250  
vessels or rail rolling stock; 49251

(15) Sales to persons engaged in any of the activities 49252  
mentioned in division (E)(2) or (9) of section 5739.01 of the 49253  
Revised Code, to persons engaged in making retail sales, or to 49254  
persons who purchase for sale from a manufacturer tangible 49255  
personal property that was produced by the manufacturer in 49256  
accordance with specific designs provided by the purchaser, of 49257  
packages, including material, labels, and parts for packages, and 49258  
of machinery, equipment, and material for use primarily in 49259  
packaging tangible personal property produced for sale, including 49260  
any machinery, equipment, and supplies used to make labels or 49261  
packages, to prepare packages or products for labeling, or to 49262  
label packages or products, by or on the order of the person doing 49263  
the packaging, or sold at retail. "Packages" includes bags, 49264  
baskets, cartons, crates, boxes, cans, bottles, bindings, 49265  
wrappings, and other similar devices and containers, and 49266  
"packaging" means placing therein. 49267

(16) Sales of food to persons using food stamp ~~coupons~~ 49268  
benefits to purchase the food. As used in division (B)(16) of this 49269  
section, "food" has the same meaning as in the "Food Stamp Act of 49270  
1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal 49271  
regulations adopted pursuant to that act. 49272

(17) Sales to persons engaged in farming, agriculture, 49273  
horticulture, or floriculture, of tangible personal property for 49274  
use or consumption directly in the production by farming, 49275  
agriculture, horticulture, or floriculture of other tangible 49276  
personal property for use or consumption directly in the 49277  
production of tangible personal property for sale by farming, 49278  
agriculture, horticulture, or floriculture; or material and parts 49279

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for incorporation into any such tangible personal property for use 49280  
 or consumption in production; and of tangible personal property 49281  
 for such use or consumption in the conditioning or holding of 49282  
 products produced by and for such use, consumption, or sale by 49283  
 persons engaged in farming, agriculture, horticulture, or 49284  
 floriculture, except where such property is incorporated into real 49285  
 property; 49286

(18) Sales of drugs dispensed by a licensed pharmacist upon 49287  
 the order of a licensed health professional authorized to 49288  
 prescribe drugs to a human being, as the term "licensed health 49289  
 professional authorized to prescribe drugs" is defined in section 49290  
 4729.01 of the Revised Code; insulin as recognized in the official 49291  
 United States pharmacopoeia; urine and blood testing materials 49292  
 when used by diabetics or persons with hypoglycemia to test for 49293  
 glucose or acetone; hypodermic syringes and needles when used by 49294  
 diabetics for insulin injections; epoetin alfa when purchased for 49295  
 use in the treatment of persons with end-stage renal disease; 49296  
 hospital beds when purchased for use by persons with medical 49297  
 problems for medical purposes; and oxygen and oxygen-dispensing 49298  
 equipment when purchased for use by persons with medical problems 49299  
 for medical purposes; 49300

(19) Sales of artificial limbs or portion thereof, breast 49301  
 prostheses, and other prosthetic devices for humans; braces or 49302  
 other devices for supporting weakened or nonfunctioning parts of 49303  
 the human body; wheelchairs; devices used to lift wheelchairs into 49304  
 motor vehicles and parts and accessories to such devices; crutches 49305  
 or other devices to aid human perambulation; and items of tangible 49306  
 personal property used to supplement impaired functions of the 49307  
 human body such as respiration, hearing, or elimination. No 49308  
 exemption under this division shall be allowed for nonprescription 49309  
 drugs, medicines, or remedies; items or devices used to supplement 49310  
 vision; items or devices whose function is solely or primarily 49311

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cosmetic; or physical fitness equipment. This division does not  
apply to sales to a physician or medical facility for use in the  
treatment of a patient.

(20) Sales of emergency and fire protection vehicles and  
equipment to nonprofit organizations for use solely in providing  
fire protection and emergency services, including trauma care and  
emergency medical services, for political subdivisions of the  
state;

(21) Sales of tangible personal property manufactured in this  
state, if sold by the manufacturer in this state to a retailer for  
use in the retail business of the retailer outside of this state  
and if possession is taken from the manufacturer by the purchaser  
within this state for the sole purpose of immediately removing the  
same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its  
political subdivisions, agencies, instrumentalities, institutions,  
or authorities, or by governmental entities of the state or any of  
its political subdivisions, agencies, instrumentalities,  
institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state  
upon the presentation of an affidavit executed in this state by  
the nonresident purchaser affirming that the purchaser is a  
nonresident of this state, that possession of the motor vehicle is  
taken in this state for the sole purpose of immediately removing  
it from this state, that the motor vehicle will be permanently  
titled and registered in another state, and that the motor vehicle  
will not be used in this state;

(24) Sales to persons engaged in the preparation of eggs for  
sale of tangible personal property used or consumed directly in  
such preparation, including such tangible personal property used

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for cleaning, sanitizing, preserving, grading, sorting, and 49343  
classifying by size; packages, including material and parts for 49344  
packages, and machinery, equipment, and material for use in 49345  
packaging eggs for sale; and handling and transportation equipment 49346  
and parts therefor, except motor vehicles licensed to operate on 49347  
public highways, used in intraplant or interplant transfers or 49348  
shipment of eggs in the process of preparation for sale, when the 49349  
plant or plants within or between which such transfers or 49350  
shipments occur are operated by the same person. "Packages" 49351  
includes containers, cases, baskets, flats, fillers, filler flats, 49352  
cartons, closure materials, labels, and labeling materials, and 49353  
"packaging" means placing therein. 49354

(25)(a) Sales of water to a consumer for residential use, 49355  
except the sale of bottled water, distilled water, mineral water, 49356  
carbonated water, or ice; 49357

(b) Sales of water by a nonprofit corporation engaged 49358  
exclusively in the treatment, distribution, and sale of water to 49359  
consumers, if such water is delivered to consumers through pipes 49360  
or tubing. 49361

(26) Fees charged for inspection or reinspection of motor 49362  
vehicles under section 3704.14 of the Revised Code; 49363

(27) Sales to persons licensed to conduct a food service 49364  
operation pursuant to section 3717.43 of the Revised Code, of 49365  
tangible personal property primarily used directly for the 49366  
following: 49367

(a) To prepare food for human consumption for sale; 49368

(b) To preserve food that has been or will be prepared for 49369  
human consumption for sale by the food service operator, not 49370  
including tangible personal property used to display food for 49371  
selection by the consumer; 49372

(c) To clean tangible personal property used to prepare or 49373

serve food for human consumption for sale.	49374
(28) Sales of animals by nonprofit animal adoption services	49375
or county humane societies;	49376
(29) Sales of services to a corporation described in division	49377
(A) of section 5709.72 of the Revised Code, and sales of tangible	49378
personal property that qualifies for exemption from taxation under	49379
section 5709.72 of the Revised Code;	49380
(30) Sales and installation of agricultural land tile, as	49381
defined in division (B)(5)(a) of section 5739.01 of the Revised	49382
Code;	49383
(31) Sales and erection or installation of portable grain	49384
bins, as defined in division (B)(5)(b) of section 5739.01 of the	49385
Revised Code;	49386
(32) The sale, lease, repair, and maintenance of, parts for,	49387
or items attached to or incorporated in, motor vehicles that are	49388
primarily used for transporting tangible personal property by a	49389
person engaged in highway transportation for hire;	49390
(33) Sales to the state headquarters of any veterans'	49391
organization in Ohio that is either incorporated and issued a	49392
charter by the congress of the United States or is recognized by	49393
the United States veterans administration, for use by the	49394
headquarters;	49395
(34) Sales to a telecommunications service vendor of tangible	49396
personal property and services used directly and primarily in	49397
transmitting, receiving, switching, or recording any interactive,	49398
two-way electromagnetic communications, including voice, image,	49399
data, and information, through the use of any medium, including,	49400
but not limited to, poles, wires, cables, switching equipment,	49401
computers, and record storage devices and media, and component	49402
parts for the tangible personal property. The exemption provided	49403
in division (B)(34) of this section shall be in lieu of all other	49404

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exceptions under division (E)(2) of section 5739.01 of the Revised Code to which a telecommunications service vendor may otherwise be entitled based upon the use of the thing purchased in providing the telecommunications service.

(35) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, and palladium, and which is in such state or condition that its value depends upon its content and not upon its form. "Investment metal bullion" does not include fabricated precious metal that has been processed or manufactured for one or more specific and customary industrial, professional, or artistic uses. "Investment coins" means numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium, or other metal under the laws of the United States or any foreign nation with a fair market value greater than any statutory or nominal value of such coins.

(36)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(36)(a) of this section; and of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

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(c) Sales of automatic food vending machines that preserve 49437  
food with a shelf life of forty-five days or less by refrigeration 49438  
and dispense it to the consumer. 49439

For purposes of division (B)(36) of this section, "direct 49440  
marketing" means the method of selling where consumers order 49441  
tangible personal property by United States mail, delivery 49442  
service, or telecommunication and the vendor delivers or ships the 49443  
tangible personal property sold to the consumer from a warehouse, 49444  
catalogue distribution center, or similar fulfillment facility by 49445  
means of the United States mail, delivery service, or common 49446  
carrier. 49447

(37) Sales to a person engaged in the business of 49448  
horticulture or producing livestock of materials to be 49449  
incorporated into a horticulture structure or livestock structure; 49450

(38) The sale of a motor vehicle that is used exclusively for 49451  
a vanpool ridesharing arrangement to persons participating in the 49452  
vanpool ridesharing arrangement when the vendor is selling the 49453  
vehicle pursuant to a contract between the vendor and the 49454  
department of transportation; 49455

(39) Sales of personal computers, computer monitors, computer 49456  
keyboards, modems, and other peripheral computer equipment to an 49457  
individual who is licensed or certified to teach in an elementary 49458  
or a secondary school in this state for use by that individual in 49459  
preparation for teaching elementary or secondary school students; 49460  
49461

(40) Sales to a professional racing team of any of the 49462  
following: 49463

(a) Motor racing vehicles; 49464

(b) Repair services for motor racing vehicles; 49465

(c) Items of property that are attached to or incorporated in 49466

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motor racing vehicles, including engines, chassis, and all other 49467  
components of the vehicles, and all spare, replacement, and 49468  
rebuilt parts or components of the vehicles; except not including 49469  
tires, consumable fluids, paint, and accessories consisting of 49470  
instrumentation sensors and related items added to the vehicle to 49471  
collect and transmit data by means of telemetry and other forms of 49472  
communication. 49473

(41) Sales of used manufactured homes and used mobile homes, 49474  
as defined in section 5739.0210 of the Revised Code, made on or 49475  
after January 1, 2000; 49476

(42) Sales of tangible personal property and services to a 49477  
provider of electricity used or consumed directly and primarily in 49478  
generating, transmitting, or distributing electricity for use by 49479  
others, including property that is or is to be incorporated into 49480  
and will become a part of the consumer's production, transmission, 49481  
or distribution system and that retains its classification as 49482  
tangible personal property after incorporation; fuel or power used 49483  
in the production, transmission, or distribution of electricity; 49484  
and tangible personal property and services used in the repair and 49485  
maintenance of the production, transmission, or distribution 49486  
system, including only those motor vehicles as are specially 49487  
designed and equipped for such use. The exemption provided in this 49488  
division shall be in lieu of all other exceptions in division 49489  
(E)(2) of section 5739.01 of the Revised Code to which a provider 49490  
of electricity may otherwise be entitled based on the use of the 49491  
tangible personal property or service purchased in generating, 49492  
transmitting, or distributing electricity. 49493

For the purpose of the proper administration of this chapter, 49494  
and to prevent the evasion of the tax, it is presumed that all 49495  
sales made in this state are subject to the tax until the contrary 49496  
is established. 49497

As used in this section, except in division (B)(16) of this 49498

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section, "food" includes cereals and cereal products, milk and 49499  
milk products including ice cream, meat and meat products, fish 49500  
and fish products, eggs and egg products, vegetables and vegetable 49501  
products, fruits, fruit products, and pure fruit juices, 49502  
condiments, sugar and sugar products, coffee and coffee 49503  
substitutes, tea, and cocoa and cocoa products. It does not 49504  
include: spirituous or malt liquors; soft drinks; sodas and 49505  
beverages that are ordinarily dispensed at bars and soda fountains 49506  
or in connection therewith, other than coffee, tea, and cocoa; 49507  
root beer and root beer extracts; malt and malt extracts; mineral 49508  
oils, cod liver oils, and halibut liver oil; medicines, including 49509  
tonics, vitamin preparations, and other products sold primarily 49510  
for their medicinal properties; and water, including mineral, 49511  
bottled, and carbonated waters, and ice. 49512

(C) The levy of an excise tax on transactions by which 49513  
lodging by a hotel is or is to be furnished to transient guests 49514  
pursuant to this section and division (B) of section 5739.01 of 49515  
the Revised Code does not prevent any of the following: 49516

(1) A municipal corporation or township from levying an 49517  
excise tax for any lawful purpose not to exceed three per cent on 49518  
transactions by which lodging by a hotel is or is to be furnished 49519  
to transient guests in addition to the tax levied by this section. 49520  
If a municipal corporation or township repeals a tax imposed under 49521  
division (C)(1) of this section and a county in which the 49522  
municipal corporation or township has territory has a tax imposed 49523  
under division (C) of section 5739.024 of the Revised Code in 49524  
effect, the municipal corporation or township may not reimpose its 49525  
tax as long as that county tax remains in effect. A municipal 49526  
corporation or township in which a tax is levied under division 49527  
(B)(2) of section 351.021 of the Revised Code may not increase the 49528  
rate of its tax levied under division (C)(1) of this section to 49529  
any rate that would cause the total taxes levied under both of 49530

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those divisions to exceed three per cent on any lodging	49531
transaction within the municipal corporation or township.	49532
(2) A municipal corporation or a township from levying an	49533
additional excise tax not to exceed three per cent on such	49534
transactions pursuant to division (B) of section 5739.024 of the	49535
Revised Code. Such tax is in addition to any tax imposed under	49536
division (C)(1) of this section.	49537
(3) A county from levying an excise tax pursuant to division	49538
(A) of section 5739.024 of the Revised Code.	49539
(4) A county from levying an excise tax not to exceed three	49540
per cent of such transactions pursuant to division (C) of section	49541
5739.024 of the Revised Code. Such a tax is in addition to any tax	49542
imposed under division (C)(3) of this section.	49543
(5) A convention facilities authority, as defined in division	49544
(A) of section 351.01 of the Revised Code, from levying the excise	49545
taxes provided for in division (B) of section 351.021 of the	49546
Revised Code.	49547
(6) A county from levying an excise tax not to exceed one and	49548
one-half per cent of such transactions pursuant to division (D) of	49549
section 5739.024 of the Revised Code. Such tax is in addition to	49550
any tax imposed under division (C)(3) or (4) of this section.	49551
	49552
(7) A county from levying an excise tax not to exceed one and	49553
one-half per cent of such transactions pursuant to division (E) of	49554
section 5739.024 of the Revised Code. Such a tax is in addition to	49555
any tax imposed under division (C)(3), (4), or (6) of this	49556
section.	49557
(D) The levy of this tax on retail sales of recreation and	49558
sports club service shall not prevent a municipal corporation from	49559
levying any tax on recreation and sports club dues or on any	49560
income generated by recreation and sports club dues.	49561

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**Sec. 5739.024.** (A)(1) A board of county commissioners may, by 49562  
resolution adopted by a majority of the members of the board, levy 49563  
an excise tax not to exceed three per cent on transactions by 49564  
which lodging by a hotel is or is to be furnished to transient 49565  
guests. The board shall establish all regulations necessary to 49566  
provide for the administration and allocation of the tax. The 49567  
regulations may prescribe the time for payment of the tax, and may 49568  
provide for the imposition of a penalty or interest, or both, for 49569  
late payments, provided that the penalty does not exceed ten per 49570  
cent of the amount of tax due, and the rate at which interest 49571  
accrues does not exceed the rate per annum prescribed pursuant to 49572  
section 5703.47 of the Revised Code. Except as ~~otherwise~~ provided 49573  
in divisions (A)(2) and (3) of this section, the regulations shall 49574  
provide, after deducting the real and actual costs of 49575  
administering the tax, for the return to each municipal 49576  
corporation or township that does not levy an excise tax on such 49577  
transactions, a uniform percentage of the tax collected in the 49578  
municipal corporation or in the unincorporated portion of the 49579  
township from each such transaction, not to exceed thirty-three 49580  
and one-third per cent. The remainder of the revenue arising from 49581  
the tax shall be deposited in a separate fund and shall be spent 49582  
solely to make contributions to the convention and visitors' 49583  
bureau operating within the county, including a pledge and 49584  
contribution of any portion of such remainder pursuant to an 49585  
agreement authorized by section 307.695 of the Revised Code. 49586  
Except as ~~otherwise~~ provided under in division (A)(2) or (3) of 49587  
this section, on and after May 10, 1994, a board of county 49588  
commissioners may not levy an excise tax pursuant to this division 49589  
in any municipal corporation or township located wholly or partly 49590  
within the county that has in effect an ordinance or resolution 49591  
levying an excise tax pursuant to division (B) of this section. 49592  
The board of a county that has levied a tax under division (C) of 49593

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this section may, by resolution adopted within ninety days after 49594  
July 15, 1985, by a majority of the members of the board, amend 49595  
the resolution levying a tax under this division to provide for a 49596  
portion of that tax to be pledged and contributed in accordance 49597  
with an agreement entered into under section 307.695 of the 49598  
Revised Code. A tax, any revenue from which is pledged pursuant to 49599  
such an agreement, shall remain in effect at the rate at which it 49600  
is imposed for the duration of the period for which the revenue 49601  
therefrom has been so pledged. 49602

(2) A board of county commissioners that levies an excise tax 49603  
under division (A)(1) of this section on June 30, 1997, at a rate 49604  
of three per cent, and that has pledged revenue from the tax to an 49605  
agreement entered into under section 307.695 of the Revised Code, 49606  
may amend the resolution levying that tax to provide for an 49607  
increase in the rate of the tax up to five per cent on each 49608  
transaction; to provide that revenue from the increase in the rate 49609  
shall be spent solely to make contributions to the convention and 49610  
visitors' bureau operating within the county to be used 49611  
specifically for promotion, advertising, and marketing of the 49612  
region in which the county is located; to provide that the rate in 49613  
excess of the three per cent levied under division (A)(1) of this 49614  
section shall remain in effect at the rate at which it is imposed 49615  
for the duration of the period during which any agreement is in 49616  
effect that was entered into under section 307.695 of the Revised 49617  
Code by the board of county commissioners levying a tax under 49618  
division (A)(1) of this section; and to provide that no portion of 49619  
that revenue need be returned to townships or municipal 49620  
corporations as would otherwise be required under division (A)(1) 49621  
of this section. 49622

(3) A board of county commissioners that levies a tax under 49623  
division (A)(1) of this section on March 18, 1999, at a rate of 49624  
three per cent may, by resolution adopted not later than 49625

forty-five days after March 18, 1999, amend the resolution levying 49626  
the tax to provide for all of the following: 49627

(a) That the rate of the tax shall be increased by not more 49628  
than an additional four per cent on each transaction; 49629

(b) That all of the revenue from the increase in rate shall 49630  
be pledged and contributed to a convention facilities authority 49631  
established by the board of county commissioners under Chapter 49632  
351. of the Revised Code on or before November 15, 1998, and used 49633  
to pay costs of constructing, maintaining, operating, and 49634  
promoting a facility in the county, including paying bonds, or 49635  
notes issued in anticipation of bonds, as provided by that 49636  
chapter; 49637

(c) That no portion of the revenue arising from the increase 49638  
in rate need be returned to municipal corporations or townships as 49639  
otherwise required under division (A)(1) of this section; 49640

(d) That the increase in rate shall not be subject to 49641  
diminution by initiative or referendum or by law while any bonds, 49642  
or notes in anticipation of bonds, issued by the authority under 49643  
Chapter 351. of the Revised Code to which the revenue is pledged 49644  
remain outstanding in accordance with their terms, unless 49645  
provision is made by law or by the board of county commissioners 49646  
for an adequate substitute therefor that is satisfactory to the 49647  
trustee if a trust agreement secures the bonds. 49648

Division (A)(3) of this section does not apply to the board 49649  
of county commissioners of any county in which a convention center 49650  
or facility exists or is being constructed on November 15, 1998, 49651  
or of any county in which a convention facilities authority levies 49652  
a tax pursuant to section 351.021 of the Revised Code on that 49653  
date. 49654

As used in division (A)(3) of this section, "costs" and 49655  
"facility" have the same meanings as in section 351.01 of the 49656

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Revised Code, and "convention center" has the same meaning as in 49657  
section 307.695 of the Revised Code. 49658

(B) The legislative authority of a municipal corporation or 49659  
the board of trustees of a township that is not wholly or partly 49660  
located in a county that has in effect a resolution levying an 49661  
excise tax pursuant to division (A)(1) of this section may by 49662  
ordinance or resolution levy an excise tax not to exceed three per 49663  
cent on transactions by which lodging by a hotel is or is to be 49664  
furnished to transient guests. The legislative authority of the 49665  
municipal corporation or township shall deposit at least fifty per 49666  
cent of the revenue from the tax levied pursuant to this division 49667  
into a separate fund, which shall be spent solely to make 49668  
contributions to convention and visitors' bureaus operating within 49669  
the county in which the municipal corporation or township is 49670  
wholly or partly located, and the balance of such revenue shall be 49671  
deposited in the general fund. The municipal corporation or 49672  
township shall establish all regulations necessary to provide for 49673  
the administration and allocation of the tax. The regulations may 49674  
prescribe the time for payment of the tax, and may provide for the 49675  
imposition of a penalty or interest, or both, for late payments, 49676  
provided that the penalty does not exceed ten per cent of the 49677  
amount of tax due, and the rate at which interest accrues does not 49678  
exceed the rate per annum prescribed pursuant to section 5703.47 49679  
of the Revised Code. The levy of a tax under this division is in 49680  
addition to any tax imposed on the same transaction by a municipal 49681  
corporation or a township as authorized by division (C)(1) of 49682  
section 5739.02 of the Revised Code. 49683

(C) For the purpose of making the payments authorized by 49684  
section 307.695 of the Revised Code to construct and equip a 49685  
convention center in the county and to cover the costs of 49686  
administering the tax, a board of county commissioners of a county 49687  
where a tax imposed under division (A)(1) of this section is in 49688

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effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by this division shall be in addition to any tax that is levied pursuant to division (A) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to the authorization granted by division (C)(1) of section 5739.02 of the Revised Code. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. A tax imposed under this section shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue therefrom has been pledged pursuant to such section.

(D) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation thereof, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not

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to exceed one and one-half per cent on transactions by which  
lodging by a hotel is or is to be furnished to transient guests.  
The excise tax authorized by this division shall be in addition to  
any tax that is levied pursuant to divisions (A), (B), and (C) of  
this section, to any excise tax levied pursuant to division (C) of  
section 5739.02 of the Revised Code, and to any excise tax levied  
pursuant to section 351.021 of the Revised Code. The board of  
county commissioners shall establish all regulations necessary to  
provide for the administration and allocation of the tax that are  
not inconsistent with this section or section 307.671 of the  
Revised Code. The regulations may prescribe the time for payment  
of the tax, and may provide for the imposition of a penalty or  
interest, or both, for late payments, provided that the penalty  
does not exceed ten per cent of the amount of tax due, and the  
rate at which interest accrues does not exceed the rate per annum  
prescribed pursuant to section 5703.47 of the Revised Code. All  
revenues arising from the tax shall be expended in accordance with  
section 307.671 of the Revised Code and division (D) of this  
section. The levy of a tax imposed under this section may not  
commence prior to the first day of the month next following the  
execution of the cooperative agreement authorized by section  
307.671 of the Revised Code by all parties to that agreement. Such  
tax shall remain in effect at the rate at which it is imposed for  
the period of time described in division (C) of section 307.671 of  
the Revised Code for which the revenue from the tax has been  
pledged by the county to the corporation pursuant to such section,  
but, to any extent provided for in the cooperative agreement, for  
no lesser period than the period of time required for payment of  
the debt service charges on bonds, or notes in anticipation  
thereof, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring,  
constructing, equipping, and improving a municipal educational and

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cultural facility, including debt service charges on bonds 49753  
provided for in division (B) of section 307.672 of the Revised 49754  
Code, and for such additional purposes as are determined by the 49755  
county in the resolution levying the tax or amendments thereto, 49756  
including subsequent amendments providing for paying costs of 49757  
acquiring, constructing, renovating, rehabilitating, equipping, 49758  
and improving a port authority educational and cultural performing 49759  
arts facility, as defined in section 307.674 of the Revised Code, 49760  
including debt service charges on bonds provided for in division 49761  
(B) of section 307.674 of the Revised Code, the legislative 49762  
authority of a county, by resolution adopted within ninety days 49763  
after June 30, 1993, by a majority of the members of the 49764  
legislative authority, may levy an additional excise tax not to 49765  
exceed one and one-half per cent on transactions by which lodging 49766  
by a hotel is or is to be furnished to transient guests. The 49767  
excise tax authorized by this division shall be in addition to any 49768  
tax that is levied pursuant to divisions (A), (B), (C), and (D) of 49769  
this section, to any excise tax levied pursuant to division (C) of 49770  
section 5739.02 of the Revised Code, and to any excise tax levied 49771  
pursuant to section 351.021 of the Revised Code. The legislative 49772  
authority of the county shall establish all regulations necessary 49773  
to provide for the administration and allocation of the tax. The 49774  
regulations may prescribe the time for payment of the tax, and may 49775  
provide for the imposition of a penalty or interest, or both, for 49776  
late payments, provided that the penalty does not exceed ten per 49777  
cent of the amount of tax due, and the rate at which interest 49778  
accrues does not exceed the rate per annum prescribed pursuant to 49779  
section 5703.47 of the Revised Code. All revenues arising from the 49780  
tax shall be expended in accordance with section 307.672 of the 49781  
Revised Code and division (E) of this section. The levy of a tax 49782  
imposed under this division shall not commence prior to the first 49783  
day of the month next following the execution of the cooperative 49784  
agreement authorized by section 307.672 of the Revised Code by all 49785

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parties to that agreement. Such tax shall remain in effect at the 49786  
rate at which it is imposed for the period of time determined by 49787  
the legislative authority of the county, but not to exceed fifteen 49788  
years. 49789

(F) The legislative authority of a county that has levied a 49790  
tax under division (E) of this section may, by resolution adopted 49791  
within one hundred eighty days after ~~the effective date of this~~ 49792  
~~amendment~~ January 4, 2001, by a majority of the members of the 49793  
legislative authority, amend the resolution levying a tax under 49794  
division (E) of this section to provide for the use of the 49795  
proceeds of that tax, to the extent that it is no longer needed 49796  
for its original purpose as determined by the parties to a 49797  
cooperative agreement amendment pursuant to division (D) of 49798  
section 307.672 of the Revised Code, to pay costs of acquiring, 49799  
constructing, renovating, rehabilitating, equipping, and improving 49800  
a port authority educational and cultural performing arts 49801  
facility, including debt service charges on bonds provided for in 49802  
division (B) of section 307.674 of the Revised Code, and to pay 49803  
all obligations under any guaranty agreements, reimbursement 49804  
agreements, or other credit enhancement agreements described in 49805  
division (C) of section 307.674 of the Revised Code. The 49806  
resolution may also provide for the extension of the tax at the 49807  
same rate for the longer of the period of time determined by the 49808  
legislative authority of the county, but not to exceed an 49809  
additional twenty-five years, or the period of time required to 49810  
pay all debt service charges on bonds provided for in division (B) 49811  
of section 307.672 of the Revised Code and on port authority 49812  
revenue bonds provided for in division (B) of section 307.674 of 49813  
the Revised Code. All revenues arising from the amendment and 49814  
extension of the tax shall be expended in accordance with section 49815  
307.674 of the Revised Code and divisions (E) and (F) of this 49816  
section. 49817

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(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or division (C) of section 5739.02 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes establishments in which fewer than five rooms are used for the accommodation of guests. The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

**Sec. 5739.032.** (A) If the total amount of tax required to be paid by a permit holder under section 5739.031 of the Revised Code for any calendar year indicated in the following schedule equals or exceeds the amounts prescribed for that year in the schedule, the permit holder shall remit each monthly tax payment in the second ensuing and each succeeding year by electronic funds transfer as prescribed by division (B) of this section.

Year	1992	1993 through 1999	2000 and thereafter	
Tax payment	\$1,200,000	\$600,000	\$60,000	

If a permit holder's tax payment for each of two consecutive years beginning with 2000 is less than sixty thousand dollars, the permit holder is relieved of the requirement to remit taxes by electronic funds transfer for the year that next follows the second of the consecutive years in which the tax payment is less than sixty thousand dollars, and is relieved of that requirement for each succeeding year unless the tax payment in a subsequent year equals or exceeds sixty thousand dollars.

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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 49881  
~~treasurer shall notify the tax commissioner of the failure to~~ 49882  
~~remit by electronic funds transfer and shall provide the~~ 49883  
~~commissioner with any information used in making that~~ 49884  
~~determination. The tax~~ commissioner may collect an additional 49885  
charge by assessment in the manner prescribed by section 5739.13 49886  
of the Revised Code. The additional charge shall equal five per 49887  
cent of the amount of the taxes required to be paid by electronic 49888  
funds transfer, but shall not exceed five thousand dollars. Any 49889  
additional charge assessed under this section is in addition to 49890  
any other penalty or charge imposed under this chapter, and shall 49891  
be considered as revenue arising from taxes imposed under this 49892  
chapter. The tax commissioner may remit all or a portion of such a 49893  
charge and may adopt rules governing such remission. 49894

No additional charge shall be assessed under this division 49895  
against a permit holder that has been notified of its obligation 49896  
to remit taxes under this section and that remits its first two 49897  
tax payments after such notification by some means other than 49898  
electronic funds transfer. The additional charge may be assessed 49899  
upon the remittance of any subsequent tax payment that the permit 49900  
holder remits by some means other than electronic funds transfer. 49901

**Sec. 5739.07.** (A) The tax commissioner shall refund to 49902  
vendors the amount of taxes paid illegally or erroneously or paid 49903  
on any illegal or erroneous assessment if the vendor has not been 49904  
reimbursed from the consumer. When the illegal or erroneous 49905  
payment or assessment was not paid to a vendor but was paid by the 49906  
consumer directly to the treasurer of state ~~or~~ an agent of the 49907  
treasurer of state, the tax commissioner, or an agent of the tax 49908  
commissioner, the tax commissioner shall refund to the consumer. 49909  
When a refund is granted for payment of an illegal or erroneous 49910  
assessment issued by the department, the refund shall include 49911  
interest as provided by section 5739.132 of the Revised Code. 49912

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(B) The tax commissioner may make a refund to the consumer of taxes paid illegally or erroneously if the tax has not been refunded to the vendor and any of the following circumstances apply:

(1) The consumer is unable to receive a refund from the vendor because the vendor has ceased business;

(2) The vendor is unable to issue a refund because of bankruptcy or similar financial condition;

(3) The consumer receives a refund of the full price paid to the vendor from a manufacturer or other person, other than the vendor, as a settlement for a complaint by the consumer about the property or service purchased.

(C) Applications for refund shall be filed with the tax commissioner, on the form prescribed by the tax commissioner, within four years from the date of the illegal or erroneous payment of the tax, unless the vendor or consumer waives the time limitation under division (A)(3) of section 5739.16 of the Revised Code. If the time limitation is waived, the four-year refund limitation shall be extended for the same period of time as the waiver. On the filing of an application for refund, the commissioner shall determine the amount of refund due and certify that amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code.

**Sec. 5739.102.** A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the ~~treasurer of state~~ tax commissioner showing ~~his~~ the person's taxable gross receipts from sales described under division (B)(1) or (2) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the

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month following the end of the reporting period prescribed by the 49944  
commissioner, and shall include with the return payment of the tax 49945  
for the period. The remittance shall be made payable to the 49946  
treasurer of state. 49947

Upon receipt of a return, the ~~treasurer of state tax~~ 49948  
~~commissioner~~ shall credit any money included with it to the resort 49949  
area excise tax fund, which is hereby created, ~~and shall forward~~ 49950  
~~the return to the tax commissioner. The treasurer of state shall~~ 49951  
~~stamp or otherwise mark on the return the date it was received,~~ 49952  
~~and shall indicate on the return the amount of payment received~~ 49953  
~~with it.~~ Within forty-five days after the end of each month, the 49954  
commissioner shall provide for the distribution of all money paid 49955  
during that month into the resort area excise tax fund to the 49956  
appropriate municipal corporations and townships, after first 49957  
subtracting and crediting to the general revenue fund one per cent 49958  
to cover the costs of administering the excise tax. 49959

If a person liable for the tax fails to file a return or pay 49960  
the tax as required under this section and the rules of the tax 49961  
commissioner, ~~he~~ the person shall pay an additional charge of the 49962  
greater of fifty dollars or ten per cent of the tax due for the 49963  
return period. The additional charge shall be considered revenue 49964  
arising from the tax levied under section 5739.101 of the Revised 49965  
Code, and may be collected by assessment in the manner provided in 49966  
section 5739.13 of the Revised Code. The tax commissioner may 49967  
remit all or a portion of the charge. 49968

**Sec. 5739.12.** Each person who has or is required to have a 49969  
vendor's license, on or before the twenty-third day of each month, 49970  
shall make and file a return for the preceding month, on forms 49971  
prescribed by the tax commissioner, and shall pay the tax shown on 49972  
the return to be due. The return shall show the amount of tax due 49973  
from the vendor to the state for the period covered by the return 49974  
and such other information as the commissioner deems necessary for 49975

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the proper administration of this chapter. The commissioner may 49976  
 extend the time for making and filing returns and paying the tax, 49977  
 and may require that the return for the last month of any annual 49978  
 or semiannual period, as determined by the commissioner, be a 49979  
 reconciliation return detailing the vendor's sales activity for 49980  
 the preceding annual or semiannual period. The reconciliation 49981  
 return shall be filed by the last day of the month following the 49982  
 last month of the annual or semiannual period. The commissioner 49983  
 may remit all or any part of amounts or penalties which may become 49984  
 due under this chapter and may adopt rules relating thereto. Such 49985  
 return shall be filed by mailing ~~the same~~ it to the ~~treasurer of~~ 49986  
~~state tax commissioner~~, together with payment of the amount of tax 49987  
 shown to be due thereon after deduction of any discount provided 49988  
 for under this section. Remittance shall be made payable to the 49989  
treasurer of state. The return shall be considered filed when 49990  
 received by the ~~treasurer of state tax commissioner~~, and the 49991  
 payment shall be considered made when received by the ~~treasurer of~~ 49992  
~~state tax commissioner~~ or when credited to an account designated 49993  
 by the treasurer of state or the tax commissioner. If the return 49994  
 is filed and the amount of tax shown thereon to be due is paid on 49995  
 or before the date such return is required to be filed, the vendor 49996  
 shall be entitled to a discount of three-fourths of one per cent 49997  
 of the amount shown to be due on the return. Amounts paid to the 49998  
 clerk of courts pursuant to section 4505.06 of the Revised Code 49999  
 shall be subject to the three-fourths of one per cent discount. 50000  
 The discount shall be in consideration for prompt payment to the 50001  
 clerk of courts and for other services performed by the vendor in 50002  
 the collection of the tax. 50003

Upon application to the commissioner, a vendor who is 50004  
 required to file monthly returns may be relieved of the 50005  
 requirement to report and pay the actual tax due, provided that 50006  
 the vendor agrees to remit to the ~~treasurer of state tax~~ 50007  
commissioner payment of not less than an amount determined by the 50008

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commissioner to be the average monthly tax liability of the 50009  
vendor, based upon a review of the returns or other information 50010  
pertaining to such vendor for a period of not less than six months 50011  
nor more than two years immediately preceding the filing of the 50012  
application. Vendors who agree to the above conditions shall make 50013  
and file an annual or semiannual reconciliation return, as 50014  
prescribed by the commissioner. The reconciliation return shall be 50015  
filed by mailing or delivering ~~the same~~ it to the ~~treasurer of~~ 50016  
state tax commissioner, together with payment of the amount of tax 50017  
shown to be due thereon after deduction of any discount provided 50018  
in this section. Remittance shall be made payable to the treasurer 50019  
of state. Failure of a vendor to comply with any of the above 50020  
conditions may result in immediate reinstatement of the 50021  
requirement of reporting and paying the actual tax liability on 50022  
each monthly return, and the commissioner may at the 50023  
commissioner's discretion deny the vendor the right to report and 50024  
pay based upon the average monthly liability for a period not to 50025  
exceed two years. The amount ~~determined~~ ascertained by the 50026  
commissioner to be the average monthly tax liability of a vendor 50027  
may be adjusted, based upon a review of the returns or other 50028  
information pertaining to the vendor for a period of not less than 50029  
six months nor more than two years preceding such adjustment. 50030

The commissioner may authorize vendors whose tax liability is 50031  
not such as to merit monthly returns, as ~~determined~~ ascertained by 50032  
the commissioner upon the basis of administrative costs to the 50033  
state, to make and file returns at less frequent intervals. When 50034  
returns are filed at less frequent intervals in accordance with 50035  
such a ~~determination~~ authorization, the vendor shall be allowed 50036  
the discount of three-fourths of one per cent in consideration for 50037  
prompt payment with the return, provided the return is filed 50038  
together with payment of the amount of tax shown to be due 50039  
thereon, at the time specified by the commissioner. 50040

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~~The treasurer of state shall stamp or otherwise mark on all~~ 50041  
~~returns the date received by the treasurer of state and shall also~~ 50042  
~~show thereon by stamp or otherwise the amount of payment received~~ 50043  
~~for the period for which the return is filed. Thereafter, the~~ 50044  
~~treasurer of state shall immediately transmit all returns filed~~ 50045  
~~under this section to the commissioner.~~ Any vendor who fails to 50046  
file a return or pay the full amount of the tax shown on the 50047  
return to be due under this section and the rules of the 50048  
commissioner may, for each such return the vendor fails to file or 50049  
each such tax the vendor fails to pay in full as shown on the 50050  
return within the period prescribed by this section and the rules 50051  
of the commissioner, be required to forfeit and pay into the state 50052  
treasury an additional charge not exceeding fifty dollars or ten 50053  
per cent of the tax required to be paid for the reporting period, 50054  
whichever is greater, as revenue arising from the tax imposed by 50055  
this chapter, and such sum may be collected by assessment in the 50056  
manner provided in section 5739.13 of the Revised Code. The 50057  
commissioner may remit all or a portion of the additional charge 50058  
and may adopt rules relating to the imposition and remission of 50059  
the additional charge. 50060

If the amount required to be collected by a vendor from 50061  
consumers is in excess of five per cent of the vendor's receipts 50062  
from sales which are taxable under section 5739.02 of the Revised 50063  
Code, or in the case of sales subject to a tax levied pursuant to 50064  
section 5739.021, 5739.023, or 5739.026 of the Revised Code, in 50065  
excess of the percentage equal to the aggregate rate of such taxes 50066  
and the tax levied by section 5739.02 of the Revised Code, such 50067  
excess shall be remitted along with the remittance of the amount 50068  
of tax due under section 5739.10 of the Revised Code. 50069

The commissioner, if the commissioner deems it necessary in 50070  
order to insure the payment of the tax imposed by this chapter, 50071  
may require returns and payments to be made for other than monthly 50072

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periods. The returns shall be signed by the vendor or the vendor's  
authorized agent. 50073  
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Any vendor required to file a return and pay the tax under 50075  
this section whose total payment in any year indicated in division 50076  
(A) of section 5739.122 of the Revised Code equals or exceeds the 50077  
amount shown in that division shall make each payment required by 50078  
this section in the second ensuing and each succeeding year by 50079  
electronic funds transfer as prescribed by section 5739.122 of the 50080  
Revised Code, except as otherwise prescribed by that section. 50081

**Sec. 5739.121.** As used in this section, "bad debt" means any 50082  
debt that has become worthless or uncollectible in the time period 50083  
between a vendor's preceding return and the present return, have 50084  
been uncollected for at least six months, and that may be claimed 50085  
as a deduction pursuant to the "Internal Revenue Code of 1954," 50086  
68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 50087  
pursuant thereto, or that could be claimed as such a deduction if 50088  
the vendor kept accounts on an accrual basis. "Bad debt" does not 50089  
include any interest or sales tax on the purchase price, 50090  
uncollectible amounts on property that remains in the possession 50091  
of the vendor until the full purchase price is paid, expenses 50092  
incurred in attempting to collect any account receivable or for 50093  
any portion of the debt recovered, any accounts receivable that 50094  
have been sold to a third party for collection, and repossessed 50095  
property. 50096

In computing taxable receipts for purposes of this chapter, a 50097  
vendor may deduct the amount of bad debts, as defined in this 50098  
section. The amount deducted must be charged off as uncollectible 50099  
on the books of the vendor. A deduction may be claimed only with 50100  
respect to bad debts on which the taxes pursuant to sections 50101  
5739.10 and 5739.12 of the Revised Code were paid in a preceding 50102  
tax period. If the vendor's business consists of taxable and 50103

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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

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 50199  
personal service or certified mail, but the commissioner may 50200  
continue the hearing from time to time if necessary. 50201

The commissioner may make such correction to the assessment 50202  
as the commissioner finds proper. The commissioner shall serve a 50203  
copy of the commissioner's final determination on the petitioner 50204  
by personal service or certified mail, and the commissioner's 50205  
decision in the matter shall be final, subject to appeal as 50206  
provided in section 5717.02 of the Revised Code. Only objections 50207  
decided on the merits by the board of tax appeals or a court shall 50208  
be given collateral estoppel or res judicata effect in considering 50209  
an application for refund of amounts paid pursuant to the 50210  
assessment. 50211

(C) After an assessment becomes final, if any portion of the 50212  
assessment remains unpaid, including accrued interest, a certified 50213  
copy of the commissioner's entry making the assessment final may 50214  
be filed in the office of the clerk of the court of common pleas 50215  
in the county in which the place of business of the party assessed 50216  
is located or the county in which the party assessed resides. If 50217  
the party assessed maintains no place of business in this state 50218  
and is not a resident of this state, the certified copy of the 50219  
entry may be filed in the office of the clerk of the court of 50220  
common pleas of Franklin county. 50221

The clerk, immediately upon the filing of such entry, shall 50222  
enter a judgment for the state against the party assessed in the 50223  
amount shown on the entry. The judgment may be filed by the clerk 50224  
in a loose-leaf book entitled "special judgments for state, 50225  
county, and transit authority retail sales tax" or, if 50226  
appropriate, "special judgments for resort area excise tax," and 50227  
shall have the same effect as other judgments. Execution shall 50228  
issue upon the judgment upon the request of the tax commissioner, 50229  
and all laws applicable to sales on execution shall apply to sales 50230

made under the judgment except as otherwise provided in this 50231  
chapter. 50232

The portion of the assessment not paid within sixty days 50233  
after the date the assessment was issued shall bear interest at 50234  
the rate per annum prescribed by section 5703.47 of the Revised 50235  
Code from the day the tax commissioner issues the assessment until 50236  
the assessment is paid. Interest shall be paid in the same manner 50237  
as the tax and may be collected by issuing an assessment under 50238  
this section. 50239

(D) All money collected by the commissioner under this 50240  
section shall be paid to the treasurer of state, and when paid 50241  
shall be considered as revenue arising from the taxes imposed by 50242  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 50243

**Sec. 5739.18.** On the first business day of each week, each 50244  
county auditor shall make in triplicate a list showing the names 50245  
of all vendors licensed in ~~his~~ the auditor's county during the 50246  
preceding week pursuant to sections 5739.01 to 5739.31, ~~inclusive,~~ 50247  
of the Revised Code, and such other information as to each, 50248  
available from the records in ~~his~~ the auditor's office, as the tax 50249  
commissioner prescribes, and shall immediately certify one of such 50250  
lists to the commissioner, one to the treasurer of state, and one 50251  
to the county treasurer. The commissioner shall keep an 50252  
alphabetical index of such licensees so certified to ~~him~~ the 50253  
commissioner but ~~he~~ may delete therefrom the names of those 50254  
persons whose licenses have been cancelled. 50255

**Sec. 5741.10.** The tax commissioner shall refund to sellers 50256  
the amount of tax levied pursuant to section 5741.02, 5741.021, 50257  
5741.022, or 5741.023 of the Revised Code paid on any illegal or 50258  
erroneous payment or assessment, where the seller has reimbursed 50259  
the consumer. When such payment or assessment was not paid to a 50260

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seller, but was paid by the consumer directly to the treasurer of 50261  
state, ~~or the treasurer of state's agent, by the consumer~~ 50262  
commissioner, or the commissioner's agent, the treasurer of state 50263  
shall make refund to the consumer. When such a refund is granted, 50264  
it shall include interest thereon as provided by section 5739.132 50265  
of the Revised Code. Applications for refund shall be filed with 50266  
the tax commissioner, on the form prescribed by the commissioner, 50267  
within four years from the date of the illegal or erroneous 50268  
payment of the tax except where the vendor or consumer waives the 50269  
time limitation under division (C) of section 5741.16 of the 50270  
Revised Code, in which case the four-year refund limitation shall 50271  
be extended for the same period of time as the waiver. On filing 50272  
such application, the commissioner shall determine the amount of 50273  
refund due and shall certify such amount to the director of budget 50274  
and management and treasurer of state for payment from the tax 50275  
refund fund created by section 5703.052 of the Revised Code. 50276

**Sec. 5741.12.** (A) Each seller required by section 5741.17 of 50277  
the Revised Code to register with the tax commissioner, and any 50278  
seller authorized by the commissioner to collect the tax imposed 50279  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 50280  
of the Revised Code is subject to the same requirements and 50281  
entitled to the same deductions and discount for prompt payments 50282  
as are vendors under section 5739.12 of the Revised Code. The 50283  
powers and duties of the commissioner and the treasurer of state 50284  
with respect to returns and tax remittances under this section 50285  
shall be identical with those prescribed in section 5739.12 of the 50286  
Revised Code. 50287

(B) Every person storing, using, or consuming tangible 50288  
personal property or receiving the benefit of a service, the 50289  
storage, use, consumption, or receipt of which is subject to the 50290  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 50291  
or 5741.023 of the Revised Code, when such tax was not paid to a 50292

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seller, shall, on or before the twenty-third day of each month, 50293  
 file with the ~~treasurer of state~~ tax commissioner a return for the 50294  
 preceding month in such form as is prescribed by the commissioner, 50295  
 showing such information as the commissioner deems necessary, and 50296  
 shall pay the tax shown on the return to be due. Remittance shall 50297  
be made payable to the treasurer of state. The commissioner may 50298  
 require consumers to file returns and pay the tax at other than 50299  
 monthly intervals, if ~~he~~ the commissioner determines that such 50300  
 filing is necessary for the efficient administration of the tax. 50301  
 If the commissioner determines that a consumer's tax liability is 50302  
 not such as to merit monthly filing, the commissioner may 50303  
 authorize the consumer to file returns and pay tax at less 50304  
 frequent intervals. ~~The treasurer of state shall show on the~~ 50305  
~~return the date it was filed and the amount of the payment~~ 50306  
~~remitted to the treasurer. Thereafter, the treasurer immediately~~ 50307  
~~shall transmit all returns filed under this section to the tax~~ 50308  
~~commissioner.~~ 50309

Any consumer required to file a return and pay the tax under 50310  
 this section whose payment for any year indicated in section 50311  
 5741.121 of the Revised Code equals or exceeds the amount shown in 50312  
 that section shall make each payment required by this section in 50313  
 the second ensuing and each succeeding year by means of electronic 50314  
 funds transfer as prescribed by section 5741.121 of the Revised 50315  
 Code, except as otherwise prescribed by that section. 50316

(C) Every person storing, using, or consuming a motor 50317  
 vehicle, watercraft, or outboard motor, the ownership of which 50318  
 must be evidenced by certificate of title, shall file the return 50319  
 required by this section and pay the tax due at or prior to the 50320  
 time of filing an application for certificate of title. 50321

**Sec. 5743.62.** (A) To provide revenue for the general revenue 50322  
 fund of the state, an excise tax is hereby levied on the seller of 50323

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tobacco products in this state at the rate of seventeen per cent 50324  
of the wholesale price of the tobacco product whenever the tobacco 50325  
product is delivered to a consumer in this state for the storage, 50326  
use, or other consumption of such tobacco products. The tax 50327  
imposed by this section applies only to sellers having nexus in 50328  
this state, as defined in section 5741.01 of the Revised Code. 50329

50330  
(B) A seller of tobacco products who has nexus in this state 50331  
as defined in section 5741.01 of the Revised Code shall register 50332  
with the tax commissioner and supply any information concerning 50333  
~~his~~ the seller's contacts with this state as may be required by 50334  
the tax commissioner. A seller who does not have nexus in this 50335  
state may voluntarily register with the tax commissioner. A seller 50336  
who voluntarily registers with the tax commissioner is entitled to 50337  
the same benefits and is subject to the same duties and 50338  
requirements as a seller required to be registered with the tax 50339  
commissioner under this division. 50340

(C) Each seller of tobacco products subject to the tax levied 50341  
by this section, on or before the last day of each month, shall 50342  
file with the ~~treasurer of state~~ tax commissioner a return for the 50343  
preceding month showing any information the tax commissioner finds 50344  
necessary for the proper administration of sections 5743.51 to 50345  
5743.66 of the Revised Code, together with remittance of the tax 50346  
due. ~~The, payable to the treasurer of state shall stamp or~~ 50347  
~~otherwise mark on the return the date it was received and the~~ 50348  
~~amount of payment received with the return. Thereafter, the~~ 50349  
~~treasurer of state shall immediately transmit all returns filed~~ 50350  
~~under this section to the commissioner.~~ The return and payment of 50351  
the tax required by this section shall be filed in such a manner 50352  
that it is received by the ~~treasurer of state~~ tax commissioner on 50353  
or before the last day of the month following the reporting 50354  
period. If the return is filed and the amount of the tax shown on 50355

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the return to be due is paid on or before the date the return is 50356  
required to be filed, the seller is entitled to a discount equal 50357  
to two and five-tenths per cent of the amount shown on the return 50358  
to be due. 50359

(D) ~~The tax commissioner shall immediately forward to the~~ 50360  
~~treasurer of state all~~ money received into the state treasury from 50361  
the tax levied by this section, and the treasurer shall be 50362  
~~credited~~ credit the amount to the general revenue fund. 50363

(E) Each seller of tobacco products subject to the tax levied 50364  
by this section shall mark on the invoices of tobacco products 50365  
sold that the tax levied by that section has been paid and shall 50366  
indicate the seller's account number as assigned by the tax 50367  
commissioner. 50368

**Sec. 5743.63.** (A) To provide revenue for the general revenue 50369  
fund of the state, an excise tax is hereby levied on the storage, 50370  
use, or other consumption of tobacco products at the rate of 50371  
seventeen per cent of the wholesale price of the tobacco product, 50372  
provided the tax has not been paid by the seller as provided in 50373  
section 5743.62 of the Revised Code, or by the distributor as 50374  
provided in section 5743.51 of the Revised Code. 50375

(B) Each person subject to the tax levied by this section, on 50376  
or before the last day of each month, shall file with the 50377  
~~treasurer of state~~ tax commissioner a return for the preceding 50378  
month showing any information the tax commissioner finds necessary 50379  
for the proper administration of sections 5743.51 to 5743.66 of 50380  
the Revised Code, together with remittance of the tax due. ~~The,~~ 50381  
payable to the treasurer of state ~~shall stamp or otherwise mark on~~ 50382  
~~the return the date it was received and the amount of payment~~ 50383  
~~received with the return. Thereafter, the treasurer of state shall~~ 50384  
~~immediately transmit all returns filed under this section to the~~ 50385  
commissioner. The return and payment of the tax required by this 50386

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section shall be filed in such a manner that it is received by the 50387  
~~treasurer of state tax commissioner~~ on or before the last day of 50388  
the month following the reporting period. 50389

(C) The tax commissioner shall immediately forward to the 50390  
treasurer of state all money received into the state treasury from 50391  
the tax levied by this section, and the treasurer shall be 50392  
~~credited~~ credit the amount to the general revenue fund. 50393

**Sec. 5745.03.** (A) For each taxable year, each taxpayer shall 50394  
file an annual report with the ~~treasurer of state tax commissioner~~ 50395  
not later than the fifteenth day of the fourth month after the end 50396  
of the taxpayer's taxable year, and shall remit with that report 50397  
the amount of tax due as shown on the report less the amount paid 50398  
for the year under section 5745.04 of the Revised Code. The 50399  
remittance shall be made in the form prescribed by the ~~treasurer~~ 50400  
~~of state, including electronic funds transfer if tax commissioner.~~ 50401  
If the amount payable with the report exceeds one thousand 50402  
dollars, the taxpayer shall remit the amount by electronic funds 50403  
transfer as prescribed by the treasurer of state. The tax 50404  
commissioner shall immediately forward to the treasurer of state 50405  
all amounts that the tax commissioner receives pursuant to this 50406  
chapter. The treasurer of state shall credit ninety-eight and 50407  
one-half per cent of such remittances to the municipal income tax 50408  
fund, which is hereby created in the state treasury, and credit 50409  
the remainder to the municipal income tax administrative fund, 50410  
which is hereby created in the state treasury. ~~The treasurer of~~ 50411  
~~state shall indicate on the report the date it was filed and the~~ 50412  
~~amount remitted, and immediately shall transmit the report to the~~ 50413  
~~tax commissioner.~~ 50414

(B) Any taxpayer that has been granted an extension for 50415  
filing a federal income tax return may request an extension for 50416  
filing the return required under this section by filing with the 50417  
tax commissioner a copy of the taxpayer's request for the federal 50418

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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;

(7) Any other information the tax commissioner requires for 50450  
the proper administration of this chapter. 50451

(D) The tax commissioner may require any reports required 50452  
under this chapter to be filed in an electronic format. 50453

(E) A municipal corporation may not require a taxpayer 50454  
required to file a report under this section to file a report of 50455  
the taxpayer's income, but a municipal corporation may require a 50456  
taxpayer to report to the municipal corporation the value of the 50457  
taxpayer's real and tangible personal property situated in the 50458  
municipal corporation, compensation paid by the taxpayer to its 50459  
employees in the municipal corporation, and sales made in the 50460  
municipal corporation by the taxpayer, to the extent necessary for 50461  
the municipal corporation to compute the taxpayer's municipal 50462  
property, payroll, and sales factors for the municipal 50463  
corporation. 50464

(F) On or before the thirty-first day of January each year, 50465  
each municipal corporation imposing a tax on income shall certify 50466  
to the tax commissioner the rate of the tax in effect on the first 50467  
day of January of that year. If any municipal corporation fails to 50468  
certify its income tax rate as required by this division, the tax 50469  
commissioner shall notify the director of budget and management, 50470  
who, upon receiving such notification, shall withhold from each 50471  
payment made to the municipal corporation under section 5745.05 of 50472  
the Revised Code fifty per cent of the amount of the payment 50473  
otherwise due the municipal corporation under that section as 50474  
computed on the basis of the tax rate most recently certified 50475  
until the municipal corporation certifies the tax rate in effect 50476  
on the first day of January of that year. 50477

The tax rate used to determine the tax payable to a municipal 50478  
corporation under this section for a taxpayer's taxable year shall 50479  
be the tax rate in effect in a municipal corporation on the first 50480  
day of January in that taxable year. If a taxpayer's taxable year 50481

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is for a period less than twelve months that does not include the  
first day of January, the tax rate used to determine the tax  
payable to a municipal corporation under this section for the  
taxpayer's taxable year shall be the tax rate in effect in a  
municipal corporation on the first day of January in the preceding  
taxable year.

**Sec. 5745.04.** (A) As used in this section, "combined tax  
liability" means the total of a taxpayer's income tax liabilities  
to all municipal corporations in this state for a taxable year.

(B) Beginning with its taxable year beginning in 2003, each  
taxpayer shall file a declaration of estimated tax report with,  
and remit estimated taxes to the tax commissioner, payable to the  
treasurer of state, at the times and in the amounts prescribed in  
divisions (B)(1) to (4) of this section. This division also  
applies to a taxpayer having a taxable year consisting of fewer  
than twelve months, at least one of which is in 2002, that ends  
before January 1, 2003.

(1) Not less than twenty-five per cent of the combined tax  
liability for the preceding taxable year or twenty per cent of the  
combined tax liability for the current taxable year shall have  
been remitted not later than the fifteenth day of the fourth month  
after the end of the preceding taxable year.

(2) Not less than fifty per cent of the combined tax  
liability for the preceding taxable year or forty per cent of the  
combined tax liability for the current taxable year shall have  
been remitted not later than the fifteenth day of the sixth month  
after the end of the preceding taxable year.

(3) Not less than seventy-five per cent of the combined tax  
liability for the preceding taxable year or sixty per cent of the  
combined tax liability for the current taxable year shall have  
been remitted not later than the fifteenth day of the ninth month

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after the end of the preceding taxable year. 50513

(4) Not less than one hundred per cent of the combined tax 50514  
liability for the preceding taxable year or eighty per cent of the 50515  
combined tax liability for the current taxable year shall have 50516  
been remitted not later than the fifteenth day of the twelfth 50517  
month after the end of the preceding taxable year. 50518

(C) Each taxpayer shall report on the declaration of 50519  
estimated tax report the portion of the remittance that the 50520  
taxpayer estimates that it owes to each municipal corporation for 50521  
the taxable year. 50522

(D) Upon receiving a declaration of estimated tax report and 50523  
remittance of estimated taxes under this section, the tax 50524  
commissioner shall immediately forward to the treasurer of state 50525  
such remittance. The treasurer of state shall credit ninety-eight 50526  
and one-half per cent of the remittance to the municipal income 50527  
tax fund and credit the remainder to the municipal income tax 50528  
administrative fund, ~~and shall transmit the report to the tax~~ 50529  
~~commissioner.~~ 50530

(E) If any remittance of estimated taxes is for one thousand 50531  
dollars or more, the taxpayer shall make the remittance by 50532  
electronic funds transfer as prescribed by section 5745.04 of the 50533  
Revised Code. 50534

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised 50535  
Code, no penalty or interest shall be imposed on a taxpayer if the 50536  
declaration of estimated tax report is properly filed, and the 50537  
estimated tax is ~~remitted~~ paid, within the time prescribed by 50538  
division (B) of this section. 50539

**Sec. 5747.122.** (A) The tax commissioner, in accordance with 50540  
section 5101.184 of the Revised Code, shall cooperate with the 50541  
director of job and family services to collect overpayments of 50542

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assistance under Chapter 5107., 5111., or 5115., former Chapter 50543  
5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code 50544  
from refunds of state income taxes for taxable year 1992 and 50545  
thereafter that are payable to the recipients of such 50546  
overpayments. 50547

(B) At the request of the department of job and family 50548  
services in connection with the collection of an overpayment of 50549  
assistance from a refund of state income taxes pursuant to this 50550  
section and section 5101.184 of the Revised Code, the tax 50551  
commissioner shall release to the department the home address and 50552  
social security number of any recipient of assistance whose 50553  
overpayment may be collected from a refund of state income taxes 50554  
under those sections. 50555

(C) In the case of a joint income tax return for two people 50556  
who were not married to each other at the time one of them 50557  
received an overpayment of assistance, only the portion of a 50558  
refund that is due to the recipient of the overpayment shall be 50559  
available for collection of the overpayment under this section and 50560  
section 5101.184 of the Revised Code. The tax commissioner shall 50561  
determine such portion. A recipient's spouse who objects to the 50562  
portion as determined by the commissioner may file a complaint 50563  
with the commissioner within twenty-one days after receiving 50564  
notice of the collection, and the commissioner shall afford the 50565  
spouse an opportunity to be heard on the complaint. The 50566  
commissioner shall waive or extend the twenty-one-day period if 50567  
the recipient's spouse establishes that such action is necessary 50568  
to avoid unjust, unfair, or unreasonable results. After the 50569  
hearing, the commissioner shall make a final determination of the 50570  
portion of the refund available for collection of the overpayment. 50571

(D) The welfare overpayment intercept fund is hereby created 50572  
in the state treasury. The tax commissioner shall deposit amounts 50573  
collected from income tax refunds under this section to the credit 50574

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of the welfare overpayment intercept fund. The director of job and 50575  
family services shall distribute money in the fund in accordance 50576  
with appropriate federal or state laws and procedures regarding 50577  
collection of welfare overpayments. 50578

Sec. 5747.221. For (A) As used in this section, "investment 50579  
pass-through entity" has the same meaning as in section 5733.401 50580  
of the Revised Code. 50581

(B) Except as provided in division (C) of this section, for 50582  
the purposes of sections 5747.20, 5747.21, and 5747.22 of the 50583  
Revised Code, no item of income or deduction shall be allocated or 50584  
apportioned to this state to the extent that such item represents 50585  
~~or relates to~~ the portion of an adjusted qualifying amount for 50586  
which the withholding tax is not imposed under section 5747.41 of 50587  
the Revised Code by reason of division (C) of section 5733.401 of 50588  
the Revised Code. This section shall be applied without regard to 50589  
division (I) of section 5733.40 of the Revised Code. 50590

(C) If a taxpayer has a direct or indirect investment in an 50591  
investment pass-through entity that has a direct or indirect 50592  
investment in any other pass-through entity, division (B) of this 50593  
section does not apply to any item of income, gain, deduction, or 50594  
loss where, under section 5747.231 of the Revised Code, the item 50595  
is directly or indirectly attributable to either of the following: 50596

(1) A distributive share of income or gain from a 50597  
pass-through entity that does not qualify as an investment 50598  
pass-through entity; 50599

(2) A pass-through entity's income or gain to which division 50600  
(C) of section 5733.401 of the Revised Code does not apply. 50601  
50602

An indirect investment includes any interest that a person 50603  
constructively owns on account of the attribution rules set forth 50604

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in section 267, 318, or 1563 of the Internal Revenue Code. 50605

**Sec. 5747.39.** As used in this section, "eligible employee" 50606  
and "eligible training costs" have the same meanings as in section 50607  
5733.42 of the Revised Code, and "pass-through entity" includes a 50608  
sole proprietorship. 50609

For taxable years beginning after ~~December 31, 2000~~ in 2003, 50610  
2004, and 2005, there is hereby allowed a nonrefundable credit 50611  
against the tax imposed by section 5747.02 of the Revised Code for 50612  
a taxpayer that is an investor in a pass-through entity for which 50613  
a tax credit certificate is issued under section 5733.42 of the 50614  
Revised Code. ~~The~~ For the taxable year beginning in 2003, the 50615  
amount of eligible training costs for which a credit may be 50616  
claimed by all taxpayers that are investors in an entity shall 50617  
equal one-half of the average of the eligible training costs 50618  
incurred by the entity during ~~the three~~ calendar years ~~that end in~~ 50619  
~~the taxable year for which the credit is claimed~~ 1999, 2000, and 50620  
2001, but shall not exceed one thousand dollars for each eligible 50621  
employee on account of whom such costs were paid or incurred by 50622  
the entity, and the total amount of credits that may be claimed by 50623  
all such taxpayers shall not exceed one hundred thousand dollars 50624  
each year. ~~Each taxpayer's credit shall be claimed for the~~ 50625  
~~taxpayer's taxable year that includes the last day of the third~~ 50626  
~~calendar year of the three-year period during which eligible~~ 50627  
~~training costs are paid or incurred by the entity. The credit may~~ 50628  
~~be claimed for eligible training costs paid or incurred on or~~ 50629  
~~before December 31, 2003. The~~ 50630

The amount of a taxpayer's credit for the taxpayer's taxable 50631  
year beginning in 2003 shall equal the taxpayer's interest in the 50632  
entity on December 31, 2001, multiplied by the credit available to 50633  
the entity as computed by the entity. 50634

For the taxable year beginning in 2004, the amount of the 50635

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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 calendar years 2002, 2003, and 2004, 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. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2004 shall equal the taxpayer's interest in the entity on December 31, 2004, multiplied by the credit available to the entity as computed by the entity.

For the taxable year beginning in 2005, the amount of the 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 calendar years 2003, 2004, and 2005, 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. The amount of a taxpayer's credit for the taxpayer's taxable year beginning in 2005 shall equal the taxpayer's interest in the entity on the last day of the third calendar year of the three-year period ending in or with the last day of the taxpayer's taxable year December 31, 2005, multiplied by the credit available to the entity as computed by the entity.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. A taxpayer may carry forward the credit to the extent that the taxpayer's credit exceeds the taxpayer's tax due after allowing for any other credits that precede the credit allowed by this section in the order prescribed

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by section 5747.98 of the Revised Code. The taxpayer may carry the 50668  
excess credit forward for three taxable years following the 50669  
taxable year for which the taxpayer first claims the credit under 50670  
this section. 50671

A pass-through entity shall apply to the director of job and 50672  
family services for a tax credit certificate in the manner 50673  
prescribed by division (C) of section 5733.42 of the Revised Code. 50674  
Divisions (C) to (H) of that section govern the tax credit allowed 50675  
by this section, except that "taxable year" shall be substituted 50676  
for "tax year" wherever that phrase appears in those divisions, 50677  
and that "pass-through entity" shall be substituted for "taxpayer" 50678  
wherever "taxpayer" appears in those divisions. 50679

**Sec. 5749.06.** Each severer liable for the tax imposed by 50680  
section 5749.02 of the Revised Code shall make and file returns 50681  
with the tax commissioner in the prescribed form and as of the 50682  
prescribed times, computing and reflecting therein the tax as 50683  
required by this chapter. 50684

The returns shall be filed for every quarterly period, which 50685  
periods shall end on the thirty-first of March, the thirtieth day 50686  
of June, the thirtieth day of September, and the thirty-first day 50687  
of December of each year, as required by this section, unless a 50688  
different return period is prescribed for a taxpayer by the tax 50689  
commissioner. 50690

A separate return shall be filed for each calendar quarterly 50691  
period, or other period, or any part thereof, during which the 50692  
severer holds a license as provided by section 5749.04 of the 50693  
Revised Code, or is required to hold such license, and such return 50694  
shall be filed within forty-five days after the last day of each 50695  
such calendar month, or other period, or any part thereof, for 50696  
which such return is required and shall include remittance payable 50697  
to the treasurer of state of the amount of tax due. All such 50698

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returns shall contain such information as the commissioner may 50699  
require to fairly administer the tax. 50700

All returns shall be signed by the severer, shall contain the 50701  
full and complete information requested, and shall be made under 50702  
penalty of perjury. 50703

If the commissioner believes that quarterly payments of tax 50704  
would result in a delay which might jeopardize the collection of 50705  
such tax payments, the commissioner may order that such payments 50706  
be made weekly, or more frequently if necessary, such payments to 50707  
be made not later than seven days following the close of the 50708  
period for which the jeopardy payment is required. Such an order 50709  
shall be delivered to the taxpayer personally or by certified mail 50710  
and shall remain in effect until the commissioner notifies the 50711  
taxpayer to the contrary. 50712

Upon good cause the commissioner may extend the period for 50713  
filing any notice or return required to be filed under this 50714  
section, and may remit all or a part of penalties that may become 50715  
due under this chapter. 50716

Any tax not paid by the day the tax is due shall bear 50717  
interest computed at the rate per annum prescribed by section 50718  
5703.47 of the Revised Code on that amount of tax due from the day 50719  
that such amount was originally required to be paid to the day of 50720  
actual payment or to the day an assessment was issued under 50721  
section 5749.07 or 5749.10 of the Revised Code, whichever occurs 50722  
first. 50723

The severer shall make all payments payable to the treasurer 50724  
of state. All amounts that the tax commissioner receives under 50725  
this section shall be deemed to be revenue from taxes imposed 50726  
under this chapter. The tax commissioner shall immediately forward 50727  
to the treasurer of state all amounts received under this section. 50728

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Sec. 6101.25. The board of directors of a conservancy 50729  
district may construct, improve, operate, maintain, and protect 50730  
parks, parkways, forest preserves, bathing beaches, playgrounds, 50731  
and other recreational facilities upon the lands owned or 50732  
controlled by the district, or upon lands located within the 50733  
district owned or controlled by the United States government or 50734  
any department of it, by this state or any department or division 50735  
of it, or by any political subdivision, if authorized by lease, 50736  
contract, or other arrangements with the appropriate agency of 50737  
government having ownership or control. The board may acquire by 50738  
lease, purchase, or appropriation property additional to that 50739  
required for the purposes for which the district was incorporated, 50740  
in order to provide for the protection, more adequate development, 50741  
and fuller public use and enjoyment of the improvements and 50742  
facilities. The board may impose and collect charges for the use 50743  
of the properties, improvements, and facilities maintained or 50744  
operated by the district for recreational purposes. Moneys 50745  
collected from these charges may be used to promote the district's 50746  
recreational facilities. 50747

In case the revenues derived or to be derived from the 50748  
properties, improvements, and facilities maintained, operated, 50749  
used, or acquired by the district for recreational purposes are 50750  
not sufficient for the purposes of this section, the board, with 50751  
the approval of the court, may provide for the payment of 50752  
obligations incurred under this section by the levy of special 50753  
assessments upon all the taxable property of the district and upon 50754  
public corporations having lands within the district. 50755

In no case shall the obligations incurred under this section 50756  
be paid from the proceeds of special assessments levied under 50757  
section 6101.48 or 6101.53 of the Revised Code, or of bonds or 50758  
notes issued in anticipation of them. After special assessments 50759  
against the taxable property and public corporations are approved 50760

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by the court, the board of appraisers of the conservancy district 50761  
shall appraise the benefits to be conferred on each parcel of 50762  
taxable property and public corporation by reason of the 50763  
acquisition and construction of the properties and improvements 50764  
authorized by the board of directors under this section, and shall 50765  
appraise the damages accruing to persons and public corporations 50766  
from the improvements. The provisions of this chapter that refer 50767  
to the determination of benefits and damages apply to the 50768  
appraisals made under this section, but they shall be separate 50769  
from other appraisals of benefits and damages made under this 50770  
chapter, and separate records of them shall be prepared. After the 50771  
appraisal of benefits has been approved by the court, and within 50772  
the amount of benefits so determined, the board of directors may 50773  
levy assessments on the taxable property and public corporations 50774  
benefited to pay the cost of the properties and improvements 50775  
acquired and constructed under this section, and may issue bonds 50776  
and notes in anticipation of the collection of these assessments. 50777  
In addition, the board of directors may annually levy a 50778  
maintenance assessment for the purposes of this section on the 50779  
taxable property and public corporations upon the basis of total 50780  
appraised benefits. The provisions of this chapter that relate to 50781  
assessments for district purposes and to bonds and notes issued in 50782  
anticipation of the assessments apply to the assessments 50783  
authorized under this section and the bonds and notes issued in 50784  
anticipation of the assessments. Improvement, bond retirement, and 50785  
maintenance funds shall be established for recreational purposes 50786  
in conformity with section 6101.44 of the Revised Code, which 50787  
shall be separate from one another and from other funds of the 50788  
district, and no transfers shall be made to them from the other 50789  
funds of the district. The proceeds of all bonds, notes, and 50790  
assessments authorized by this section and all receipts derived 50791  
from the recreational properties, improvements, and facilities 50792  
owned, controlled, operated, or maintained by the district shall 50793

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be paid into those funds, and all expenditures in accordance with 50794  
this section shall be made from them. 50795

**Sec. 6109.13.** No official, officer, or employee in charge of 50796  
or being employed in the maintenance and operation of a public 50797  
water system and no other person, ~~or firm, or corporation~~ shall 50798  
establish or permit to be established any connection whereby water 50799  
from a private, auxiliary, or emergency water system may enter the 50800  
public water system, unless ~~such~~ the private, auxiliary, or 50801  
emergency water system, and the method of connection and use of 50802  
~~such~~ the system, ~~has~~ have been approved by the environmental 50803  
protection agency. However, a backflow prevention device shall not 50804  
be required when a physical separation exists between the public 50805  
water system and the private, auxiliary, or emergency water 50806  
system. 50807

As used in this section: 50808

(A) "Backflow prevention device" means any device, method, or 50809  
type of construction that is intended to prevent backflow into a 50810  
potable water sytem. 50811

(B) "Physical separation" means that there is no direct or 50812  
indirect connection between a public water system and a private, 50813  
auxiliary, or emergency water system. 50814

**Sec. 6109.21.** (A) Except as provided in divisions (D) and (E) 50815  
of this section, on and after January 1, 1994, no person shall 50816  
operate or maintain a public water system in this state without a 50817  
license issued by the director of environmental protection. A 50818  
person who operates or maintains a public water system on January 50819  
1, 1994, shall obtain an initial license under this section in 50820  
accordance with the following schedule: 50821

(1) If the public water system is a community water system, 50822  
not later than January 31, 1994; 50823

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(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 public water system after January 1, 1994, shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(B) Not later than thirty days after receiving a completed

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application and the appropriate license fee for an initial license 50855  
under division (A) of this section, the director shall issue the 50856  
license for the public water system. Not later than thirty days 50857  
after receiving a completed application and the appropriate 50858  
license fee for a license renewal under division (A) of this 50859  
section, the director shall do one of the following: 50860

(1) Issue the license renewal for the public water system; 50861

(2) Issue the license renewal subject to terms and conditions 50862  
that the director determines are necessary to ensure compliance 50863  
with this chapter and rules adopted under it; 50864

(3) Deny the license renewal if the director finds that the 50865  
public water system was not operated in substantial compliance 50866  
with this chapter and rules adopted under it. 50867

(C) The director may suspend or revoke a license or license 50868  
renewal issued under this section if the director finds that the 50869  
public water system was not operated in substantial compliance 50870  
with this chapter and rules adopted under it. The director shall 50871  
adopt, and may amend and rescind, rules in accordance with Chapter 50872  
119. of the Revised Code governing such suspensions and 50873  
revocations. 50874

(D)(1) As used in division (D) of this section, "church" 50875  
means a fellowship of believers, congregation, society, 50876  
corporation, convention, or association that is formed primarily 50877  
or exclusively for religious purposes and that is not formed or 50878  
operated for the private profit of any person. 50879

(2) This section does not apply to a church that operates or 50880  
maintains a public water system solely to provide water for that 50881  
church or for a campground that is owned by the church and 50882  
operated primarily or exclusively for members of the church and 50883  
their families. A church that, on or before March 5, 1996, has 50884  
obtained a license under this section for such a public water 50885

system need not obtain a license renewal under this section. 50886

(E) This section does not apply to any public or nonpublic 50887  
school that meets minimum standards of the state board of 50888  
education that operates or maintains a public water system solely 50889  
to provide water for that school. 50890

**Sec. 6111.035.** (A) The director of environmental protection, 50891  
consistent with the Federal Water Pollution Control Act and the 50892  
regulations adopted thereunder, without application therefor, may 50893  
issue, modify, revoke, or terminate a general permit under this 50894  
chapter for both of the following: 50895

(1) Discharge of stormwater; the discharge of liquids, 50896  
sediments, solids, or water-borne mining related waste, such as, 50897  
but not limited to, acids, metallic cations, or their salts, from 50898  
coal mining and reclamation operations as defined in section 50899  
1513.01 of the Revised Code; or treatment works whose discharge 50900  
would have de minimis impact on the waters of the state receiving 50901  
the discharge; 50902

(2) Installation or modification of disposal systems or any 50903  
parts thereof, including disposal systems for stormwater or for 50904  
coal mining and reclamation operations as defined in section 50905  
1513.01 of the Revised Code. 50906

A general permit shall apply to a class or category of 50907  
discharges or disposal systems or to persons conducting similar 50908  
activities, within any area of the state, including the entire 50909  
state. 50910

A general permit shall not be issued unless the director 50911  
determines that the discharges authorized by the permit will have 50912  
only minimal cumulative adverse effects on the environment when 50913  
the discharges are considered collectively and individually and 50914  
if, in the opinion of the director, the discharges, installations, 50915

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or modifications authorized by the permit are more appropriately 50916  
authorized by a general permit than by an individual permit. 50917

A general permit shall be issued subject to applicable 50918  
mandatory provisions and may be issued subject to any applicable 50919  
permissive provision of the Federal Water Pollution Control Act 50920  
and the regulations adopted thereunder. 50921

The director, at the director's discretion, may require any 50922  
person authorized to discharge or to install or modify a disposal 50923  
system under a general permit to apply for and obtain an 50924  
individual permit for the discharge, installation, or 50925  
modification. When a particular discharge, installation, or 50926  
modification is subject to an individual permit, a general permit 50927  
shall not apply to that discharge, installation, or modification 50928  
until the individual permit is revoked, terminated, or modified to 50929  
exclude the discharge, installation, or modification. 50930

(B) Notwithstanding any requirement under Chapter 119. of the 50931  
Revised Code concerning the manner in which notice of a permit 50932  
action is provided, the director shall not be required to provide 50933  
certified mail notice to persons subject to the issuance, 50934  
modification, revocation, or termination of a general permit under 50935  
division (A) of this section. 50936

Notwithstanding section 3745.07 of the Revised Code 50937  
concerning the location of newspapers in which notices of permit 50938  
actions are published, the director shall cause notice of the 50939  
issuance, modification, revocation, or termination of a general 50940  
permit to be published in the newspapers of general circulation 50941  
determined by the director to provide reasonable notice to persons 50942  
affected by the permit action in the geographic area covered by 50943  
the general permit within the time periods prescribed by section 50944  
3745.07 of the Revised Code. Any notice under this section or 50945  
section 3745.07 of the Revised Code concerning the issuance, 50946  
modification, revocation, or termination of a general permit shall 50947

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include a summary of the permit action and instructions on how to 50948  
obtain a copy of the full text of the permit action. The director 50949  
may take other appropriate measures, such as press releases and 50950  
notice to trade journals, associations, and other persons known to 50951  
the director to desire notification, in order to provide notice of 50952  
the director's actions concerning the issuance, modification, 50953  
revocation, or termination of a general permit; however, the 50954  
failure to provide such notice shall not invalidate any general 50955  
permit. 50956

(C) Notwithstanding any other provision of the Revised Code, 50957  
a person subject to the proposed issuance, modification, 50958  
revocation, or termination of a general permit under division (A) 50959  
of this section may request an adjudication hearing pursuant to 50960  
section 119.07 of the Revised Code concerning the proposed action 50961  
within thirty days after publication of the notice of the proposed 50962  
action in newspapers of general circulation pursuant to division 50963  
(B) of this section. This division shall not be interpreted to 50964  
affect the authority of the director to take actions on general 50965  
permits in forms other than proposed general permits. 50966

(D) The director may exercise all incidental powers required 50967  
to carry out this section, including, without limitation, the 50968  
adoption, amendment, and rescission of rules to implement a 50969  
general permit program for classes or categories of dischargers or 50970  
disposal systems. 50971

(E) On and after the date on which the United States 50972  
environmental protection agency approves the NPDES program 50973  
submitted by the director of agriculture under section 903.08 of 50974  
the Revised Code, this section does not apply to storm water from 50975  
an animal feeding facility, as defined in section 903.01 of the 50976  
Revised Code, or to manure, as defined in that section. 50977

(F) As used in this section, "Federal Water Pollution Control 50978  
Act" means the "Federal Water Pollution Control Act Amendments of 50979

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1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 50980  
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 50981  
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 50982  
Wastewater Treatment Construction Grant Amendments of 1981," 95 50983  
Stat. 1623, 33 U.S.C.A. 1281, and the "Water Quality Act of 1987," 50984  
101 Stat. 7, 33 U.S.C.A. 1251. 50985

**Sec. 6111.044.** Upon receipt of an application for an 50986  
injection well drilling permit, an injection well operating 50987  
permit, a renewal of an injection well operating permit, or a 50988  
modification of an injection well drilling permit, operating 50989  
permit, or renewal of an operating permit, the director of 50990  
environmental protection shall determine whether the application 50991  
is complete and demonstrates that the activities for which the 50992  
permit, renewal permit, or modification is requested will comply 50993  
with the Federal Water Pollution Control Act and regulations 50994  
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 50995  
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 50996  
under it; and this chapter and the rules adopted under it. If the 50997  
application demonstrates that the proposed activities will not 50998  
comply or will pose an unreasonable risk of inducing seismic 50999  
activity, inducing geologic fracturing, or contamination of an 51000  
underground source of drinking water, the director shall deny the 51001  
application. If the application does not make the required 51002  
demonstrations, the director shall return it to the applicant with 51003  
an indication of those matters about which a required 51004  
demonstration was not made. If the director determines that the 51005  
application makes the required demonstrations, the director shall 51006  
transmit copies of the application and all of the accompanying 51007  
maps, data, samples, and information to the chief of the division 51008  
of mineral resources management, the chief of the division of 51009  
geological survey, and the chief of the division of water in the 51010  
department of natural resources. 51011

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The chief of the division of geological survey shall comment 51012  
upon the application if the chief determines that the proposed 51013  
well or injection will present an unreasonable risk of loss or 51014  
damage to valuable mineral resources. If the chief submits 51015  
comments on the application, those comments shall be accompanied 51016  
by an evaluation of the geological factors upon which the comments 51017  
are based, including fractures, faults, earthquake potential, and 51018  
the porosity and permeability of the injection zone and confining 51019  
zone, and by the documentation supporting the evaluation. The 51020  
director shall take into consideration the chief's comments, and 51021  
the accompanying evaluation of geologic factors and supporting 51022  
documentation, when considering the application. The director 51023  
shall provide written notice to the chief of the director's 51024  
decision on the application and, if the chief's comments are not 51025  
included in the permit, renewal permit, or modification, of the 51026  
director's rationale for not including them. 51027

The chief of the division of mineral resources management 51028  
shall comment upon the application if the chief determines that 51029  
the proposed well or injection will present an unreasonable risk 51030  
that waste or contamination of recoverable oil or gas in the earth 51031  
will occur. If the chief submits comments on the application, 51032  
those comments shall be accompanied by an evaluation of the oil or 51033  
gas reserves that, in the best professional judgment of the chief, 51034  
are recoverable and will be adversely affected by the proposed 51035  
well or injection, and by the documentation supporting the 51036  
evaluation. The director shall take into consideration the chief's 51037  
comments, and the accompanying evaluation and supporting 51038  
documentation, when considering the application. The director 51039  
shall provide written notice to the chief of the director's 51040  
decision on the application and, if the chief's comments are not 51041  
included in the permit, renewal permit, or modification, of the 51042  
director's rationale for not including them. 51043

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The chief of the division of water shall assist the director 51044  
in determining whether all underground sources of drinking water 51045  
in the area of review of the proposed well or injection have been 51046  
identified and correctly delineated in the application. If the 51047  
application fails to identify or correctly delineate an 51048  
underground source of drinking water, the chief shall provide 51049  
written notice of that fact to the director. 51050

The chief of the division of mineral resources management 51051  
also shall review the application as follows: 51052

If the application concerns the drilling or conversion of a 51053  
well or the injection into a well that is not or is not to be 51054  
located within five thousand feet of the excavation and workings 51055  
of a mine, the chief of the division of mineral resources 51056  
management shall note upon the application that it has been 51057  
examined by the division of mineral resources management, retain a 51058  
copy of the application and map, and immediately return a copy of 51059  
the application to the director. 51060

If the application concerns the drilling or conversion of a 51061  
well or the injection into a well that is or is to be located 51062  
within five thousand feet, but more than five hundred feet from 51063  
the surface excavations and workings of a mine, the chief of the 51064  
division of mineral resources management immediately shall notify 51065  
the owner or lessee of the mine that the application has been 51066  
filed and send to the owner or lessee a copy of the map 51067  
accompanying the application setting forth the location of the 51068  
well. The chief of the division of mineral resources management 51069  
shall note on the application that the notice has been sent to the 51070  
owner or lessee of the mine, retain a copy of the application and 51071  
map, and immediately return a copy of the application to the 51072  
director with the chief's notation on it. 51073

If the application concerns the drilling or conversion of a 51074  
well or the injection into a well that is or is to be located 51075

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within five thousand feet of the underground excavations and  
workings of a mine or within five hundred feet of the surface  
excavations and workings of a mine, the chief of the division of  
mineral resources management immediately shall notify the owner or  
lessee of the mine that the application has been filed and send to  
the owner or lessee a copy of the map accompanying the application  
setting forth the location of the well. If the owner or lessee  
objects to the application, the owner or lessee shall notify the  
chief of the division of mineral resources management of the  
objection, giving the reasons, within six days after the receipt  
of the notice. If the chief of the division of mineral resources  
management 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 of the division of  
mineral resources management the objections offered by the owner  
or lessee are not sufficiently well-founded, the chief shall  
retain a copy of the application and map and return a copy of the  
application to the director with any applicable notes concerning  
it.

If the chief of the division of mineral resources management  
receives an objection from the owner or lessee of the mine as to  
the application, within ten days after receipt of the notice by  
the owner or lessee, and if in the opinion of the chief the  
objection is well-founded, the chief shall disapprove the  
application and immediately return it to the director together  
with the chief's reasons for the disapproval. The director  
promptly shall notify the applicant for the permit, renewal  
permit, or modification of the disapproval. The applicant may  
appeal the disapproval of the application by the chief of the  
division of mineral resources management to the ~~mine-examining~~  
board reclamation commission created under section ~~1561.10~~ 1513.05  
of the Revised Code, and the ~~board~~ commission shall hear the

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appeal in accordance with section ~~1561.53~~ 1513.13 of the Revised 51108  
Code. The appeal shall be filed within thirty days from the date 51109  
the applicant receives notice of the disapproval. No comments 51110  
concerning or disapproval of an application shall be delayed by 51111  
the chief of the division of mineral resources management for more 51112  
than fifteen days from the date of sending of notice to the mine 51113  
owner or lessee as required by this section. 51114

The director shall not approve an application for an 51115  
injection well drilling permit, an injection well operating 51116  
permit, a renewal of an injection well operating permit, or a 51117  
modification of an injection well drilling permit, operating 51118  
permit, or renewal of an operating permit for a well that is or is 51119  
to be located within three hundred feet of any opening of any mine 51120  
used as a means of ingress, egress, or ventilation for persons 51121  
employed in the mine, nor within one hundred feet of any building 51122  
or flammable structure connected with the mine and actually used 51123  
as a part of the operating equipment of the mine, unless the chief 51124  
of the division of mineral resources management determines that 51125  
life or property will not be endangered by drilling and operating 51126  
the well in that location. 51127

Upon review by the chief of the division of mineral resources 51128  
management, the chief of the division of geological survey, and 51129  
the chief of the division of water, and if the chief of the 51130  
division of mineral resources management has not disapproved the 51131  
application, the director shall issue a permit, renewal permit, or 51132  
modification with any terms and conditions that may be necessary 51133  
to comply with the Federal Water Pollution Control Act and 51134  
regulations adopted under it; the "Safe Drinking Water Act," 88 51135  
Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, and regulations 51136  
adopted under it; and this chapter and the rules adopted under it. 51137  
The director shall not issue a permit, renewal permit, or 51138  
modification to an applicant if the applicant or persons 51139

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associated with the applicant have engaged in or are engaging in a 51140  
substantial violation of this chapter that is endangering or may 51141  
endanger human health or the environment or if, in the case of an 51142  
applicant for an injection well drilling permit, the applicant, at 51143  
the time of applying for the permit, did not hold an injection 51144  
well operating permit or renewal of an injection well drilling 51145  
permit and failed to demonstrate sufficient expertise and 51146  
competency to operate the well in compliance with the applicable 51147  
provisions of this chapter. 51148

If the director receives a disapproval from the chief of the 51149  
division of mineral resources management regarding an application 51150  
for an injection well drilling or operating permit, renewal 51151  
permit, or modification, if required, the director shall issue an 51152  
order denying the application. 51153

The director need not issue a proposed action under section 51154  
3745.07 of the Revised Code or hold an adjudication hearing under 51155  
that section and Chapter 119. of the Revised Code before issuing 51156  
or denying a permit, renewal permit, or modification of a permit 51157  
or renewal permit. Before issuing or renewing a permit to drill or 51158  
operate a class I injection well or a modification of it, the 51159  
director shall propose the permit, renewal permit, or modification 51160  
in draft form and shall hold a public hearing to receive public 51161  
comment on the draft permit, renewal permit, or modification. At 51162  
least fifteen days before the public hearing on a draft permit, 51163  
renewal permit, or modification, the director shall publish notice 51164  
of the date, time, and location of the public hearing in at least 51165  
one newspaper of general circulation serving the area where the 51166  
well is or is to be located. The proposing of such a draft permit, 51167  
renewal permit, or modification does not constitute the issuance 51168  
of a proposed action under section 3745.07 of the Revised Code, 51169  
and the holding of the public hearing on such a draft permit, 51170  
renewal permit, or modification does not constitute the holding of 51171

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an adjudication hearing under that section and Chapter 119. of the 51172  
Revised Code. Appeals of orders other than orders of the chief of 51173  
the division of mineral resources management shall be taken under 51174  
sections 3745.04 to 3745.08 of the Revised Code. 51175

The director may order that an injection well drilling permit 51176  
or an injection well operating permit or renewal permit be 51177  
suspended and that activities under it cease after determining 51178  
that those activities are occurring in violation of law, rule, 51179  
order, or term or condition of the permit. Upon service of a copy 51180  
of the order upon the permit holder or the permit holder's 51181  
authorized agent or assignee, the permit and activities under it 51182  
shall be suspended immediately without prior hearing and shall 51183  
remain suspended until the violation is corrected and the order of 51184  
suspension is lifted. If a violation is the second within a 51185  
one-year period, the director, after a hearing, may revoke the 51186  
permit. 51187

The director may order that an injection well drilling permit 51188  
or an injection well operating permit or renewal permit be 51189  
suspended and that activities under it cease if the director has 51190  
reasonable cause to believe that the permit would not have been 51191  
issued if the information available at the time of suspension had 51192  
been available at the time a determination was made by one of the 51193  
agencies acting under authority of this section. Upon service of a 51194  
copy of the order upon the permit holder or the permit holder's 51195  
authorized agent or assignee, the permit and activities under it 51196  
shall be suspended immediately without prior hearing, but a permit 51197  
may not be suspended for that reason without prior hearing unless 51198  
immediate suspension is necessary to prevent waste or 51199  
contamination of oil or gas, comply with the Federal Water 51200  
Pollution Control Act and regulations adopted under it; the "Safe 51201  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 51202  
amended, and regulations adopted under it; and this chapter and 51203

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the rules adopted under it, or prevent damage to valuable mineral 51204  
resources, prevent contamination of an underground source of 51205  
drinking water, or prevent danger to human life or health. If 51206  
after a hearing the director determines that the permit would not 51207  
have been issued if the information available at the time of the 51208  
hearing had been available at the time a determination was made by 51209  
one of the agencies acting under authority of this section, the 51210  
director shall revoke the permit. 51211

When a permit has been revoked, the permit holder or other 51212  
person responsible for it immediately shall plug the well in the 51213  
manner required by the director. 51214

The director may issue orders to prevent or require cessation 51215  
of violations of this section, section 6111.043, 6111.045, 51216  
6111.046, or 6111.047 of the Revised Code, rules adopted under any 51217  
of those sections, and terms or conditions of permits issued under 51218  
any of them. The orders may require the elimination of conditions 51219  
caused by the violation. 51220

**Section 2.** That existing sections 9.03, 9.06, 9.821, 9.822, 51221  
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and 5741.18 of the Revised Code are hereby repealed. 51313  
51314

**Section 3.** That the versions of sections 5139.29, 5139.31, 51315  
and 5705.19 of the Revised Code that are scheduled to take effect 51316  
January 1, 2002, be amended to read as follows: 51317

**Sec. 5139.29.** The department of youth services shall adopt 51318  
and promulgate regulations prescribing the method of calculating 51319  
the amount of and the time and manner for the payment of financial 51320  
assistance granted under sections 5139.27, and 5139.271, ~~and~~ 51321  
~~5139.28~~ of the Revised Code, for the construction or acquisition 51322  
of a district detention facility established under section 2152.41 51323  
of the Revised Code, or for the construction and maintenance of a 51324  
school, forestry camp, or other facility established under section 51325  
2151.65 of the Revised Code. 51326

**Sec. 5139.31.** The department of youth services may inspect 51327  
any school, forestry camp, district detention facility, or other 51328

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facility for which an application for financial assistance has 51329  
 been made to the department under section 2152.43, or 2151.651, ~~or~~ 51330  
~~2151.652~~ of the Revised Code or for which financial assistance has 51331  
 been granted by the department under section 5139.27, 5139.271, 51332  
~~5139.28~~, or 5139.281 of the Revised Code. The inspection may 51333  
 include, but need not be limited to, examination and evaluation of 51334  
 the physical condition of the school, forestry camp, district 51335  
 detention facility, or other facility, including any equipment 51336  
 used in connection with it; observation and evaluation of the 51337  
 training and treatment of children admitted to it; examination and 51338  
 analysis and copying of any papers, records, or other documents 51339  
 relating to the qualifications of personnel, the commitment of 51340  
 children to it, and its administration. 51341

**Sec. 5705.19.** This section does not apply to school districts 51342  
 or county school financing districts. 51343

The taxing authority of any subdivision at any time and in 51344  
 any year, by vote of two-thirds of all the members of the taxing 51345  
 authority, may declare by resolution and certify the resolution to 51346  
 the board of elections not less than seventy-five days before the 51347  
 election upon which it will be voted that the amount of taxes that 51348  
 may be raised within the ten-mill limitation will be insufficient 51349  
 to provide for the necessary requirements of the subdivision and 51350  
 that it is necessary to levy a tax in excess of that limitation 51351  
 for any of the following purposes: 51352

(A) For current expenses of the subdivision, except that the 51353  
 total levy for current expenses of a detention facility district 51354  
 or district organized under section 2151.65 of the Revised Code 51355  
 shall not exceed two mills and that the total levy for current 51356  
 expenses of a combined district organized under sections 2152.41 51357  
 and 2151.65 of the Revised Code shall not exceed four mills; 51358

(B) For the payment of debt charges on certain described 51359

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bonds, notes, or certificates of indebtedness of the subdivision	51360
issued subsequent to January 1, 1925;	51361
(C) For the debt charges on all bonds, notes, and	51362
certificates of indebtedness issued and authorized to be issued	51363
prior to January 1, 1925;	51364
(D) For a public library of, or supported by, the subdivision	51365
under whatever law organized or authorized to be supported;	51366
	51367
(E) For a municipal university, not to exceed two mills over	51368
the limitation of one mill prescribed in section 3349.13 of the	51369
Revised Code;	51370
(F) For the construction or acquisition of any specific	51371
permanent improvement or class of improvements that the taxing	51372
authority of the subdivision may include in a single bond issue;	51373
(G) For the general construction, reconstruction,	51374
resurfacing, and repair of streets, roads, and bridges in	51375
municipal corporations, counties, or townships;	51376
(H) For recreational purposes;	51377
(I) For the purpose of providing and maintaining fire	51378
apparatus, appliances, buildings, or sites therefor, or sources of	51379
water supply and materials therefor, or the establishment and	51380
maintenance of lines of fire alarm telegraph, or the payment of	51381
permanent, part-time, or volunteer firefighters or firefighting	51382
companies to operate the same, including the payment of the	51383
firefighter employers' contribution required under section 742.34	51384
of the Revised Code, or the purchase of ambulance equipment, or	51385
the provision of ambulance, paramedic, or other emergency medical	51386
services operated by a fire department or firefighting company;	51387
(J) For the purpose of providing and maintaining motor	51388
vehicles, communications, and other equipment used directly in the	51389

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operation of a police department, or the payment of salaries of	51390
permanent police personnel, including the payment of the police	51391
officer employers' contribution required under section 742.33 of	51392
the Revised Code, or the payment of the costs incurred by	51393
townships as a result of contracts made with other political	51394
subdivisions in order to obtain police protection, or the	51395
provision of ambulance or emergency medical services operated by a	51396
police department;	51397
(K) For the maintenance and operation of a county home or	51398
detention facility;	51399
(L) For community mental retardation and developmental	51400
disabilities programs and services pursuant to Chapter 5126. of	51401
the Revised Code, except that the procedure for such levies shall	51402
be as provided in section 5705.222 of the Revised Code;	51403
(M) For regional planning;	51404
(N) For a county's share of the cost of maintaining and	51405
operating schools, district detention facilities, forestry camps,	51406
or other facilities, or any combination thereof, established under	51407
section 2152.41 or 2151.65 of the Revised Code or both of those	51408
sections;	51409
(O) For providing for flood defense, providing and	51410
maintaining a flood wall or pumps, and other purposes to prevent	51411
floods;	51412
(P) For maintaining and operating sewage disposal plants and	51413
facilities;	51414
(Q) For the purpose of purchasing, acquiring, constructing,	51415
enlarging, improving, equipping, repairing, maintaining, or	51416
operating, or any combination of the foregoing, a county transit	51417
system pursuant to sections 306.01 to 306.13 of the Revised Code,	51418
or of making any payment to a board of county commissioners	51419
operating a transit system or a county transit board pursuant to	51420

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section 306.06 of the Revised Code;	51421
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2152.41 or 2151.65 of the Revised Code or both of those sections;	51422 51423 51424 51425
(S) For the prevention, control, and abatement of air pollution;	51426 51427
(T) For maintaining and operating cemeteries;	51428
(U) For providing ambulance service, emergency medical service, or both;	51429 51430
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	51431 51432
(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;	51433 51434 51435
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	51436 51437
(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;	51438 51439 51440
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	51441 51442 51443
(AA) For the maintenance and operation of a free public museum of art, science, or history;	51444 51445
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	51446 51447
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this	51448 51449

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division, "rail property" and "rail service" have the same 51450  
meanings as in section 4981.01 of the Revised Code. This division 51451  
applies only to a county, township, or municipal corporation. 51452

(DD) For the purpose of acquiring property for, constructing, 51453  
operating, and maintaining community centers as provided for in 51454  
section 755.16 of the Revised Code; 51455

(EE) For the creation and operation of an office or joint 51456  
office of economic development, for any economic development 51457  
purpose of the office, and to otherwise provide for the 51458  
establishment and operation of a program of economic development 51459  
pursuant to sections 307.07 and 307.64 of the Revised Code; 51460

(FF) For the purpose of acquiring, establishing, 51461  
constructing, improving, equipping, maintaining, or operating, or 51462  
any combination of the foregoing, a township airport, landing 51463  
field, or other air navigation facility pursuant to section 505.15 51464  
of the Revised Code; 51465

(GG) For the payment of costs incurred by a township as a 51466  
result of a contract made with a county pursuant to section 51467  
505.263 of the Revised Code in order to pay all or any part of the 51468  
cost of constructing, maintaining, repairing, or operating a water 51469  
supply improvement; 51470

(HH) For a board of township trustees to acquire, other than 51471  
by appropriation, an ownership interest in land, water, or 51472  
wetlands, or to restore or maintain land, water, or wetlands in 51473  
which the board has an ownership interest, not for purposes of 51474  
recreation, but for the purposes of protecting and preserving the 51475  
natural, scenic, open, or wooded condition of the land, water, or 51476  
wetlands against modification or encroachment resulting from 51477  
occupation, development, or other use, which may be styled as 51478  
protecting or preserving "greenspace" in the resolution, notice of 51479  
election, or ballot form; 51480

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(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;	51481 51482 51483 51484
(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.	51485 51486 51487
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	51488 51489 51490
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	51491 51492
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	51493 51494 51495
(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.	51496 51497 51498
(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;	51499 51500 51501 51502 51503
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township.	51504 51505
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	51506 51507
(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	51508 51509 51510

easements, as defined in section 5301.67 of the Revised Code, and 51511  
to supervise and enforce the easements. 51512

(SS) For both of the purposes set forth in divisions (BB) and 51513  
(KK) of this section. This division applies only to a county. 51514

The resolution shall be confined to the purpose or purposes 51515  
described in one division of this section, to which the revenue 51516  
derived therefrom shall be applied. The existence in any other 51517  
division of this section of authority to levy a tax for any part 51518  
or all of the same purpose or purposes does not preclude the use 51519  
of such revenues for any part of the purpose or purposes of the 51520  
division under which the resolution is adopted. 51521

The resolution shall specify the amount of the increase in 51522  
rate that it is necessary to levy, the purpose of that increase in 51523  
rate, and the number of years during which the increase in rate 51524  
shall be in effect, which may or may not include a levy upon the 51525  
duplicate of the current year. The number of years may be any 51526  
number not exceeding five, except as follows: 51527

(1) When the additional rate is for the payment of debt 51528  
charges, the increased rate shall be for the life of the 51529  
indebtedness. 51530

(2) When the additional rate is for any of the following, the 51531  
increased rate shall be for a continuing period of time: 51532

(a) For the current expenses for a detention facility 51533  
district, a district organized under section 2151.65 of the 51534  
Revised Code, or a combined district organized under sections 51535  
2152.41 and 2151.65 of the Revised Code; 51536

(b) For providing a county's share of the cost of maintaining 51537  
and operating schools, district detention facilities, forestry 51538  
camps, or other facilities, or any combination thereof, 51539  
established under section 2152.41 or 2151.65 of the Revised Code 51540  
or under both of those sections. 51541

(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;

(b) For the maintenance and operation of a joint recreation district;

(c) A levy imposed by a township for the purposes set forth in division (G) of this section.

(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.

(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.

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.

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 51573  
levy between the current expenses and the other purpose or 51574  
purposes. The apportionment need not be the same for each year of 51575  
the levy, but the respective portions of the rate actually levied 51576  
each year for the current expenses and the other purpose or 51577  
purposes shall be limited by the apportionment. 51578

Whenever a board of county commissioners, acting either as 51579  
the taxing authority of its county or as the taxing authority of a 51580  
sewer district or subdistrict created under Chapter 6117. of the 51581  
Revised Code, by resolution declares it necessary to levy a tax in 51582  
excess of the ten-mill limitation for the purpose of constructing, 51583  
improving, or extending sewage disposal plants or sewage systems, 51584  
the tax may be in effect for any number of years not exceeding 51585  
twenty, and the proceeds of the tax, notwithstanding the general 51586  
provisions of this section, may be used to pay debt charges on any 51587  
obligations issued and outstanding on behalf of the subdivision 51588  
for the purposes enumerated in this paragraph, provided that any 51589  
such obligations have been specifically described in the 51590  
resolution. 51591

The resolution shall go into immediate effect upon its 51592  
passage, and no publication of the resolution is necessary other 51593  
than that provided for in the notice of election. 51594

When the electors of a subdivision have approved a tax levy 51595  
under this section, the taxing authority of the subdivision may 51596  
anticipate a fraction of the proceeds of the levy and issue 51597  
anticipation notes in accordance with section 5705.191 or 5705.193 51598  
of the Revised Code. 51599

**Section 4.** That the existing versions of sections 5139.29, 51600  
5139.31, and 5705.19 and the version of section 2151.652 of the 51601  
Revised Code that are scheduled to take effect January 1, 2002, 51602  
are hereby repealed. 51603

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**Section 5.** Sections 3 and 4 of this act shall take effect on 51604  
January 1, 2002. 51605

**Section 6.** That the versions of sections 5139.01 and 5139.11 51606  
of the Revised Code that are scheduled to take effect January 1, 51607  
2002, be amended to read as follows: 51608

**Sec. 5139.01.** (A) As used in this chapter: 51609

(1) "Commitment" means the transfer of the physical custody 51610  
of a child or youth from the court to the department of youth 51611  
services. 51612

(2) "Permanent commitment" means a commitment that vests 51613  
legal custody of a child in the department of youth services. 51614

(3) "Legal custody," insofar as it pertains to the status 51615  
that is created when a child is permanently committed to the 51616  
department of youth services, means a legal status in which the 51617  
department has the following rights and responsibilities: the 51618  
right to have physical possession of the child; the right and duty 51619  
to train, protect, and control the child; the responsibility to 51620  
provide the child with food, clothing, shelter, education, and 51621  
medical care; and the right to determine where and with whom the 51622  
child shall live, subject to the minimum periods of, or periods 51623  
of, institutional care prescribed in sections 2152.13 to 2152.18 51624  
of the Revised Code; provided, that these rights and 51625  
responsibilities are exercised subject to the powers, rights, 51626  
duties, and responsibilities of the guardian of the person of the 51627  
child, and subject to any residual parental rights and 51628  
responsibilities. 51629

(4) Unless the context requires a different meaning, 51630  
"institution" means a state facility that is created by the 51631  
general assembly and that is under the management and control of 51632

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the department of youth services or a private entity with which  
the department has contracted for the institutional care and  
custody of felony delinquents.

(5) "Full-time care" means care for twenty-four hours a day  
for over a period of at least two consecutive weeks.

(6) "Placement" means the conditional release of a child  
under the terms and conditions that are specified by the  
department of youth services. The department shall retain legal  
custody of a child released pursuant to division (C) of section  
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.

(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  
2152.02 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. 51664

(12) "Juvenile traffic offender" has the same meaning as in 51665  
section 2152.02 of the Revised Code. 51666

(13) "Public safety beds" means all of the following: 51667

(a) Felony delinquents who have been committed to the 51668  
department of youth services for the commission of an act, other 51669  
than a violation of section 2911.01 or 2911.11 of the Revised 51670  
Code, that is a category one offense or a category two offense and 51671  
who are in the care and custody of an institution or have been 51672  
diverted from care and custody in an institution and placed in a 51673  
community corrections facility; 51674

(b) Felony delinquents who, while committed to the department 51675  
of youth services and in the care and custody of an institution or 51676  
a community corrections facility, are adjudicated delinquent 51677  
children for having committed in that institution or community 51678  
corrections facility an act that if committed by an adult would be 51679  
a felony; 51680

(c) Children who satisfy all of the following: 51681

(i) They are at least twelve years of age but less than 51682  
eighteen years of age. 51683

(ii) They are adjudicated delinquent children for having 51684  
committed acts that if committed by an adult would be a felony. 51685

(iii) They are committed to the department of youth services 51686  
by the juvenile court of a county that has had one-tenth of one 51687  
per cent or less of the statewide adjudications for felony 51688  
delinquents as averaged for the past four fiscal years. 51689

(iv) They are in the care and custody of an institution or a 51690  
community corrections facility. 51691

(d) Felony delinquents who, while committed to the department 51692  
of youth services and in the care and custody of an institution, 51693

## As Reported by the Senate Finance and Financial Institutions Committee

commit in that institution an act that if committed by an adult 51694  
would be a felony, who are serving disciplinary time for having 51695  
committed that act, and who have been institutionalized or 51696  
institutionalized in a secure facility for the minimum period of 51697  
time specified in divisions (A)(1)(b) to (e) of section 2152.16 of 51698  
the Revised Code. 51699

(e) Felony delinquents who are subject to and serving a 51700  
three-year period of commitment order imposed by a juvenile court 51701  
pursuant to divisions (A) and (B) of section 2152.17 of the 51702  
Revised Code for an act, other than a violation of section 2911.11 51703  
of the Revised Code, that would be a category one offense or 51704  
category two offense if committed by an adult. 51705

(f) Felony delinquents who are described in divisions 51706  
(A)(13)(a) to (e) of this section, who have been granted a 51707  
judicial release to court supervision under division (B) of 51708  
section 2152.22 of the Revised Code or a judicial release to the 51709  
department of youth services supervision under division (C) of 51710  
that section from the commitment to the department of youth 51711  
services for the act described in divisions (A)(13)(a) to (e) of 51712  
this section, who have violated the terms and conditions of that 51713  
release, and who, pursuant to an order of the court of the county 51714  
in which the particular felony delinquent was placed on release 51715  
that is issued pursuant to division (D) of section 2152.22 of the 51716  
Revised Code, have been returned to the department for 51717  
institutionalization or institutionalization in a secure facility. 51718

(g) Felony delinquents who have been committed to the custody 51719  
of the department of youth services, who have been granted 51720  
supervised release from the commitment pursuant to section 5139.51 51721  
of the Revised Code, who have violated the terms and conditions of 51722  
that supervised release, and who, pursuant to an order of the 51723  
court of the county in which the particular child was placed on 51724  
supervised release issued pursuant to division (F) of section 51725

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5139.52 of the Revised Code, have had the supervised release 51726  
revoked and have been returned to the department for 51727  
institutionalization. A felony delinquent described in this 51728  
division shall be a public safety bed only for the time during 51729  
which the felony delinquent is institutionalized as a result of 51730  
the revocation subsequent to the initial thirty-day period of 51731  
institutionalization required by division (F) of section 5139.52 51732  
of the Revised Code. 51733

(14) "State target youth" means twenty-five per cent of the 51734  
projected total number of felony delinquents for each year of a 51735  
biennium, factoring in revocations and recommitments. 51736

(15) Unless the context requires a different meaning, 51737  
"community corrections facility" means a county or multicounty 51738  
rehabilitation center for felony delinquents who have been 51739  
committed to the department of youth services and diverted from 51740  
care and custody in an institution and placed in the 51741  
rehabilitation center pursuant to division (E) of section 5139.36 51742  
of the Revised Code. 51743

(16) "Secure facility" means any facility that is designed 51744  
and operated to ensure that all of its entrances and exits are 51745  
under the exclusive control of its staff and to ensure that, 51746  
because of that exclusive control, no child who has been 51747  
institutionalized in the facility may leave the facility without 51748  
permission or supervision. 51749

(17) "Community residential program" means a program that 51750  
satisfies both of the following: 51751

(a) It is housed in a building or other structure that has no 51752  
associated major restraining construction, including, but not 51753  
limited to, a security fence. 51754

(b) It provides twenty-four-hour care, supervision, and 51755  
programs for felony delinquents who are in residence. 51756

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- (18) "Category one offense" and "category two offense" have the same meanings as in section 2151.26 of the Revised Code. 51757  
51758
- (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: 51759  
51760  
51761  
51762  
51763  
51764  
51765  
51766
- (a) An act that if committed by an adult would be a felony; 51767
- (b) An act that if committed by an adult would be a misdemeanor; 51768  
51769
- (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. 51770  
51771  
51772
- (20) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code. 51773  
51774
- (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. 51775  
51776  
51777  
51778
- (22) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code. 51779  
51780  
51781
- (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 51782  
51783  
51784  
51785  
51786

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- community. 51787
- (24) "Victim" means the person identified in a police report, 51788  
complaint, or information as the victim of an act that would have 51789  
been a criminal offense if committed by an adult and that provided 51790  
the basis for adjudication proceedings resulting in a child's 51791  
commitment to the legal custody of the department of youth 51792  
services. 51793
- (25) "Victim's representative" means a member of the victim's 51794  
family or another person whom the victim or another authorized 51795  
person designates in writing, pursuant to section 5139.56 of the 51796  
Revised Code, to represent the victim with respect to proceedings 51797  
of the release authority of the department of youth services and 51798  
with respect to other matters specified in that section. 51799
- (26) "Member of the victim's family" means a spouse, child, 51800  
stepchild, sibling, parent, stepparent, grandparent, other 51801  
relative, or legal guardian of a child but does not include a 51802  
person charged with, convicted of, or adjudicated a delinquent 51803  
child for committing a criminal or delinquent act against the 51804  
victim or another criminal or delinquent act arising out of the 51805  
same conduct, criminal or delinquent episode, or plan as the 51806  
criminal or delinquent act committed against the victim. 51807
- (27) "Judicial release to court supervision" means a release 51808  
of a child from institutional care or institutional care in a 51809  
secure facility that is granted by a court pursuant to division 51810  
(B) of section 2152.22 of the Revised Code during the period 51811  
specified in that division. 51812
- (28) "Judicial release to department of youth services 51813  
supervision" means a release of a child from institutional care or 51814  
institutional care in a secure facility that is granted by a court 51815  
pursuant to division (C) of section 2152.22 of the Revised Code 51816  
during the period specified in that division. 51817

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

(30) "Metropolitan county criminal justice services agency" means an agency that is established pursuant to division (A) of section 181.54 of the Revised Code.

(31) "Administrative planning district" means a district that is established pursuant to division (A) or (B) of section 181.56 of the Revised Code.

(32) "Criminal justice coordinating council" means a criminal justice services agency that is established pursuant to division (D) of section 181.56 of the Revised Code.

(33) "Comprehensive plan" means a document that coordinates, evaluates, and otherwise assists, on an annual or multi-year basis, all of the functions of the juvenile justice systems of the state or a specified area of the state, that conforms to the priorities of the state with respect to juvenile justice systems, and that conforms with the requirements of all federal criminal justice acts. These functions include, but are not limited to, all of the following:

(a) Delinquency;

(b) Identification, detection, apprehension, and detention of persons charged with delinquent acts;

(c) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;

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<u>(d) Adjudication or diversion of persons charged with delinquent acts;</u>	51848
	51849
<u>(e) Custodial treatment of delinquent children;</u>	51850
<u>(f) Institutional and noninstitutional rehabilitation of delinquent children.</u>	51851
	51852
(B) There is hereby created the department of youth services.	51853
The governor shall appoint the director of the department with the	51854
advice and consent of the senate. The director shall hold office	51855
during the term of the appointing governor but subject to removal	51856
at the pleasure of the governor. Except as otherwise authorized in	51857
section 108.05 of the Revised Code, the director shall devote the	51858
director's entire time to the duties of the director's office and	51859
shall hold no other office or position of trust or profit during	51860
the director's term of office.	51861
The director is the chief executive and administrative	51862
officer of the department and has all the powers of a department	51863
head set forth in Chapter 121. of the Revised Code. The director	51864
may adopt rules for the government of the department, the conduct	51865
of its officers and employees, the performance of its business,	51866
and the custody, use, and preservation of the department's	51867
records, papers, books, documents, and property. The director	51868
shall be an appointing authority within the meaning of Chapter	51869
124. of the Revised Code. Whenever this or any other chapter or	51870
section of the Revised Code imposes a duty on or requires an	51871
action of the department, the duty or action shall be performed by	51872
the director or, upon the director's order, in the name of the	51873
department.	51874
<b>Sec. 5139.11.</b> The department of youth services shall do all	51875
of the following:	51876
(A) Through a program of education, promotion, and	51877

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organization, form groups of local citizens and assist these	51878
groups in conducting activities aimed at the prevention and	51879
control of juvenile delinquency, making use of local people and	51880
resources for the following purposes:	51881
(1) Combatting local conditions known to contribute to	51882
juvenile delinquency;	51883
(2) Developing recreational and other programs for youth	51884
work;	51885
(3) Providing adult sponsors for delinquent children cases;	51886
(4) Dealing with other related problems of the locality.	51887
(B) Advise local, state, and federal officials, public and	51888
private agencies, and lay groups on the needs for and possible	51889
methods of the reduction and prevention of juvenile delinquency	51890
and the treatment of delinquent children;	51891
(C) Consult with the schools and courts of this state on the	51892
development of programs for the reduction and prevention of	51893
delinquency and the treatment of delinquents;	51894
(D) Cooperate with other agencies whose services deal with	51895
the care and treatment of delinquent children to the end that	51896
delinquent children who are state wards may be assisted whenever	51897
possible to a successful adjustment outside of institutional care;	51898
(E) Cooperate with other agencies in surveying, developing,	51899
and utilizing the recreational resources of a community as a means	51900
of combatting the problem of juvenile delinquency and effectuating	51901
rehabilitation;	51902
(F) Hold district and state conferences from time to time in	51903
order to acquaint the public with current problems of juvenile	51904
delinquency and develop a sense of civic responsibility toward the	51905
prevention of juvenile delinquency;	51906
(G) Assemble and distribute information relating to juvenile	51907

## As Reported by the Senate Finance and Financial Institutions Committee

delinquency and report on studies relating to community conditions	51908
that affect the problem of juvenile delinquency;	51909
(H) Assist any community within the state by conducting a	51910
comprehensive survey of the community's available public and	51911
private resources, and recommend methods of establishing a	51912
community program for combatting juvenile delinquency and crime,	51913
but no survey of that type shall be conducted unless local	51914
individuals and groups request it through their local authorities,	51915
and no request of that type shall be interpreted as binding the	51916
community to following the recommendations made as a result of the	51917
request;	51918
(I) Evaluate the rehabilitation of children committed to the	51919
department and prepare and submit periodic reports to the	51920
committing court for the following purposes:	51921
(1) Evaluating the effectiveness of institutional treatment;	51922
(2) Making recommendations for judicial release under section	51923
2152.22 of the Revised Code if appropriate and recommending	51924
conditions for judicial release;	51925
(3) Reviewing the placement of children and recommending	51926
alternative placements where appropriate.	51927
(J) Coordinate dates for hearings to be conducted under	51928
section 2152.22 of the Revised Code and assist in the transfer and	51929
release of children from institutionalization to the custody of	51930
the committing court;	51931
<u>(K)(1) Coordinate and assist juvenile justice systems by</u>	51932
<u>doing the following:</u>	51933
<u>(a) Performing juvenile justice system planning in the state,</u>	51934
<u>including any planning that is required by any federal law;</u>	51935
<u>(b) Collecting, analyzing, and correlating information and</u>	51936
<u>data concerning the juvenile justice system in the state;</u>	51937

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<u>(c) Cooperating with and providing technical assistance to</u>	51938
<u>state departments, administrative planning districts, metropolitan</u>	51939
<u>county criminal justice services agencies, criminal justice</u>	51940
<u>coordinating councils, and agencies, offices, and departments of</u>	51941
<u>the juvenile justice system in the state, and other appropriate</u>	51942
<u>organizations and persons;</u>	51943
<u>(d) Encouraging and assisting agencies, offices, and</u>	51944
<u>departments of the juvenile justice system in the state and other</u>	51945
<u>appropriate organizations and persons to solve problems that</u>	51946
<u>relate to the duties of the department;</u>	51947
<u>(e) Administering within the state any juvenile justice acts</u>	51948
<u>and programs that the governor requires the department to</u>	51949
<u>administer;</u>	51950
<u>(f) Implementing the state comprehensive plans;</u>	51951
<u>(g) Auditing grant activities of agencies, offices,</u>	51952
<u>organizations, and persons that are financed in whole or in part</u>	51953
<u>by funds granted through the department;</u>	51954
<u>(h) Monitoring or evaluating the performance of juvenile</u>	51955
<u>justice system projects and programs in the state that are</u>	51956
<u>financed in whole or in part by funds granted through the</u>	51957
<u>department;</u>	51958
<u>(i) Applying for, allocating, disbursing, and accounting for</u>	51959
<u>grants that are made available pursuant to federal juvenile</u>	51960
<u>justice acts, or made available from other federal, state, or</u>	51961
<u>private sources, to improve the criminal and juvenile justice</u>	51962
<u>systems in the state. All money from federal juvenile justice act</u>	51963
<u>grants shall, if the terms under which the money is received</u>	51964
<u>require that the money be deposited into an interest bearing fund</u>	51965
<u>or account, be deposited in the state treasury to the credit of</u>	51966
<u>the federal juvenile justice program purposes fund, which is</u>	51967
<u>hereby created. All investment earnings shall be credited to the</u>	51968

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<u>fund.</u>	51969
<u>(j) Contracting with federal, state, and local agencies,</u>	51970
<u>foundations, corporations, businesses, and persons when necessary</u>	51971
<u>to carry out the duties of the department;</u>	51972
<u>(k) Overseeing the activities of metropolitan county criminal</u>	51973
<u>justice services agencies, administrative planning districts, and</u>	51974
<u>juvenile justice coordinating councils in the state;</u>	51975
	51976
<u>(l) Advising the general assembly and governor on legislation</u>	51977
<u>and other significant matters that pertain to the improvement and</u>	51978
<u>reform of the juvenile justice system in the state;</u>	51979
	51980
<u>(m) Preparing and recommending legislation to the general</u>	51981
<u>assembly and governor for the improvement of the juvenile justice</u>	51982
<u>system in the state;</u>	51983
<u>(n) Assisting, advising, and making any reports that are</u>	51984
<u>required by the governor, attorney general, or general assembly;</u>	51985
<u>(o) Adopting rules pursuant to Chapter 119. of the Revised</u>	51986
<u>Code.</u>	51987
<u>(2) Division (K)(1) of this section does not limit the</u>	51988
<u>discretion or authority of the attorney general with respect to</u>	51989
<u>crime victim assistance and criminal and juvenile justice</u>	51990
<u>programs.</u>	51991
<u>(3) Nothing in division (K)(1) of this section is intended to</u>	51992
<u>diminish or alter the status of the office of the attorney general</u>	51993
<u>as a criminal justice services agency.</u>	51994
<u>(4) The governor may appoint any advisory committees to</u>	51995
<u>assist the department that the governor considers appropriate or</u>	51996
<u>that are required under any state or federal law.</u>	51997



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Agency Fund Group				52025	
808 995-668 State Employee Health	\$	163,866,236	\$	187,635,594	52026
Benefit Fund					
809 995-669 Dependent Care	\$	3,050,554	\$	3,355,609	52027
Spending Account					
810 995-670 Life Insurance	\$	2,109,592	\$	2,236,167	52028
Investment Fund					
811 995-671 Parental Leave Benefit	\$	4,914,815	\$	6,143,519	52029
Fund					
TOTAL AGY Agency Fund Group	\$	173,941,197	\$	199,370,889	52030
TOTAL ALL BUDGET FUND GROUPS	\$	268,867,759	\$	303,258,942	52031

ACCRUED LEAVE LIABILITY FUND 52032

The foregoing appropriation item 995-666, Accrued Leave Fund, 52033  
 shall be used to make payments from the Accrued Leave Liability 52034  
 Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 52035  
 If it is determined by the Director of Budget and Management that 52036  
 additional amounts are necessary, the amounts are appropriated. 52037

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 52038

The foregoing appropriation item 995-667, Disability Fund, 52039  
 shall be used to make payments from the State Employee Disability 52040  
 Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 52041  
 Revised Code. If it is determined by the Director of Budget and 52042  
 Management that additional amounts are necessary, the amounts are 52043  
 appropriated. 52044

STATE EMPLOYEE HEALTH BENEFIT FUND 52045

The foregoing appropriation item 995-668, State Employee 52046  
 Health Benefit Fund, shall be used to make payments from the State 52047  
 Employee Health Benefit Fund (Fund 808), pursuant to section 52048  
 124.87 of the Revised Code. If it is determined by the Director of 52049  
 Budget and Management that additional amounts are necessary, the 52050  
 amounts are appropriated. 52051

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DEPENDENT CARE SPENDING ACCOUNT				52052
The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.				52053 52054 52055 52056 52057 52058
LIFE INSURANCE INVESTMENT FUND				52059
The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.				52060 52061 52062 52063 52064 52065 52066
PARENTAL LEAVE BENEFIT FUND				52067
The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.				52068 52069 52070 52071 52072 52073
<b>Section 12. ADJ ADJUTANT GENERAL</b>				52074
General Revenue Fund				52075
GRF 745-401 Ohio Military Reserve	\$	14,901	\$ 15,200	52076
GRF 745-403 Armory Deferred	\$	250,000	\$ 250,000	52077
Maintenance				
GRF 745-404 Air National Guard	\$	1,845,527	\$ 1,921,854	52078
GRF 745-409 Central Administration	\$	3,975,185	\$ 4,222,598	52079
GRF 745-499 Army National Guard	\$	3,878,881	\$ 3,988,519	52080

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GRF 745-502	Ohio National Guard	\$	106,980	\$	103,058	52081
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	10,071,474		10,501,229	52082
	General Services Fund Group					52083
534 745-612	Armory Improvements	\$	529,014	\$	534,304	52084
536 745-620	Camp Perry Clubhouse	\$	1,054,359	\$	1,094,970	52085
	and Rental					
537 745-604	ONG Maintenance	\$	214,464	\$	219,826	52086
TOTAL GSF	General Services Fund	\$	1,797,837	\$	1,849,100	52087
	Group					
	Federal Special Revenue Fund Group					52088
3E8 745-628	Air National Guard	\$	11,821,084	\$	12,770,931	52089
	Operations and					
	Maintenance Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	52090
	Operations					
3S0 745-602	Higher Ground Training	\$	20,000	\$	20,000	52091
341 745-615	Air National Guard	\$	1,770,744	\$	1,841,573	52092
	Base Security					
342 745-616	Army National Guard	\$	6,429,352	\$	6,749,210	52093
	Service Agreement					
TOTAL FED	Federal Special Revenue	\$	20,066,180	\$	21,406,714	52094
	Fund Group					
	State Special Revenue Fund Group					52095
528 745-605	Marksmanship	\$	64,466	\$	66,078	52096
	Activities					
TOTAL SSR	State Special Revenue	\$	64,466	\$	66,078	52097
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	31,999,957	\$	33,823,121	52098
	ARMY NATIONAL GUARD SERVICE AGREEMENT AND ARMY NATIONAL GUARD					52099
	TRAINING SITE AGREEMENT					52100
	On July 1, 2001, or as soon thereafter as possible, the					52101

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Adjutant General shall certify to the Director of Budget and Management the cash balance in Fund 343, Army National Guard Training Site Agreement. The Director of Budget and Management shall transfer the certified amount from Fund 343 to Fund 342, Army National Guard Service Agreement. Any existing encumbrances in appropriation item 745-619, Army National Guard Training Site Agreement (Fund 343), shall be canceled and reestablished against 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					52112
GRF 100-402 Unemployment	\$	107,713	\$	109,114	52114
Compensation					
GRF 100-405 Agency Audit Expenses	\$	662,147	\$	614,704	52115
GRF 100-406 County & University	\$	850,133	\$	838,777	52116
Human Resources					
Services					
GRF 100-409 Departmental	\$	948,332	\$	975,481	52117
Information Services					
GRF 100-414 Ohio Geographically	\$	512,410	\$	510,807	52118
Referenced Information					
Program					
GRF 100-416 Strategic Technology	\$	3,470,440	\$	5,000,000	52119
Development Programs					
GRF 100-417 MARCS	\$	5,350,344	\$	6,176,160	52120
GRF 100-419 Ohio SONET	\$	4,527,924	\$	4,625,879	52121
GRF 100-420 Innovation Ohio	\$	144,000	\$	144,000	52122
GRF 100-421 ERP Project	\$	600,000	\$	624,000	52123
Implementation					
GRF 100-433 State of Ohio Computer	\$	5,003,580	\$	5,027,234	52124
Center					

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GRF 100-439	Equal Opportunity Certification Programs	\$ 817,894	\$ 861,093	52125
GRF 100-447	OBA - Building Rent Payments	\$ 100,075,600	\$ 119,923,600	52126
GRF 100-448	OBA - Building Operating Payments	\$ 26,098,000	\$ 26,098,000	52127
GRF 100-449	DAS - Building Operating Payments	\$ 5,126,955	\$ 5,126,968	52128
GRF 100-451	Minority Affairs	\$ 119,706	\$ 118,043	52129
GRF 100-734	Major Maintenance	\$ 70,224	\$ 68,376	52130
GRF 102-321	Construction Compliance	\$ 1,392,590	\$ 1,396,506	52131
GRF 130-321	State Agency Support Services	\$ 3,632,427	\$ 3,740,888	52132
TOTAL GRF	General Revenue Fund	\$ 159,510,419	\$ 181,979,630	52133
	General Services Fund Group			52134
112 100-616	DAS Administration	\$ 5,243,105	\$ 5,503,547	52135
115 100-632	Central Service Agency	\$ 399,438	\$ 376,844	52136
117 100-644	General Services Division - Operating	\$ 5,790,000	\$ 7,091,000	52137
122 100-637	Fleet Management	\$ 1,600,913	\$ 1,652,189	52138
125 100-622	Human Resources Division - Operating	\$ 23,895,125	\$ 24,640,311	52139
127 100-627	Vehicle Liability Insurance	\$ 3,373,835	\$ 3,487,366	52140
128 100-620	Collective Bargaining	\$ 3,292,859	\$ 3,410,952	52141
130 100-606	Risk Management Reserve	\$ 185,900	\$ 197,904	52142
131 100-639	State Architect's Office	\$ 7,504,787	\$ 7,772,789	52143
132 100-631	DAS Building Management	\$ 10,887,913	\$ 11,362,872	52144
188 100-649	Equal Opportunity	\$ 1,214,691	\$ 1,253,311	52145

## As Reported by the Senate Finance and Financial Institutions Committee

		Programs				
201	100-653	General Services	\$	1,779,000	\$	1,833,000 52146
		Resale Merchandise				
210	100-612	State Printing	\$	6,648,503	\$	6,928,823 52147
4H2	100-604	Governor's Residence	\$	22,628	\$	23,194 52148
		Gift				
4P3	100-603	Departmental MIS	\$	7,447,713	\$	7,761,365 52149
		Services				
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184 52150
5C2	100-605	MARCS Development	\$	3,429,947	\$	4,475,190 52151
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464 52152
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000 52153
5L7	100-610	Professional	\$	2,700,000	\$	2,700,000 52154
		Development				
		TOTAL GSF General Services Fund				52155
		Group	\$	103,858,292	\$	108,982,305 52156
		Intragovernmental Service Fund Group				52157
133	100-607	Information Technology	\$	104,482,097	\$	111,387,436 52158
		Fund				
4N6	100-617	Major Computer	\$	12,000,000	\$	4,500,000 52159
		Purchases				
		TOTAL ISF Intragovernmental				52160
		Service Fund Group	\$	116,482,097	\$	115,887,436 52161
		Agency Fund Group				52162
113	100-628	Unemployment	\$	3,500,000	\$	3,577,000 52163
		Compensation				
124	100-629	Payroll Deductions	\$	1,877,100,000	\$	1,999,100,000 52164
		TOTAL AGY Agency Fund Group	\$	1,880,600,000	\$	2,002,677,000 52165
		Holding Account Redistribution Fund Group				52166
R08	100-646	General Services	\$	20,000	\$	20,000 52167
		Refunds				
		TOTAL 090 Holding Account				52168

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Redistribution Fund Group	\$	20,000	\$	20,000	52169
TOTAL ALL BUDGET FUND GROUPS	\$	2,260,470,808	\$	2,409,546,371	52170

**Section 13.01.** AGENCY AUDIT EXPENSES 52172

Of the foregoing appropriation item 100-405, Agency Audit 52173  
 Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in 52174  
 fiscal year 2003 shall be used to subsidize the operations of the 52175  
 Central Service Agency. The Department of Administrative Services 52176  
 shall transfer cash from appropriation item 100-405, Agency Audit 52177  
 Expenses, to the Central Service Agency Fund (Fund 115) using an 52178  
 intrastate transfer voucher. 52179

Of the foregoing appropriation item 100-405, Agency Audit 52180  
 Expenses, up to \$30,000 in fiscal year 2002 and \$30,000 in fiscal 52181  
 year 2003 shall be used for the Department of Administrative 52182  
 Services' GRF appropriation item-related auditing expenses. The 52183  
 remainder of the appropriation shall be used for auditing expenses 52184  
 designated in division (A)(1) of section 117.13 of the Revised 52185  
 Code for those state agencies audited on a biennial basis. 52186

**Section 13.02.** OHIO BUILDING AUTHORITY 52187

The foregoing appropriation item 100-447, OBA - Building Rent 52188  
 Payments, shall be used to meet all payments at the times they are 52189  
 required to be made during the period from July 1, 2001, to June 52190  
 30, 2003, by the Department of Administrative Services to the Ohio 52191  
 Building Authority pursuant to leases and agreements under Chapter 52192  
 152. of the Revised Code, but limited to the aggregate amount of 52193  
 \$219,999,200. The foregoing appropriation item 100-448, OBA - 52194  
 Building Operating Payments, shall be used to meet all payments at 52195  
 the times that they are required to be made during the period from 52196  
 July 1, 2001, to June 30, 2003, by the Department of 52197  
 Administrative Services to the Ohio Building Authority pursuant to 52198  
 leases and agreements under Chapter 152. of the Revised Code, but 52199

limited to the aggregate amount of \$52,196,000. These 52200  
appropriations are the source of funds pledged for bond service 52201  
charges on obligations issued pursuant to Chapter 152. of the 52202  
Revised Code. 52203

The payments to the Ohio Building Authority are for the 52204  
purpose of paying the expenses of agencies that occupy space in 52205  
the various state facilities. The Department of Administrative 52206  
Services may enter into leases and agreements with the Ohio 52207  
Building Authority providing for the payment of these expenses. 52208  
The Ohio Building Authority shall report to the Department of 52209  
Administrative Services and the Office of Budget and Management 52210  
not later than five months after the start of a fiscal year the 52211  
actual expenses incurred by the Ohio Building Authority in 52212  
operating the facilities and any balances remaining from payments 52213  
and rentals received in the prior fiscal year. The Department of 52214  
Administrative Services shall reduce subsequent payments by the 52215  
amount of the balance reported to it by the Ohio Building 52216  
Authority. 52217

**Section 13.03. DAS - BUILDING OPERATING PAYMENTS** 52218

The foregoing appropriation item 100-449, DAS - Building 52219  
Operating Payments, shall be used to pay the rent expenses of 52220  
veterans organizations pursuant to section 123.024 of the Revised 52221  
Code in fiscal years 2002 and 2003. 52222

The foregoing appropriation item, 100-449, DAS - Building 52223  
Operating Payments, may be used to provide funding for the cost of 52224  
property appraisals that the Department of Administrative Services 52225  
may be required to obtain for property that is being sold by the 52226  
state or property under consideration to be purchased by the 52227  
state. 52228

Of the foregoing appropriation item 100-449, DAS - Building 52229  
Operating Payment, \$100,000 shall be used in fiscal year 2002 to 52230

fund the renovation of new office space for the State Library and 52231  
the Ohioana Library Association. 52232

Notwithstanding section 125.28 of the Revised Code, the 52233  
remaining portion of the appropriation may be used to pay the 52234  
operating expenses of state facilities maintained by the 52235  
Department of Administrative Services that are not billed to 52236  
building tenants. These expenses may include, but are not limited 52237  
to, the costs for vacant space and space undergoing renovation, 52238  
and the rent expenses of tenants that are relocated due to 52239  
building renovations. These payments shall be processed by the 52240  
Department of Administrative Services through intrastate transfer 52241  
vouchers and placed in the Facilities Management Fund (Fund 132). 52242

**Section 13.04. MINORITY AFFAIRS** 52243

The foregoing appropriation item 100-451, Minority Affairs, 52244  
shall be used to establish minority affairs programs within the 52245  
Equal Opportunity Division. The office shall provide an access 52246  
point and official representation to multi-cultural communities; 52247  
research and reports on multi-cultural issues; and educational, 52248  
governmental, and other services that foster multi-cultural 52249  
opportunities and understanding in the state of Ohio. 52250

**Section 13.05. CENTRAL SERVICE AGENCY FUND** 52251

In order to complete the migration of the licensing 52252  
applications of the professional licensing boards to a local area 52253  
network, the Director of Budget and Management may, at the request 52254  
of the Director of Administrative Services, cancel related 52255  
encumbrances in the Central Service Agency Fund (Fund 115) and 52256  
reestablish these encumbrances in fiscal year 2002 for the same 52257  
purpose and to the same vendor. The Director of Budget and 52258  
Management shall reduce the appropriation balance in fiscal year 52259  
2001 by the amount of encumbrances canceled in Fund 115. As 52260

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determined by the Director of Budget and Management, the amount  
 necessary to reestablish such encumbrances or parts of  
 encumbrances in fiscal year 2002 in the Central Service Agency  
 Fund (Fund 115) is appropriated.

The Director of Budget and Management may transfer up to  
 \$399,000 in fiscal year 2002 and up to \$354,000 in fiscal year  
 2003 from the Occupational Licensing and Regulatory Fund (Fund  
 4K9) to the Central Service Agency Fund (Fund 115). The Director  
 of Budget and Management may transfer up to \$34,000 in fiscal year  
 2002 and up to \$30,000 in fiscal year 2003 from the State Medical  
 Board Operating Fund (Fund 5C6) to the Central Service Agency Fund  
 (Fund 115). The Director of Budget and Management may transfer up  
 to \$18,000 in fiscal year 2002 and up to \$16,000 in fiscal year  
 2003 from the Pharmacy Board Operating Fund (Fund 5N2) to the  
 Central Service Agency Fund (Fund 115). The appropriation item  
 100-632, Central Service Agency, shall be used to purchase the  
 necessary equipment, products, and services to install and  
 maintain a local area network for the professional licensing  
 boards, and to support their licensing applications. The amount of  
 the cash transfer is appropriated to appropriation item 100-632,  
 Central Service Agency.

**Section 13.06. TUITION REIMBURSEMENT**

Of the foregoing appropriation item 100-622, Human Resources  
 Division - Operating, \$350,000 in fiscal year 2002 and \$400,000 in  
 fiscal year 2003 shall be set aside for the District 1199 Health  
 Care Employees Tuition Reimbursement Program, per existing  
 collective bargaining agreements. Of the foregoing appropriation  
 item 100-622, Human Resources Division - Operating, \$75,000 in  
 fiscal year 2002 and \$75,000 in fiscal year 2003 shall be set  
 aside for the Ohio Education Association Tuition Reimbursement  
 Program, per existing collective bargaining agreements. The

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Department of Administrative Services, with the approval of the 52292  
 Director of Budget and Management, shall establish charges for 52293  
 recovering the costs of administering the District 1199 Health 52294  
 Care Employees Tuition Reimbursement Program and the Ohio 52295  
 Education Association Tuition Reimbursement Program. Receipts for 52296  
 these charges shall be deposited into the Human Resources Services 52297  
 Fund (Fund 125). 52298

**Section 13.07. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 52299

With approval of the Director of Budget and Management, the 52300  
 Department of Administrative Services may seek reimbursement from 52301  
 state agencies for the actual costs and expenses the department 52302  
 incurs in the collective bargaining arbitration process. The 52303  
 reimbursements shall be processed through intrastate transfer 52304  
 vouchers and placed in the Collective Bargaining Fund (Fund 128). 52305

**Section 13.08. EQUAL OPPORTUNITY PROGRAM** 52306

The Department of Administrative Services, with the approval 52307  
 of the Director of Budget and Management, shall establish charges 52308  
 for recovering the costs of administering the activities supported 52309  
 by the Equal Opportunity Programs Fund (Fund 188). These charges 52310  
 shall be deposited to the credit of the Equal Opportunity Programs 52311  
 Fund (Fund 188) upon payment made by state agencies, 52312  
 state-supported or state-assisted institutions of higher 52313  
 education, and tax-supported agencies, municipal corporations, and 52314  
 other political subdivisions of the state, for services rendered. 52315

**Section 13.09. MERCHANDISE FOR RESALE** 52316

The foregoing appropriation item 100-653, General Services 52317  
 Resale Merchandise, shall be used to account for merchandise for 52318  
 resale, which is administered by the General Services Division. 52319  
 Deposits to the fund may comprise the cost of merchandise for 52320

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resale and shipping fees.	52321
<b>Section 13.10.</b> GOVERNOR'S RESIDENCE GIFT	52322
The foregoing appropriation item 100-604, Governor's	52323
Residence Gift, shall be used to provide part or all of the	52324
funding related to construction, goods, or services for the	52325
Governor's residence. All receipts for this purpose shall be	52326
deposited into Fund 4H2.	52327
<b>Section 13.11.</b> DEPARTMENTAL MIS	52328
The foregoing appropriation item 100-603, Departmental MIS	52329
Services, may be used to pay operating expenses of management	52330
information systems activities in the Department of Administrative	52331
Services. The Department of Administrative Services shall	52332
establish charges for recovering the costs of management	52333
information systems activities. These charges shall be deposited	52334
to the credit of the Departmental MIS Fund (Fund 4P3).	52335
Notwithstanding any other language to the contrary, the	52336
Director of Budget and Management may transfer up to \$3,000,000 of	52337
fiscal year 2002 appropriations and up to \$3,000,000 of fiscal	52338
year 2003 appropriations from appropriation item 100-603,	52339
Departmental MIS Services, to any Department of Administrative	52340
Services non-General Revenue Fund appropriation item. The	52341
appropriations transferred shall be used to make payments for	52342
management information systems services. Notwithstanding any other	52343
language to the contrary, the Director of Budget and Management	52344
may transfer up to \$217,313 of fiscal year 2002 appropriations and	52345
up to \$193,031 of fiscal year 2003 appropriations from	52346
appropriation item 100-409, Departmental Information Services, to	52347
any Department of Administrative Services appropriation item in	52348
the General Revenue Fund. The appropriations transferred shall be	52349
used to make payments for management information systems services.	52350

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**Section 13.12.** INVESTMENT RECOVERY FUND 52352

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. 52353  
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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. 52357  
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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. 52361  
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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. 52372  
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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** 52392

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** 52413

There is hereby established in the state treasury the 52414  
 Workforce Development Fund (Fund 5D7). The foregoing appropriation 52415  
 item 100-621, Workforce Development, shall be used to make 52416  
 payments from the fund. The fund shall be under the supervision of 52417  
 the Department of Administrative Services, which may adopt rules 52418  
 with regard to administration of the fund. The fund shall be used 52419  
 to pay the costs of the Workforce Development Program established 52420  
 by Article 37 of the contract between the State of Ohio and 52421  
 OCSEA/AFSCME, Local 11, effective March 1, 2000. The program shall 52422  
 be administered in accordance with the contract. Revenues shall 52423  
 accrue to the fund as specified in the contract. The fund may be 52424  
 used to pay direct and indirect costs of the program that are 52425  
 attributable to staff, consultants, and service providers. All 52426  
 income derived from the investment of the fund shall accrue to the 52427  
 fund. 52428

If it is determined by the Director of Administrative 52429  
 Services that additional appropriation amounts are necessary, the 52430  
 Director of Administrative Services may request that the Director 52431  
 of Budget and Management increase such amounts. Such amounts are 52432  
 appropriated. 52433

**Section 13.15. PROFESSIONAL DEVELOPMENT FUND** 52434

The foregoing appropriation item 100-610, Professional 52435  
 Development, shall be used to make payments from the Professional 52436  
 Development Fund (Fund 5L7) pursuant to section 124.182 of the 52437  
 Revised Code. 52438

**Section 13.16. COMPUTER EQUIPMENT PURCHASES** 52439

The Director of Administrative Services shall compute the 52440  
 amount of revenue attributable to the amortization of all 52441

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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 52474

The Director of Budget and Management shall transfer any cash 52475  
balances remaining in the E-Government Development Fund (Fund 5M6) 52476  
after November 30, 2001, from the E-Government Development Fund to 52477  
the Information Technology Fund (Fund 133) created in section 52478  
125.15 of the Revised Code. 52479

**Section 13.19.** UNEMPLOYMENT COMPENSATION FUND 52480

The foregoing appropriation item 100-628, Unemployment 52481  
Compensation, shall be used to make payments from the Unemployment 52482  
Compensation Fund (Fund 113), pursuant to section 4141.241 of the 52483  
Revised Code. If it is determined that additional amounts are 52484  
necessary, such amounts are appropriated. 52485

**Section 13.20.** PAYROLL WITHHOLDING FUND 52486

The foregoing appropriation item 100-629, Payroll Deductions, 52487  
shall be used to make payments from the Payroll Withholding Fund 52488  
(Fund 124). If it is determined by the Director of Budget and 52489  
Management that additional appropriation amounts are necessary, 52490  
such amounts are appropriated. 52491

**Section 13.21.** GENERAL SERVICES REFUNDS 52492

The foregoing appropriation item 100-646, General Services 52493  
Refunds, shall be used to hold bid guarantee and building plans 52494  
and specifications deposits until they are refunded. The Director 52495  
of Administrative Services may request that the Director of Budget 52496  
and Management transfer cash received for the costs of providing 52497  
the building plans and specifications to contractors from the 52498  
General Services Refund Fund to Fund 131, State Architect's 52499  
Office. Prior to the transfer of cash, the Director of 52500  
Administrative Services shall certify that such amounts are in 52501

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excess of amounts required for refunding deposits and are directly 52502  
 related to costs of producing building plans and specifications. 52503  
 If it is determined that additional appropriations are necessary, 52504  
 such amounts are appropriated. 52505

**Section 13.22.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 52506  
 SERVICE PAYMENTS 52507

The Director of Administrative Services, in consultation with 52508  
 the Multi-Agency Radio Communication System (MARCS) Steering 52509  
 Committee and the Director of Budget and Management, shall 52510  
 determine the share of debt service payments attributable to 52511  
 spending for MARCS components that are not specific to any one 52512  
 agency and that shall be charged to agencies supported by the 52513  
 motor fuel tax. Such share of debt service payments shall be 52514  
 calculated for MARCS capital disbursements made beginning July 1, 52515  
 1997. Within thirty days of any payment made from appropriation 52516  
 item 100-447, OBA - Building Rent Payments, the Director of 52517  
 Administrative Services shall certify to the Director of Budget 52518  
 and Management the amount of this share. The Director of Budget 52519  
 and Management shall transfer such amounts to the General Revenue 52520  
 Fund from the Highway Operating Fund (Fund 002) established in 52521  
 section 5735.281 of the Revised Code. 52522

The Director of Administrative Services shall consider 52523  
 renting or leasing existing tower sites at reasonable or current 52524  
 market rates, so long as these existing sites are equipped with 52525  
 the technical capabilities to support the MARCS project. 52526

**Section 13.23.** DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 52527

Whenever the Director of Administrative Services declares a 52528  
 "Public Exigency," as provided in division (C) of section 123.15 52529  
 of the Revised Code, the Director shall also notify the members of 52530  
 the Controlling Board. 52531

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<b>Section 13.24. GENERAL SERVICE CHARGES</b>				52532	
The Department of Administrative Services, with the approval				52533	
of the Director of Budget and Management, shall establish charges				52534	
for recovering the costs of administering the programs in the				52535	
General Services Fund (Fund 117) and the State Printing Fund (Fund				52536	
210).				52537	
<b>Section 14. AAM COMMISSION ON AFRICAN AMERICAN MALES</b>				52538	
General Revenue Fund				52539	
GRF 036-100 Personal Services	\$	254,538	\$	267,265	52540
GRF 036-200 Maintenance	\$	47,500	\$	47,175	52541
GRF 036-300 Equipment	\$	19,000	\$	18,870	52542
GRF 036-501 CAAM Awards and	\$	15,200	\$	15,096	52543
Scholarships					
GRF 036-502 Community Projects	\$	38,000	\$	27,750	52544
TOTAL GRF General Revenue Fund	\$	374,238	\$	376,156	52545
State Special Revenue Fund Group				52546	
4H3 036-601 Commission on African	\$	10,000	\$	10,000	52547
American Males -					
Gifts/Grants					
TOTAL SSR State Special Revenue	\$	10,000	\$	10,000	52548
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	384,238	\$	386,156	52549
COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW				52550	
No later than December 31, 2001, the Commission on African				52551	
American Males shall submit to the chairperson and ranking				52552	
minority member of the Human Services Subcommittee of the Finance				52553	
and Appropriations Committee of the House of Representatives a				52554	
report that demonstrates the progress that has been made toward				52555	
meeting the Commission's mission statement.				52556	

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<b>Section 15. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW</b>				52557
General Revenue Fund				52558
GRF 029-321	Operating Expenses	\$ 365,881	\$ 365,881	52559
TOTAL GRF General Revenue Fund				52560
TOTAL ALL BUDGET FUND GROUPS				52561
OPERATING				52562
The Chief Administrative Officer of the House of				52563
Representatives and the Clerk of the Senate shall determine, by				52564
mutual agreement, which of them shall act as fiscal agent for the				52565
Joint Committee on Agency Rule Review.				52566
<b>Section 16. AGE DEPARTMENT OF AGING</b>				52567
General Revenue Fund				52568
GRF 490-321	Operating Expenses	\$ 2,896,946	\$ 2,877,346	52569
GRF 490-403	PASSPORT	\$ 61,867,800	\$ 63,840,739	52570
GRF 490-405	Golden Buckeye Card	\$ 377,560	\$ 377,560	52571
GRF 490-406	Senior Olympics	\$ 39,862	\$ 39,862	52572
GRF 490-407	Long-Term Care	\$ 622,799	\$ 622,799	52573
Consumer Guide				
GRF 490-409	Ohio Community Service	\$ 311,640	\$ 311,640	52574
Council Operations				
GRF 490-410	Long-Term Care	\$ 1,412,058	\$ 1,412,058	52575
Ombudsman				
GRF 490-411	Senior Community	\$ 13,784,750	\$ 13,784,750	52576
Services				
GRF 490-412	Residential State	\$ 12,534,591	\$ 12,290,915	52577
Supplement				
GRF 490-414	Alzheimers Respite	\$ 4,436,673	\$ 4,436,673	52578
GRF 490-416	Transportation For	\$ 183,000	\$ 183,000	52579
Elderly				
GRF 490-499	Senior Employment	\$ 15,574	\$ 15,574	52580
Program				

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GRF 490-504	Senior Facilities	\$	130,000	\$	100,000	52581
GRF 490-506	Senior Volunteers	\$	491,614	\$	496,580	52582
TOTAL GRF	General Revenue Fund	\$	99,104,867	\$	100,789,496	52583
General Services Fund Group						52584
480 490-606	Senior Citizens	\$	363,587	\$	372,677	52585
Services Special						
Events						
TOTAL GSF	General Services Fund					52586
Group		\$	363,587	\$	372,677	52587
Federal Special Revenue Fund Group						52588
3C4 490-607	PASSPORT	\$	129,645,833	\$	144,875,065	52589
3M3 490-611	Federal Aging	\$	22,943,588	\$	23,517,178	52590
Nutrition						
3M4 490-612	Federal Supportive	\$	21,025,940	\$	21,545,338	52591
Services						
3R7 490-617	Ohio Community Service	\$	7,350,920	\$	7,350,920	52592
Council Programs						
322 490-618	Older Americans	\$	10,873,661	\$	11,144,778	52593
Support Services						
TOTAL FED	Federal Special Revenue					52594
Fund Group		\$	191,839,942	\$	208,433,279	52595
State Special Revenue Fund Group						52596
4C4 490-609	Regional Long-Term	\$	440,185	\$	451,190	52597
Care Ombudsman Program						
4J4 490-610	PASSPORT/Residential	\$	24,000,000	\$	24,000,000	52598
State Supplement						
4U9 490-602	PASSPORT Fund	\$	5,000,000	\$	5,000,000	52599
5K9 490-613	Nursing Home Consumer	\$	400,000	\$	400,000	52600
Guide						
624 490-604	OCSC Community Support	\$	2,500	\$	2,500	52601
TOTAL SSR	State Special Revenue					52602
Fund Group		\$	29,842,685	\$	29,853,690	52603

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL ALL BUDGET FUND GROUPS	\$ 321,151,081	\$ 339,449,142	52604
<b>Section 16.01.</b> PRE-ADMISSION REVIEW FOR NURSING FACILITY			52606
ADMISSION			52607
Pursuant to sections 5101.751 and 5101.754 of the Revised			52608
Code and an interagency agreement, the Department of Job and			52609
Family Services shall designate the Department of Aging to perform			52610
assessments under sections 5101.75 and 5111.204 of the Revised			52611
Code. Of the foregoing appropriation item 490-403, PASSPORT, the			52612
Department of Aging may use not more than \$2,390,300 in fiscal			52613
year 2002 and \$2,450,058 in fiscal year 2003 to perform the			52614
assessments for persons not eligible for Medicaid in accordance			52615
with the department's interagency agreement with the Department of			52616
Job and Family Services and to assist individuals in planning for			52617
their long-term health care needs.			52618
<b>Section 16.02.</b> PASSPORT			52619
Appropriation item 490-403, PASSPORT, and the amounts set			52620
aside for the PASSPORT Waiver Program in appropriation item			52621
490-610, PASSPORT/Residential State Supplement, may be used to			52622
assess clients regardless of Medicaid eligibility.			52623
The Director of Aging shall adopt rules under section 111.15			52624
of the Revised Code governing the nonwaiver funded PASSPORT			52625
program, including client eligibility.			52626
The Department of Aging shall administer the Medicaid Waiver			52627
funded PASSPORT Home Care program as delegated by the Department			52628
of Job and Family Services in an interagency agreement. The			52629
foregoing appropriation item 490-403, PASSPORT, and the amounts			52630
set aside for the PASSPORT Waiver Program in appropriation item			52631
490-610, PASSPORT/Residential State Supplement, shall be used to			52632
provide the required state match for federal Medicaid funds			52633
supporting the Medicaid Waiver funded PASSPORT Home Care program.			52634

## As Reported by the Senate Finance and Financial Institutions Committee

Appropriation item 490-403, PASSPORT, and the amounts set aside 52635  
 for the PASSPORT Waiver Program in appropriation item 490-610, 52636  
 PASSPORT/Residential State Supplement, may also be used to support 52637  
 the Department of Aging's administrative costs associated with 52638  
 operating the PASSPORT program. 52639

The foregoing appropriation item 490-607, PASSPORT, shall be 52640  
 used to provide the federal matching share for all PASSPORT 52641  
 program costs determined by the Department of Job and Family 52642  
 Services to be eligible for Medicaid reimbursement. 52643

## ELDERCARE PILOT 52644

The foregoing appropriation item 490-404, Eldercare, shall be 52645  
 used to fund the existing eldercare service programs and shall be 52646  
 limited to providing services to those persons who are enrolled in 52647  
 these programs on the effective date of this section. 52648

## SENIOR COMMUNITY SERVICES 52649

The foregoing appropriation item 490-411, Senior Community 52650  
 Services, shall be used for services designated by the Department 52651  
 of Aging, including, but not limited to, home-delivered meals, 52652  
 transportation services, personal care services, respite services, 52653  
 home repair, and care coordination. Service priority shall be 52654  
 given to low income, frail, and cognitively impaired persons 60 52655  
 years of age and over. The department shall promote cost sharing 52656  
 by service recipients for those services funded with block grant 52657  
 funds, including, where possible, sliding-fee scale payment 52658  
 systems based on the income of service recipients. 52659

## ALZHEIMERS RESPITE 52660

The foregoing appropriation item 490-414, Alzheimers Respite, 52661  
 shall be used only to fund Alzheimer's disease services under 52662  
 section 173.04 of the Revised Code. 52663

## TRANSPORTATION FOR ELDERLY 52664

## As Reported by the Senate Finance and Financial Institutions Committee

The foregoing appropriation item 490-416, Transportation for Elderly, shall be used for non-capital expenses related to 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 490-416, Transportation for Elderly, shall coordinate services with other local service agencies.

## RESIDENTIAL STATE SUPPLEMENT 52688

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 52693

section 3721.01 of the Revised Code;	52694
(B) \$900 for an adult group home, as defined in Chapter 3722. of the Revised Code;	52695 52696
(C) \$800 for an adult foster home, as defined in Chapter 173. of the Revised Code;	52697 52698
(D) \$800 for an adult family home, as defined in Chapter 3722. of the Revised Code;	52699 52700
(E) \$800 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	52701 52702
(F) \$800 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	52703 52704
(G) \$600 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	52705 52706 52707
The Departments of Aging and Job and Family Services shall reflect this amount in any applicable rules the departments adopt under section 173.35 of the Revised Code.	52708 52709 52710
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	52711
The Department of Aging may transfer cash by intrastate transfer vouchers from the foregoing appropriation items 490-412, Residential State Supplement, and 490-610, PASSPORT/Residential State Supplement, to the Department of Job and Family Services' Fund 4J5, Home and Community-Based Services for the Aged Fund. The funds shall be used to make benefit payments to Residential State Supplement recipients.	52712 52713 52714 52715 52716 52717 52718
LONG-TERM CARE OMBUDSMAN	52719
The foregoing appropriation item 490-410, Long-Term Care Ombudsman, shall be used for a program to fund ombudsman program activities in nursing homes, adult care facilities, boarding	52720 52721 52722

## As Reported by the Senate Finance and Financial Institutions Committee

homes, and home and community care services.	52723
SENIOR FACILITIES	52724
Of the foregoing appropriation item 490-504, Senior	52725
Facilities, in fiscal year 2002, \$10,000 shall be for the Tri-city	52726
Senior Center, \$10,000 shall be for the Westlake Senior Center,	52727
and \$10,000 shall be for the Rocky River Senior Center.	52728
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS	52729
The foregoing appropriation item 490-609, Regional Long-Term	52730
Care Ombudsman Programs, shall be used solely to pay the costs of	52731
operating the regional long-term care ombudsman programs.	52732
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	52733
Of the foregoing appropriation item 490-610,	52734
PASSPORT/Residential State Supplement, up to \$2,835,000 each	52735
fiscal year shall be used to fund the Residential State Supplement	52736
Program. The remaining available funds shall be used to fund the	52737
PASSPORT program.	52738
<b>Section 16.03. RESIDENTIAL STATE SUPPLEMENT</b>	52739
If the Department of Aging, in consultation with the Director	52740
of Budget and Management, determines that available funding is	52741
insufficient to make payments to all eligible individuals, the	52742
department may establish priority policies to further limit	52743
eligibility criteria.	52744
TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL	52745
SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES	52746
Upon written request of the Director of Aging, the Director	52747
of Budget and Management may transfer appropriation authority	52748
among appropriation items 490-611, Federal Aging Nutrition,	52749
490-612, Federal Supportive Services, and 490-618, Older Americans	52750
Support Services, in amounts not to exceed 30 per cent of the	52751

## As Reported by the Senate Finance and Financial Institutions Committee

appropriation from which the transfer is made. The Department of 52752  
 Aging shall report such transfers to the Controlling Board at the 52753  
 next regularly scheduled meeting of the board. 52754

OHIO COMMUNITY SERVICE COUNCIL 52755

The foregoing appropriation items 490-409, Ohio Community 52756  
 Service Council, and 490-617, Ohio Community Service Council 52757  
 Programs, shall be used in accordance with section 121.40 of the 52758  
 Revised Code. 52759

**Section 17. AGR DEPARTMENT OF AGRICULTURE** 52760

General Revenue Fund 52761

GRF 700-321 Operating Expenses \$ 3,160,884 \$ 3,334,073 52762

GRF 700-401 Animal Disease Control \$ 4,340,887 \$ 4,385,108 52763

GRF 700-402 Amusement Ride Safety \$ 226,451 \$ 230,769 52764

GRF 700-403 Dairy Division \$ 1,569,097 \$ 1,707,877 52765

GRF 700-404 Ohio Proud \$ 222,856 \$ 228,266 52766

GRF 700-405 Animal Damage Control \$ 86,780 \$ 84,358 52767

GRF 700-406 Consumer Analytical \$ 889,058 \$ 900,001 52768

Lab

GRF 700-407 Food Safety \$ 1,422,998 \$ 1,377,956 52769

GRF 700-409 Farmland Preservation \$ 100,000 \$ 100,000 52770

GRF 700-410 Plant Industry \$ 1,517,969 \$ 1,561,620 52771

GRF 700-411 International Trade \$ 889,620 \$ 798,062 52772

and Market Development

GRF 700-412 Weights and Measures \$ 991,136 \$ 996,634 52773

GRF 700-413 Gypsy Moth Prevention \$ 633,214 \$ 634,279 52774

GRF 700-414 Concentrated Animal \$ 23,275 \$ 22,663 52775

Feeding Facilities

Advisory Committee

GRF 700-415 Poultry Inspection \$ 322,256 \$ 320,960 52776

GRF 700-418 Livestock Regulation \$ 1,357,487 \$ 1,563,898 52777

Program

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 700-424	Livestock Testing and Inspections	\$	229,996	\$	228,438	52778
GRF 700-499	Meat Inspection Program - State Share	\$	4,654,566	\$	4,977,168	52779
GRF 700-501	County Agricultural Societies	\$	466,842	\$	466,842	52780
GRF 700-503	Swine and Cattle Breeder Awards	\$	113,160	\$	107,076	52781
TOTAL GRF	General Revenue Fund	\$	23,218,532	\$	24,026,048	52782
	Federal Special Revenue Fund Group					52783
3J4 700-607	Indirect Cost	\$	1,380,026	\$	1,314,020	52784
3R2 700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330	52785
326 700-618	Meat Inspection Service - Federal Share	\$	4,401,707	\$	4,959,973	52786
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774	52787
382 700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347	52788
TOTAL FED	Federal Special Revenue Fund Group	\$	8,599,086	\$	9,229,444	52790
	State Special Revenue Fund Group					52791
4C9 700-605	Feed, Fertilizer, and Lime Inspection	\$	909,033	\$	975,244	52792
4D2 700-609	Auction Education	\$	30,476	\$	30,476	52793
4E4 700-606	Utility Radiological Safety	\$	69,016	\$	73,059	52794
4P7 700-610	Food Safety Inspection	\$	559,611	\$	575,797	52795
4R0 700-636	Ohio Proud Marketing	\$	125,297	\$	133,614	52796
4R2 700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591	52797
4T6 700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	52798
4T7 700-613	International Trade	\$	161,991	\$	166,356	52799

As Reported by the Senate Finance and Financial Institutions Committee

		and Market Development				
		Rotary				
4V5	700-615	Animal Industry Lab	\$	626,633	\$	633,097 52800
		Fees				
493	700-603	Fruits and Vegetables	\$	212,764	\$	171,772 52801
		Inspection Fees				
494	700-612	Agricultural Commodity	\$	166,536	\$	169,867 52802
		Marketing Program				
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099 52803
497	700-627	Commodity Handlers	\$	566,862	\$	648,616 52804
		Regulatory Program				
5B8	700-628	Auctioneers	\$	346,769	\$	365,390 52805
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624 52806
5L8	700-604	Livestock Management	\$	250,000	\$	250,000 52807
		Program				
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774 52808
579	700-630	Scale Certification	\$	230,047	\$	230,047 52809
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766 52810
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491 52811
TOTAL SSR		State Special Revenue				52812
Fund Group			\$	10,530,736	\$	10,831,974 52813
TOTAL ALL BUDGET FUND GROUPS			\$	42,348,354	\$	44,087,466 52814

ANIMAL DISEASE CONTROL 52815

The funds in appropriation item 700-401, Animal Disease 52816  
 Control, may be used for the detection, prevention, and emergency 52817  
 management of, and the education of the public regarding, Foot and 52818  
 Mouth disease, Mad Cow disease, and West Nile virus. 52819

THE AUCTION FUND 52820

On October 1, 2001, the unencumbered cash balances in the 52821  
 Auction Education Fund (Fund 4D2) and the Auction Licensing Fund 52822  
 (Fund 5B8) shall be transferred from the Department of Commerce to 52823  
 the Department of Agriculture. During the 90-day period before the 52824

## As Reported by the Senate Finance and Financial Institutions Committee

transfer, the Director of Commerce and the Director of Agriculture 52825  
 shall enter into an agreement and take all steps necessary to 52826  
 transfer the duties and responsibilities related to the licensing 52827  
 and oversight of auctioneers from the Department of Commerce to 52828  
 the Department of Agriculture. The Director of Commerce and the 52829  
 Director of Agriculture shall recommend to the Director of Budget 52830  
 and Management any transfer of funds necessary to carry out this 52831  
 transfer of responsibilities. 52832

THE DAIRY INDUSTRY FUND 52833

On July 1, 2001, or as soon thereafter as possible, the 52834  
 Director of Budget and Management shall transfer the cash balance 52835  
 in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund 52836  
 4R2). The director shall cancel any existing encumbrances against 52837  
 appropriation item 700-602, License Fees (Fund 4V0), and 52838  
 reestablish them against appropriation item 700-637, Dairy 52839  
 Inspection (Fund 4R2). The amounts of the reestablished 52840  
 encumbrances are appropriated. 52841

**Section 18.** AIR AIR QUALITY DEVELOPMENT AUTHORITY 52842

Agency Fund Group 52843

4Z9	898-602	Small Business	\$	222,719	\$	233,482	52844
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Ombudsman

5A0	898-603	Small Business	\$	192,647	\$	197,463	52845
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Assistance

570	898-601	Operating Expenses	\$	243,070	\$	258,383	52846
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TOTAL AGY	Agency Fund Group	\$	658,436	\$	689,328	52847
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TOTAL ALL BUDGET FUND GROUPS	\$	658,436	\$	689,328	52848
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**Section 19.** ADA DEPARTMENT OF ALCOHOL AND 52850

DRUG ADDICTION SERVICES 52851

General Revenue Fund 52852

GRF	038-321	Operating Expenses	\$	1,500,549	\$	1,548,211	52853
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## As Reported by the Senate Finance and Financial Institutions Committee

GRF 038-401	Alcohol and Drug Addiction Services	\$ 29,742,355	\$ 28,946,504	52854
GRF 038-404	Prevention Services	\$ 1,327,357	\$ 1,292,427	52855
TOTAL GRF	General Revenue Fund	\$ 32,570,261	\$ 31,787,142	52856
	General Services Fund			52857
5B7 038-629	TANF Transfer - Treatment	\$ 3,500,000	\$ 3,500,000	52858
5EB 038-630	TANF Transfer - Mentoring	\$ 1,500,000	\$ 1,500,000	52859
TOTAL GSF	General Services Fund Group	\$ 5,000,000	\$ 5,000,000	52860
	Federal Special Revenue Fund Group			52861
3G3 038-603	Drug Free Schools	\$ 3,500,000	\$ 3,500,000	52862
3G4 038-614	Substance Abuse Block Grant	\$ 65,062,211	\$ 65,062,211	52863
3H8 038-609	Demonstration Grants	\$ 3,093,075	\$ 3,093,075	52864
3J8 038-610	Medicaid	\$ 21,500,000	\$ 21,500,000	52865
3N8 038-611	Administrative Reimbursement	\$ 500,000	\$ 500,000	52866
TOTAL FED	Federal Special Revenue Fund Group	\$ 93,655,286	\$ 93,655,286	52867 52868
	State Special Revenue Fund Group			52869
475 038-621	Statewide Treatment and Prevention	\$ 15,100,000	\$ 14,550,000	52870
5P1 038-615	Credentialing	\$ 450,000	\$ 0	52871
689 038-604	Education and Conferences	\$ 245,000	\$ 245,000	52872
TOTAL SSR	State Special Revenue Fund Group	\$ 15,795,000	\$ 14,795,000	52873 52874
TOTAL ALL BUDGET FUND GROUPS		\$ 147,020,547	\$ 145,237,428	52875
	AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY			52876
	Of the foregoing appropriation item 038-401, Alcohol and Drug			52877

## As Reported by the Senate Finance and Financial Institutions Committee

Addiction Services, \$4 million in each fiscal year shall be	52878
allocated for services to families, adults, and adolescents	52879
pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd	52880
General Assembly.	52881
ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER	52882
The foregoing appropriation item 038-629, TANF	52883
Transfer-Treatment, shall be used to provide substance abuse	52884
prevention and treatment services to children, or their families,	52885
whose income is at or below 200 per cent of the official income	52886
poverty guideline.	52887
The foregoing appropriation item 038-630, TANF	52888
Transfer-Mentoring, shall be used to fund adolescent youth	52889
mentoring programs for children, or their families, whose income	52890
is at or below 200 per cent of the official income poverty	52891
guideline. The Director of Alcohol and Drug Addiction Services and	52892
the Director of Job and Family Services shall develop operating	52893
and reporting guidelines for these programs.	52894
PARENT AWARENESS TASK FORCE	52895
The Parent Awareness Task Force shall study ways to engage	52896
more parents in activities, coalitions, and educational programs	52897
in Ohio relating to alcohol and other drug abuse prevention. Of	52898
the foregoing appropriation item 038-404, Prevention Services,	52899
\$30,000 in each fiscal year may be used to support the functions	52900
of the Parent Awareness Task Force.	52901
PLAN TO EVALUATE PER CAPITA FORMULA	52902
Not later than June 30, 2002, the Department of Alcohol and	52903
Drug Addiction Services shall establish a plan to evaluate the	52904
current per capita formula used in determining how state and	52905
federal funds for alcohol and drug addiction services are	52906
allocated under section 3793.04 of the Revised Code. The plan	52907
shall evaluate all of the following:	52908

## As Reported by the Senate Finance and Financial Institutions Committee

(A) Whether population statistics alone should be used to				52909
quantify the need for funding in a county;				52910
(B) Whether other social and economic demographic indicators				52911
should be utilized;				52912
(C) The appropriateness of the current per capita formula.				52913
<b>Section 20. AMB AMBULANCE LICENSING BOARD</b>				52914
General Services Fund Group				52915
4N1 915-601 Operating Expenses	\$	240,894	\$ 251,255	52916
TOTAL GSF General Services				52917
Fund Group	\$	240,894	\$ 251,255	52918
TOTAL ALL BUDGET FUND GROUPS	\$	240,894	\$ 251,255	52919
<b>Section 21. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS</b>				52921
General Services Fund Group				52922
4K9 891-609 Operating Expenses	\$	461,465	\$ 484,574	52923
TOTAL GSF General Services Fund				52924
Group	\$	461,465	\$ 484,574	52925
TOTAL ALL BUDGET FUND GROUPS	\$	461,465	\$ 484,574	52926
<b>Section 22. ART OHIO ARTS COUNCIL</b>				52928
General Revenue Fund				52929
GRF 370-100 Personal Services	\$	2,104,509	\$ 2,176,032	52930
GRF 370-200 Maintenance	\$	517,233	\$ 513,694	52931
GRF 370-300 Equipment	\$	21,843	\$ 21,693	52932
GRF 370-502 Program Subsidies	\$	13,199,273	\$ 13,199,273	52933
TOTAL GRF General Revenue Fund	\$	15,842,858	\$ 15,910,692	52934
General Services Fund Group				52935
4B7 370-603 Per Cent for Art	\$	84,672	\$ 86,366	52936
Acquisitions				
460 370-602 Gifts and Donations	\$	334,969	\$ 345,012	52937

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL GSF General Services Fund	\$	419,641	\$	431,378	52938
Group					
Federal Special Revenue Fund Group					52939
314 370-601 Federal Programs	\$	862,000	\$	862,000	52940
TOTAL FED Federal Special Revenue	\$	862,000	\$	862,000	52941
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	17,124,499	\$	17,204,070	52942
PROGRAM SUBSIDIES					52943
A museum is not eligible to receive funds from appropriation					52944
item 370-502, Program Subsidies, if \$8,000,000 or more in capital					52945
appropriations were appropriated by the state for the museum					52946
between January 1, 1986, and December 31, 2002.					52947
PER CENT FOR ART ACQUISITIONS					52948
The unobligated balance remaining from prior projects of					52949
appropriation item 370-603, Per Cent for Art Acquisitions, shall					52950
be used by the Ohio Arts Council to pay for start-up costs in					52951
connection with the selection of artists of new Per Cent for Art					52952
projects.					52953
<b>Section 23. AFC OHIO ARTS AND SPORTS FACILITIES</b>					52954
COMMISSION					52955
General Revenue Fund					52956
GRF 371-321 Operating Expenses	\$	100,000	\$	100,000	52957
GRF 371-401 Lease Rental Payments	\$	33,526,100	\$	36,413,200	52958
TOTAL GRF General Revenue Fund	\$	33,626,100	\$	36,513,200	52959
State Special Revenue Fund Group					52960
4T8 371-601 Riffe Theatre	\$	22,628	\$	23,194	52961
Equipment Maintenance					
4T8 371-603 Project Administration	\$	924,075	\$	921,868	52962
TOTAL SSR State Special Revenue	\$	946,703	\$	945,062	52963
Group					

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL ALL BUDGET FUND GROUPS	\$	34,572,803	\$	37,458,262	52964
OHIO BUILDING AUTHORITY LEASE PAYMENTS					52965
Appropriations to the Arts and Sports Facilities Commission					52966
from the General Revenue Fund include \$69,939,300 for the biennium					52967
for appropriation item 371-401, Lease Rental Payments. This					52968
appropriation shall be used for payments to the Ohio Building					52969
Authority for the period July 1, 2001, to June 30, 2003, pursuant					52970
to the primary leases and agreements for those buildings made					52971
under Chapter 152. of the Revised Code which are the source of					52972
funds pledged for bond service charges on related obligations					52973
issued pursuant to Chapter 152. of the Revised Code.					52974
OPERATING EXPENSES					52975
The foregoing appropriation item 371-603, Project					52976
Administration, shall be used by the Ohio Arts and Sports					52977
Facilities Commission to carry out its responsibilities pursuant					52978
to this section and Chapter 3383. of the Revised Code.					52979
Within ten days after the effective date of this section, or					52980
as soon as possible thereafter, the Executive Director of the Ohio					52981
Arts and Sports Facilities Commission shall certify to the					52982
Director of Budget and Management the amount of cash to be					52983
transferred, up to the amount of the appropriation, from the Arts					52984
Facilities Building Fund (Fund 030) and the Sports Facilities					52985
Building Fund (Fund 024) to the Arts and Sports Facilities					52986
Commission Administration Fund (Fund 4T8).					52987
By July 10, 2002, or as soon as possible thereafter, the					52988
Executive Director of the Arts and Sports Facilities Commission					52989
shall certify to the Director of Budget and Management the amount					52990
of cash to be transferred, up to the amount of the appropriation,					52991
from the Arts Facilities Building Fund (Fund 030) and the Sports					52992
Facilities Fund (Fund 024) to the Arts and Sports Administration					52993
Fund (Fund 4T8).					52994

## As Reported by the Senate Finance and Financial Institutions Committee

<b>Section 24. ATH ATHLETIC COMMISSION</b>				52995
General Services Fund Group				52996
4K9	175-609	Athletic Commission - Operating	\$ 140,088 \$	144,343 52997
5R1	175-602	Athlete Agents Registration	\$ 35,000 \$	35,000 52998
TOTAL GSF General Services Fund Group				52999
TOTAL ALL BUDGET FUND GROUPS				53000
<b>Section 25. AGO ATTORNEY GENERAL</b>				53002
General Revenue Fund				53003
GRF	055-321	Operating Expenses	\$ 59,120,482 \$	61,775,856 53004
GRF	055-405	Law-Related Education	\$ 199,790 \$	204,785 53005
GRF	055-406	Community Police Match and Law Enforcement Assistance	\$ 3,013,464 \$	3,111,336 53006
GRF	055-411	County Sheriffs	\$ 620,506 \$	636,019 53007
GRF	055-415	County Prosecutors	\$ 520,084 \$	533,086 53008
TOTAL GRF General Revenue Fund				53009
General Services Fund Group				53010
106	055-612	General Reimbursement	\$ 14,997,546 \$	15,786,163 53011
107	055-624	Employment Services	\$ 1,211,307 \$	1,284,396 53012
195	055-660	Workers' Compensation Section	\$ 7,343,128 \$	7,769,628 53013
4Y7	055-608	Title Defect Rescission	\$ 840,260 \$	870,623 53014
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbursement	\$ 324,009 \$	332,109 53015
418	055-615	Charitable Foundations	\$ 1,841,113 \$	1,899,066 53016
420	055-603	Attorney General	\$ 435,560 \$	446,449 53017

## As Reported by the Senate Finance and Financial Institutions Committee

		Antitrust				
421	055-617	Police Officers' Training Academy Fee	\$	1,134,861	\$	1,193,213 53018
5A9	055-618	Telemarketing Fraud Enforcement	\$	51,100	\$	52,378 53019
590	055-633	Peace Officer Private Security Fund	\$	94,784	\$	98,370 53020
629	055-636	Corrupt Activity Investigation and Prosecution	\$	105,590	\$	108,230 53021
631	055-637	Consumer Protection Enforcement	\$	1,254,020	\$	1,373,832 53022
TOTAL GSF General Services Fund Group						53023
			\$	29,633,278	\$	31,214,457 53024
Federal Special Revenue Fund Group						53025
3E5	055-638	Anti-Drug Abuse	\$	2,939,693	\$	2,939,693 53026
3R6	055-613	Attorney General Federal Funds	\$	1,929,110	\$	1,998,972 53027
306	055-620	Medicaid Fraud Control	\$	2,633,348	\$	2,765,015 53028
381	055-611	Civil Rights Legal Service	\$	334,249	\$	354,304 53029
383	055-634	Crime Victims Assistance	\$	14,500,000	\$	15,225,000 53030
TOTAL FED Federal Special Revenue Fund Group						53031
			\$	22,336,400	\$	23,282,984 53032
State Special Revenue Fund Group						53033
4L6	055-606	DARE	\$	3,830,137	\$	3,927,962 53034
402	055-616	Victims of Crime	\$	26,144,763	\$	27,933,893 53035
417	055-621	Domestic Violence Shelter	\$	14,139	\$	14,492 53036
419	055-623	Claims Section	\$	14,017,852	\$	14,749,954 53037
659	055-641	Solid and Hazardous	\$	834,417	\$	880,751 53038

## As Reported by the Senate Finance and Financial Institutions Committee

## Waste Background

## Investigations

TOTAL SSR State Special Revenue				53039	
Fund Group	\$	44,841,308	\$	47,507,052	53040
Holding Account Redistribution Fund Group				53041	
R03 055-629 Bingo License Refunds	\$	5,200	\$	5,200	53042
R04 055-631 General Holding	\$	275,000	\$	275,000	53043
Account					
R05 055-632 Antitrust Settlements	\$	10,400	\$	10,400	53044
R18 055-630 Consumer Frauds	\$	750,000	\$	750,000	53045
R42 055-601 Organized Crime	\$	200,000	\$	200,000	53046
Commission Account					
TOTAL 090 Holding Account				53047	
Redistribution Fund Group	\$	1,240,600	\$	1,240,600	53048
TOTAL ALL BUDGET FUND GROUPS	\$	161,525,912	\$	169,506,175	53049

## LAW-RELATED EDUCATION 53050

The foregoing appropriation item 055-405, Law-Related 53051  
 Education, shall be distributed directly to the Ohio Center for 53052  
 Law-Related Education for the purposes of providing continuing 53053  
 citizenship education activities to primary and secondary students 53054  
 and accessing additional public and private money for new 53055  
 programs. 53056

## WORKERS' COMPENSATION SECTION 53057

The Workers' Compensation Section Fund (Fund 195) shall 53058  
 receive payments from the Bureau of Workers' Compensation and the 53059  
 Ohio Industrial Commission at the beginning of each quarter of 53060  
 each fiscal year to fund legal services to be provided to the 53061  
 Bureau of Workers' Compensation and the Ohio Industrial Commission 53062  
 during the ensuing quarter. Such advance payment shall be subject 53063  
 to adjustment. 53064

In addition, the Bureau of Workers' Compensation shall 53065

## As Reported by the Senate Finance and Financial Institutions Committee

transfer payments at the beginning of each quarter for the support 53066  
of the Workers' Compensation Fraud Unit. 53067

All amounts shall be mutually agreed upon by the Attorney 53068  
General, the Bureau of Workers' Compensation, and the Ohio 53069  
Industrial Commission. 53070

## CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 53071

The foregoing appropriation item 055-636, Corrupt Activity 53072  
Investigation and Prosecution, shall be used as provided by 53073  
division (D)(2) of section 2923.35 of the Revised Code to dispose 53074  
of the proceeds, fines, and penalties credited to the Corrupt 53075  
Activity Investigation and Prosecution Fund, which is created in 53076  
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 53077  
is determined that additional amounts are necessary, the amounts 53078  
are appropriated. 53079

## COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE 53080

In fiscal years 2002 and 2003, the Attorney General's Office 53081  
may request that the Director of Budget and Management transfer 53082  
appropriation authority from appropriation Item 055-321, Operating 53083  
Expenses, to appropriation item 055-406, Community Police Match 53084  
and Law Enforcement Assistance. The Director of Budget and 53085  
Management shall then transfer appropriation authority from 53086  
appropriation item 055-321, Operating Expenses, to appropriation 53087  
item 055-406, Community Police Match and Law Enforcement 53088  
Assistance. Moneys transferred to appropriation item 055-406 shall 53089  
be used to pay operating expenses and to provide grants to local 53090  
law enforcement agencies and communities for the purpose of 53091  
supporting law enforcement-related activities. 53092

**Section 26.** AUD AUDITOR OF STATE 53093

General Revenue Fund 53094

GRF 070-321 Operating Expenses           \$    34,052,713   \$    35,006,189 53095

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 070-403	Fiscal Watch/Emergency	\$	1,000,000	\$	1,000,000	53096
	Technical Assistance					
GRF 070-405	Electronic Data	\$	1,030,137	\$	1,058,981	53097
	Processing - Auditing					
	and Administration					
GRF 070-406	Uniform Accounting	\$	2,423,314	\$	2,458,201	53098
	Network/Technology					
	Improvements Fund					
TOTAL GRF	General Revenue Fund	\$	38,506,164	\$	39,523,371	53099
	General Services Fund Group					53100
109 070-601	Public Audit Expense -	\$	9,497,201	\$	9,629,588	53101
	Intra-State					
422 070-601	Public Audit Expense -	\$	37,450,472	\$	37,617,072	53102
	Local Government					
584 070-603	Training Program	\$	198,200	\$	217,000	53103
675 070-605	Uniform Accounting	\$	2,809,200	\$	2,741,600	53104
	Network					
TOTAL GSF	General Services Fund					53105
Group		\$	49,955,073	\$	50,205,260	53106
	Holding Account Redistribution Fund Group					53107
R06 070-604	Continuous Receipts	\$	204,400	\$	209,510	53108
TOTAL 090	Holding Account					53109
Redistribution Fund Group		\$	204,400	\$	209,510	53110
TOTAL ALL BUDGET FUND GROUPS		\$	88,665,637	\$	89,938,141	53111
	FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE					53112
	The foregoing appropriation item 070-403, Fiscal					53113
	Watch/Emergency Technical Assistance, shall be used for all					53114
	expenses incurred by the Office of the Auditor of State in its					53115
	role relating to fiscal watch or fiscal emergency activities under					53116
	Chapters 118. and 3316. of the Revised Code. Expenses shall					53117
	include, but shall not be limited to, the following: duties					53118
	related to the determination or termination of fiscal watch or					53119

## As Reported by the Senate Finance and Financial Institutions Committee

fiscal emergency of municipal corporations, counties, or townships 53120  
as outlined in Chapter 118. of the Revised Code and of school 53121  
districts as outlined in Chapter 3316. of the Revised Code; 53122  
development of preliminary accounting reports; performance of 53123  
annual forecasts; provision of performance audits; and 53124  
supervisory, accounting, or auditing services for the mentioned 53125  
public entities and school districts. The unencumbered balance of 53126  
appropriation item 070-403, Fiscal Watch/Fiscal Emergency 53127  
Technical Assistance, at the end of fiscal year 2002 is 53128  
transferred to fiscal year 2003 for use under the same 53129  
appropriation item. 53130

## ELECTRONIC DATA PROCESSING 53131

The unencumbered balance of appropriation item 070-405, 53132  
Electronic Data Processing-Auditing and Administration, at the end 53133  
of fiscal year 2002 is transferred to fiscal year 2003 for use 53134  
under the same appropriation item. 53135

## UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 53136

The foregoing appropriation item 070-406, Uniform Accounting 53137  
Network/Technology Improvements Fund, shall be used to pay the 53138  
costs of developing and implementing the Uniform Accounting 53139  
Network and technology improvements for the Office of the Auditor 53140  
of State. The unencumbered balance of the appropriation at the end 53141  
of fiscal year 2002 is transferred to fiscal year 2003 to pay the 53142  
costs of the developing and implementing the Uniform Accounting 53143  
Network and technology improvements for the Office of the Auditor 53144  
of State. 53145

**Section 27.** BRB BOARD OF BARBER EXAMINERS 53146

General Services Fund Group 53147  
4K9 877-609 Operating Expenses \$ 479,264 \$ 505,999 53148  
TOTAL GSF General Services Fund 53149

## As Reported by the Senate Finance and Financial Institutions Committee

Group	\$	479,264	\$	505,999	53150
TOTAL ALL BUDGET FUND GROUPS	\$	479,264	\$	505,999	53151

**Section 28.** OBM OFFICE OF BUDGET AND MANAGEMENT 53153

General Revenue Fund 53154

GRF 042-321 Budget Development and Implementation	\$	2,356,547	\$	2,492,956	53155
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GRF 042-401 Office of Quality Services	\$	583,551	\$	606,924	53156
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GRF 042-410 National Association Dues	\$	24,522	\$	25,296	53157
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GRF 042-412 Audit of Auditor of State	\$	44,160	\$	46,080	53158
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TOTAL GRF General Revenue Fund	\$	3,008,780	\$	3,171,255	53159
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General Services Fund Group 53160

105 042-603 State Accounting	\$	9,554,743	\$	9,934,755	53161
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4C1 042-601 Quality Services Academy	\$	125,000	\$	125,000	53162
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TOTAL GSF General Services Fund	\$	9,679,743	\$	10,059,755	53163
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Group

State Special Revenue Fund Group 53164

5N4 042-602 ERP Project Implementation	\$	6,600,000	\$	2,600,000	53165
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TOTAL SSR State Special Revenue	\$	6,600,000	\$	2,600,000	53166
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	19,288,523	\$	15,831,011	53167
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**Section 28.01.** OFFICE OF QUALITY SERVICES 53169

A portion of the foregoing appropriation item 042-401, Office 53170

of Quality Services, may be used to provide financial sponsorship 53171

support for conferences and showcases that promote quality 53172

improvement efforts. These expenditures are not subject to Chapter 53173

125. of the Revised Code.	53174
OHIO'S QUALITY SHOWCASE	53175
The Office of Quality Services may cosponsor Ohio's Quality Showcase. The office may grant funds to other sponsoring entities for the purpose of conducting this event, provided that the grants are used exclusively for the direct expenses of the event.	53176 53177 53178 53179
Any state agency, at the discretion and with the approval of the director or other executive authority of the agency, may provide financial or in-kind support for Ohio's Quality Showcase cosponsored by the Office of Quality Services. Any financial contribution made by an agency shall not exceed \$5,000 annually.	53180 53181 53182 53183 53184
AUDIT COSTS	53185
Of the foregoing appropriation item 042-603, State Accounting, not more than \$450,000 in fiscal year 2002 and \$350,000 in fiscal year 2003 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state.	53186 53187 53188 53189 53190 53191
<b>Section 28.02.</b> TRANSFER OF GRF FUNDS TO DEPARTMENT OF DEVELOPMENT	53192 53193
The Director of Budget and Management, at the request of the Director of Development, may transfer up to \$5 million in unobligated, unspent GRF appropriations over the biennium to the Department of Development to support GRF-funded economic development projects for which appropriations would not otherwise be available. The amounts transferred are hereby appropriated.	53194 53195 53196 53197 53198 53199
<b>Section 28.03.</b> Prior to January 2002, the Director of Budget and Management shall select one administrative department listed in section 121.02 of the Revised Code, and one state agency with	53200 53201 53202

## As Reported by the Senate Finance and Financial Institutions Committee

fewer full-time equivalent personnel than any of the departments 53203  
 listed in that section, to prepare a full zero-base budget for the 53204  
 biennium ending June 30, 2005, shall inform the agencies of their 53205  
 selection, and shall offer the two agencies substantial technical 53206  
 assistance throughout the process of preparing their zero-base 53207  
 budgets. Each of the agencies shall prepare a full zero-base 53208  
 budget in such manner and according to such schedule as the 53209  
 Director of Budget and Management requires. The zero-base budgets 53210  
 shall, as the Director of Budget and Management determines, be in 53211  
 addition to or in place of the estimates of revenue and proposed 53212  
 expenditures that other state agencies are required to prepare 53213  
 under section 126.02 of the Revised Code. 53214

**Section 29. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD** 53215

General Revenue Fund 53216

GRF 874-321 Operating Expenses \$ 3,293,519 \$ 3,312,263 53217

TOTAL GRF General Revenue Fund \$ 3,293,519 \$ 3,312,263 53218

General Services Fund Group 53219

4G5 874-603 Capitol Square \$ 15,000 \$ 15,000 53220

Maintenance Expenses

4S7 874-602 Statehouse Gift \$ 623,293 \$ 670,484 53221

Shop/Events

TOTAL GSF General Services 53222

Fund Group \$ 638,293 \$ 685,484 53223

Underground Parking Garage 53224

208 874-601 Underground Parking \$ 2,863,603 \$ 2,996,801 53225

Garage Operating

TOTAL UPG Underground Parking 53226

Garage \$ 2,863,603 \$ 2,996,801 53227

TOTAL ALL BUDGET FUND GROUPS \$ 6,795,415 \$ 6,994,548 53228

**Section 30. CHR STATE BOARD OF CHIROPRACTIC EXAMINERS** 53230

## As Reported by the Senate Finance and Financial Institutions Committee

General Services Fund Group				53231
4K9 878-609 Operating Expenses	\$	561,949	\$ 591,724	53232
TOTAL GSF General Services Fund				53233
Group	\$	561,949	\$ 591,724	53234
TOTAL ALL BUDGET FUND GROUPS	\$	561,949	\$ 591,724	53235
 <b>Section 30.01. CHIROPRACTIC LICENSE EXAMINATION REQUIREMENTS</b>				53237
If the State Chiropractic Board refused to issue a license to				53238
practice chiropractic to an individual solely because the				53239
individual did not meet the examination requirements of division				53240
(B)(4)(b) or (c) of section 4734.20 of the Revised Code, as				53241
specified on and after the effective date of Am. Sub. H.B. 506 of				53242
the 123rd General Assembly but before the effective date of this				53243
section, the Board shall reconsider the application and issue or				53244
refuse to issue a license according to the examination				53245
requirements specified in division (B)(4)(b) or (c) of section				53246
4734.20 of the Revised Code, as amended by this act.				53247
 <b>Section 31. CIV OHIO CIVIL RIGHTS COMMISSION</b>				53248
General Revenue Fund				53249
GRF 876-100 Personal Services	\$	9,159,420	\$ 9,159,421	53250
GRF 876-200 Maintenance	\$	987,372	\$ 987,372	53251
GRF 876-300 Equipment	\$	111,842	\$ 111,842	53252
TOTAL GRF General Revenue Fund	\$	10,258,634	\$ 10,258,635	53253
Federal Special Revenue Fund Group				53254
334 876-601 Federal Programs	\$	3,702,577	\$ 4,284,113	53255
TOTAL FED Federal Special Revenue				53256
Fund Group	\$	3,702,577	\$ 4,284,113	53257
State Special Revenue Fund Group				53258
217 876-604 General Reimbursement	\$	20,440	\$ 20,951	53259
TOTAL SSR State Special				53260
Revenue Fund Group	\$	20,440	\$ 20,951	53261

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL ALL BUDGET FUND GROUPS	\$	13,981,651	\$	14,563,699	53262
<b>Section 32. COM DEPARTMENT OF COMMERCE</b>					53263
General Revenue Fund					53264
GRF 800-402 Grants-Volunteer Fire	\$	912,500	\$	793,750	53265
Departments					
GRF 800-410 Labor and Worker	\$	3,898,792	\$	4,042,587	53266
Safety					
Total GRF General Revenue Fund	\$	4,811,292	\$	4,836,337	53267
General Services Fund Group					53268
163 800-620 Division of	\$	5,873,604	\$	6,189,578	53269
Administration					
5F1 800-635 Small Government Fire	\$	250,000	\$	250,000	53270
Departments					
TOTAL GSF General Services Fund					53271
Group	\$	6,123,604	\$	6,439,578	53272
Federal Special Revenue Fund Group					53273
348 800-622 Underground Storage	\$	195,008	\$	195,008	53274
Tanks					
348 800-624 Leaking Underground	\$	1,850,000	\$	1,850,000	53275
Storage Tanks					
349 800-626 OSHA Enforcement	\$	1,346,000	\$	1,386,380	53276
TOTAL FED Federal Special Revenue					53277
Fund Group	\$	3,391,008	\$	3,431,388	53278
State Special Revenue Fund Group					53279
4B2 800-631 Real Estate Appraisal	\$	69,870	\$	71,267	53280
Recovery					
4H9 800-608 Cemeteries	\$	260,083	\$	273,465	53281
4L5 800-609 Fireworks Training and	\$	10,526	\$	10,976	53282
Education					
4X2 800-619 Financial Institutions	\$	2,020,646	\$	2,134,754	53283
5B9 800-632 PI & Security Guard	\$	1,139,377	\$	1,188,716	53284
Provider					

## As Reported by the Senate Finance and Financial Institutions Committee

5K7	800-621	Penalty Enforcement	\$	2,000	\$	2,000	53285
543	800-602	Unclaimed	\$	5,921,792	\$	6,151,051	53286
		Funds-Operating					
543	800-625	Unclaimed Funds-Claims	\$	24,890,602	\$	25,512,867	53287
544	800-612	Banks	\$	6,346,230	\$	6,657,997	53288
545	800-613	Savings Institutions	\$	2,790,960	\$	2,894,399	53289
546	800-610	Fire Marshal	\$	10,245,737	\$	10,777,694	53290
547	800-603	Real Estate	\$	258,796	\$	264,141	53291
		Education/Research					
548	800-611	Real Estate Recovery	\$	150,000	\$	150,000	53292
549	800-614	Real Estate	\$	2,885,785	\$	3,039,837	53293
550	800-617	Securities	\$	4,611,800	\$	4,864,800	53294
552	800-604	Credit Union	\$	2,368,450	\$	2,477,852	53295
553	800-607	Consumer Finance	\$	2,305,339	\$	2,258,822	53296
556	800-615	Industrial Compliance	\$	22,176,840	\$	23,415,776	53297
6A4	800-630	Real Estate	\$	522,125	\$	548,006	53298
		Appraiser-Operating					
653	800-629	UST	\$	1,072,795	\$	1,121,632	53299
		Registration/Permit Fee					
TOTAL SSR State Special Revenue							53300
Fund Group			\$	90,049,753	\$	93,816,052	53301
Liquor Control Fund Group							53302
043	800-601	Merchandising	\$	322,741,245	\$	341,222,192	53303
043	800-627	Liquor Control	\$	16,250,400	\$	15,801,163	53304
		Operating					
043	800-633	Development Assistance	\$	16,134,800	\$	16,141,100	53305
		Debt Service					
043	800-636	Revitalization Debt	\$	1,600,000	\$	6,700,000	53306
		Service					
TOTAL LCF Liquor Control							53307
Fund Group			\$	356,726,445	\$	379,864,455	53308
TOTAL ALL BUDGET FUND GROUPS			\$	461,102,102	\$	488,387,810	53309

## As Reported by the Senate Finance and Financial Institutions Committee

GRANTS-VOLUNTEER FIRE DEPARTMENTS	53310
The foregoing appropriation item 800-402, Grants-Volunteer	53311
Fire Departments, shall be used to make annual grants to volunteer	53312
fire departments of up to \$10,000, or up to \$25,000 if the	53313
volunteer fire department provides service for an area affected by	53314
a natural disaster. The grant program shall be administered by the	53315
Fire Marshal under the Department of Commerce. The Fire Marshal	53316
shall adopt rules necessary for the administration and operation	53317
of the grant program.	53318
Notwithstanding section 3737.17 of the Revised Code, upon the	53319
request of the Director of Commerce, the Director of Budget and	53320
Management shall transfer \$200,000 cash in fiscal year 2002 and	53321
\$100,000 cash in fiscal year 2003 from the State Fire Marshal Fund	53322
(Fund 546) to the General Revenue Fund.	53323
LABOR AND WORKER SAFETY	53324
The Department of Commerce may designate a portion of	53325
appropriation item 800-410, Labor and Worker Safety, to be used to	53326
match federal funding for the OSHA on-site consultation program.	53327
SMALL GOVERNMENT FIRE DEPARTMENTS	53328
Upon the request of the Director of Commerce, the Director of	53329
Budget and Management shall transfer \$250,000 cash in each fiscal	53330
year from the State Fire Marshal Fund (Fund 546) within the State	53331
Special Revenue Fund Group to the Small Government Fire	53332
Departments Fund (Fund 5F1) within the General Services Fund	53333
Group.	53334
Notwithstanding section 3737.17 of the Revised Code, the	53335
foregoing appropriation item 800-635, Small Government Fire	53336
Departments, may be used to provide loans to private fire	53337
departments.	53338
PENALTY ENFORCEMENT	53339

## As Reported by the Senate Finance and Financial Institutions Committee

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.

## UNCLAIMED FUNDS PAYMENTS 53350

The foregoing appropriation item 800-625, Unclaimed Funds-Claims, shall be used to pay claims pursuant to section 169.08 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are appropriated.

## INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 53355

The Director of Commerce may, upon concurrence by the Director of Budget and Management, submit to the Controlling Board for approval a request for increased appropriation authority for appropriation item 800-601, Merchandising.

## CASH BALANCE TRANSFER 53360

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Salvage and Exchange Fund (Fund 861) to the Liquor Control Fund (Fund 043) created in section 4301.12 of the Revised Code. Upon the completion of the transfer, the Salvage and Exchange Fund, which was created by the Controlling Board during the 1973-1975 biennium, is abolished. The director shall cancel any existing encumbrances against appropriation item 800-634, Salvage and Exchange, and reestablish them against appropriation item 800-627, Liquor Control Operating.

## As Reported by the Senate Finance and Financial Institutions Committee

DEVELOPMENT ASSISTANCE DEBT SERVICE 53371

The foregoing appropriation item 800-633, Development 53372  
 Assistance Debt Service, shall be used to meet all payments at the 53373  
 times they are required to be made during the period from July 1, 53374  
 2001, to June 30, 2003, for bond service charges on obligations 53375  
 issued under section 166.08 of the Revised Code, but limited to 53376  
 the aggregate amount of \$32,275,900. If it is determined that 53377  
 additional appropriations are necessary for this purpose, such 53378  
 amounts are hereby appropriated, provided that the appropriation 53379  
 does not exceed \$25,000,000 in any fiscal year, except as may be 53380  
 needed for payments on obligations issued to meet guarantees. The 53381  
 General Assembly acknowledges that an appropriation for this 53382  
 purpose is not required, but is made in this form and in this act 53383  
 for record purposes only. 53384

REVITALIZATION DEBT SERVICE 53385

The foregoing appropriation item 800-636, Revitalization Debt 53386  
 Service, shall be used to pay debt service and related financing 53387  
 costs during the period from July 1, 2001, to June 30, 2003, on 53388  
 obligations to be issued for revitalization purposes under Section 53389  
 2o of Article VIII, Ohio Constitution, and implementing 53390  
 legislation. If it is determined that additional appropriations 53391  
 are necessary for this purpose, such amounts are hereby 53392  
 appropriated. The General Assembly acknowledges: (A) the priority 53393  
 of the pledge of a portion of receipts from that source to 53394  
 obligations issued and to be issued and guarantees made and to be 53395  
 made under Chapter 166. of the Revised Code; and (B) that this 53396  
 appropriation is subject to further consideration pursuant to 53397  
 implementing legislation. 53398

ADMINISTRATIVE ASSESSMENTS 53399

Notwithstanding any other provision of law to the contrary, 53400  
 Fund 163, Administration, shall receive assessments from all 53401

## As Reported by the Senate Finance and Financial Institutions Committee

operating funds of the department in accordance with procedures 53402  
 prescribed by the Director of Commerce and approved by the 53403  
 Director of Budget and Management. 53404

**Section 33. OCC OFFICE OF CONSUMERS' COUNSEL** 53405

General Services Fund Group 53406

5F5 053-601 Operating Expenses \$ 8,560,182 \$ 9,277,518 53407

TOTAL GSF General Services Fund \$ 8,560,182 \$ 9,277,518 53408

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,560,182 \$ 9,277,518 53409

## CONSUMERS' COUNSEL TRANSFER 53410

On July 1, 2001, or as soon as possible thereafter, the 53411

Director of Budget and Management shall transfer \$349,758.12 in 53412

cash from Fund 5F5, Consumers' Counsel Operating Fund, to the 53413

General Revenue Fund. 53414

**Section 34. CEB CONTROLLING BOARD** 53415

General Revenue Fund 53416

GRF 911-404 Mandate Assistance \$ 2,000,000 \$ 2,000,000 53417

GRF 911-408 Ohio's Bicentennial \$ 3,000,000 \$ 5,000,000 53418

Celebration

GRF 911-441 Ballot Advertising \$ 600,000 \$ 600,000 53419

Costs

TOTAL GRF General Revenue Fund \$ 5,600,000 \$ 7,600,000 53420

State Special Revenue Fund Group 53421

5E2 911-601 Disaster Services \$ 8,000,000 \$ 4,000,000 53422

TOTAL SSR State Special 53423

Revenue Fund Group \$ 8,000,000 \$ 4,000,000 53424

TOTAL ALL BUDGET FUND GROUPS \$ 13,600,000 \$ 11,600,000 53425

## FEDERAL SHARE 53426

In transferring appropriations to or from appropriation items 53427

## As Reported by the Senate Finance and Financial Institutions Committee

that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are appropriated.

## DISASTER ASSISTANCE

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Emergency Purposes Fund to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance.

## SOUTHERN OHIO CORRECTIONAL FACILITY COST

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the Emergency Purposes Fund for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

## DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the foregoing appropriation item 911-601, Disaster Services, to a Department of Public Safety General Revenue Fund appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of

the Department of Public Safety shall use the funding for disaster  
aid requests that meet the Emergency Management Agency's criteria  
for assistance.

The foregoing appropriation item 911-601, Disaster Services,  
shall be used by the Controlling Board, pursuant to requests  
submitted by state agencies, to transfer cash and appropriation  
authority to any fund and appropriation item for the payment of  
state agency program expenses as follows:

(A) The southern Ohio flooding, referred to as  
FEMA-DR-1164-OH;

(B) The flood/storm disaster referred to as FEMA-DR-1227-OH;

(C) The Southern Ohio flooding, referred to as  
FEMA-DR-1321-OH;

(D) The flooding referred to as FEMA-DR-1339-OH;

(E) The tornado/storms referred to as FEMA-DR-1343-OH;

(F) Other disasters declared by the Governor, if the Director  
of Budget and Management determines that sufficient funds exist  
beyond the expected program costs of these disasters.

MANDATE ASSISTANCE

(A) The foregoing appropriation item 911-404, Mandate  
Assistance, shall be used to provide financial assistance to local  
units of government, school districts, and fire departments for  
the cost of the following three unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain  
felonies that occur on the grounds of state institutions operated  
by the Department of Rehabilitation and Correction and the  
Department of Youth Services;

(2) The cost, primarily to small villages and townships, of  
providing firefighter training and equipment or gear;

As Reported by the Senate Finance and Financial Institutions Committee

(3) The cost to school districts of in-service training for child abuse detection. 53488  
53489

(B) The Department of Commerce, the Office of Criminal Justice Services, and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that the commission may propose be used for each program of state financial assistance. 53490  
53491  
53492  
53493  
53494  
53495  
53496  
53497

PROGRAM	ADMINISTERING AGENCY	ESTIMATED ANNUAL AMOUNT	
Prosecution Costs	Office of Criminal Justice Services	\$200,000	53498 53499 53500
Firefighter Training Costs	Department of Commerce	\$1,000,000	53501 53502
Child Abuse Detection Training Costs	Department of Education	\$800,000	53503

(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. 53504  
53505  
53506  
53507  
53508  
53509

(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. 53510  
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53512  
53513  
53514  
53515  
53516

(E) It is expected that not all costs incurred by local units 53517

## As Reported by the Senate Finance and Financial Institutions Committee

of government, school districts, and fire departments under each 53518  
of the three programs of state financial assistance identified 53519  
under this section will be fully reimbursed by the state. 53520  
Reimbursement levels may vary by program and shall be based on: 53521  
the relationship between the appropriation transfers requested by 53522  
the Department of Commerce, the Office of Criminal Justice 53523  
Services, and the Department of Education and provided by the 53524  
Controlling Board for each of the programs; the rules and 53525  
procedures established for each program by the administering state 53526  
agency; and the actual costs incurred by local units of 53527  
government, school districts, and fire departments. 53528

(F) Each of these programs of state financial assistance 53529  
shall be carried out as follows: 53530

(1) PROSECUTION COSTS 53531

(a) Appropriations may be transferred to the Office of 53532  
Criminal Justice Services to cover local prosecution costs for 53533  
aggravated murder, murder, felonies of the first degree, and 53534  
felonies of the second degree that occur on the grounds of 53535  
institutions operated by the Department of Rehabilitation and 53536  
Correction and the Department of Youth Services. 53537

(b) Upon a delinquency filing in juvenile court or the return 53538  
of an indictment for aggravated murder, murder, or any felony of 53539  
the first or second degree that was committed at a Department of 53540  
Youth Services or a Department of Rehabilitation and Correction 53541  
institution, the affected county may, in accordance with rules 53542  
that the Office of Criminal Justice Services shall adopt, apply to 53543  
the Office of Criminal Justice Services for a grant to cover all 53544  
documented costs that are incurred by the county prosecutor's 53545  
office. 53546

(c) Twice each year, the Office of Criminal Justice Services 53547  
shall designate counties to receive grants from those counties 53548

## As Reported by the Senate Finance and Financial Institutions Committee

that have submitted one or more applications in compliance with 53549  
the rules that have been adopted by the Office of Criminal Justice 53550  
Services for the receipt of such grants. In each year's first 53551  
round of grant awards, if sufficient appropriations have been 53552  
made, up to a total of \$100,000 may be awarded. In each year's 53553  
second round of grant awards, the remaining appropriations 53554  
available for this purpose may be awarded. 53555

(d) If for a given round of grants there are insufficient 53556  
appropriations to make grant awards to all the eligible counties, 53557  
the first priority shall be given to counties with cases involving 53558  
aggravated murder and murder, second priority shall be given to 53559  
cases involving a felony of the first degree, and third priority 53560  
shall be given to cases involving a felony of the second degree. 53561  
Within these priorities, the grant awards shall be based on the 53562  
order in which the applications were received, except that 53563  
applications for cases involving a felony of the first or second 53564  
degree shall not be considered in more than two consecutive rounds 53565  
of grant awards. 53566

(2) FIREFIGHTER TRAINING COSTS 53567

Appropriations may be transferred to the Department of 53568  
Commerce for use as full or partial reimbursement to local units 53569  
of government and fire departments for the cost of firefighter 53570  
training and equipment or gear. In accordance with rules that the 53571  
department shall adopt, a local unit of government or fire 53572  
department may apply to the department for a grant to cover all 53573  
documented costs that are incurred to provide firefighter training 53574  
and equipment or gear. The department shall make grants within the 53575  
limits of the funding provided, with priority given to fire 53576  
departments that serve small villages and townships. 53577

(3) CHILD ABUSE DETECTION TRAINING COSTS 53578

Appropriations may be transferred to the Department of 53579

## As Reported by the Senate Finance and Financial Institutions Committee

Education for disbursement to local school districts as full or 53580  
 partial reimbursement for the cost of providing in-service 53581  
 training for child abuse detection. In accordance with rules that 53582  
 the department shall adopt, a local school district may apply to 53583  
 the department for a grant to cover all documented costs that are 53584  
 incurred to provide in-service training for child abuse detection. 53585  
 The department shall make grants within the limits of the funding 53586  
 provided. 53587

(G) Any moneys allocated within appropriation item 911-404, 53588  
 Mandate Assistance, not fully utilized may, upon application of 53589  
 the Department of Education, and with the approval of the 53590  
 Controlling Board, be disbursed to boards of county commissioners 53591  
 to provide reimbursement for office space, equipment, and related 53592  
 mandated expenses for educational service centers. 53593

The amount to be disbursed to each county shall be allocated 53594  
 proportionately to the ADM of the educational service center for 53595  
 which a board of county commissioners is required to provide an 53596  
 office under section 3319.19 of the Revised Code. 53597

## OHIO'S BICENTENNIAL CELEBRATION 53598

The foregoing appropriation item 911-408, Ohio's Bicentennial 53599  
 Celebration, shall be distributed according to a plan approved by 53600  
 the Ohio Bicentennial Commission. Pursuant to requests submitted 53601  
 by the Ohio Bicentennial Commission, the Controlling Board may 53602  
 approve transfers from the foregoing appropriation item 911-408, 53603  
 Ohio's Bicentennial Celebration, to appropriation item 360-503, 53604  
 Ohio Bicentennial Commission, or to other new or existing 53605  
 appropriation items of a state agency or other entity as specified 53606  
 by the commission. 53607

## BALLOT ADVERTISING COSTS 53608

Pursuant to requests submitted by the Ohio Ballot Board, the 53609  
 Controlling Board shall approve transfers from the foregoing 53610

As Reported by the Senate Finance and Financial Institutions Committee

appropriation item 911-441, Ballot Advertising Costs, to an Ohio  
 Ballot Board appropriation item in order to reimburse county  
 boards of elections for the cost of public notices associated with  
 statewide ballot initiatives.

Of the foregoing appropriation item 911-441, Ballot  
 Advertising Costs, the Director of Budget and Management shall  
 transfer any amounts that are not needed for the purpose of  
 reimbursing county boards of elections for the cost of public  
 notices associated with statewide ballot initiatives to  
 appropriation item 911-404, Mandate Assistance.

**Section 35. COS STATE BOARD OF COSMETOLOGY** 53621

General Services Fund Group				53622	
4K9 879-609 Operating Expenses	\$	2,528,489	\$	2,728,359	53623
TOTAL GSF General Services Fund				53624	
Group	\$	2,528,489	\$	2,728,359	53625
TOTAL ALL BUDGET FUND GROUPS	\$	2,528,489	\$	2,728,359	53626

**Section 36. CSW COUNSELOR AND SOCIAL WORKERS BOARD** 53628

General Services Fund Group				53629	
4K9 899-609 Operating Expenses	\$	907,772	\$	953,563	53630
TOTAL GSF General Services Fund				53631	
Group	\$	907,772	\$	953,563	53632
TOTAL ALL BUDGET FUND GROUPS	\$	907,772	\$	953,563	53633

**Section 37. CLA COURT OF CLAIMS** 53635

General Revenue Fund				53636	
GRF 015-321 Operating Expenses	\$	2,953,045	\$	3,035,730	53637
TOTAL GRF General Revenue Fund	\$	2,953,045	\$	3,035,730	53638
State Special Revenue Fund Group				53639	
5K2 015-603 CLA Victims of Crime	\$	1,891,183	\$	1,602,716	53640

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL SSR State Special Revenue				53641	
Fund Group	\$	1,891,183	\$	1,602,716	53642
TOTAL ALL BUDGET FUND GROUPS	\$	4,844,228	\$	4,638,446	53643
<b>Section 38. CJS OFFICE OF CRIMINAL JUSTICE SERVICES</b>				53645	
General Revenue Fund				53646	
GRF 196-401 Criminal Justice	\$	772,236	\$	798,575	53647
Information System					
GRF 196-403 Violence Prevention	\$	292,891	\$	277,924	53648
GRF 196-405 Family Violence	\$	775,000	\$	775,000	53649
Prevention Program					
GRF 196-424 Operating Expenses	\$	1,655,987	\$	1,840,186	53650
TOTAL GRF General Revenue Fund	\$	3,496,114	\$	3,691,685	53651
General Services Fund Group				53652	
4P6 196-601 General Services	\$	107,310	\$	109,992	53653
TOTAL GSF General Services Fund	\$	107,310	\$	109,992	53654
Group					
Federal Special Revenue Fund Group				53655	
3L5 196-604 Justice Programs	\$	29,464,972	\$	29,494,089	53656
3U1 196-602 Juvenile Justice	\$	250,000	\$	0	53657
Program					
TOTAL FED Federal Special Revenue	\$	29,714,972	\$	29,494,089	53658
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	33,318,396	\$	33,295,766	53659
INDIGENT DEFENSE				53660	
The Office of Criminal Justice Services shall make all				53661	
efforts to maximize the amount of funding available for the				53662	
defense of indigent persons.				53663	
CRIMINAL JUSTICE INFORMATION SYSTEM				53664	
The foregoing appropriation item 196-401, Criminal Justice				53665	
Information System, shall be used by the Office of Criminal				53666	

## As Reported by the Senate Finance and Financial Institutions Committee

Justice Services to work on a plan to improve Ohio's criminal				53667	
justice information systems. The Director of Criminal Justice				53668	
Services shall evaluate the progress of this plan and issue a				53669	
report to the Governor, the Speaker and the Minority Leader of the				53670	
House of Representatives, the President and the Minority Leader of the				53671	
Senate, the Criminal Justice Policy Board, and the Legislative				53672	
Service Commission by the first day of January of each year of the				53673	
two-year biennium beginning July 1, 2001, and ending June 30,				53674	
2003.				53675	
OPERATING EXPENSES				53676	
Of the foregoing appropriation item 196-424, Operating				53677	
Expenses, up to \$577,642 in fiscal year 2002 and up to \$606,109 in				53678	
fiscal year 2003 shall be used for the purpose of matching federal				53679	
funds.				53680	
JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT				53681	
The foregoing appropriation item 196-602, Juvenile Justice				53682	
Program, shall be used to fund and close out the Juvenile				53683	
Accountability Incentive Block Grant Program for federal fiscal				53684	
year 1999.				53685	
<b>Section 39. DEN STATE DENTAL BOARD</b>				53686	
General Services Fund Group				53687	
4K9 880-609 Operating Expenses	\$	1,250,703	\$	1,281,056	53688
TOTAL GSF General Services Fund				53689	
Group	\$	1,250,703	\$	1,281,056	53690
TOTAL ALL BUDGET FUND GROUPS	\$	1,250,703	\$	1,281,056	53691
<b>Section 40. BDP BOARD OF DEPOSIT</b>				53693	
General Services Fund Group				53694	
4M2 974-601 Board of Deposit	\$	838,000	\$	838,000	53695
TOTAL GSF General Services Fund				53696	

## As Reported by the Senate Finance and Financial Institutions Committee

Group	\$	838,000	\$	838,000	53697
TOTAL ALL BUDGET FUND GROUPS	\$	838,000	\$	838,000	53698
BOARD OF DEPOSIT EXPENSE FUND					53699
Upon receiving certification of expenses from the Treasurer					53700
of State, the Director of Budget and Management shall transfer					53701
cash from the Investment Earnings Redistribution Fund (Fund 608)					53702
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund					53703
shall be used to pay for banking charges and fees required for the					53704
operation of the State of Ohio Regular Account.					53705
<b>Section 41. DEV DEPARTMENT OF DEVELOPMENT</b>					53706
General Revenue Fund					53707
GRF 195-100 Personal Services	\$	2,651,334	\$	2,920,941	53708
GRF 195-200 Maintenance	\$	589,524	\$	601,314	53709
GRF 195-300 Equipment	\$	108,161	\$	110,324	53710
GRF 195-401 Thomas Edison Program	\$	20,000,000	\$	20,000,000	53711
GRF 195-404 Small Business	\$	2,452,342	\$	2,529,843	53712
Development					
GRF 195-405 Minority Business	\$	2,278,888	\$	2,297,314	53713
Development Division					
GRF 195-406 Transitional and	\$	2,770,145	\$	2,770,155	53714
Permanent Housing					
GRF 195-407 Travel and Tourism	\$	6,345,500	\$	6,448,399	53715
GRF 195-408 Coal Research	\$	210,498	\$	233,237	53716
Development					
GRF 195-409 Utility Payment	\$	666,033	\$	701,173	53717
Administration					
GRF 195-412 Business Development	\$	8,033,935	\$	9,092,851	53718
Grants					
GRF 195-414 First Frontier Match	\$	490,000	\$	490,000	53719
GRF 195-415 Regional Offices and	\$	6,420,675	\$	6,735,253	53720
Economic Development					
GRF 195-416 Governor's Office of	\$	5,466,954	\$	5,475,126	53721

## As Reported by the Senate Finance and Financial Institutions Committee

	Appalachia				
GRF 195-417	Urban/Rural Initiative	\$	980,000	\$ 980,000	53722
GRF 195-422	Technology Action	\$	14,000,000	\$ 14,000,000	53723
GRF 195-431	Community Development	\$	2,530,860	\$ 2,530,860	53724
	Corporation Grants				
GRF 195-432	International Trade	\$	5,390,000	\$ 5,551,700	53725
GRF 195-434	Investment in Training	\$	12,500,000	\$ 12,500,000	53726
	Grants				
GRF 195-436	Labor/Management	\$	1,146,805	\$ 1,152,752	53727
	Cooperation				
GRF 195-440	Emergency Shelter	\$	2,768,313	\$ 2,841,441	53728
	Housing Grants				
GRF 195-441	Low and Moderate	\$	19,000,000	\$ 19,000,000	53729
	Income Housing				
GRF 195-497	CDBG Operating Match				53730
	State	\$	1,208,576	\$ 1,215,295	53731
	Federal	\$	5,200,000	\$ 6,500,000	53732
	CDBG Operating Match	\$	6,408,576	\$ 7,715,295	53733
	Total				
GRF 195-498	State Energy Match	\$	153,558	\$ 158,548	53734
GRF 195-501	Appalachian Local	\$	453,962	\$ 453,962	53735
	Development Districts				
GRF 195-502	Appalachian Regional	\$	219,912	\$ 219,912	53736
	Commission Dues				
GRF 195-505	Utility Bill Credits	\$	7,350,000	\$ 7,350,000	53737
GRF 195-507	Travel and Tourism	\$	1,500,000	\$ 1,500,000	53738
	Grants				
GRF 195-510	Issue 1 Implementation	\$	1,000,000	\$ 1,500,000	53739
GRF 195-906	Coal Research and	\$	8,971,700	\$ 9,420,300	53740
	Development General				
	Obligation Debt				
	Service				
TOTAL GRF	General Revenue Fund				53741

## As Reported by the Senate Finance and Financial Institutions Committee

State	\$	137,657,675	\$	140,780,700	53742
Federal	\$	5,200,000	\$	6,500,000	53743
GRF TOTAL	\$	142,857,675	\$	147,280,700	53744
General Services Fund Group					53745
135 195-605 Supportive Services	\$	9,038,988	\$	9,531,707	53746
136 195-621 International Trade	\$	100,000	\$	24,915	53747
685 195-636 General Reimbursements	\$	1,275,234	\$	1,323,021	53748
TOTAL GSF General Services Fund					53749
Group	\$	10,414,222	\$	10,879,643	53750
Federal Special Revenue Fund Group					53751
3K8 195-613 Community Development	\$	65,149,441	\$	65,088,961	53752
Block Grant					
3K9 195-611 Home Energy Assistance	\$	62,000,000	\$	62,000,000	53753
Block Grant					
3K9 195-614 HEAP Weatherization	\$	10,412,041	\$	10,412,041	53754
3L0 195-612 Community Services	\$	22,135,000	\$	22,135,000	53755
Block Grant					
3V1 195-601 HOME Program	\$	40,000,000	\$	40,000,000	53756
308 195-602 Appalachian Regional	\$	350,000	\$	350,200	53757
Commission					
308 195-603 Housing and Urban	\$	5,000,000	\$	5,000,000	53758
Development					
308 195-605 Federal Projects	\$	7,855,501	\$	7,855,501	53759
308 195-609 Small Business	\$	3,799,626	\$	3,799,626	53760
Administration					
308 195-618 Energy Federal Grants	\$	2,803,560	\$	2,803,560	53761
335 195-610 Oil Overcharge	\$	8,500,000	\$	8,500,000	53762
380 195-622 Housing Development	\$	4,507,212	\$	4,696,198	53763
Operating					
TOTAL FED Federal Special Revenue					53764
Fund Group	\$	232,512,381	\$	232,641,087	53765
State Special Revenue Fund Group					53766

## As Reported by the Senate Finance and Financial Institutions Committee

4F2	195-639	State Special Projects	\$	1,052,762	\$	1,079,082	53767
4H4	195-641	First Frontier	\$	600,000	\$	650,000	53768
4S0	195-630	Enterprise Zone Operating	\$	211,900	\$	211,900	53769
4S1	195-634	Job Creation Tax Credit Operating	\$	372,700	\$	375,800	53770
4W1	195-646	Minority Business Enterprise Loan	\$	2,572,960	\$	2,580,597	53771
444	195-607	Water and Sewer Commission Loans	\$	511,000	\$	523,775	53772
445	195-617	Housing Finance Operating	\$	3,782,808	\$	3,968,184	53773
450	195-624	Minority Business Bonding Program Administration	\$	13,232	\$	13,563	53774
451	195-625	Economic Development Financing Operating	\$	2,062,451	\$	2,143,918	53775
5M4	195-659	Universal Service	\$	160,000,000	\$	160,000,000	53776
5M5	195-660	Energy Efficiency Revolving Loan	\$	12,000,000	\$	12,000,000	53777
611	195-631	Water and Sewer Administration	\$	15,330	\$	15,713	53778
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	53779
646	195-638	Low and Moderate Income Housing Trust Fund	\$	21,539,552	\$	22,103,807	53780
TOTAL SSR State Special Revenue							53781
Fund Group			\$	204,934,695	\$	205,866,339	53782
Facilities Establishment Fund							53783
037	195-615	Facilities Establishment	\$	56,701,684	\$	58,119,226	53784
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000	53785

As Reported by the Senate Finance and Financial Institutions Committee

		Loan				
5D1	195-649	Port Authority Bond	\$	2,500,000	\$	2,500,000 53786
		Reserves				
5D2	195-650	Urban Redevelopment	\$	10,000,000	\$	10,475,000 53787
		Loans				
5H1	195-652	Family Farm Loan	\$	2,246,375	\$	2,246,375 53788
		Guarantee				
TOTAL	037	Facilities				53789
		Establishment Fund	\$	76,448,059	\$	78,340,601 53790
		Coal Research/Development Fund				53791
046	195-632	Coal Research and	\$	12,847,178	\$	13,168,357 53792
		Development Fund				
TOTAL	046	Coal Research/				53793
		Development Fund	\$	12,847,178	\$	13,168,357 53794
TOTAL	ALL BUDGET FUND GROUPS		\$	680,014,210	\$	688,176,727 53795

**Section 41.01. WASHINGTON OFFICE** 53797

Of the foregoing appropriation items 195-100, Personal 53798  
 Services, 195-200, Maintenance, and 195-300, Equipment, no more 53799  
 than \$335,700 in fiscal year 2002 and \$335,700 in fiscal year 2003 53800  
 may be transferred to the General Reimbursement Fund (Fund 685) to 53801  
 support the Washington Office. The transfer shall be made using an 53802  
 intrastate transfer voucher. 53803

**THOMAS EDISON PROGRAM** 53804

The foregoing appropriation item 195-401, Thomas Edison 53805  
 Program, shall be used for the purposes of sections 122.28 to 53806  
 122.38 of the Revised Code in order to provide funds for 53807  
 cooperative public and private efforts in technological innovation 53808  
 to promote the development and transfer of technology by and to 53809  
 Ohio businesses that will lead to the creation of jobs, and to 53810  
 provide for the administration of this program by the Technology 53811  
 Division. 53812

## As Reported by the Senate Finance and Financial Institutions Committee

Of the foregoing appropriation item 195-401, Thomas Edison Program, not more than \$2,153,282 in fiscal year 2002 and \$2,228,537 in fiscal year 2003 shall be used for the Technology Division's operating expenses in administering this program.

Of the foregoing appropriation item 195-401, Thomas Edison Program, \$187,500 in each fiscal year shall be used for the establishment of an e-logistics port at Rickenbacker Port Authority.

**Section 41.02. SMALL BUSINESS DEVELOPMENT**

The foregoing appropriation item 195-404, Small Business Development, shall be used to ensure that the unique needs and concerns of small businesses are addressed.

The foregoing appropriation shall be used to provide grants to local organizations to support the operation of Small Business Development Centers, and other local economic development activity promoting small business and for the cost of administering the program. The centers shall provide technical, financial, and management consultation for small business, and facilitate access to state and federal programs. These funds shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and regulations and policy guidelines for these programs.

In addition, the Office of Small Business shall operate the One-Stop Business Permit Center, the Women's Business Resource Program, support government procurement assistance, and implement and coordinate the duties imposed on the Department of Development by Am. Sub. S.B. 239 of the 115th General Assembly.

**MINORITY BUSINESS DEVELOPMENT DIVISION**

Of the foregoing appropriation item 195-405, Minority

## As Reported by the Senate Finance and Financial Institutions Committee

Business Development Division, no less than \$1,060,000 in each 53843  
fiscal year shall be used to fund minority contractors and 53844  
business assistance organizations. The Minority Business 53845  
Development Division shall determine which cities need minority 53846  
contractors and business assistance organizations by utilizing 53847  
United States Census Bureau data and zip codes to locate the 53848  
highest concentrations of minority businesses. The Minority 53849  
Business Development Division also shall determine the numbers of 53850  
minority contractors and business assistance organizations 53851  
necessary and the amount of funding to be provided each. In 53852  
addition, the Minority Business Development Division shall 53853  
continue to plan and implement business conferences. 53854

**Section 41.03. TRANSITIONAL AND PERMANENT HOUSING PROGRAM** 53855

Of the foregoing appropriation item 195-406, Transitional and 53856  
Permanent Housing, the Office of Housing and Community 53857  
Partnerships shall make grants to local governments and nonprofit 53858  
organizations for the acquisition, rehabilitation, renovation, 53859  
construction, conversion, operating, and supportive services costs 53860  
for both new and existing transitional and permanent housing for 53861  
the homeless. 53862

**COAL RESEARCH DEVELOPMENT** 53863

The foregoing appropriation item 195-408, Coal Research 53864  
Development, shall be used for the administrative costs of the 53865  
Coal Development Office within the Technology Division and for 53866  
grants that encourage, promote, and assist the use of Ohio coal 53867  
pursuant to section 1551.32 of the Revised Code. 53868

**UTILITY PAYMENT ADMINISTRATION** 53869

The foregoing appropriation item 195-409, Utility Payment 53870  
Administration, shall be used for the administrative costs 53871  
necessary to provide utility and fuel assistance benefits to 53872

## As Reported by the Senate Finance and Financial Institutions Committee

eligible low-income Ohio households with elderly and disabled members. 53873  
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**Section 41.04. BUSINESS DEVELOPMENT** 53875

The foregoing appropriation item 195-412, Business Development Grants, shall be used as an incentive for attracting and retaining business opportunities for the state. Any such business opportunity, whether new, expanding, or relocating in Ohio, is eligible for funding. The project must create or retain a significant number of jobs for Ohioans. Grant awards may be considered only when (1) the project's viability hinges on an award of appropriation item 195-412, Business Development Grants, funds; (2) all other public or private sources of financing have been considered; or (3) the funds act as a catalyst for the infusion into the project of other financing sources. 53876  
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The department's primary goal shall be to award funds to political subdivisions of the state for off-site infrastructure improvements. In order to meet the particular needs of economic development in a region, the department may elect to award funds directly to a business for on-site infrastructure improvements. Infrastructure improvements mean improvements to water system facilities, sewer and sewage treatment facilities, electric or gas service facilities, fiber optic facilities, rail facilities, site preparation, and parking facilities. The Director of Development may recommend the funds be used in an alternative manner when deemed appropriate to meet an extraordinary economic development opportunity or need. 53887  
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The foregoing appropriation item 195-412, Business Development Grants, may be expended only after the submission of a request to the Controlling Board by the Department of Development outlining the planned use of the funds, and the subsequent approval of the request by the Controlling Board. 53899  
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## As Reported by the Senate Finance and Financial Institutions Committee

The foregoing appropriation item 195-412, Business Development Grants, may be used for, but is not limited to, construction, rehabilitation, and acquisition projects for rail freight assistance as requested by the Department of Transportation. The Director of Transportation shall submit the proposed projects to the Director of Development for an evaluation of potential economic benefit.

**Section 41.05. FIRST FRONTIER MATCH** 53911

The foregoing appropriation item 195-414, First Frontier Match, shall be used as matching funds to targeted counties for the purpose of marketing state, regional, and local characteristics that may attract economic development. Targeted counties mean counties that have a population of less than 175,000 residents. The appropriation may be used either for marketing programs by individual targeted counties or regional marketing campaigns, which are marketing programs in which at least one targeted county is participating with one or more other targeted counties or larger counties.

## REGIONAL OFFICES AND ECONOMIC DEVELOPMENT 53922

The foregoing appropriation item 195-415, Regional Offices and Economic Development, shall be used for the operating expenses of the Economic Development Division and the regional economic development offices and for grants for cooperative economic development ventures.

**Section 41.06. GOVERNOR'S OFFICE OF APPALACHIAN OHIO** 53928

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachian Ohio. Funds not expended for liaison and training activities may be expended for special project grants within the

## As Reported by the Senate Finance and Financial Institutions Committee

Appalachian Region.	53934
Of the foregoing appropriation item 195-416, Governor's	53935
Office of Appalachia, up to \$250,000 each fiscal year shall be	53936
used to match federal funds from the Appalachian Development	53937
Commission to provide job training to impact the Appalachian	53938
Region.	53939
Of the foregoing appropriation item 195-416, Governor's	53940
Office of Appalachia, \$4,400,000 in each fiscal year shall be used	53941
in conjunction with other federal and state funds to provide	53942
financial assistance to projects in Ohio's Appalachian counties in	53943
order to further the goals of the Appalachian Regional Commission.	53944
Such projects and project sponsors shall meet Appalachian Regional	53945
Commission eligibility requirements. Grants shall be administered	53946
by the Department of Development.	53947
Of the foregoing appropriation item 195-416, Governor's	53948
Office of Appalachia, \$500,000 in each fiscal year shall be used	53949
by the Appalachian Energy Grant Authority to make grants to	53950
eligible applicants to enhance and maintain the economic welfare	53951
of the Appalachian Region through the support of manufacturing in	53952
the region.	53953
URBAN/RURAL INITIATIVE	53954
The foregoing appropriation item 195-417, Urban/Rural	53955
Initiative, shall be used to make grants in accordance with	53956
sections 122.19 to 122.22 of the Ohio Revised Code.	53957
TECHNOLOGY ACTION	53958
Prior to the release of funds from appropriation item	53959
195-422, Technology Action, each grant award shall first obtain	53960
approval from eight members of the Technology Action Board and	53961
from the Controlling Board.	53962
The Technology Action Board shall consist of fourteen	53963

## As Reported by the Senate Finance and Financial Institutions Committee

members. The following ten members shall be appointed by the  
Governor with the advice and consent of the Senate. Six members  
shall be recognized technology and business leaders from the  
following sectors covering the state: Northeast, Southeast,  
Northwest, Central, Southwest, and the Miami Valley Area. One  
member shall come from the Wright Patterson Air Force Laboratory,  
one member shall come from the NASA Glenn Research Center, one  
member shall come from the Inter-University Council, and one  
member shall be the current Director of the Edison Centers  
Technology Council.

The chair of the Technology Action Board shall be the  
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.

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 the applicant to whom a grant is awarded for  
the specific purposes stated by the applicant in the approved  
application for the grant and grant awards also may be made to a  
technology capital fund that is headquartered in any of the  
Governor's economic development regions that has not yet received  
venture capital funding. Not less than thirty per cent of the  
total grants awarded in each fiscal year by the Technology Action  
Board shall be given to job creation or retention efforts by

## As Reported by the Senate Finance and Financial Institutions Committee

for-profit organizations and businesses.	53996
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.	53997 53998 53999
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.	54000 54001 54002 54003 54004
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.	54005 54006 54007
<b>Section 41.07. COMMUNITY DEVELOPMENT CORPORATIONS</b>	54008
Of the foregoing appropriation item 195-431, Community Development Corporation Grants, a portion of funds in each fiscal year of the biennium shall be used to make grants to the Ohio Community Development Finance Fund, a nonprofit corporation, in order to leverage private-sector funds to assist nonprofit development organizations to create affordable housing and permanent jobs in distressed areas of the state. The remaining moneys shall be used to provide funds to assist local community development corporations to develop affordable housing programs and economic development programs in their neighborhoods, and for operating costs.	54009 54010 54011 54012 54013 54014 54015 54016 54017 54018 54019
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	54020 54021 54022 54023 54024 54025

## As Reported by the Senate Finance and Financial Institutions Committee

be given to proposals submitted by nonprofit development	54026
organizations from underserved areas of the state.	54027
<b>Section 41.08. INTERNATIONAL TRADE</b>	54028
The foregoing appropriation item 195-432, International	54029
Trade, shall be used to operate and to maintain Ohio's	54030
out-of-state trade offices.	54031
The Director of Development may enter into contracts with	54032
foreign nationals to staff foreign offices. Such contracts may be	54033
paid in local currency or United States currency and shall be	54034
exempt from the provisions of section 127.16 of the Revised Code.	54035
The director also may establish foreign currency accounts in	54036
accordance with section 122.05 of the Revised Code for the payment	54037
of expenses related to the operation and maintenance of the	54038
foreign trade offices.	54039
The foregoing appropriation item 195-432, International	54040
Trade, shall be used to fund the International Trade Division and	54041
to assist Ohio manufacturers and agricultural producers in	54042
exporting to foreign countries in conjunction with the Department	54043
of Agriculture.	54044
Of the foregoing appropriation item 195-432, International	54045
Trade, up to \$35,000 may be used to purchase gifts for	54046
representatives of foreign governments or dignitaries of foreign	54047
countries.	54048
<b>Section 41.09. OHIO INVESTMENT IN TRAINING PROGRAM</b>	54049
The foregoing appropriation item 195-434, Investment in	54050
Training Grants, shall be used to promote industrial training	54051
through training grants for the reimbursement of eligible training	54052
expenses.	54053

## As Reported by the Senate Finance and Financial Institutions Committee

**Section 41.10. EMERGENCY SHELTER HOUSING GRANTS** 54054

(A) As used in this section, "emergency shelter housing" 54055  
means a structure suitable for the temporary housing of the 54056  
homeless and the provision of, or referral to, supportive 54057  
services. Shelters that restrict admission to victims of domestic 54058  
violence, runaways, or alcohol or substance abusers shall not be 54059  
considered emergency shelter housing. 54060

(B) The foregoing appropriation item 195-440, Emergency 54061  
Shelter Housing Grants, shall be used by the Office of Housing and 54062  
Community Partnerships in the Department of Development to make 54063  
grants to private, nonprofit organizations to provide emergency 54064  
shelter housing for the homeless. The department shall distribute 54065  
the grants pursuant to rules adopted by the Director of 54066  
Development. The director may amend or rescind the rules and may 54067  
adopt other rules necessary to implement this section. In awarding 54068  
grants, the department shall give preference to organizations 54069  
applying to fund existing emergency shelter housing. 54070

The department shall notify each organization that applied 54071  
for a grant under this section of the amount of its grant award, 54072  
if any. To receive a grant, the organization shall provide 54073  
matching funds equal to 50 per cent of the total grant it was 54074  
awarded. The organization shall expend its grant for shelter 54075  
operations and supportive services, which include employment 54076  
assistance, case management, information and referral services, 54077  
transportation, and clothing. In providing employment assistance, 54078  
the organization shall, at a minimum, refer persons to the 54079  
Department of Job and Family Services. 54080

**LOW AND MODERATE INCOME HOUSING** 54081

The Director of Budget and Management, after consulting with 54082  
the Director of Development, shall transfer up to \$19,000,000 from 54083  
appropriation item 195-441, Low and Moderate Income Housing, to 54084

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appropriation item 195-638, Low and Moderate Income Housing Trust Fund. This transfer shall be made via an intrastate transfer voucher. 54085  
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## TANF TRANSFER TO CDBG OPERATING MATCH 54088

The Office of Housing and Community Partnerships of the Department of Development shall use \$5,200,000 of appropriation authority transferred from appropriation item 600-689, TANF Block Grant, in the Department of Job and Family Services in fiscal year 2002 to appropriation item 195-497, CDBG Operating Match, in the Department of Development, and \$6,500,000 of appropriation authority transferred from appropriation item 600-689, TANF Block Grant, in fiscal year 2003 to appropriation item 195-497, CDBG Operating Match, to provide grants supportive services for low-income families related to housing or homelessness, including housing counseling; to provide grants to nonprofit organizations to assist families with incomes at or below 200 per cent of the federal poverty guidelines with down payment assistance for homeownership, including the purchase of mobile homes; to provide emergency home repair funding for families with incomes at or below 200 per cent of the federal poverty 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. 54089  
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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. 54109  
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## As Reported by the Senate Finance and Financial Institutions Committee

No more than five per cent of transferred funds may be used 54117  
 by the department for administrative expenses of these programs. 54118  
 Transfer of funds between these programs shall first obtain 54119  
 approval of the Controlling Board. 54120

As used in this section, "federal poverty guideline" means 54121  
 the poverty guideline as defined by the United States Office of 54122  
 Management and Budget and revised by the United States Secretary 54123  
 of Health and Human Services in accordance with section 673 of the 54124  
 "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 54125  
 U.S.C.A. 9902, as amended. 54126

UTILITY BILL CREDIT 54127

The foregoing appropriation item 195-505, Utility Bill 54128  
 Credits, shall be used to provide utility and fuel assistance to 54129  
 eligible low-income Ohio households with elderly and disabled 54130  
 members. 54131

**Section 41.11. TRAVEL AND TOURISM GRANTS** 54132

The foregoing appropriation item 195-507, Travel and Tourism 54133  
 Grants, shall be used to provide grants to local organizations to 54134  
 support various local travel and tourism events in Ohio. 54135

Of the foregoing appropriation item 195-507, Travel and 54136  
 Tourism Grants, up to \$200,000 in each fiscal year of the biennium 54137  
 may be used to support the outdoor dramas Trumpet in the Land, 54138  
 Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; 54139  
 \$50,000 in each fiscal year shall be used for the Greater 54140  
 Cleveland Film Commission; \$50,000 in each fiscal year shall be 54141  
 used for the Cincinnati Film Commission; \$50,000 in each fiscal 54142  
 year shall be used for the American Classical Music Hall of Fame; 54143  
 \$100,000 in each fiscal year shall be used for the Ottawa County 54144  
 Visitors Bureau, the Sandusky/Erie County Visitors and Convention 54145  
 Bureau, and the Lorain County Visitors Bureau for collaborative 54146

## As Reported by the Senate Finance and Financial Institutions Committee

efforts to promote tourism; \$50,000 in each fiscal year shall be 54147  
 used for the Ohio River Trails; and \$1,000,000 in each fiscal year 54148  
 shall be used for grants to the International Center for the 54149  
 Preservation of Wild Animals. 54150

## ISSUE 1 IMPLEMENTATION 54151

The foregoing appropriation item 195-510, Issue 1 54152  
 Implementation, shall be used to begin the implementation of 54153  
 Article VIII, Section 20 of the Ohio Constitution. 54154

## COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 54155

The foregoing appropriation item 195-906, Coal Research and 54156  
 Development General Obligation Debt Service shall be used to pay 54157  
 all debt service and financing costs at the times they are 54158  
 required to be made under sections 151.01 and 151.07 of the 54159  
 Revised Code during the period from July 1, 2001, to June 30, 54160  
 2003. The Office of the Sinking Fund or the Director of Budget and 54161  
 Management shall effectuate the required payments by an intrastate 54162  
 transfer voucher. 54163

**Section 41.12. SUPPORTIVE SERVICES** 54164

The Director of Development may assess divisions of the 54165  
 department for the cost of central service operations. Such an 54166  
 assessment shall be based on a plan submitted to and approved by 54167  
 the Office of Budget and Management by the first day of August of 54168  
 each fiscal year, and contain the characteristics of 54169  
 administrative ease and uniform application. 54170

A division's payments shall be credited to the Supportive 54171  
 Services Fund (Fund 135) using an intrastate transfer voucher. 54172

## GENERAL REIMBURSEMENT 54173

The foregoing appropriation item 195-636, General 54174  
 Reimbursements, shall be used for conference and subscription fees 54175

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and other reimbursable costs. Revenues to the General Reimbursement Fund (Fund 685) shall consist of fees and other moneys charged for conferences, subscriptions, and other administrative costs that are not central service costs.

## HEAP WEATHERIZATION

Fifteen per cent of the federal funds received by the state for the Home Energy Assistance Block Grant shall be deposited in the Department of Development's Federal Special Revenue Fund (Fund 3K9) and shall be used to provide home weatherization services in the state.

## HOME PROGRAM

On July 1, 2001, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the cash balance and open encumbrances relating to the HOME Program located within Fund 308, appropriation item 195-603, Housing and Urban Development. The Director of Budget and Management shall transfer the certified amount to newly created Fund 3V1, HOME Program. Any existing encumbrances in appropriation item 195-603 for the HOME Program shall be canceled and re-established against appropriation item 195-601, HOME Program. These re-established amounts are appropriated.

## STATE SPECIAL PROJECTS

The foregoing appropriation item 195-639, State Special Projects, shall be used as a general account for the deposit of private-sector funds from utility companies and other miscellaneous state funds. Private-sector moneys shall be used to (1) pay the expenses of verifying the income-eligibility of HEAP applicants, (2) market economic development opportunities in the state, and (3) leverage additional federal funds. State funds shall be used to match federal housing grants for the homeless.

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<b>Section 41.13. MINORITY BUSINESS ENTERPRISE LOAN</b>	54206
All repayments from the Minority Development Financing	54207
Advisory Board loan program and the Ohio Mini-Loan Guarantee	54208
Program shall be deposited in the State Treasury, to the credit of	54209
the Minority Business Enterprise Loan Fund (Fund 4W1).	54210
All operating costs of administering the Minority Business	54211
Enterprise Loan Fund shall be paid from the Minority Business	54212
Enterprise Loan Fund (Fund 4WI).	54213
<b>MINORITY BUSINESS BONDING FUND</b>	54214
Notwithstanding Chapters 122., 169., and 175. of the Revised	54215
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	54216
General Assembly, the Director of Development may, upon the	54217
recommendation of the Minority Development Financing Advisory	54218
Board, pledge up to \$10,000,000 in the 2001-2003 biennium of	54219
unclaimed funds administered by the Director of Commerce and	54220
allocated to the Minority Business Bonding Program pursuant to	54221
section 169.05 of the Revised Code. The transfer of any cash by	54222
the Director of Budget and Management from the Department of	54223
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of	54224
Development's Minority Business Bonding Fund (Fund 449) shall	54225
occur, if requested by the Director of Development, only if such	54226
funds are needed for payment of losses arising from the Minority	54227
Business Bonding Program, and only after proceeds of the initial	54228
transfer of \$2,700,000 by the Controlling Board to the Minority	54229
Business Bonding Program has been used for that purpose. Moneys	54230
transferred by the Director of Budget and Management from the	54231
Department of Commerce for this purpose may be moneys in custodial	54232
funds held by the Treasurer of State. If expenditures are required	54233
for payment of losses arising from the Minority Business Bonding	54234
Program, such expenditures shall be made from appropriation item	54235
195-623, Minority Business Bonding Contingency in the Minority	54236

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Business Bonding Fund, and such amounts are appropriated.	54237
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MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION	54239
Investment earnings of the Minority Business Bonding Fund	54240
(Fund 449) shall be credited to the Minority Business Bonding	54241
Program Administration Fund (Fund 450).	54242
<b>Section 41.14.</b> ECONOMIC DEVELOPMENT FINANCING OPERATING	54243
The foregoing appropriation item 195-625, Economic	54244
Development Financing Operating, shall be used for the operating	54245
expenses of financial assistance programs authorized under Chapter	54246
166. of the Revised Code and under sections 122.43 and 122.45 of	54247
the Revised Code.	54248
UNIVERSAL SERVICE FUND	54249
The foregoing appropriation item 195-659, Universal Service,	54250
shall be used to provide electric utility assistance benefits to	54251
Percentage of Income Payment Plan (PIPP) electric accounts, to	54252
fund targeted energy efficiency and customer education services to	54253
PIPP customers, and to cover the department's administrative costs	54254
related to the Universal Service Fund Programs.	54255
ENERGY EFFICIENCY REVOLVING LOAN FUND	54256
The foregoing appropriation item 195-660, Energy Efficiency	54257
Revolving Loan, shall be used to provide financial assistance to	54258
customers for eligible energy efficiency projects for residential,	54259
commercial and industrial business, local government, educational	54260
institution, nonprofit, and agriculture customers, and to pay for	54261
the program's administrative costs as provided in the Revised Code	54262
and rules adopted by the Director of Development.	54263
VOLUME CAP ADMINISTRATION	54264
The foregoing appropriation item 195-654, Volume Cap	54265

## As Reported by the Senate Finance and Financial Institutions Committee

Administration, shall be used for expenses related to the 54266  
administration of the Volume Cap Program. Revenues received by the 54267  
Volume Cap Administration Fund (Fund 617) shall consist of 54268  
application fees, forfeited deposits, and interest earned from the 54269  
custodial account held by the Treasurer of State. 54270

**Section 41.15. FACILITIES ESTABLISHMENT FUND** 54271

The foregoing appropriation item 195-615, Facilities 54272  
Establishment (Fund 037), shall be used for the purposes of the 54273  
Facilities Establishment Fund under Chapter 166. of the Revised 54274  
Code. 54275

Of the foregoing appropriation item 195-615, Facilities 54276  
Establishment (Fund 037), up to \$3,000,000 in each fiscal year 54277  
shall be used for the implementation of S.B. 10 of the 124th 54278  
General Assembly, if the bill becomes law. 54279

Notwithstanding Chapter 166. of the Revised Code, up to 54280  
\$1,600,000 may be transferred each fiscal year from the Facilities 54281  
Establishment Fund (Fund 037) to the Economic Development 54282  
Financing Operating Fund (Fund 451). The transfer is subject to 54283  
Controlling Board approval pursuant to division (B) of section 54284  
166.03 of the Revised Code. 54285

Notwithstanding Chapter 166. of the Revised Code, up to 54286  
\$3,800,000 may be transferred in each fiscal year of the biennium 54287  
from the Facilities Establishment Fund (Fund 037) to the Minority 54288  
Business Enterprise Loan Fund (Fund 4W1). The transfer is subject 54289  
to Controlling Board approval pursuant to division (B) of section 54290  
166.03 of the Revised Code. 54291

Notwithstanding Chapter 166. of the Revised Code, up to 54292  
\$5,000,000 cash may be transferred during the biennium from the 54293  
Facilities Establishment Fund (Fund 037) to the Port Authority 54294  
Bond Reserves Fund (Fund 5D1) for use by any port authority in 54295

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establishing or supplementing bond reserve funds for any bond 54296  
 issuance permitted under Chapter 4582. of the Revised Code. The 54297  
 Director of Development shall develop program guidelines for the 54298  
 transfer and release of funds, including, but not limited to, a 54299  
 provision that a port authority shall receive not more than 54300  
 \$2,000,000 total from the fund. The transfer and release of funds 54301  
 are subject to Controlling Board approval. Of the foregoing 54302  
 appropriation item 195-649, Port Authority Bond Reserves, 54303  
 \$2,000,000 over the biennium, subject to Controlling Board 54304  
 approval, shall go to the Dayton Montgomery County Port Authority 54305  
 to establish or supplement bond reserves for job retention 54306  
 purposes per the guidelines set forth by the Director of 54307  
 Development. 54308

Notwithstanding Chapter 166. of the Revised Code, up to 54309  
 \$20,475,000 cash may be transferred during the biennium from the 54310  
 Facilities Establishment Fund (Fund 037) to the Urban 54311  
 Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 54312  
 barriers to urban core redevelopment. The Director of Development 54313  
 shall develop program guidelines for the transfer and release of 54314  
 funds, including, but not limited to, the completion of all 54315  
 appropriate environmental assessments before state assistance is 54316  
 committed to a project. 54317

Notwithstanding Chapter 166. of the Revised Code, up to 54318  
 \$5,000,000 per fiscal year in cash may be transferred from the 54319  
 Facilities Establishment Fund (Fund 037) to the Rural Industrial 54320  
 Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 54321  
 Board approval pursuant to section 166.03 of the Revised Code. 54322

FAMILY FARM LOAN PROGRAM 54323

Notwithstanding Chapter 166. of the Revised Code, up to 54324  
 \$2,246,375 in each fiscal year shall be transferred from moneys in 54325  
 the Facilities Establishment Fund (Fund 037) to the Family Farm 54326  
 Loan Fund (Fund 5H1) in the Department of Development. These 54327

## As Reported by the Senate Finance and Financial Institutions Committee

moneys shall be used for loan guarantees. The transfer is subject				54328	
to Controlling Board approval.				54329	
Financial assistance from the Family Farm Loan Fund (Fund				54330	
5H1) shall be repaid to Fund 5H1. This fund is established in				54331	
accordance with sections 166.031, 901.80, 901.81, 901.82, and				54332	
901.83 of the Revised Code.				54333	
When the Family Farm Loan Fund (Fund 5H1) ceases to exist,				54334	
all outstanding balances, all loan repayments, and any other				54335	
outstanding obligations shall revert to the Facilities				54336	
Establishment Fund (Fund 037).				54337	
<b>Section 41.16. FUND 5F7 TRANSFER</b>				54338	
On July 1, 2001, or as soon as possible thereafter, the				54339	
Director of Budget and Management shall transfer all cash in Fund				54340	
5F7, Local Government Y2K Loan Program, to the General Revenue				54341	
Fund. Upon completion of the transfer, Fund 5F7 is abolished.				54342	
<b>Section 42. OBD OHIO BOARD OF DIETETICS</b>				54343	
General Services Fund Group				54344	
4K9 860-609 Operating Expenses	\$	300,591	\$	317,617	54345
TOTAL GSF General Services Fund				54346	
Group	\$	300,591	\$	317,617	54347
TOTAL ALL BUDGET FUND GROUPS	\$	300,591	\$	317,617	54348
<b>Section 43. CDR COMMISSION ON DISPUTE RESOLUTION AND</b>				54350	
CONFLICT MANAGEMENT				54351	
General Revenue Fund				54352	
GRF 145-401 Commission on Dispute	\$	581,192	\$	609,974	54353
Resolution/Management					
TOTAL GRF General Revenue Fund	\$	581,192	\$	609,974	54354
General Services Fund Group				54355	

## As Reported by the Senate Finance and Financial Institutions Committee

4B6 145-601 Gifts and Grants	\$	160,590	\$	164,605	54356
TOTAL GSF General Services Fund					54357
Group	\$	160,590	\$	164,605	54358
Federal Special Revenue Fund Group					54359
3S6 145-602 Dispute Resolution:	\$	32,917	\$	0	54360
Federal					
TOTAL FED Federal Special Revenue	\$	32,917	\$	0	54361
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	774,699	\$	774,579	54362

COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT 54363

The foregoing appropriation item 145-401, Commission on 54364  
 Dispute Resolution/Management, shall be used in each fiscal year 54365  
 by the Commission on Dispute Resolution and Conflict Management 54366  
 for the purpose of providing dispute resolution and conflict 54367  
 management training, consultation, and materials for state and 54368  
 local government, communities, school districts, and courts and, 54369  
 in consultation with the Department of Education, for the purpose 54370  
 of offering competitive school conflict programs to school 54371  
 districts. 54372

The Commission shall assist the Department of Education in 54373  
 the development and dissemination of the school conflict 54374  
 management programs to school districts. 54375

**Section 44.** EDU DEPARTMENT OF EDUCATION 54376

General Revenue Fund					54377
GRF 200-100 Personal Services	\$	11,819,828	\$	12,113,828	54378
GRF 200-320 Maintenance and	\$	5,052,866	\$	5,185,051	54379
Equipment					
GRF 200-406 Head Start	\$	98,843,825	\$	98,843,825	54380
GRF 200-408 Public Preschool	\$	19,506,206	\$	19,506,206	54381
GRF 200-410 Professional	\$	23,463,829	\$	34,810,579	54382
Development					

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GRF 200-411	Family and Children First	\$ 10,642,188	\$ 10,642,188	54383
GRF 200-416	Vocational Education Match	\$ 2,381,738	\$ 2,381,738	54384
GRF 200-420	Technical Systems Development	\$ 6,000,000	\$ 6,500,000	54385
GRF 200-421	Alternative Education Programs	\$ 20,000,000	\$ 20,000,000	54386
GRF 200-422	School Management Assistance	\$ 2,185,675	\$ 1,971,219	54387
GRF 200-424	Policy Analysis	\$ 642,756	\$ 674,894	54388
GRF 200-425	Tech Prep Administration	\$ 2,431,012	\$ 2,431,012	54389
GRF 200-426	Ohio Educational Computer Network	\$ 39,871,927	\$ 39,871,927	54390
GRF 200-427	Academic Standards	\$ 8,474,999	\$ 8,862,500	54391
GRF 200-431	School Improvement Initiatives	\$ 15,850,000	\$ 14,625,000	54392
GRF 200-432	School Conflict Management	\$ 626,496	\$ 657,821	54393
GRF 200-433	Reading/Writing Improvement	\$ 18,962,948	\$ 19,276,694	54394
GRF 200-437	Student Assessment	\$ 23,692,045	\$ 25,942,045	54395
GRF 200-438	Safe Schools	\$ 2,050,000	\$ 2,050,000	54396
GRF 200-441	American Sign Language	\$ 232,073	\$ 236,715	54397
GRF 200-442	Child Care Licensing	\$ 1,517,751	\$ 1,548,107	54398
GRF 200-444	Professional Recruitment	\$ 1,917,000	\$ 1,705,800	54399
GRF 200-445	OhioReads Admin/Volunteer Support	\$ 5,485,440	\$ 5,485,440	54400
GRF 200-446	Education Management Information System	\$ 16,479,636	\$ 17,573,430	54401

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 200-447	GED Testing/Adult High School	\$ 2,038,678	\$ 2,079,451	54402
GRF 200-455	Community Schools	\$ 4,728,935	\$ 4,824,517	54403
GRF 200-500	School Finance Equity	\$ 23,560,125	\$ 19,975,864	54404
GRF 200-501	Base Cost Funding	\$ 4,273,654,781	\$ 4,441,014,505	54405
GRF 200-502	Pupil Transportation	\$ 334,183,786	\$ 377,305,465	54406
GRF 200-503	Bus Purchase Allowance	\$ 36,735,279	\$ 36,799,984	54407
GRF 200-505	School Lunch Match	\$ 9,639,000	\$ 9,831,780	54408
GRF 200-509	Adult Literacy Education	\$ 8,628,000	\$ 8,628,000	54409
GRF 200-511	Auxiliary Services	\$ 122,782,475	\$ 127,650,709	54410
GRF 200-513	Student Intervention Services	\$ 31,900,000	\$ 38,280,000	54411
GRF 200-514	Post-Secondary/Adult Career-Technical Education	\$ 23,240,243	\$ 23,240,243	54412
GRF 200-520	Disadvantaged Pupil Impact Aid	\$ 360,149,743	\$ 360,149,743	54413
GRF 200-521	Gifted Pupil Program	\$ 45,930,131	\$ 47,983,321	54414
GRF 200-525	Parity Aid	\$ 99,813,832	\$ 210,305,911	54415
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$ 53,533,703	\$ 55,675,051	54416
GRF 200-534	Desegregation Costs	\$ 500,000	\$ 500,000	54417
GRF 200-540	Special Education Enhancements	\$ 139,006,701	\$ 141,950,428	54418
GRF 200-545	Career-Technical Education Enhancements	\$ 21,673,574	\$ 22,406,349	54419
GRF 200-546	Charge-Off Supplement	\$ 39,191,433	\$ 28,684,104	54420
GRF 200-552	County MR/DD Boards Vehicle Purchases	\$ 1,666,204	\$ 1,666,204	54421
GRF 200-553	County MR/DD Boards Transportation	\$ 9,575,910	\$ 9,575,910	54422

## As Reported by the Senate Finance and Financial Institutions Committee

		Operating				
GRF	200-558	Emergency Loan	\$	4,500,000	\$	3,300,000 54423
		Interest Subsidy				
GRF	200-566	OhioReads Grants	\$	27,148,000	\$	27,148,000 54424
GRF	200-570	School Improvement	\$	1,587,500	\$	1,737,500 54425
		Incentive Grants				
GRF	200-573	Character Education	\$	1,050,000	\$	1,050,000 54426
GRF	200-574	Substance Abuse	\$	1,948,200	\$	1,948,200 54427
		Prevention				
GRF	200-580	Bethel School Cleanup	\$	65,000	\$	65,000 54428
GRF	200-901	Property Tax	\$	707,700,000	\$	743,000,000 54429
		Allocation - Education				
GRF	200-906	Tangible Tax Exemption	\$	73,500,000	\$	75,700,000 54430
		- Education				
TOTAL GRF		General Revenue Fund	\$	6,797,761,471	\$	7,175,372,258 54431
		General Services Fund Group				54432
138	200-606	Information Technology	\$	6,629,469	\$	6,761,034 54433
4D1	200-602	Ohio	\$	345,000	\$	345,000 54434
		Prevention/Education				
		Resource Center				
4L2	200-681	Teacher Certification	\$	4,684,143	\$	4,856,290 54435
		and Licensure				
452	200-638	Miscellaneous Revenue	\$	1,045,000	\$	1,045,000 54436
5H3	200-687	School District	\$	24,000,000	\$	24,000,000 54437
		Solvency Assistance				
596	200-656	Ohio Career	\$	743,217	\$	769,230 54438
		Information System				
TOTAL GSF		General Services				54439
Fund Group			\$	37,446,829	\$	37,776,554 54440
		Federal Special Revenue Fund Group				54441
3C5	200-661	Federal Dependent Care	\$	18,189,907	\$	18,233,488 54442
		Programs				

## As Reported by the Senate Finance and Financial Institutions Committee

3D1	200-664	Drug Free Schools	\$	20,621,375	\$	20,660,570	54443
3D2	200-667	Honors Scholarship Program	\$	2,454,688	\$	2,540,602	54444
3H9	200-605	Head Start Collaboration Project	\$	250,000	\$	250,000	54445
3M0	200-623	ESEA Chapter One	\$	320,505,063	\$	330,172,277	54446
3M1	200-678	ESEA Chapter Two	\$	13,595,978	\$	14,059,555	54447
3M2	200-680	Ind W/Disab Education Act	\$	186,000,000	\$	206,000,000	54448
3L6	200-617	Federal School Lunch	\$	175,274,000	\$	180,181,672	54449
3L7	200-618	Federal School Breakfast	\$	45,746,000	\$	47,026,888	54450
3L8	200-619	Child and Adult Care Programs	\$	60,257,639	\$	61,966,125	54451
3L9	200-621	Vocational Education Basic Grant	\$	43,613,582	\$	45,142,330	54452
3S2	200-641	Tech Literacy Transfer	\$	15,183,430	\$	15,183,430	54453
3T4	200-613	Public Charter Schools	\$	4,887,260	\$	5,055,185	54454
3T6	200-611	Class Size Reduction	\$	63,000,000	\$	65,000,000	54455
3U2	200-662	Teacher Quality Enhancement Grants	\$	1,300,501	\$	1,352,000	54456
3U3	200-665	Reading Excellence Grant Program	\$	10,018,756	\$	0	54457
3U6	200-675	Provision 2 & 3 Grant	\$	191,050	\$	0	54458
309	200-601	Educationally Disadvantaged	\$	20,759,222	\$	21,425,345	54459
366	200-604	Adult Basic Education	\$	17,527,286	\$	18,140,740	54460
367	200-607	School Food Services	\$	10,089,884	\$	10,408,199	54461
368	200-614	Veterans' Training	\$	648,514	\$	671,212	54462
369	200-616	Vocational Education	\$	8,000,000	\$	8,000,000	54463
370	200-624	Education of All Handicapped Children	\$	1,364,246	\$	1,410,908	54464
371	200-631	EEO Title IV	\$	1,155,361	\$	1,213,894	54465

## As Reported by the Senate Finance and Financial Institutions Committee

374	200-647	E.S.E.A. Consolidated	\$	110,094	\$	110,094	54466
378	200-660	Math/Science	\$	12,696,055	\$	13,036,530	54467
		Technology Investments					
		TOTAL FED Federal Special					54468
		Revenue Fund Group	\$	1,053,439,891	\$	1,087,241,044	54469
		State Special Revenue Fund Group					54470
4R7	200-695	Indirect Cost Recovery	\$	3,942,779	\$	4,168,947	54471
4V7	200-633	Interagency Vocational	\$	695,197	\$	731,674	54472
		Support					
053	200-900	School District	\$	102,000,000	\$	115,911,593	54473
		Property Tax					
		Replacement					
454	200-610	Guidance and Testing	\$	940,636	\$	956,761	54474
455	200-608	Commodity Foods	\$	10,000,000	\$	11,000,000	54475
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	54476
		Mobile Units					
620	200-615	Educational Grants	\$	1,525,000	\$	1,525,000	54477
		TOTAL SSR State Special Revenue					54478
		Fund Group	\$	120,432,522	\$	135,622,885	54479
		Lottery Profits Education Fund Group					54480
017	200-612	Base Cost Funding	\$	604,000,000	\$	596,000,000	54481
017	200-682	Lease Rental Payment	\$	29,722,100	\$	25,722,600	54482
		Reimbursement					
		TOTAL LPE Lottery Profits					54483
		Education Fund Group	\$	633,722,100	\$	621,722,600	54484
		TOTAL ALL BUDGET FUND GROUPS	\$	8,642,802,813	\$	9,057,735,341	54485
		<b>Section 44.01. MAINTENANCE AND EQUIPMENT</b>					54487
		Of the foregoing appropriation item 200-320, Maintenance and					54488
		Equipment, up to \$25,000 may be expended in each year of the					54489
		biennium for State Board of Education out-of-state travel.					54490

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**Section 44.02. HEAD START** 54491

No later than July 15, 2001, the Director of Budget and Management shall transfer \$76,156,175 from Fund 3W6, TANF Education, to the General Revenue Fund. No later than July 15, 2002, the Director of Budget and Management shall transfer \$98,843,825 from Fund 3W6, TANF Education, to the General Revenue Fund. The transferred funds are appropriated for the appropriation item 200-406, Head Start. The foregoing appropriation item 200-406, Head Start, includes transferred funds of \$76,156,175 in fiscal year 2002 and \$98,843,825 in fiscal year 2003.

Of the foregoing appropriation item 200-406, Head Start, \$100,000 per fiscal year shall be used for the Read Baby Read Book Club Program.

The remainder of foregoing appropriation item 200-406, Head Start, shall be distributed by the Department of Education to Head Start agencies. A "Head Start agency" means an entity that has been approved to be an agency in accordance with Section 641 (42 U.S.C. 9836) of the Head Start Act and amendments thereto, or an entity designated for state Head Start funding under this section. Participation in state-funded Head Start programs is voluntary.

Moneys distributed under this heading shall not be used to reduce expenditures from funds received by a Head Start agency 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

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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 child who is at least three years of age and not of compulsory school age whose family earns no more than 100 per cent of the federal poverty level, except as otherwise provided in this division.

The Department of Education, in consultation with Head Start grantees or their designated representatives, shall establish criteria under which individual Head Start grantees may apply to the department for a waiver to include as "eligible children" those children from families earning up to 185 per cent of the

## As Reported by the Senate Finance and Financial Institutions Committee

federal poverty level when the children otherwise qualify as 54552  
"eligible children" under this division. 54553

In order to serve children whose families receive child care 54554  
subsidy and whose incomes do not exceed 185 per cent of the 54555  
federal poverty guidelines, Head Start grantees may enroll 54556  
children whose families receive child care subsidy from the Ohio 54557  
Department of Job and Family Services. Head Start grantees 54558  
providing full-day, full-year comprehensive services, or otherwise 54559  
meeting the child care needs of working families, may partner with 54560  
child care centers or family day care homes or may access child 54561  
care subsidy directly. This provision is to meet the child care 54562  
needs of low-income families who are working, in training or 54563  
education programs, or participating in Ohio Works First approved 54564  
activities. 54565

(D) After setting aside amounts to make any payments due from 54566  
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 54567  
only be distributed to recipients of Head Start funds during the 54568  
preceding fiscal year. Awards under this division shall be based 54569  
on a per-pupil formula prescribed by the Department of Education 54570  
and may be adjusted for one-time start-up costs, actual months of 54571  
program operation, or the number of children enrolled and 54572  
receiving services, as defined by the Department of Education, 54573  
reported during the first full week of December, and may be 54574  
increased by a reasonable percentage for inflation to be 54575  
determined by the Department of Education and in accordance with 54576  
this section. The department may redistribute dollars to programs 54577  
demonstrating an unmet need based on updated assessments of family 54578  
needs and community resources. In fiscal years 2002 and 2003, the 54579  
department may authorize recipients to carry over funds to the 54580  
subsequent fiscal year. 54581

The department may reallocate unobligated or unspent money to 54582  
participating Head Start agencies for: (1) facilities planning 54583

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grants and to leverage construction, renovation, or lease 54584  
agreements and for repair of critical deferred maintenance and 54585  
safety items in combination with the CDFF; (2) teacher 54586  
professional development and enhanced compensation in order to 54587  
meet the requirements of section 3301.311 of the Revised Code; (3) 54588  
meeting the documentation and reporting requirements and for 54589  
technical support in accordance with division (F) of this section; 54590  
and (4) expansion, improvement, or special projects to promote 54591  
excellence and innovation. 54592

(E) Costs for developing and administering a Head Start 54593  
program may not exceed fifteen per cent of the total approved 54594  
costs of the program. 54595

All recipients of funds shall maintain such fiscal control 54596  
and accounting procedures as may be necessary to ensure the 54597  
disbursement of, and accounting for, these funds. The control of 54598  
funds provided in this program, and title to property obtained 54599  
therefrom, shall be under the authority of the approved recipient 54600  
for purposes provided in the program. The approved recipient shall 54601  
administer and use such property and funds for the purposes 54602  
specified. 54603

Each recipient shall furnish the department an annual audit 54604  
that includes the review of state funds received under this 54605  
section. 54606

In conjunction with the required audit of federal Head Start 54607  
funds, the independent auditor shall examine state Head Start 54608  
funds in accordance with the federal regulations and agreed-upon 54609  
state procedures formulated by the department. 54610

(F) The department shall prescribe target levels for critical 54611  
performance indicators for the purpose of assessing Head Start 54612  
programs. On-site reviews and follow-up visits shall be based on 54613  
grantee progress in meeting the prescribed target levels. 54614

## As Reported by the Senate Finance and Financial Institutions Committee

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.

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

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department, and report results annually. The department shall 54646  
determine the dates for documenting and reporting. 54647

(H) In either event, the grantee and delegate shall transfer 54648  
control of title to property, equipment, and remaining supplies 54649  
obtained through this program to the newly designated grantee and 54650  
return any unexpended funds to the department along with any 54651  
reports prescribed by the department. 54652

Section 3313.646 of the Revised Code does not apply to funds 54653  
distributed under this section. 54654

(I) It is the intent of the General Assembly that 54655  
appropriations for appropriation items 200-406, Head Start, and 54656  
200-408, Public Preschool, be available for transfer between Head 54657  
Start and public preschool programs so that unallocated funds may 54658  
be used between the two programs. 54659

(J) The Department of Education shall comply with all TANF 54660  
requirements, including reporting requirements and timelines, as 54661  
specified in state and federal laws, federal regulations, state 54662  
rules, and the Title IV-A state plan, and is responsible for 54663  
payment of any adverse audit finding, final disallowance of 54664  
federal financial participation, or other sanction or penalty 54665  
issued by the federal government or other entity concerning these 54666  
funds. Having met all of the above requirements, the Department 54667  
shall have the authority to administer these funds in accordance 54668  
with its own rules and guidelines, including grant administration 54669  
procedures. 54670

**Section 44.03. PUBLIC PRESCHOOL** 54671

The Department of Education shall distribute the foregoing 54672  
appropriation item 200-408, Public Preschool, to pay the costs of 54673  
comprehensive preschool programs. As used in this section, "school 54674  
district" means a city, local, exempted village, or joint 54675

vocational school district, or an educational service center. 54676

(A) In fiscal years 2002 and 2003, up to two per cent of the 54677  
total appropriation may be used by the department for 54678  
administrative costs of complying with this section; developing 54679  
program capacity; and assisting programs with facilities planning, 54680  
construction, renovation, or lease agreements in conjunction with 54681  
the Community Development Finance Fund (CDFF). 54682

(B) The department shall provide an annual report to the 54683  
Governor, the Speaker of the House of Representatives, the 54684  
President of the Senate, the State Board of Education, Head Start 54685  
grantees, and other interested parties. The report shall include: 54686

(1) The number and per cent of eligible children by county 54687  
and by school district; 54688

(2) The amount of state funds requested for continuation per 54689  
school district; 54690

(3) The amount of state funds received for continuation per 54691  
school district; 54692

(4) A summary of program performance on the state critical 54693  
performance indicators in the public preschool program; 54694

(5) A summary of developmental progress of children 54695  
participating in the state-funded public preschool program; 54696

(6) Any other data reflecting the performance of public 54697  
preschool programs that the department considers pertinent. 54698

(C) For purposes of this section, "eligible child" means a 54699  
child who is at least three years of age whose family earns no 54700  
more than 185 per cent of the federal poverty level. 54701

The Department of Education, in consultation with the 54702  
Department of Job and Family Services, interested parties, and 54703  
Head Start agencies shall formulate a method for determining an 54704  
estimate of the number of eligible children and the percentage 54705

served by grantees in each county. 54706

(D) After setting aside amounts to make any payments due from 54707  
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 54708  
first be distributed to recipients of funds during the preceding 54709  
fiscal year. Awards under this division may be reduced by the 54710  
amount received in that fiscal year for one-time start-up costs 54711  
and may be adjusted for actual months of program operation or 54712  
enrollment as reported during the first full week of December, and 54713  
may be increased by a reasonable percentage to be determined by 54714  
the Department of Education. The department may redistribute 54715  
dollars to programs demonstrating an unmet need based on updated 54716  
assessments of family needs and community resources, with special 54717  
attention to the projected impact of welfare reform. In fiscal 54718  
years 2002 and 2003, the department may authorize recipients to 54719  
carry over funds to the subsequent fiscal year. 54720

The department may reallocate unobligated or unspent money to 54721  
participating school districts for purposes of program expansion, 54722  
improvement, or special projects to promote excellence and 54723  
innovation. 54724

(E) Costs for developing and administering a preschool 54725  
program may not exceed fifteen per cent of the total approved 54726  
costs of the program. 54727

All recipients of funds shall maintain such fiscal control 54728  
and accounting procedures as may be necessary to ensure the 54729  
disbursement of, and accounting for, these funds. The control of 54730  
funds provided in this program, and title to property obtained 54731  
therefrom, shall be under the authority of the approved recipient 54732  
for purposes provided in the program. The approved recipient shall 54733  
administer and use such property and funds for the purposes 54734  
specified. 54735

(F) The department shall prescribe target levels for critical 54736

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performance indicators for the purpose of assessing public 54737  
preschool programs. On-site reviews and follow-up visits shall be 54738  
based on progress in meeting the prescribed target levels. 54739  
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The department may audit a school district's preschool 54741  
financial and program records. School districts that have 54742  
financial practices not in accordance with standard accounting 54743  
principles, that operate preschool programs that fail to 54744  
substantially meet the Head Start performance standards, or that 54745  
exhibit below-average performance shall be subject to an on-site 54746  
review. 54747

The department shall require corrective plans of action for 54748  
programs not achieving target levels or financial and program 54749  
standards. Action plans shall include activities to be conducted 54750  
by the grantee and timelines for activities to be completed and 54751  
timelines for additional data submission to the department 54752  
demonstrating that targets have been met. The appropriate school 54753  
board official shall sign the corrective plans of action. 54754

Public preschool programs not meeting performance targets in 54755  
accordance with the plan of action and prescribed timelines may 54756  
have their continuation funding reduced, be disqualified for 54757  
expansion consideration until targets are met, or have all state 54758  
funds withdrawn and a new program established. 54759

(G) The department shall require public preschool programs to 54760  
document child progress, using a common instrument prescribed by 54761  
the department, and report results annually. The department shall 54762  
determine the dates for documenting and reporting. 54763

The State Board of Education shall adopt rules addressing the 54764  
use of screening and assessment data, including, but not limited 54765  
to, all of the following: 54766

(1) Protection of the identity of individual children through 54767

assignment of a unique but not personally identifiable code;	54768
	54769
(2) Parents' rights;	54770
(3) Use of the data by school personnel as it relates to kindergarten entrance.	54771
	54772
(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.	54773
	54774
	54775
(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.	54776
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<b>Section 44.04. PROFESSIONAL DEVELOPMENT</b>	54781
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.	54782
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Of the foregoing appropriation item 200-410, Professional Development, \$5,845,000 in fiscal year 2002 and \$6,000,000 in fiscal year 2003 shall be used by the Department of Education to pay the application fee for teachers from public and chartered nonpublic schools applying to the National Board for Professional Teaching Standards for professional teaching certificates or licenses that the board offers, and to provide grants in each fiscal year to recognize and reward teachers who become certified	54790
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by the board pursuant to section 3319.55 of the Revised Code, and 54798  
up to \$300,000 in each fiscal year of this set-aside may be used 54799  
to pay for costs associated with activities to support candidates 54800  
through the application and certification process. 54801

These moneys shall be used to pay for the first 900 54802  
applications in fiscal year 2002 and up to the first 550 54803  
applications in fiscal year 2003 received by the department. Each 54804  
prospective applicant for certification or licensure shall submit 54805  
an application to the Department of Education. When the department 54806  
has collected a group of applications, but not later than 30 days 54807  
after receipt of the first application in a group, it shall send 54808  
the applications to the National Board for Professional Teaching 54809  
Standards along with a check to cover the cost of the application 54810  
fee for all applicants in that group. 54811

Of the foregoing appropriation item 200-410, Professional 54812  
Development, up to \$8,296,000 in fiscal year 2002 and up to 54813  
\$19,387,750 in fiscal year 2003 shall be allocated for entry year 54814  
programs. These funds shall be used to support mentoring services 54815  
of beginning teachers, including chartered nonpublic beginning 54816  
teachers. In fiscal year 2002, the Department of Education shall 54817  
select eligible beginning teachers to participate in a year-long 54818  
entry year program that provides mentoring by experienced school 54819  
and university faculty and Praxis III teacher performance 54820  
assessment. In fiscal year 2003, the program shall also include 54821  
the assessment of all beginning teachers with the Education 54822  
Testing Service's Praxis III examination. 54823

Of the foregoing appropriation item 200-410, Professional 54824  
Development, up to \$650,000 in each fiscal year shall be used to 54825  
continue Ohio leadership academies to develop and train 54826  
superintendents in new leadership and management practices to 54827  
support high performance schools. This training shall be 54828  
coordinated with other locally administered leadership programs. 54829

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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.

Of the foregoing appropriation item 200-410, Professional Development, up to \$975,000 in each fiscal year shall be used to establish an entry year program for principals, including for chartered nonpublic principals. Grants in fiscal year 2002 shall be issued to pilot sites that shall develop prototypes of the program in a variety of contexts. These sites also shall pilot the School Leaders Licensure Assessment, which was developed by the Educational Testing Service at a cost of \$450 per assessment. Funds in fiscal year 2003 shall be used to implement an entry year program for principals.

Of the foregoing appropriation item 200-410, Professional Development, up to \$500,000 in each fiscal year shall be used by the Rural Appalachian Initiative to create professional development academies for teachers, principals, and superintendents in the Appalachian region. No funding shall be released prior to the Department of Education receiving a satisfactory report of the activities conducted by these professional development academies during the previous year.

Of the foregoing appropriation item 200-410, Professional Development, up to \$250,000 in fiscal year 2002 and up to \$350,000 in fiscal year 2003 shall be used to support a Teacher Recognition Program. Funds awarded shall be used to recognize exemplary performance and support the professional development of educators across the educator life-cycle continuum, and may also be used to support the implementation of an educator-in-residence program.

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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 section 121.37 of the Revised Code. The treatment plans shall include strategies to address each child's academic achievement. The Department of Mental Retardation and Developmental Disabilities shall administer the distribution of the direct grants to the county councils. The Department of Mental Retardation and Developmental Disabilities may use up to five per cent of this amount for administrative expenses associated with

the distribution of funds to the county councils. 54893

(B) Of the foregoing appropriation item 200-411, Family and 54894  
Children First, up to \$1,775,000 in each fiscal year shall be used 54895  
as administrative grants to county family and children first 54896  
councils to provide a portion of the salary and fringe benefits 54897  
necessary to fund county council coordinators, administrative 54898  
support, training, or parental involvement. The total initial 54899  
grant under this provision to any county family and children first 54900  
council shall not exceed \$20,000. In the event that not all 54901  
counties in the state have established a county council, at the 54902  
beginning of the fourth quarter of a fiscal year, any remaining 54903  
funds to be used as administrative grants may be redirected by the 54904  
Family and Children First Cabinet Council to other priorities and 54905  
activities. Up to \$15,000 of the \$1,775,000 in each fiscal year 54906  
shall be used by the Family and Children First Cabinet Council for 54907  
administrative costs, including stipends to family representatives 54908  
participating in approved activities of the initiative, 54909  
educational and informational forums, and technical assistance to 54910  
local family and children first councils. 54911

(C) Of the foregoing appropriation item 200-411, Family and 54912  
Children First, up to \$5,190,000 in each fiscal year shall be used 54913  
to fund school-based or school-linked school readiness resource 54914  
centers in school districts where there is a concentration of risk 54915  
factors to school readiness and success, including indicators of 54916  
poverty, health, and family stability. The purpose of these 54917  
centers is to assist in providing services to families of 54918  
school-age children who want and need support. 54919

School readiness resource centers shall be located in each of 54920  
the state's 21 urban school districts as defined in division (O) 54921  
of section 3317.02 of the Revised Code, as that section existed 54922  
prior to July 1, 1998. The Ohio Family and Children First Cabinet 54923  
Council, in consultation with the Department of Education and 54924

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school districts, shall identify individual schools based on 54925  
 quantitative and qualitative factors that reflect both the need 54926  
 for school readiness resource centers and the local capacity for 54927  
 redesigning, as necessary, a delivery system of family support 54928  
 services. The council and the Department of Education shall 54929  
 organize and provide technical assistance to the school districts 54930  
 and communities in planning, developing, and implementing the 54931  
 centers. The council shall also negotiate a performance agreement 54932  
 that details required program characteristics, service options, 54933  
 and expected results. 54934

Each urban school district and community may receive up to 54935  
 \$240,000 to maintain three school readiness resource centers that 54936  
 are located in or linked to elementary, middle, and high school 54937  
 sites that are connected by student assignment patterns within the 54938  
 school districts. Each school district shall work with a 54939  
 representative of the local family and children first council and 54940  
 a representative cross-section of families and community leaders 54941  
 in the district to operate the school readiness resource centers 54942  
 based upon conditions agreed to in the performance agreement 54943  
 negotiated with the cabinet council. 54944

Up to \$50,000 in each fiscal year may be used by the Ohio 54945  
 Family and Children First Cabinet Council for an evaluation of the 54946  
 effectiveness of the school readiness resource centers. Up to 54947  
 \$100,000 in each fiscal year may be used by the cabinet council to 54948  
 approve technical assistance and oversee the implementation of the 54949  
 centers. The administration and management of the school readiness 54950  
 resource centers may be contracted out through a competitive 54951  
 bidding process established by the cabinet council in consultation 54952  
 with the Department of Education. 54953

**Section 44.06. VOCATIONAL EDUCATION MATCH** 54954

The foregoing appropriation item 200-416, Vocational 54955

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Education Match, shall be used by the Department of Education to 54956  
 provide vocational administration matching funds pursuant to 20 54957  
 U.S.C. 2311. 54958

TECHNICAL SYSTEMS DEVELOPMENT 54959

The foregoing appropriation item 200-420, Technical Systems 54960  
 Development, shall be used to support the development and 54961  
 implementation of information technology solutions designed to 54962  
 improve the performance and customer service of the Department of 54963  
 Education. Funds may be used for personnel, maintenance, and 54964  
 equipment costs related to the development and implementation of 54965  
 these technical system projects. Implementation of these systems 54966  
 shall allow the department to provide greater levels of assistance 54967  
 to school districts and to provide more timely information to the 54968  
 public, including school districts, administrators, and 54969  
 legislators. 54970

ALTERNATIVE EDUCATION PROGRAMS 54971

There is hereby created the Alternative Education Advisory 54972  
 Council, which shall consist of one representative from each of 54973  
 the following agencies: the Ohio Department of Education; the 54974  
 Department of Youth Services; the Ohio Department of Alcohol and 54975  
 Drug Addiction Services; the Department of Mental Health; the 54976  
 Office of the Governor or, at the Governor's discretion, the 54977  
 Office of the Lieutenant Governor; and the Office of the Attorney 54978  
 General. 54979

Of the foregoing appropriation item 200-421, Alternative 54980  
 Education Programs, not less than \$9,253,031 in each fiscal year 54981  
 shall be used for the renewal of successful implementation grants 54982  
 and for competitive matching grants to the 21 urban school 54983  
 districts as defined in division (O) of section 3317.02 of the 54984  
 Revised Code as it existed prior to July 1, 1998, and not less 54985  
 than \$9,253,031 in each fiscal year shall be used for the renewal 54986

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of successful implementation of grants and for competitive 54987  
matching grants to rural and suburban school districts for 54988  
alternative educational programs for existing and new at-risk and 54989  
delinquent youth. Programs shall be focused on youth in one or 54990  
more of the following categories: those who have been expelled or 54991  
suspended, those who have dropped out of school or who are at risk 54992  
of dropping out of school, those who are habitually truant or 54993  
disruptive, or those on probation or on parole from a Department 54994  
of Youth Services facility. Grants shall be awarded according to 54995  
the criteria established by the Alternative Education Advisory 54996  
Council in 1999. Grants shall be awarded only to programs where 54997  
the grant would not serve as the program's primary source of 54998  
funding. These grants shall be administered by the Department of 54999  
Education. Of the set-aside for the 21 urban school districts, 55000  
\$1,000,000 in each fiscal year shall be used for programs where 55001  
the minimum length of each student's assignment is 90 days in 55002  
length. 55003

The Department of Education may waive compliance with any 55004  
minimum education standard established under section 3301.07 of 55005  
the Revised Code for any alternative school that receives a grant 55006  
under this section on the grounds that the waiver will enable the 55007  
program to more effectively educate students enrolled in the 55008  
alternative school. 55009

Of the foregoing appropriation item 200-421, Alternative 55010  
Education Programs, up to \$480,552 in each fiscal year may be used 55011  
for program administration, monitoring, technical assistance, 55012  
support, research, and evaluation. Any unexpended balance may be 55013  
used to provide additional matching grants to urban, suburban, or 55014  
rural school districts as outlined above. 55015

Of the foregoing appropriation item 200-421, Alternative 55016  
Education Programs, \$313,386 in each fiscal year shall be used to 55017  
contract with the Center for Learning Excellence at The Ohio State 55018

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University to provide technical support for the project and the	55019
completion of formative and summative evaluation of the grants.	55020
Of the foregoing appropriation item 200-421, Alternative	55021
Education Programs, up to \$700,000 in each fiscal year shall be	55022
used to support Amer-I-Can. Of this set aside, no funds shall be	55023
disbursed without approval of the Controlling Board. Amer-I-Can	55024
programs shall submit to the Controlling Board a biennial spending	55025
plan that delineates how these funds will be spent. Amer-I-can	55026
programs also shall demonstrate to the Controlling Board that they	55027
have hired an independent evaluator and have selected valid and	55028
reliable instruments to assess pre and post changes in student	55029
behavior.	55030
 SCHOOL MANAGEMENT ASSISTANCE	55031
 Of the foregoing appropriation item 200-422, School	55032
Management Assistance, \$700,000 in fiscal year 2002 and \$400,000	55033
in fiscal year 2003 shall be used by the Auditor of State for	55034
expenses incurred in the Auditor of State's role relating to	55035
fiscal caution activities as defined in Chapter 3316. of the	55036
Revised Code. Expenses include duties related to the completion of	55037
performance audits for school districts that the Superintendent of	55038
Public Instruction determines are employing fiscal practices or	55039
experiencing budgetary conditions that could produce a state of	55040
fiscal watch or fiscal emergency.	55041
 The remainder of foregoing appropriation item 200-422, School	55042
Management Assistance, shall be used by the Department of	55043
Education to provide fiscal technical assistance and inservice	55044
education for school district management personnel and to	55045
administer, monitor, and implement the fiscal watch and fiscal	55046
emergency provisions under Chapter 3316. of the Revised Code.	55047
 POLICY ANALYSIS	55048
 The foregoing appropriation item 200-424, Policy Analysis,	55049

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shall be used by the Department of Education to support a system 55050  
of administrative, statistical, and legislative education 55051  
information to be used for policy analysis. Staff supported by 55052  
this appropriation shall administer the development of reports, 55053  
analyses, and briefings to inform education policymakers of 55054  
current trends in education practice, efficient and effective use 55055  
of resources, and evaluation of programs to improve education 55056  
results. The database shall be kept current at all times. These 55057  
research efforts shall be used to supply information and analysis 55058  
of data to the General Assembly and other state policymakers, 55059  
including the Office of Budget and Management and the Legislative 55060  
Service Commission. 55061

The Department of Education may use funding from this 55062  
appropriation item to purchase or contract for the development of 55063  
software systems or contract for policy studies that will assist 55064  
in the provision and analysis of policy-related information. 55065  
Funding from this appropriation item also may be used to monitor 55066  
and enhance quality assurance for research-based policy analysis 55067  
and program evaluation to enhance the effective use of education 55068  
information to inform education policymakers. 55069

## TECH PREP ADMINISTRATION 55070

The foregoing appropriation item 200-425, Tech Prep 55071  
Administration, shall be used by the Department of Education to 55072  
support state-level activities designed to support, promote, and 55073  
expand tech prep programs. Use of these funds shall include, but 55074  
not be limited to, administration of grants, program evaluation, 55075  
professional development, curriculum development, assessment 55076  
development, program promotion, communications, and statewide 55077  
coordination of tech prep consortia. 55078

## OHIO EDUCATIONAL COMPUTER NETWORK 55079

The foregoing appropriation item 200-426, Ohio Educational 55080

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Computer Network, shall be used by the Department of Education to 55081  
maintain a system of information technology throughout Ohio and to 55082  
provide technical assistance for such a system in support of the 55083  
State Education Technology Plan pursuant to section 3301.07 of the 55084  
Revised Code. 55085

Of the foregoing appropriation item 200-426, Ohio Educational 55086  
Computer Network, up to \$20,571,198 in fiscal year 2002 and up to 55087  
\$21,188,334 in fiscal year 2003 shall be used by the Department of 55088  
Education to support connection of all public school buildings to 55089  
the state's education network, to each other, and to the Internet. 55090  
In each fiscal year the Department of Education shall use these 55091  
funds to help reimburse data acquisition sites or school districts 55092  
for the operational costs associated with this connectivity. The 55093  
Department of Education shall develop a formula and guidelines for 55094  
the distribution of these funds to the data acquisition sites or 55095  
individual school districts. As used in this section, "public 55096  
school building" means a school building of any city, local, 55097  
exempted village, or joint vocational school district, or any 55098  
community school established under Chapter 3314. of the Revised 55099  
Code, or any educational service center building used for 55100  
instructional purposes. 55101

Of the foregoing appropriation item 200-426, Ohio Educational 55102  
Computer Network, up to \$2,043,938 in fiscal year 2002 and up to 55103  
\$2,095,037 in fiscal year 2003 shall be used for the Union Catalog 55104  
and InfoOhio Network. 55105

The Department of Education shall use up to \$4,590,000 in 55106  
fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to 55107  
assist designated data acquisition sites with operational costs 55108  
associated with the increased use of the state's education network 55109  
by chartered nonpublic schools. The Department of Education shall 55110  
develop a formula and guidelines for distribution of these funds 55111  
to designated data acquisition sites. 55112

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The remainder in each fiscal year of appropriation item 55113  
 200-426, Ohio Educational Computer Network, shall be used to 55114  
 support development, maintenance, and operation of a network of 55115  
 uniform and compatible computer-based information and 55116  
 instructional systems. The technical assistance shall include, but 55117  
 not be restricted to, development and maintenance of adequate 55118  
 computer software systems to support network activities. Program 55119  
 funds may be used, through a formula and guidelines devised by the 55120  
 department, to subsidize the activities of not more than 24 55121  
 designated data acquisition sites, as defined by State Board of 55122  
 Education rules, to provide school districts and chartered 55123  
 nonpublic schools with computer-based student and teacher 55124  
 instructional and administrative information services, including 55125  
 approved computerized financial accounting, and to ensure the 55126  
 effective operation of local automated administrative and 55127  
 instructional systems. To broaden the scope of the use of 55128  
 technology for education, the department may use up to \$250,000 in 55129  
 each fiscal year to coordinate the activities of the computer 55130  
 network with other agencies funded by the department or the state. 55131  
 In order to improve the efficiency of network activities, the 55132  
 department and data acquisition sites may jointly purchase 55133  
 equipment, materials, and services from funds provided under this 55134  
 appropriation for use by the network and, when considered 55135  
 practical by the department, may utilize the services of 55136  
 appropriate state purchasing agencies. 55137

## ACADEMIC STANDARDS 55138

The foregoing appropriation item 200-427, Academic Standards, 55139  
 shall be used by the Department of Education to develop and 55140  
 disseminate academic content standards. These funds shall be used 55141  
 to develop academic content standards and curriculum models and to 55142  
 fund communication of expectations to teachers, school districts, 55143  
 parents, and communities. 55144

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<b>Section 44.07. SCHOOL IMPROVEMENT INITIATIVES</b>	55145
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.	55146 55147 55148 55149 55150 55151
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.	55152 55153 55154 55155 55156 55157 55158
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.	55159 55160 55161 55162 55163 55164 55165
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.	55166 55167 55168 55169 55170
<b>SCHOOL CONFLICT MANAGEMENT</b>	55171
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	55172 55173 55174

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management training, consultation, and materials for school 55175  
 districts, and for the purpose of providing competitive school 55176  
 conflict management grants to school districts. 55177

The Department of Education shall assist the Commission on 55178  
 Dispute Resolution and Conflict Management in the development and 55179  
 dissemination of the school conflict management program. The 55180  
 assistance provided by the Department of Education shall include 55181  
 the assignment of a full-time employee of the department to the 55182  
 Commission on Dispute Resolution and Conflict Management to 55183  
 provide technical and administrative support to maximize the 55184  
 quality of dispute resolution and conflict management programs and 55185  
 services provided to school districts. 55186

Of the foregoing appropriation item 200-432, School Conflict 55187  
 Management, up to \$5,000 in fiscal year 2002 shall be used to 55188  
 support the Character Council Initiative. The Initiative works to 55189  
 instill character and values at all levels in the community. 55190

## READING/WRITING IMPROVEMENT 55191

Of the foregoing appropriation item 200-433, Reading/Writing 55192  
 Improvement, up to \$12,396,970 in each fiscal year shall be used 55193  
 for professional development in literacy for classroom teachers, 55194  
 administrators, and literacy specialists. 55195

Of the foregoing appropriation item 200-433, Reading/Writing 55196  
 Improvement, up to \$1,780,268 in fiscal year 2002 and up to 55197  
 \$1,815,874 in fiscal year 2003 shall be used by the Department of 55198  
 Education to fund the Reading Recovery Training Network, to cover 55199  
 the cost of release time for the teacher trainers, and to provide 55200  
 grants to districts to implement other reading improvement 55201  
 programs on a pilot basis. Funds for this appropriation item may 55202  
 also be used to conduct evaluations of the impact and 55203  
 effectiveness of Reading Recovery and other reading improvement 55204  
 programs. 55205

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Of the foregoing appropriation item 200-433, Reading/Writing Improvement, \$250,000 in each fiscal year shall be used to continue the Waterford Early Reading program.

The remainder of appropriation item 200-433, Reading/Writing Improvement, shall be used by the Department of Education to develop and support reading and writing improvement programs by providing a common assessment/profile instrument for elementary school buildings, literacy specialist support and training programs, and incentives for teachers to complete professional development programs.

## STUDENT ASSESSMENT

The foregoing appropriation item 200-437, Student Assessment, shall be used to develop, field test, print, distribute, score, and report results from the tests required under sections 3301.0710 and 3301.0711 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code.

## SAFE SCHOOLS

Of the foregoing appropriation item 200-438, Safe Schools, \$230,000 in each fiscal year shall be used for the development and operation of a Safe Schools Center. The Department of Education shall oversee the creation of a center to serve as a coordinating entity to assist school district personnel, parents, juvenile justice representatives, and law enforcement in identifying effective strategies and services for improving school safety and reducing threats to the security of students and school personnel.

Of the foregoing appropriation item 200-438, Safe Schools, up to \$1,800,000 in each fiscal year shall be used for a safe-school help line program for students, parents, and the community to report threats to the safety of students or school personnel. The Department of Education shall establish criteria to distribute these funds to school districts whose superintendents indicate the

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program would be a meaningful aid to school security. 55237

Of the foregoing appropriation item 200-438, Safe Schools, up 55238  
to \$20,000 in each fiscal year may be used by schools for the 55239  
Eddie Eagle Gun Safety Pilot Program. School districts wishing to 55240  
participate in the pilot program shall apply to the Department of 55241  
Education under guidelines established by the Superintendent of 55242  
Public Instruction. 55243

AMERICAN SIGN LANGUAGE 55244

Of the foregoing appropriation item 200-441, American Sign 55245  
Language, up to \$153,000 in fiscal year 2002 and up to \$156,060 in 55246  
fiscal year 2003 shall be used to implement pilot projects for the 55247  
integration of American Sign Language deaf language into the 55248  
kindergarten through twelfth-grade curriculum. 55249

The remainder of the appropriation shall be used by the 55250  
Department of Education to provide supervision and consultation to 55251  
school districts in dealing with parents of handicapped children 55252  
who are deaf or hard of hearing, in integrating American Sign 55253  
Language as a foreign language, and in obtaining interpreters and 55254  
improving their skills. 55255

CHILD CARE LICENSING 55256

The foregoing appropriation item 200-442, Child Care 55257  
Licensing, shall be used by the Department of Education to license 55258  
and to inspect preschool and school-age child care programs in 55259  
accordance with sections 3301.52 to 3301.59 of the Revised Code. 55260

PROFESSIONAL RECRUITMENT 55261

Of the foregoing appropriation item 200-444, Professional 55262  
Recruitment, \$1,300,000 in each fiscal year shall be used by the 55263  
Department of Education to establish programs targeted at 55264  
recruiting underrepresented populations into the teaching 55265  
profession. In each year, the recruitment programs shall include, 55266

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but not be limited to, alternative teacher licensure or 55267  
certification programs emphasizing the recruitment of highly 55268  
qualified minority candidates into teaching, including emphasizing 55269  
the recruitment of highly qualified minority candidates into 55270  
teaching positions in schools that have a high percentage of 55271  
minority students. The recruitment programs also shall target 55272  
recruiting qualified candidates available as a result of 55273  
downsizing of the military and business sectors. Funding also 55274  
shall be targeted to statewide, regional, and local programs that 55275  
are competitively selected as promising programs demonstrating the 55276  
potential of significantly increasing Ohio's minority teaching 55277  
force. 55278

The remainder of appropriation item 200-444 shall be used by 55279  
the Department of Education for recruitment programs targeting 55280  
special needs areas: recruiting prospective mathematics and 55281  
science teachers, recruiting special educators, recruiting 55282  
principals, developing a web-based placement bureau, establishing 55283  
a pre-collegiate program to target future teachers, and piloting 55284  
paraeducators-to-teacher programs. 55285

## OHIOREADS ADMIN/VOLUNTEER SUPPORT 55286

The foregoing appropriation item 200-445, OhioReads 55287  
Admin/Volunteer Support, may be allocated by the OhioReads Council 55288  
for volunteer coordinators in public school buildings, to 55289  
educational service centers for costs associated with volunteer 55290  
coordination, for background checks for volunteers, to evaluate 55291  
the OhioReads Program, and for operating expenses associated with 55292  
administering the program. 55293

**Section 44.08.** EDUCATION MANAGEMENT INFORMATION SYSTEM 55294

The foregoing appropriation item 200-446, Education 55295  
Management Information System, shall be used by the Department of 55296  
Education to provide school districts with the means to implement 55297

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local automated information systems and to implement, develop, and 55298  
improve the Education Management Information System (EMIS) for the 55299  
common student information management software developed by the 55300  
Department of Education. 55301

Of the foregoing appropriation item 200-446, Education 55302  
Management Information System, up to \$1,000,000 in each fiscal 55303  
year may be used by the Department of Education to assist 55304  
designated data acquisition sites or school districts with 55305  
deployment and implementation of the common student management 55306  
record system software, and for hardware, personnel, equipment, 55307  
staff development, software, and forms modification, as well as to 55308  
support EMIS special report activities in the department. 55309

Of the foregoing appropriation item 200-446, Education 55310  
Management Information System, up to \$2,213,639 in fiscal year 55311  
2002 and up to \$1,476,760 in fiscal year 2003 shall be distributed 55312  
to designated data acquisition sites for costs relating to 55313  
processing, storing, and transferring data for the effective 55314  
operation of the EMIS. These costs may include, but are not 55315  
limited to, personnel, hardware, software development, 55316  
communications connectivity, professional development, and support 55317  
services, and to provide services to participate in the State 55318  
Education Technology Plan pursuant to section 3301.07 of the 55319  
Revised Code. 55320

Of the foregoing appropriation item 200-446, Education 55321  
Management Information System, up to \$7,763,297 in fiscal year 55322  
2002 and up to \$8,999,708 in fiscal year 2003 shall be distributed 55323  
to school districts, community schools established under Chapter 55324  
3314. of the Revised Code, education service centers, and joint 55325  
vocational school districts on a per-pupil basis. From this 55326  
funding, each school district or community school established 55327  
under Chapter 3314. of the Revised Code with enrollment greater 55328  
than 100 students and each vocational school district shall 55329

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receive a minimum of \$5,000 for each year of the biennium. Each 55330  
school district or community school established under Chapter 55331  
3314. of the Revised Code with enrollment between one and one 55332  
hundred and each education service center and each county board of 55333  
MR/DD that submits data through EMIS shall receive \$3,000 for each 55334  
year of the biennium. This money shall be used for costs 55335  
associated with the development and operation of local automated 55336  
record-based information systems that provide data as required by 55337  
the education management information system, and facilitate local 55338  
district, school, and classroom management activities. 55339

## GED TESTING/ADULT HIGH SCHOOL 55340

The foregoing appropriation item 200-447, GED Testing/Adult 55341  
High School, shall be used to provide General Educational 55342  
Development (GED) testing at no cost to applicants, pursuant to 55343  
rules adopted by the State Board of Education. The Department of 55344  
Education shall reimburse school districts and community schools, 55345  
created in accordance with Chapter 3314. of the Revised Code, for 55346  
a portion of the costs incurred in providing summer instructional 55347  
or intervention services to students who have not graduated due to 55348  
their inability to pass one or more parts of the state's ninth 55349  
grade proficiency test. School districts shall also provide such 55350  
services to students who are residents of the district pursuant to 55351  
section 3313.64 of the Revised Code, but who are enrolled in 55352  
chartered, nonpublic schools. The services shall be provided in 55353  
the public school, in nonpublic schools, in public centers, or in 55354  
mobile units located on or off the nonpublic school premises. No 55355  
school district shall provide summer instructional or intervention 55356  
services to nonpublic school students as authorized by this 55357  
section unless such services are available to students attending 55358  
the public schools within the district. No school district shall 55359  
provide services for use in religious courses, devotional 55360  
exercises, religious training, or any other religious activity. 55361

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Chartered, nonpublic schools shall pay for any unreimbursed costs 55362  
 incurred by school districts for providing summer costs incurred 55363  
 by school districts for providing summer instruction or 55364  
 intervention services to students enrolled in chartered, nonpublic 55365  
 schools. School districts may provide these services to students 55366  
 directly or contract with postsecondary or nonprofit 55367  
 community-based institutions in providing instruction. The 55368  
 appropriation also shall be used for state reimbursement to school 55369  
 districts for adult high school continuing education programs 55370  
 pursuant to section 3313.531 of the Revised Code or for costs 55371  
 associated with awarding adult high school diplomas under section 55372  
 3313.611 of the Revised Code. 55373

## COMMUNITY SCHOOLS 55374

Of the foregoing appropriation item 200-455, Community 55375  
 Schools, up to \$100,000 in each fiscal year may be used by the 55376  
 Lucas County Educational Service Center to pay for additional 55377  
 services provided to community schools, subject to the reporting 55378  
 by the service center of actual expenses incurred to the 55379  
 Department of Education. Up to \$1,628,935 in fiscal year 2002 and 55380  
 up to \$1,724,517 in fiscal year 2003 may be used by the Office of 55381  
 School Options in the Department of Education for additional 55382  
 services and responsibilities under section 3314.11 of the Revised 55383  
 Code. 55384

The remaining appropriation may be used by the Department of 55385  
 Education and the Lucas County Educational Service Center to make 55386  
 grants of up to \$50,000 to each proposing group with a preliminary 55387  
 agreement obtained under division (C)(2) of section 3314.02 of the 55388  
 Revised Code in order to defray planning and initial start-up 55389  
 costs. In the first year of operation of a community school, the 55390  
 Department of Education and the Lucas County Educational Service 55391  
 Center may make a grant of no more than \$100,000 to the governing 55392  
 authority of the school to partially defray additional start-up 55393

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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  
 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

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Management shall then reduce the appropriation for item 200-501, 55424  
Base Cost Funding, by the difference amount and notify the 55425  
Controlling Board of this action. The appropriation decrease 55426  
determined by the Director of Budget and Management, if any, is 55427  
hereby approved, and appropriations are hereby reduced by the 55428  
amount determined. 55429

Of the foregoing appropriation item 200-501, Base Cost 55430  
Funding, up to \$425,000 shall be expended in each year of the 55431  
biennium for court payments pursuant to section 2151.357 of the 55432  
Revised Code; an amount shall be available each year of the 55433  
biennium for the cost of the reappraisal guarantee pursuant to 55434  
section 3317.04 of the Revised Code; an amount shall be available 55435  
in each year of the biennium to fund up to 225 full-time 55436  
equivalent approved GRADS teacher grants pursuant to division (R) 55437  
of section 3317.024 of the Revised Code; an amount shall be 55438  
available in each year of the biennium to make payments to school 55439  
districts pursuant to division (A)(2) of section 3317.022 of the 55440  
Revised Code; an amount shall be available in fiscal year 2003 to 55441  
make payments to school districts pursuant to division (F) of 55442  
section 3317.022 of the Revised Code; an amount shall be available 55443  
in fiscal year 2002 to make payments to school districts pursuant 55444  
to division (C) of section 3317.0212 of the Revised Code; and up 55445  
to \$15,000,000 in each year of the biennium shall be reserved for 55446  
payments pursuant to sections 3317.026, 3317.027, and 3317.028 of 55447  
the Revised Code except that the Controlling Board may increase 55448  
the \$15,000,000 amount if presented with such a request from the 55449  
Department of Education. Of the foregoing appropriation item 55450  
200-501, Base Cost Funding, up to \$14,000,000 in fiscal year 2002 55451  
and up to \$23,000,000 in fiscal year 2003 shall be used to provide 55452  
additional state aid to school districts for special education 55453  
students pursuant to division (C)(5) of section 3317.022 of the 55454  
Revised Code; up to \$2,000,000 in each year of the biennium shall 55455

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be reserved for Youth Services tuition payments pursuant to 55456  
section 3317.024 of the Revised Code; and up to \$52,000,000 in 55457  
each fiscal year shall be reserved to fund the state reimbursement 55458  
of educational service centers pursuant to section 3317.11 of the 55459  
Revised Code. 55460

Of the foregoing appropriation item 200-501, Base Cost 55461  
Funding, up to \$1,000,000 in each fiscal year shall be used by the 55462  
Department of Education for a pilot program to pay for educational 55463  
services for youth who have been assigned by a juvenile court or 55464  
other authorized agency to any of the facilities described in 55465  
division (A) of the section titled "Private Treatment Facility 55466  
Pilot Project." 55467

The remaining portion of appropriation item 200-501, Base 55468  
Cost Funding, shall be expended for the public schools of city, 55469  
local, exempted village, and joint vocational school districts, 55470  
including base cost funding, special education weight funding, 55471  
special education speech service enhancement funding, 55472  
career-technical education weight funding, career-technical 55473  
education associated service funding, guarantee funding, and 55474  
teacher training and experience funding pursuant to sections 55475  
3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised Code. 55476

Appropriation items 200-500, School Finance Equity, 200-501, 55477  
Base Cost Funding, 200-502, Pupil Transportation, 200-520, 55478  
Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 55479  
200-525, Parity Aid, and 200-546, Charge-Off Supplement, other 55480  
than specific set-asides, are collectively used to pay state 55481  
formula aid obligations for school districts and joint vocational 55482  
school districts pursuant to Chapter 3317. of the Revised Code. 55483  
The first priority of these appropriation items, with the 55484  
exception of specific set-asides, is to fund state formula aid 55485  
obligations under Chapter 3317. of the Revised Code. It may be 55486  
necessary to reallocate funds among these appropriation items in 55487

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order to meet state formula aid obligations. If it is determined  
that it is necessary to transfer funds among these appropriation  
items to meet state formula aid obligations, the Department of  
Education shall seek approval from the Controlling Board to  
transfer funds among these appropriation items.

**Section 44.11. SUPPLEMENTAL PAYMENT**

Upon the recommendation of the Superintendent of Public  
Instruction, and subject to the approval of the Controlling Board,  
the Department of Education shall pay a school district in fiscal  
year 2002 an amount not greater than the difference between the  
following:

(A) The cost of increasing teachers' salaries above the  
district's salary schedule to comply with division (C) of section  
3317.13 of the Revised Code as amended by this act, multiplied by  
one hundred fourteen per cent;

(B) The district's increases in state funds for fiscal year  
2002.

The increases in state funds for fiscal year 2002 shall be  
calculated by determining additional state funds received for  
fiscal year 2002 under sections 3317.022, 3317.023, 3317.029,  
3317.0212, and 3317.053 and division (P) of section 3317.024 of  
the Revised Code and uncodified sections of this act, above the  
amount of state funds the district received for fiscal year 2001  
under sections 3317.022, 3317.023, 3317.029, 3317.0212, and  
3317.162 and division (P) of section 3317.024 of the Revised Code  
and uncodified sections of Am. Sub. H.B. 282 of the 123rd General  
Assembly.

The Department shall determine application procedures and a  
schedule for applications and payments under this section, which  
shall be subject to the approval of the Controlling Board. The

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Department may pay one-half of an estimated amount of a district's 55518  
 payment under this section during the first half of fiscal year 55519  
 2002, and the remainder of the actual calculated amount during the 55520  
 second half of the fiscal year. Subject to the approval of the 55521  
 Controlling Board, the amount of any overpayments under this 55522  
 section shall be deducted from payments made to the school 55523  
 district under Chapter 3317. of the Revised Code for the remainder 55524  
 of the fiscal year. 55525

**Section 44.12. PUPIL TRANSPORTATION** 55526

Of the foregoing appropriation item 200-502, Pupil 55527  
 Transportation, up to \$800,000 in fiscal year 2002 and up to 55528  
 \$822,400 in fiscal year 2003 may be used by the Department of 55529  
 Education for training prospective and experienced school bus 55530  
 drivers in accordance with training programs prescribed by the 55531  
 department; an amount shall be available in each year of the 55532  
 biennium to be used for special education transportation 55533  
 reimbursements. The reimbursement rate in each year shall be based 55534  
 on the rate defined in division (D) of section 3317.022 of the 55535  
 Revised Code. The remainder of appropriation item 200-502, Pupil 55536  
 Transportation, shall be used for the state reimbursement of 55537  
 public school districts' costs in transporting pupils to and from 55538  
 the school they attend in accordance with the district's policy, 55539  
 State Board of Education standards, and the Revised Code. 55540

**BUS PURCHASE ALLOWANCE** 55541

The foregoing appropriation item 200-503, Bus Purchase 55542  
 Allowance, shall be distributed to school districts and 55543  
 educational service centers pursuant to rules adopted under 55544  
 section 3317.07 of the Revised Code. Up to 25 per cent of the 55545  
 amount appropriated may be used to reimburse school districts and 55546  
 educational service centers for the purchase of buses to transport 55547  
 handicapped and nonpublic school students. 55548

SCHOOL LUNCH 55549

The foregoing appropriation item 200-505, School Lunch Match, 55550  
shall be used to provide matching funds to obtain federal funds 55551  
for the school lunch program. 55552

**Section 44.13. ADULT LITERACY EDUCATION** 55553

The foregoing appropriation item 200-509, Adult Literacy 55554  
Education, shall be used to support adult basic and literacy 55555  
education instructional programs and the State Literacy Resource 55556  
Center Program. 55557

Of the foregoing appropriation item 200-509, Adult Literacy 55558  
Education, up to \$543,150 in fiscal year 2002 and up to \$554,013 55559  
in fiscal year 2003 shall be used for the support and operation of 55560  
the State Literacy Resource Center. 55561

The remainder shall be used to continue to satisfy the state 55562  
match and maintenance of effort requirements for the support and 55563  
operation of the Department of Education-administered 55564  
instructional grant program for adult basic and literacy education 55565  
in accordance with the department's state plan for adult basic and 55566  
literacy education as approved by the State Board of Education and 55567  
the Secretary of the United States Department of Education. 55568

AUXILIARY SERVICES 55569

The foregoing appropriation item 200-511, Auxiliary Services, 55570  
shall be used by the State Board of Education for the purpose of 55571  
implementing section 3317.06 of the Revised Code. Of the 55572  
appropriation, up to \$1,250,000 in fiscal year 2002 and up to 55573  
\$1,500,000 in fiscal year 2003 may be used for payment of the 55574  
Post-Secondary Enrollment Options Program for nonpublic students 55575  
pursuant to section 3365.10 of the Revised Code. 55576

STUDENT INTERVENTION SERVICES 55577

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The foregoing appropriation item 200-513, Student Intervention Services, shall be used to assist districts providing the intervention services specified in section 3313.608 of the Revised Code. The Department of Education shall establish guidelines for the use and distribution of these moneys. School districts receiving funds from this appropriation shall report to the Department of Education on how funds were used.

No later than July 15, 2002, the Director of Budget and Management shall transfer \$35,000,000 from Fund 3W6, TANF Education, to the General Revenue Fund. The transferred funds are appropriated for the appropriation item 200-513, Student Intervention Services. The foregoing appropriation item 200-513, Student Intervention Services, includes transferred funds of \$35,000,000 in fiscal year 2003.

The Department of Education shall comply with all TANF requirements, including reporting requirements and timelines, as specified in state and federal laws, federal regulations, state rules, and the Title IV-A state plan, and is responsible for payment of any adverse audit finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity concerning these funds.

POST-SECONDARY/ADULT CAREER-TECHNICAL EDUCATION 55600

The foregoing appropriation item 200-514, Post-Secondary/Adult Career-Technical Education, shall be used by the State Board of Education to provide post-secondary/adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

Of the foregoing appropriation item 200-514, Post-Secondary/Adult Career-Technical Education, up to \$500,000 in each fiscal year shall be allocated for the Ohio Career

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Information System (OCIS) and used for the dissemination of career 55609  
 information data to public schools, libraries, rehabilitation 55610  
 centers, two- and four-year colleges and universities, and other 55611  
 governmental units. 55612

Of the foregoing appropriation item 200-514, 55613  
 Post-Secondary/Adult Career-Technical Education, up to \$40,000 in 55614  
 each fiscal year shall be used for the statewide coordination of 55615  
 the activities of the Ohio Young Farmers. 55616

## DISADVANTAGED PUPIL IMPACT AID 55617

The foregoing appropriation item 200-520, Disadvantaged Pupil 55618  
 Impact Aid, shall be distributed to school districts according to 55619  
 section 3317.029 of the Revised Code. However, no money shall be 55620  
 distributed for all-day kindergarten to any school district whose 55621  
 three-year average formula ADM exceeds 17,500 but whose DPIA index 55622  
 is not at least equal to 1.00 in each fiscal year, unless the 55623  
 Department of Education certifies that sufficient funds exist in 55624  
 this appropriation to make all other payments required by section 55625  
 3317.029 of the Revised Code. 55626

The Department of Education shall pay all-day, everyday 55627  
 kindergarten funding to all school districts in fiscal year 2002 55628  
 and fiscal year 2003 that qualified for and provided the service 55629  
 in a preceding fiscal year pursuant to section 3317.029 of the 55630  
 Revised Code, regardless of changes to such districts' DPIA 55631  
 indexes in fiscal year 2002 and fiscal year 2003. 55632

The Department of Education shall pay to community schools an 55633  
 amount for all-day kindergarten if the school district in which 55634  
 the student is entitled to attend school is eligible but does not 55635  
 receive a payment for all-day kindergarten, pursuant to division 55636  
 (B) of section 3314.13 of the Revised Code, and the student is 55637  
 reported by the community school as enrolled in all-day 55638  
 kindergarten at the community school. 55639

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Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, up to \$3,200,000 in fiscal year 2002 and up to \$3,300,000 in fiscal year 2003 shall be used for school breakfast programs. Of these amounts, up to \$500,000 shall be used each year by the Department of Education to provide start-up grants to rural school districts and to school districts with less than 1,500 ADM that start school breakfast programs. The remainder of the appropriation shall be used to: (1) partially reimburse school buildings within school districts that are required to have a school breakfast program pursuant to section 3313.813 of the Revised Code, at a rate decided by the department, for each breakfast served to any pupil enrolled in the district; (2) partially reimburse districts participating in the National School Lunch Program that have at least 20 per cent of students who are eligible for free and reduced meals according to federal standards, at a rate decided by the department; and (3) to partially reimburse districts participating in the National School Lunch Program for breakfast served to children eligible for free and reduced meals enrolled in the district, at a rate decided by the department.

Of the portion of the funds distributed to the Cleveland City School District under section 3317.029 of the Revised Code calculated under division (F)(2) of that section, up to \$14,903,943 in fiscal year 2002 and up to \$18,066,820 in fiscal year 2003 shall be used to operate the pilot school choice program in the Cleveland City School District pursuant to sections 3313.974 to 3313.979 of the Revised Code.

Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, \$1,000,000 in each fiscal year shall be used to support dropout recovery programs administered by the Department of Education, Jobs for Ohio's Graduates Program.

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**Section 44.14. GIFTED PUPIL PROGRAM** 55671

The foregoing appropriation item 200-521, Gifted Pupil Program, shall be used for gifted education units not to exceed 1,050 in fiscal year 2002 and 1,100 in fiscal year 2003 pursuant to division (P) of section 3317.024 and division (F) of section 3317.05 of the Revised Code. 55672  
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Of the foregoing appropriation item 200-521, Gifted Pupil Program, up to \$5,000,000 in each fiscal year of the biennium may be used as an additional supplement for identifying gifted students pursuant to Chapter 3324. of the Revised Code. 55677  
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Of the foregoing appropriation item 200-521, Gifted Pupil Program, the Department of Education may expend up to \$1,000,000 each year for the Summer Honors Institute for gifted freshman and sophomore high school students. Up to \$600,000 in each fiscal year shall be used for research and demonstration projects. The Department of Education shall research and evaluate the effectiveness of gifted education programs in Ohio. Up to \$70,000 in each year shall be used for the Ohio Summer School for the Gifted (Martin Essex Program). 55681  
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**Section 44.15. PARITY AID** 55690

The foregoing appropriation item 200-525, Parity Aid, shall be distributed to school districts based on the formulas specified in section 3317.0217 of the Revised Code. 55691  
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**NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 55694

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the State Board of Education for the purpose of implementing section 3317.063 of the Revised Code. 55695  
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**DESEGREGATION COSTS** 55699

The foregoing appropriation item 200-534, Desegregation Costs, shall be used to pay the legal fees associated with desegregation cases brought against the state.

As part of managing state desegregation costs, any board of education of a school district subject to a federal court desegregation order that requires the district board to bus students for the purpose of racial balance shall, within one year after the effective date of this section:

(1) Update its plan required under Am. Sub. H.B. 298 of the 119th General Assembly designed to satisfy the court so as to obtain release from the court's desegregation order; and

(2) Submit an updated copy of the plan to the State Board of Education.

Upon request of the district board, the State Board shall provide technical assistance to the school district board in developing a plan.

Within ninety days after the date on which the plan is submitted to the State Board of Education, the district board, or the district board and the State Board of Education jointly if both are parties to the desegregation case, shall submit the plan to the court and apply for release from the court's desegregation order.

**Section 44.16. SPECIAL EDUCATION ENHANCEMENTS**

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$45,295,000 in fiscal year 2002 and up to \$47,809,750 in fiscal year 2003 shall be used to fund special education and related services at county boards of mental retardation and developmental disabilities for eligible students under section 3317.20 of the Revised Code. Up to \$2,500,000 shall be used in each fiscal year to fund up to 57 special education

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classroom and related services units at institutions. 55730

Of the foregoing appropriation item 200-540, Special 55731  
 Education Enhancements, up to \$3,293,959 in fiscal year 2002 and 55732  
 up to \$3,425,717 in fiscal year 2003 shall be used for home 55733  
 instruction for handicapped children; up to \$1,500,000 in each 55734  
 fiscal year shall be used for parent mentoring programs; and up to 55735  
 \$2,744,966 in fiscal year 2002 and up to \$2,854,764 in fiscal year 55736  
 2003 may be used for school psychology interns. 55737

Of the foregoing appropriation item 200-540, Special 55738  
 Education Enhancements, \$3,852,160 in fiscal year 2002 and up to 55739  
 \$4,006,246 in fiscal year 2003 shall be used by the Department of 55740  
 Education to assist school districts in funding aides pursuant to 55741  
 paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative 55742  
 Code. 55743

Of the foregoing appropriation item 200-540, Special 55744  
 Education Enhancements, \$78,623,506 in each fiscal year shall be 55745  
 distributed by the Department of Education to county boards of 55746  
 mental retardation and developmental disabilities, educational 55747  
 service centers, and school districts for preschool special 55748  
 education units and preschool supervisory units in accordance with 55749  
 section 3317.161 of the Revised Code. The department may reimburse 55750  
 county boards of mental retardation and developmental 55751  
 disabilities, educational service centers, and school districts 55752  
 for related services as defined in rule 3301-31-05 of the 55753  
 Administrative Code, for preschool occupational and physical 55754  
 therapy services provided by a physical therapy assistant and 55755  
 certified occupational therapy assistant, and for an instructional 55756  
 assistant. To the greatest extent possible, the Department of 55757  
 Education shall allocate these units to school districts and 55758  
 educational service centers. The Controlling Board may approve the 55759  
 transfer of unallocated funds from appropriation item 200-501, 55760  
 Base Cost Funding, to appropriation item 200-540, Special 55761

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Education Enhancements, to fully fund existing units as necessary 55762  
or to fully fund additional units. The Controlling Board may 55763  
approve the transfer of unallocated funds from appropriation item 55764  
200-540, Special Education Enhancements, to appropriation item 55765  
200-501, Base Cost Funding, to fully fund the special education 55766  
weight cost funding. 55767

The Department of Education shall require school districts, 55768  
educational service centers, and county MR/DD boards serving 55769  
preschool children with disabilities to document child progress 55770  
using a common instrument prescribed by the department and report 55771  
results annually. The reporting dates and methodology shall be 55772  
determined by the department. 55773

The department shall adopt rules addressing the use of 55774  
screening and assessment data including, but not limited to: 55775

(1) Protection of the identity of individual children through 55776  
assignment of a unique, but not personally identifiable, code; 55777  
55778

(2) Parents' rights; and 55779

(3) Use of the child data by school personnel as it relates 55780  
to kindergarten entrance. 55781

Of the foregoing appropriation item 200-540, Special 55782  
Education Enhancements, up to \$808,081 in fiscal year 2002 and up 55783  
to \$832,323 in fiscal year 2003 shall be allocated to provide 55784  
grants to research-based reading mentoring programs for students 55785  
with disabilities in kindergarten through fourth grade. Priority 55786  
shall be given to mentoring programs that have been recognized by 55787  
the Education Commission of the States as promising educational 55788  
practices for accelerating student achievement, are easily 55789  
replicated, have strong evaluative components, and have goals 55790  
aligned to the Ohio Proficiency Test. Priority in awarding grants 55791  
funding in this program shall be given to existing targeted 55792

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programs originally funded under Am. Sub. H.B. 282 of the 123rd  
General Assembly and that are currently being applied in school  
districts. Grants awarded under this program shall be made in  
conjunction with the Ohio Coalition for Education of Children with  
Disabilities. Programs may be implemented at times deemed most  
appropriate. Certified staff shall administer these programs and  
testing of participants shall be required prior to, during, and  
after participation in these programs. The results of the tests  
shall be reported to the Governor, Superintendent of Public  
Instruction, and General Assembly.

Of the foregoing appropriation item 200-540, Special  
Education Enhancements, up to \$86,000 in each fiscal year shall be  
used to conduct a collaborative pilot program to provide  
educational services and develop best educational practices for  
autistic children. The pilot program shall include, but not be  
limited to, the involvement of the Wood County Board of Mental  
Retardation and Developmental Disabilities, Wood County  
Educational Services Center, Children's Resource Center of Wood  
County, and the Family and Children First Council of Wood County.

Of the foregoing appropriation item 200-540, Special  
Education Enhancements, up to \$303,030 in fiscal year 2002 and up  
to \$312,121 in fiscal year 2003 shall be expended to conduct a  
demonstration project involving language and literacy intervention  
teams supporting student acquisition of language and literacy  
skills. The demonstration project shall demonstrate improvement of  
language and literacy skills of at-risk learners under the  
instruction of certified speech language pathologists and  
educators. Baseline data shall be collected and comparison data  
for fiscal year 2002 and fiscal year 2003 shall be collected and  
reported to the Governor, OhioReads Council, Department of  
Education, and the General Assembly.

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**Section 44.17. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 55824

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 \$4,182,573 in fiscal year 2002 and up to \$4,432,573 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, including equipment, 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

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approved for such instruction by the State Board of Education. 55856  
School districts replacing or updating career-technical education 55857  
equipment may purchase or lease such equipment. The Department of 55858  
Education shall review and approve all equipment requests and may 55859  
allot appropriated funds to eligible school districts on the basis 55860  
of the number of full-time equivalent workforce development 55861  
teachers in all eligible districts making application for funds. 55862

The State Board of Education may adopt standards of need for 55863  
equipment allocation. Pursuant to the adoption of any such 55864  
standards of need by the State Board of Education, appropriated 55865  
funds may be allotted to eligible districts according to such 55866  
standards. Equipment funds allotted under either process shall be 55867  
provided to a school district on a 30, 40, or 50 per cent of cost 55868  
on the basis of a district career-technical priority index rating 55869  
developed by the Department of Education for all districts each 55870  
year. The career-technical priority index shall give preference to 55871  
districts with a large percentage of disadvantaged students and 55872  
shall include other socio-economic factors as determined by the 55873  
State Board of Education. 55874

Of the foregoing appropriation item 200-545, Career-Technical 55875  
Education Enhancements, up to \$3,650,000 in each fiscal year shall 55876  
be awarded by the Superintendent of Public Instruction to an Ohio 55877  
nonprofit corporation to support existing High Schools That Work 55878  
(HSTW) sites, develop new sites, fund technical assistance, and 55879  
support regional centers and middle school programs. The purpose 55880  
of HSTW is to combine challenging academic courses and modern 55881  
vocational and technical studies to raise the academic achievement 55882  
of students. It provides intensive technical assistance, focused 55883  
staff development, targeted assessment services, and ongoing 55884  
communications and networking opportunities. Any grant awarded 55885  
under this program by the Superintendent of Public Instruction 55886  
shall require a matching contribution of at least \$1,000,000 from 55887

the Ohio nonprofit corporation. 55888

Of the foregoing appropriation item 200-545, Career-Technical 55889  
Education Enhancements, \$3,750,000 in fiscal year 2002 and 55890  
\$4,000,000 in fiscal year 2003 shall be used for K-12 career 55891  
development. 55892

Of the foregoing appropriation item 200-545, Career-Technical 55893  
Educational Enhancements, \$250,000 in each fiscal year shall be 55894  
used by the Department of Education to establish the Voc-Ag 5th 55895  
Quarter Pilot Project. The project shall enable students in 55896  
agricultural programs to enroll in a fifth quarter of instruction. 55897  
The fifth quarter concept is based on the long-standing and 55898  
successful agricultural education model of delivering work-based 55899  
learning through supervised agricultural experience. The 55900  
Department of Education shall establish rules governing 55901  
eligibility criteria and the reporting process for the project 55902  
that must include the following: (1) a school is required to hire 55903  
a certified teacher for the fifth quarter, (2) a school must have 55904  
a curriculum for the fifth quarter that is approved by the 55905  
Department of Education, (3) students must earn credit for the 55906  
agricultural experience, (4) the program must be approved by the 55907  
school district's superintendent, and (5) the program must be in 55908  
existence on the effective date of this section. The Department of 55909  
Education shall fund as many programs as possible given the 55910  
\$250,000 set aside. The Department of Education shall report 55911  
students' performance results under the project to the General 55912  
Assembly not later than December 31, 2002. 55913

Of the foregoing appropriation item 200-545, Career-Technical 55914  
Educational Enhancements, \$25,000 in each fiscal year shall be 55915  
used for the Virtual Simulations in Manufacturing Program. 55916

**Section 44.18. CHARGE-OFF SUPPLEMENT** 55917

The foregoing appropriation item 200-546, Charge-Off 55918

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Supplement, shall be used by the Department of Education to make	55919
payments pursuant to section 3317.0216 of the Revised Code.	55920
 COUNTY MR/DD BOARDS - VEHICLE PURCHASES	 55921
The foregoing appropriation item 200-552, County MR/DD Boards	55922
Vehicle Purchases, shall be used to provide financial assistance	55923
to MR/DD boards for the purchase of vehicles as permitted in	55924
section 3317.07 of the Revised Code.	55925
 COUNTY MR/DD BOARDS - TRANSPORTATION	 55926
The foregoing appropriation item 200-553, County MR/DD Boards	55927
Transportation Operating, shall be used to provide financial	55928
assistance for transportation operating costs as provided in	55929
division (M) of section 3317.024 of the Revised Code.	55930
 EMERGENCY LOAN INTEREST SUBSIDY	 55931
The foregoing appropriation item 200-558, Emergency Loan	55932
Interest Subsidy, shall be used to provide a subsidy to school	55933
districts receiving emergency school loans pursuant to section	55934
3313.484 of the Revised Code. The subsidy shall be used to pay	55935
these districts the difference between the amount of interest the	55936
district is paying on an emergency loan, and the interest that the	55937
district would have paid if the interest rate on the loan had been	55938
two per cent.	55939
 <b>Section 44.19. OHIOREADS GRANTS</b>	 55940
Of the foregoing appropriation item 200-566, OhioReads	55941
Grants, \$21,898,000 each year shall be disbursed by the OhioReads	55942
Office in the Department of Education at the direction of the	55943
OhioReads Council to provide classroom grants to public schools in	55944
city, local, and exempted village school districts; community	55945
schools; and educational service centers serving kindergarten	55946
through fourth grade students, except that the Department of	55947
Education may use these funds to support the STARS program	55948

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previously operated by the Department of Aging. 55949

Of the foregoing appropriation item 200-566, OhioReads 55950  
 Grants, \$5,000,000 each year shall be disbursed by the OhioReads 55951  
 Office in the Department of Education at the direction of the 55952  
 OhioReads Council to provide community matching grants to 55953  
 community organizations and associations, libraries, and others 55954  
 for tutoring, tutor recruitment and training, and parental 55955  
 involvement. 55956

Of the foregoing appropriation item 200-566, OhioReads 55957  
 Grants, \$250,000 in each fiscal year shall be allocated to provide 55958  
 grants to research-based reading mentoring programs for students 55959  
 with disabilities in kindergarten through fourth grade. Priority 55960  
 shall be given to mentoring programs that have been recognized by 55961  
 the Education Commission of the States as promising educational 55962  
 practices for accelerating student achievement, are easily 55963  
 replicated, have strong evaluative components, and have goals 55964  
 aligned to the Ohio proficiency tests. Programs may be implemented 55965  
 at times deemed most appropriate but at least one program shall be 55966  
 created for and applied in an urban school district. The awarding 55967  
 of these grants shall be made in conjunction with the Ohio 55968  
 Coalition for Education of Children with Disabilities. Certified 55969  
 staff shall administer these programs and testing of participants 55970  
 shall be required prior to, during, and after participation in 55971  
 these programs. The results of the tests shall be reported to the 55972  
 Governor, Superintendent of Public Instruction, the General 55973  
 Assembly, and the OhioReads Council. 55974

Grants awarded by the OhioReads Council are intended to 55975  
 improve reading outcomes, especially on the fourth grade reading 55976  
 proficiency test. 55977

SCHOOL IMPROVEMENT INCENTIVE GRANTS 55978

Of the foregoing appropriation item 200-570, School 55979

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Improvement Incentive Grants, up to \$750,000 shall be used to 55980  
provide grants of up to \$50,000 each to educational best practices 55981  
award winners selected for superior performance by BEST, Building 55982  
Excellent Schools for Today and the 21st Century. 55983

Any grants awarded from the foregoing appropriation item 55984  
200-570, School Improvement Incentive Grants, shall be awarded to 55985  
individual school buildings, educational service centers, or joint 55986  
vocational school districts, as appropriate. Grant awards shall be 55987  
expended for staff development, classroom equipment, materials, 55988  
and books. The principal or administrator of each grantee shall 55989  
decide how best to use the grant award, with input from staff 55990  
members, consistent with the budget and grant award for the grant. 55991

Of the foregoing appropriation item 200-570, School 55992  
Improvement Incentive Grants, \$100,000 in each fiscal year shall 55993  
be used to support the Bellefaire Jewish Children's Bureau. 55994

Of the foregoing appropriation item 200-570, School 55995  
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 55996  
used to support the Cleveland School of Art. 55997

Of the foregoing appropriation item 200-570, School 55998  
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 55999  
used to support the Tuscarawas County Educational Service Center. 56000

Of the foregoing appropriation item 200-570, School 56001  
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 56002  
used to support LEAF. 56003

Of the foregoing appropriation item 200-570, School 56004  
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 56005  
used to support the Toledo Tech Academy. 56006

Of the foregoing appropriation item 200-570, School 56007  
Improvement Incentive Grants, \$150,000 in fiscal year 2002 and 56008  
\$300,000 in fiscal year 2003 shall be used to support the COSI 56009  
Education Project. 56010

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Of the foregoing appropriation item 200-570, School	56011
Improvement Incentive Grants, \$25,000 in each fiscal year shall be	56012
used to support the Magellan Program.	56013
Of the foregoing appropriation item 200-570, School	56014
Improvement Incentive Grants, \$25,000 in each fiscal year shall be	56015
used to support I Know I Can Columbus.	56016
Of the foregoing appropriation item 200-570, School	56017
Improvement Incentive Grants, \$25,000 in each fiscal year shall be	56018
used to support the Clerity Program.	56019
Of the foregoing appropriation item 200-570, School	56020
Improvement Incentive Grants, \$12,500 in each fiscal year shall be	56021
used to support the Strongsville Youth Council.	56022
Of the foregoing appropriation item 200-570, School	56023
Improvement Incentive Grants, \$50,000 in each fiscal year shall be	56024
used to support the Lorain County Access Program.	56025
Of the foregoing appropriation item 200-570, School	56026
Improvement Incentive Grants, \$100,000 in each fiscal year shall	56027
be used to support the Summit County Education Initiative.	56028
Of the foregoing appropriation item 200-570, School	56029
Improvement Incentive Grants, \$80,000 in each fiscal year shall be	56030
used to support the Cleveland Language Project.	56031
Of the foregoing appropriation item 200-570, School	56032
Improvement Incentive Grants, \$25,000 in each fiscal year shall be	56033
used to support the Columbus Language Project.	56034
Of the foregoing appropriation item 200-570, School	56035
Improvement Incentive Grants, \$30,000 in each fiscal year shall be	56036
used to support the Cincinnati Language Project.	56037
Of the foregoing appropriation item 200-570, School	56038
Improvement Incentive Grants, \$15,000 in each fiscal year shall be	56039
used to support the Dayton Language Project.	56040

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## CHARACTER EDUCATION 56041

The foregoing appropriation item 200-573, Character 56042  
 Education, shall be used by the Department of Education to provide 56043  
 matching grants of up to \$50,000 each to school districts to 56044  
 develop pilot character education programs. 56045

## SUBSTANCE ABUSE PREVENTION 56046

Of the foregoing appropriation item 200-574, Substance Abuse 56047  
 Prevention, up to \$1,660,200 in each fiscal year shall be used for 56048  
 the Safe and Drug Free Schools Coordinators Program. Of the 56049  
 foregoing appropriation item 200-574, Substance Abuse Prevention, 56050  
 up to \$288,000 in each fiscal year of the biennium shall be used 56051  
 for the Substance Abuse Prevention Student Assistance Program. The 56052  
 Department of Education and the Department of Alcohol and Drug 56053  
 Addiction Services shall jointly develop and approve a plan for 56054  
 the expenditure of these funds including, but not limited to, the 56055  
 development of position descriptions and training specifications 56056  
 for safe and drug free schools coordinators. Safe and drug free 56057  
 schools coordinators shall possess or be in the process of 56058  
 obtaining credentials issued by the Ohio Credentialing Board for 56059  
 Chemical Dependency Professionals or other credentials recognized 56060  
 by that board. 56061

## BETHEL SCHOOL CLEANUP 56062

The foregoing appropriation item 200-580, Bethel School 56063  
 Cleanup, shall be used for the Bethel Local School District in 56064  
 Miami County. The moneys shall be used to purchase water for the 56065  
 school and four adjacent households, for expenses incurred by 56066  
 Bethel Local School District for well-monitoring activities and 56067  
 water-system conversions, and for expenses incurred by the Ohio 56068  
 Environmental Protection Agency as the Agency continues to monitor 56069  
 activities associated with the Bethel Local School District water 56070  
 supply. 56071

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AUXILIARY SERVICES MOBILE REPAIR 56072

Notwithstanding section 3317.064 of the Revised Code, if the 56073  
unobligated cash balance is sufficient, the Treasurer of State 56074  
shall transfer \$1,500,000 in fiscal year 2002 within thirty days 56075  
after the effective date of this section and \$1,500,000 in fiscal 56076  
year 2003 by August 1, 2002, from the Auxiliary Services Personnel 56077  
Unemployment Compensation Fund to the Department of Education's 56078  
Auxiliary Services Mobile Repair Fund (Fund 598). 56079

**Section 44.20.** LOTTERY PROFITS EDUCATION FUND 56080

Appropriation item 200-612, Base Cost Funding (Fund 017), 56081  
shall be used in conjunction with appropriation item 200-501, Base 56082  
Cost Funding (GRF), to provide payments to school districts 56083  
pursuant to Chapter 3317. of the Revised Code. 56084

Of the foregoing appropriation item 200-612, Base Cost 56085  
Funding (Fund 017), \$25,000,000 in each fiscal year shall be used 56086  
from the funds transferred from the Unclaimed Prizes Trust Fund 56087  
pursuant to the section entitled "Transfers from the Unclaimed 56088  
Prizes Fund" of this act. 56089

The Department of Education, with the approval of the 56090  
Director of Budget and Management, shall determine the monthly 56091  
distribution schedules of appropriation item 200-501, Base Cost 56092  
Funding (GRF), and appropriation item 200-612, Base Cost Funding 56093  
(Fund 017). If adjustments to the monthly distribution schedule 56094  
are necessary, the Department of Education shall make such 56095  
adjustments with the approval of the Director of Budget and 56096  
Management. 56097

The Director of Budget and Management shall transfer via 56098  
intrastate transfer voucher the amount appropriated under the 56099  
Lottery Profits Education Fund for appropriation item 200-682, 56100  
Lease Rental Payment Reimbursement, to the General Revenue Fund on 56101

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a schedule determined by the director. These funds shall support 56102  
the appropriation item 230-428, Lease Rental Payments (GRF), of 56103  
the School Facilities Commission. 56104

LOTTERY PROFITS TRANSFERS\* 56105

On the fifteenth day of May of each fiscal year, the Director 56106  
of Budget and Management shall determine if lottery profits 56107  
transfers will meet the appropriation amounts from the Lottery 56108  
Profits Education Fund. 56109

On or after the date specified in each fiscal year, if the 56110  
director determines that lottery profits will not meet 56111  
appropriations and if other funds are not available to meet the 56112  
shortfall, the Superintendent of Public Instruction shall take the 56113  
actions specified under the "Reallocation of Funds" section of 56114  
this act. 56115

TRANSFERS FROM THE UNCLAIMED PRIZES FUND 56116

By the fifteenth day of January of fiscal year 2002 and 56117  
fiscal year 2003, the Director of Budget and Management shall 56118  
transfer \$25,000,000 from the State Lottery Commission's Unclaimed 56119  
Prizes Fund to the Lottery Profits Education Fund, to be used 56120  
solely for purposes specified in the Department of Education's 56121  
budget. Transfers of unclaimed prizes under this provision shall 56122  
not count as lottery profits in the determination made concerning 56123  
excess profits titled "Lottery Profits" under the Department of 56124  
Education in this act. 56125

TEACHER CERTIFICATION AND LICENSURE 56126

The foregoing appropriation item 200-681, Teacher 56127  
Certification and Licensure, shall be used by the Department of 56128  
Education in each year of the biennium to administer teacher 56129  
certification and licensure functions pursuant to sections 56130  
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 56131  
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 56132

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3319.51 of the Revised Code.	56133
<b>Section 44.21.</b> LOTTERY PROFITS	56134
(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.	56135 56136 56137
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.	56138 56139 56140 56141 56142 56143 56144 56145 56146 56147
(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 fiscal year 2001 exceed \$665,200,000. The amount so certified shall be distributed in fiscal year 2002 pursuant to divisions (C) and (D) of this section.	56148 56149 56150 56151 56152 56153
(2) On or before July 15, 2002, the Director of Budget and Management shall determine the amount by which lottery profit transfers received by the Lottery Profits Education Fund for fiscal year 2002 exceed \$608,722,100. The amount so determined shall be distributed in fiscal year 2003 pursuant to divisions (E) and (F) of this section.	56154 56155 56156 56157 56158 56159
The Director of Budget and Management shall annually certify the amounts determined pursuant to this section to the Speaker of the House of Representatives and the President of the Senate.	56160 56161 56162

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(C) Not later than June 15, 2002, the Department of Education, in consultation with the Director of Budget and Management, shall determine, based upon estimates, if a reallocation of funds as described in the section of this act titled "Reallocation of Funds" is required.

If a reallocation of funds is required, then the Superintendent of Public Instruction shall request Controlling Board approval for a release of any balances in the Lottery Profits Education Fund available for the purpose of this division and pursuant to divisions (C)(1) and (2) of the section of this act titled "Reallocation of Funds." Any moneys so released are appropriated.

(D) In fiscal year 2002, if the Department of Education does not determine that a reallocation of funds is necessary by the fifteenth day of June, as provided in division (C) of this section, or if there is a balance in the Lottery Profits Education Fund after the release of any amount needed to preclude a reallocation of funds as provided in division (C) of this section, the moneys in the Lottery Profits Education Fund shall be allocated as provided in this division. Any amounts so allocated are appropriated.

An amount equal to five per cent of the estimated lottery profits of \$665,200,000 in fiscal year 2001 or the amount 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 2002. Any amounts exceeding \$75,000,000 shall be distributed pursuant to division (G) of this section.

(E) Not later than June 15, 2003, the Department of Education, in consultation with the Director of Budget and Management, shall determine, based upon estimates, if a

reallocation of funds as described in the section of this act 56195  
titled "Reallocation of Funds" is required. 56196

If a reallocation of funds is required, then the 56197  
Superintendent of Public Instruction shall request Controlling 56198  
Board approval for a release of any balances in the Lottery 56199  
Profits Education Fund available for the purpose of this division 56200  
and pursuant to divisions (C)(1) and (2) of the section of this 56201  
act titled "Reallocation of Funds." Any moneys so released are 56202  
appropriated. 56203

(F) In fiscal year 2003, if the Department of Education does 56204  
not determine that a reallocation of funds is necessary by the 56205  
fifteenth day of June, as provided in division (E) of this 56206  
section, or if there is a balance in the Lottery Profits Education 56207  
Fund after the release of any amount needed to preclude a 56208  
reallocation of funds as provided in division (E) of this section, 56209  
the moneys in the Lottery Profits Education Fund shall be 56210  
allocated as provided in this division. Any amounts so allocated 56211  
are appropriated. 56212

An amount equal to five per cent of the estimated lottery 56213  
profits transfers of \$608,722,100 in fiscal year 2002 or the 56214  
amount remaining in the fund, whichever is the lesser amount, 56215  
shall be transferred to the Lottery Profits Education Reserve Fund 56216  
within the limitations specified in division (A) of this section 56217  
and be reserved and shall not be available for allocation or 56218  
distribution during fiscal year 2003. Any amounts exceeding 56219  
\$75,000,000 shall be distributed pursuant to division (G) of this 56220  
section. 56221

(G) In the appropriate fiscal year, any remaining amounts 56222  
after the operations required by division (D) or (F) of this 56223  
section, respectively, shall be transferred to the Public School 56224  
Building Fund (Fund 021) and such amount is appropriated to 56225  
appropriation item CAP-622, Public School Buildings, in the School 56226

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Facilities Commission.	56227
<b>Section 44.22. PROPERTY TAX ALLOCATION</b>	56228
The Superintendent of Public Instruction shall not request,	56229
and the Controlling Board shall not approve, the transfer of funds	56230
from appropriation item 200-901, Property Tax	56231
Allocation-Education, to any other appropriation item.	56232
<b>SCHOOL DISTRICT SOLVENCY ASSISTANCE</b>	56233
Of the foregoing appropriation item 200-687, School District	56234
Solvency Assistance, \$12,000,000 in each fiscal year shall be	56235
allocated to the School District Shared Resource Account and	56236
\$12,000,000 in each fiscal year shall be allocated to the	56237
Catastrophic Expenditures Account. These funds shall be used to	56238
provide assistance and grants to school districts to enable them	56239
to remain solvent pursuant to section 3316.20 of the Revised Code.	56240
Assistance and grants shall be subject to approval by the	56241
Controlling Board. Any required reimbursements from school	56242
districts for solvency assistance shall be made to the appropriate	56243
account in the School District Solvency Assistance Fund.	56244
<b>SCHOOL DISTRICT PROPERTY TAX REPLACEMENT</b>	56245
The foregoing appropriation item 200-900, School District	56246
Property Tax Replacement, shall be used by the Department of	56247
Education, in consultation with the Department of Taxation, to	56248
make payments to school districts and joint vocational school	56249
districts pursuant to section 5727.85 of the Revised Code.	56250
<b>Section 44.23. PROPERTY TAX ALLOCATION - EDUCATION</b>	56251
The appropriation item 200-901, Property Tax Allocation -	56252
Education, is appropriated to pay for the state's costs incurred	56253
due to the homestead exemption and the property tax rollback. In	56254
cooperation with the Department of Taxation, the Department of	56255

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Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Appropriation item 200-906, Tangible Tax Exemption - Education is appropriated to pay for the state's costs incurred due to the tangible personal property tax exemption required by division (C)(3) of section 5709.01 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute to each county treasurer the total amount certified by the county treasurer pursuant to section 319.311 of the Revised Code, for all school districts located in the county, notwithstanding the provision in section 319.311 of the Revised Code which provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county. Pursuant to division (G) of section 321.24 of the Revised Code, the county auditor shall distribute the amount paid by the Department of Education among the appropriate school districts.

Upon receipt of these amounts, each school 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 200-901, Property Tax Allocation - Education, for the homestead exemption and the

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property tax rollback payments, and 200-906, Tangible Tax	56288
Exemption - Education, for the \$10,000 tangible personal property	56289
tax exemption payments, which are determined to be necessary for	56290
these purposes, are appropriated.	56291
<b>Section 44.24. DISTRIBUTION FORMULAS*</b>	56292
The Department of Education shall report the following to the	56293
Director of Budget and Management, the Legislative Office of	56294
Education Oversight, and the Legislative Service Commission:	56295
(A) Changes in formulas for distributing state	56296
appropriations, including administratively defined formula	56297
factors;	56298
(B) Discretionary changes in formulas for distributing	56299
federal appropriations;	56300
(C) Federally mandated changes in formulas for distributing	56301
federal appropriations.	56302
Any such changes shall be reported two weeks prior to the	56303
effective date of the change.	56304
<b>Section 44.25. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY</b>	56305
<b>PAYMENTS</b>	56306
This section shall not take effect unless the Director of	56307
Budget and Management adopts an order putting it into effect and	56308
certifies a copy of the order to the Superintendent of Public	56309
Instruction and the Controlling Board.	56310
Notwithstanding any other provision of the Revised Code, the	56311
monthly distribution of payments made to school districts and	56312
educational service centers pursuant to section 3317.01 of the	56313
Revised Code for the first six months of each fiscal year shall	56314
equal, as nearly as possible, six and two-thirds per cent of the	56315
estimate of the amounts payable for each fiscal year. The monthly	56316

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distribution of payments for the last six months of each fiscal 56317  
year shall equal, as nearly as possible, ten per cent of the final 56318  
calculation of the amounts payable to each school district for 56319  
that fiscal year. 56320

The treasurer of each school district or educational service 56321  
center may accrue, in addition to the payments defined in this 56322  
section, to the accounts of the calendar years that end during 56323  
each fiscal year, the difference between the sum of the first six 56324  
months' payments in each fiscal year and the amounts the district 56325  
would have received had the payments been made in, as nearly as 56326  
possible in each fiscal year, twelve equal monthly payments. 56327

Notwithstanding the limitations on the amount of borrowing 56328  
and time of payment provided for in section 133.10 of the Revised 56329  
Code but subject to sections 133.26 and 133.30 of the Revised 56330  
Code, a board of education of a school district may at any time 56331  
between July 1, 2001, and December 31, 2001, or at any time 56332  
between July 1, 2002, and December 31, 2002, borrow money to pay 56333  
any necessary and actual expenses of the school district during 56334  
the last six months of calendar years 2001 and 2002 and in 56335  
anticipation of the receipt of any portion of the payments to be 56336  
received by that district in the first six months of calendar 56337  
years 2002 and 2003 representing the respective amounts accrued 56338  
pursuant to the preceding paragraph, and issue notes to evidence 56339  
that borrowing to mature no later than the thirtieth day of June 56340  
of the calendar year following the calendar year in which such 56341  
amount was borrowed. The principal amount borrowed in the last six 56342  
months of calendar years 2001 or 2002 under this paragraph may not 56343  
exceed the entire amount accrued or to be accrued by the district 56344  
treasurer in those calendar years pursuant to the preceding 56345  
paragraph. The proceeds of the notes shall be used only for the 56346  
purposes for which the anticipated receipts are lawfully 56347  
appropriated by the board of education. No board of education 56348

## As Reported by the Senate Finance and Financial Institutions Committee

shall be required to use the authority granted by this paragraph. 56349  
The receipts so anticipated, and additional amounts from 56350  
distributions to the districts in the first six months of calendar 56351  
years 2002 and 2003 pursuant to Chapter 3317. of the Revised Code 56352  
needed to pay the interest on the notes, shall be deemed 56353  
appropriated by the board of education to the extent necessary for 56354  
the payment of the principal of and interest on the notes at 56355  
maturity, and the amounts necessary to make those monthly 56356  
distributions are appropriated from the General Revenue Fund. For 56357  
the purpose of better ensuring the prompt payment of principal of 56358  
and interest on the notes when due, the resolution of the board of 56359  
education authorizing the notes may direct that the amount of the 56360  
receipts anticipated, together with those additional amounts 56361  
needed to pay the interest on the borrowed amounts, shall be 56362  
deposited and segregated, in trust or otherwise, to the extent, at 56363  
the time or times, and in the manner provided in that resolution. 56364  
The borrowing authorized by this section does not constitute debt 56365  
for purposes of section 133.04 of the Revised Code. School 56366  
districts shall be reimbursed by the state for all necessary and 56367  
actual costs to districts arising from this provision, including, 56368  
without limitation, the interest paid on the notes while the notes 56369  
are outstanding. The Department of Education shall adopt rules 56370  
that are not inconsistent with this section for school district 56371  
eligibility and application for reimbursement of such costs. 56372  
Payments of these costs shall be made out of any anticipated 56373  
balances in appropriation items distributed under Chapter 3317. of 56374  
the Revised Code. The department shall submit all requests for 56375  
reimbursement under these provisions to the Controlling Board for 56376  
approval. 56377

During the last six months of each calendar year, instead of 56378  
deducting the amount the Superintendent of Public Instruction 56379  
would otherwise deduct from a school district's or educational 56380

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service center's state aid payments in accordance with the 56381  
 certifications made for such year pursuant to sections 3307.56 and 56382  
 3309.51 of the Revised Code, the superintendent shall deduct an 56383  
 amount equal to forty per cent of the amount so certified. The 56384  
 secretaries of the retirement systems shall compute the 56385  
 certifications for the ensuing year under such sections as if the 56386  
 entire amounts certified as due in the calendar year ending the 56387  
 current fiscal year, but not deducted pursuant to this paragraph, 56388  
 had been deducted and paid in that calendar year. During the first 56389  
 six months of the ensuing calendar year, in addition to deducting 56390  
 the amounts the Superintendent of Public Instruction is required 56391  
 to deduct under such sections during such period, the 56392  
 superintendent shall deduct from a district's or educational 56393  
 service center's state aid payments an additional amount equal to 56394  
 the amount that was certified as due from the district for the 56395  
 calendar year that ends during the fiscal year, but that was not 56396  
 deducted because of this paragraph. The superintendent's 56397  
 certifications to the Director of Budget and Management during the 56398  
 first six months of the calendar year shall reflect such 56399  
 additional deduction. 56400

**Section 44.26. REALLOCATION OF FUNDS** 56401

(A) As used in this section: 56402

(1) "Basic aid" means the amount calculated for the school 56403  
 district received for the fiscal year under divisions (A) and (C) 56404  
 of section 3317.022 and sections 3317.023, 3317.025 to 3317.029, 56405  
 3317.0212, and 3317.0213 of the Revised Code and the amount 56406  
 computed for a joint vocational school district under section 56407  
 3317.16 of the Revised Code. 56408

(2) "Nonbasic aid" means the amount computed for a school 56409  
 district for fiscal year 2002 or fiscal year 2003 under Chapter 56410  
 3317. of the Revised Code and this act, excluding the district's 56411

## As Reported by the Senate Finance and Financial Institutions Committee

basic aid and the amount computed under such chapter and acts for 56412  
educational service centers, MR/DD boards, and institutions. 56413

(B) If in either fiscal year of the biennium the Governor 56414  
issues an order under section 126.05 of the Revised Code to reduce 56415  
expenditures and incurred obligations and the order requires the 56416  
superintendent to reduce such state education payments, or if 56417  
lottery profits transfers are insufficient to meet the amounts 56418  
appropriated from the Lottery Profits Education Fund for base cost 56419  
funding, and if other funds are not sufficient to offset the 56420  
shortfall, the superintendent shall reduce nonbasic aid payments 56421  
so that the total amount expended in the fiscal year will not 56422  
exceed the amount available for expenditure pursuant to the 56423  
Governor's order. Subject to Controlling Board approval, the 56424  
superintendent shall reallocate appropriations not yet expended 56425  
from one program to another. 56426

(C)(1) If further reductions in nonbasic aid are necessary 56427  
following the reallocations implemented pursuant to division (B) 56428  
of this section, the superintendent shall request the Controlling 56429  
Board to approve the use of the money appropriated by this 56430  
division. The superintendent shall include with the 56431  
superintendent's request a report listing the amount of reductions 56432  
that each school district will receive if the request is not 56433  
approved, and also the amount of the reduction, if any, that will 56434  
still be required if the use of the money appropriated by this 56435  
section is approved. 56436

(2) In accordance with division (C)(1) of this section, there 56437  
is appropriated to the Department of Education from the 56438  
unobligated balance remaining in the Lottery Profits Education 56439  
Fund at the end of fiscal year 2001 the lesser of: the unobligated 56440  
balance in the fund, or the amount needed to preclude a 56441  
reallocation pursuant to this section. The money appropriated by 56442  
this division may be spent or distributed by the department only 56443

with the approval of the Controlling Board. 56444

(D) If reductions in nonbasic aid are still necessary 56445  
following the actions taken pursuant to divisions (B) and (C) of 56446  
this section, the superintendent shall determine by what 56447  
percentage expenditures for nonbasic aid must be reduced for the 56448  
remainder of the fiscal year to make the total amount distributed 56449  
for the year equal the amount appropriated or available for 56450  
distribution. The superintendent shall reduce by that percentage 56451  
the amount to be paid in nonbasic aid to each city, exempted 56452  
village, local, and joint vocational school district, to each 56453  
educational service center, to each county board of mental 56454  
retardation and developmental disabilities, and to each 56455  
institution providing special education programs under section 56456  
3323.091 of the Revised Code for the remainder of the fiscal year. 56457

**Section 44.27. EDUCATIONAL SERVICE CENTERS FUNDING** 56458

Notwithstanding division (B) of section 3317.11 of the 56459  
Revised Code, no funds shall be provided to an educational service 56460  
center in either fiscal year for any pupils of a city or exempted 56461  
village school district unless an agreement to provide services 56462  
under section 3313.843 of the Revised Code was entered into by 56463  
January 1, 1997, except that funds shall be provided to an 56464  
educational service center for any pupils of a city school 56465  
district if the agreement to provide services was entered into 56466  
within one year of the date upon which such district changed from 56467  
a local school district to a city school district. If insufficient 56468  
funds are appropriated in fiscal year 2002 or fiscal year 2003 for 56469  
the purposes of division (B) of section 3317.11 of the Revised 56470  
Code, the department shall first distribute to each educational 56471  
service center \$37 per pupil in its service center ADM, as defined 56472  
in that section. The remaining funds in each fiscal year shall be 56473  
distributed proportionally, on a per-student basis, to each 56474

educational service center for its client ADM, as defined in that 56475  
section, that is attributable to each city and exempted village 56476  
school district that had entered into an agreement with an 56477  
educational service center for that fiscal year under section 56478  
3313.843 of the Revised Code by January 1, 1997. 56479

**Section 44.28.** The State Board of Education shall adopt rules 56480  
in accordance with section 119.03 of the Revised Code establishing 56481  
a method for school districts to report their spending for special 56482  
education and related services. Not later than February 1, 2002, 56483  
the State Board shall file the rules in proposed form in 56484  
accordance with section 119.03 of the Revised Code. The State 56485  
Board shall make every effort to file the rules in final form so 56486  
that they apply first in fiscal year 2003. 56487

**Section 44.29.** The Legislative Office of Education Oversight 56488  
shall conduct a statistical sampling of individualized education 56489  
programs developed for handicapped children under Chapter 3323. of 56490  
the Revised Code to determine the following: 56491

(A) The extent to which school districts provide, and 56492  
handicapped children utilize, all of the following: 56493

(1) Attendant services; 56494

(2) Vocational special education coordinator services; 56495

(3) Work-study services. 56496

(B) The handicaps that school districts identify as "other 56497  
health handicaps" and the services that school districts provide 56498  
to children identified as having "other health handicaps"; 56499

(C) How school districts currently serve children identified 56500  
as having learning disabilities. 56501

The Office shall report its findings and any recommendations 56502  
to the General Assembly no later than January 1, 2003. 56503

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**Section 44.30.** \* For the school year commencing July 1, 2001, 56504  
or the school year commencing July 1, 2002, or both, the 56505  
Superintendent of Public Instruction may waive for the board of 56506  
education of any school district the ratio of teachers to pupils 56507  
in kindergarten through fourth grade required under paragraph 56508  
(A)(3) of rule 3301-35-03 of the Administrative Code if the 56509  
following conditions apply: 56510

(A) The board of education requests the waiver. 56511

(B) After the Department of Education conducts an on-site 56512  
evaluation of the district related to meeting the required ratio, 56513  
the board of education demonstrates to the satisfaction of the 56514  
Superintendent of Public Instruction that providing the facilities 56515  
necessary to meet the required ratio during the district's regular 56516  
school hours with pupils in attendance would impose an extreme 56517  
hardship on the district. 56518

(C) The board of education provides assurances that are 56519  
satisfactory to the Superintendent of Public Instruction that the 56520  
board will act in good faith to meet the required ratio as soon as 56521  
possible. 56522

**Section 44.31.** PRIVATE TREATMENT FACILITY PILOT PROJECT 56523

(A) As used in this section: 56524

(1) The following are "participating residential treatment 56525  
centers": 56526

(a) Private residential treatment facilities that have 56527  
entered into a contract with the Department of Youth Services to 56528  
provide services to children placed at the facility by the 56529  
department and which, in fiscal year 2002 or 2003 or both, the 56530  
department pays through appropriation item 470-401, Care and 56531  
Custody; 56532

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(b) Abraxas, in Shelby;	56533
(c) Paint Creek, in Bainbridge;	56534
(d) Act One, in Akron;	56535
(e) Friars Club, in Cincinnati.	56536
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	56537 56538 56539
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	56540 56541
(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.	56542 56543 56544 56545 56546
(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.	56547 56548 56549
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service	56550 56551 56552 56553 56554 56555 56556 56557 56558 56559 56560 56561 56562

center in the county in which the facility is located shall 56563  
provide the educational program at the treatment center to 56564  
children under twenty-two years of age residing in the treatment 56565  
center. 56566

(C) Any school district responsible for tuition for a 56567  
residential child shall, notwithstanding any conflicting provision 56568  
of the Revised Code regarding tuition payment, pay tuition for the 56569  
child for fiscal years 2002 and 2003 to the education program 56570  
provider and in the amount specified in this division. If there is 56571  
no school district responsible for tuition for a residential child 56572  
and if the participating residential treatment center to which the 56573  
child is assigned is located in the city, exempted village, or 56574  
local school district that, if the child were not a resident of 56575  
that treatment center, would be the school district where the 56576  
child is entitled to attend school under sections 3313.64 and 56577  
3313.65 of the Revised Code, that school district shall, 56578  
notwithstanding any conflicting provision of the Revised Code, pay 56579  
tuition for the child for fiscal years 2002 and 2003 under this 56580  
division unless that school district is providing the educational 56581  
program to the child under division (B) of this section. 56582

A tuition payment under this division shall be made to the 56584  
school district, educational service center, or residential 56585  
treatment facility providing the educational program to the child. 56586

The amount of tuition paid shall be: 56587

(1) The amount of tuition determined for the district under 56588  
division (A) of section 3317.08 of the Revised Code; 56589

(2) In addition, for any student receiving special education 56590  
pursuant to an individualized education program as defined in 56591  
section 3323.01 of the Revised Code, a payment for excess costs. 56592  
This payment shall equal the actual cost to the school district, 56593

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educational service center, or residential treatment facility of 56594  
providing special education and related services to the student 56595  
pursuant to the student's individualized education program, minus 56596  
the tuition paid for the child under division (C)(1) of this 56597  
section. 56598

A school district paying tuition under this division shall 56599  
not include the child for whom tuition is paid in the district's 56600  
average daily membership certified under division (A) of section 56601  
3317.03 of the Revised Code. 56602

(D) In each of fiscal years 2002 and 2003, the Department of 56603  
Education shall reimburse, from appropriations made for the 56604  
purpose, a school district, educational service center, or 56605  
residential treatment facility, whichever is providing the 56606  
service, that has demonstrated that it is in compliance with the 56607  
funding criteria for each served child for whom a school district 56608  
must pay tuition under division (C) of this section. The amount of 56609  
the reimbursement in either fiscal year shall be the formula 56610  
amount specified in section 3317.022 of the Revised Code, except 56611  
that the department shall proportionately reduce this 56612  
reimbursement if sufficient funds are not available to pay this 56613  
amount to all qualified providers. 56614

(E) Funds provided to a school district, educational service 56615  
center, or residential treatment facility under this section shall 56616  
be used to supplement, not supplant, funds from other public 56617  
sources for which the school district, service center, or 56618  
residential treatment facility is entitled or eligible. 56619

(F) The Department of Education shall track the utilization 56620  
of funds provided to school districts, educational service 56621  
centers, and residential treatment facilities under this section 56622  
and monitor the effect of the funding on the educational programs 56623  
they provide in participating residential treatment facilities. 56624  
The department shall monitor the programs for educational 56625

accountability. 56626

**Section 44.32.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS 56627  
56628

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. 56629  
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**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 Code, to pay the local share of the cost of the approved classroom facilities project. Notwithstanding the local share as previously determined for purposes of the conditional approval of the project, the local share shall be equal to the amount of proceeds to be obtained by the district under such replacement permanent improvement levy. Such school districts shall not be required to obtain approval of either of the propositions described in division (A) or (B) of section 3318.051 of the Revised Code. The agreement required under section 3318.08 of the Revised Code for the construction and sale of the project shall include provisions for the transfer of the proceeds of the replacement permanent improvement levy, and any notes issued in anticipation thereof, to the school district's project construction account, and for the 56634  
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levy of the replacement permanent improvement levy. 56657

**Section 44.34.** The Superintendent of Public Instruction shall 56658  
contract with an independent research entity to evaluate the pilot 56659  
project approved pursuant to section 3313.975 of the Revised Code. 56660  
The evaluation shall study the impact of scholarships on student 56661  
attendance, conduct, commitment to education, and standardized 56662  
test scores; parental involvement; the school district's ability 56663  
to provide services to district students; and the availability of 56664  
alternative educational opportunities. The evaluation shall also 56665  
study the economic impact of scholarships on the school district. 56666  
56667

**Section 44.35.** Notwithstanding division (C)(1) of section 56668  
3313.975 of the Revised Code, in addition to students in 56669  
kindergarten through third grade, initial scholarships may be 56670  
awarded to fourth, fifth, sixth, seventh, and eighth grade 56671  
students in fiscal year 2002 and in fiscal year 2003. 56672

**Section 44.36.** (A) As used in this section, "pilot project 56673  
area" means the school districts included in the territory of the 56674  
former community school pilot project established by former 56675  
Section 50.52 of Am. Sub. H.B. 215 of the 122nd General Assembly. 56676

(B) Any teacher or nonteaching employee of a school district 56677  
in the pilot project area who, on the effective date of this 56678  
section, is taking a leave of absence from the district pursuant 56679  
to a policy adopted under former Section 50.52.13 of that act to 56680  
work at a community school established under the pilot project and 56681  
located in another school district may continue the leave under 56682  
the terms of that policy and former section. Upon termination of 56683  
the leave, the district shall return the teacher or nonteaching 56684  
employee to a position, salary, and level of seniority as required 56685

by that former section. 56686

**Section 44.37.** As required by Section 50.52.2 of Am. Sub. 56687  
H.B. 215 of the 122nd General Assembly, as subsequently amended, 56688  
the Legislative Office of Education Oversight shall complete, by 56689  
June 1, 2003, its final report on community schools with 56690  
recommendations as to the future of community schools in Ohio. 56691  
Copies of the report shall be delivered to the President of the 56692  
Senate and the Speaker of the House of Representatives. 56693

**Section 44.38.** STATEMENT OF STATE SHARE PERCENTAGE FOR BASE 56694  
COST AND PARITY AID FUNDING 56695

Pursuant to division (D)(3) of section 3317.012 of the 56696  
Revised Code, and based on the most recent data available prior to 56697  
the enactment of this act, the General Assembly has determined 56698  
that the state share percentage of base cost and parity aid 56699  
funding for the update year (fiscal year 2002) is 49.0%. This is 56700  
the target percentage for fiscal years 2003 through 2007 that the 56701  
General Assembly shall use to fulfill its obligation under 56702  
division (D)(4) of section 3317.012 of the Revised Code. 56703

Pursuant to division (D)(4) of section 3317.012 of the 56704  
Revised Code, and based on the most recent data available prior to 56705  
the enactment of this act, the General Assembly has determined 56706  
that the state share percentage of base cost and parity aid 56707  
funding for fiscal year 2003 is 49.4%. This determination fulfills 56708  
the General Assembly's obligation under that division for fiscal 56709  
year 2003. 56710

**Section 45.** OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 56711

NETWORK COMMISSION 56712

General Revenue Fund 56713

GRF 374-100 Personal Services           \$       1,585,648   \$       1,705,463 56714

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GRF 374-200	Maintenance	\$	902,477	\$	891,968	56715
GRF 374-300	Equipment	\$	46,760	\$	45,313	56716
GRF 374-401	Statehouse News Bureau	\$	253,175	\$	245,344	56717
GRF 374-402	Ohio Government	\$	806,053	\$	910,296	56718
	Telecommunications					
	Studio					
GRF 374-404	Telecommunications	\$	5,239,754	\$	5,051,174	56719
	Operating Subsidy					
TOTAL GRF	General Revenue Fund	\$	8,833,867	\$	8,849,558	56720
	General Services Fund Group					56721
4F3 374-603	Affiliate Services	\$	2,941,810	\$	3,067,586	56722
4T2 374-605	Government	\$	150,000	\$	150,000	56723
	Television/Telecommunications					
	Operating					
TOTAL GSF	General Services					56724
Fund Group		\$	3,091,810	\$	3,217,586	56725
TOTAL ALL BUDGET FUND GROUPS		\$	11,925,677	\$	12,067,144	56726
	STATEHOUSE NEWS BUREAU					56727
	The foregoing appropriation item 374-401, Statehouse News					56728
	Bureau, shall be used solely to support the operations of the Ohio					56729
	Statehouse News Bureau.					56730
	OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO					56731
	The foregoing appropriation item 374-402, Ohio Government					56732
	Telecommunications Studio, shall be used solely to support the					56733
	operations of the Ohio Government Telecommunications Studio.					56734
	TELECOMMUNICATIONS OPERATING SUBSIDY					56735
	The foregoing appropriation item 374-404, Telecommunications					56736
	Operating Subsidy, shall be distributed by the Ohio Educational					56737
	Telecommunications Network Commission to Ohio's qualified public					56738
	educational television stations, radio reading services, and					56739
	educational radio stations to support their operations. The funds					56740

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shall be distributed pursuant to an allocation developed by the				56741
Ohio Educational Telecommunications Network Commission.				56742
GOVERNMENT TELEVISION/TELECOMMUNICATIONS OPERATING				56743
The Director of Budget and Management shall transfer, by July				56744
15, 2001, all remaining balances in General Services Fund 4T2,				56745
Government Television/Telecommunications Operating, in the Capital				56746
Square Review and Advisory Board to General Services Fund 4T2,				56747
Government Television/Telecommunications Operating, in the Ohio				56748
Educational Telecommunications Network Commission. General				56749
Services Fund 4T2, Government Television/Telecommunications				56750
Operating, is hereby created in the Ohio Educational				56751
Telecommunications Network Commission.				56752
<b>Section 46.</b> ELC OHIO ELECTIONS COMMISSION				56753
General Revenue Fund				56754
GRF 051-321 Operating Expenses	\$	298,660	\$	307,022
TOTAL GRF General Revenue Fund	\$	298,660	\$	307,022
State Special Revenue Fund Group				56757
4P2 051-601 Ohio Elections				56758
Commission Fund	\$	298,660	\$	312,923
TOTAL SSR State Special				56760
Revenue Fund Group	\$	298,660	\$	312,923
TOTAL ALL BUDGET FUND GROUPS	\$	597,320	\$	619,945
<b>Section 47.</b> FUN STATE BOARD OF EMBALMERS AND FUNERAL				56764
DIRECTORS				56765
General Services Fund Group				56766
4K9 881-609 Operating Expenses	\$	507,667	\$	533,541
TOTAL GSF General Services				56768
Fund Group	\$	507,667	\$	533,541
TOTAL ALL BUDGET FUND GROUPS	\$	507,667	\$	533,541

## As Reported by the Senate Finance and Financial Institutions Committee

<b>Section 48. ERB STATE EMPLOYMENT RELATIONS BOARD</b>				56772
General Revenue Fund				56773
GRF 125-321 Operating Expenses	\$	3,622,827	\$ 3,724,266	56774
TOTAL GRF General Revenue Fund	\$	3,622,827	\$ 3,724,266	56775
General Services Fund Group				56776
572 125-603 Training and Publications	\$	73,699	\$ 75,541	56777
TOTAL GSF General Services Fund Group	\$	73,699	\$ 75,541	56779
TOTAL ALL BUDGET FUND GROUPS	\$	3,696,526	\$ 3,799,807	56780
 <b>Section 49. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b>				56782
General Services Fund Group				56783
4K9 892-609 Operating Expenses	\$	919,315	\$ 956,188	56784
TOTAL GSF General Services Fund Group	\$	919,315	\$ 956,188	56786
TOTAL ALL BUDGET FUND GROUPS	\$	919,315	\$ 956,188	56787
 <b>Section 50. EPA ENVIRONMENTAL PROTECTION AGENCY</b>				56788
General Revenue Fund				56789
GRF 715-501 Local Air Pollution Control	\$	1,364,111	\$ 1,444,068	56790
GRF 717-321 Surface Water	\$	10,005,388	\$ 11,104,082	56791
GRF 718-321 Groundwater	\$	1,430,912	\$ 1,540,938	56792
GRF 719-321 Air Pollution Control	\$	2,838,394	\$ 3,015,444	56793
GRF 721-321 Drinking Water	\$	3,043,210	\$ 3,216,737	56794
GRF 723-321 Hazardous Waste	\$	142,080	\$ 142,080	56795
GRF 724-321 Pollution Prevention	\$	927,221	\$ 986,633	56796
GRF 725-321 Laboratory	\$	1,411,197	\$ 1,551,342	56797
GRF 726-321 Corrective Actions	\$	1,890,915	\$ 1,912,937	56798
TOTAL GRF General Revenue Fund	\$	23,053,428	\$ 24,914,261	56799

## As Reported by the Senate Finance and Financial Institutions Committee

General Services Fund Group				56800	
199 715-602 Laboratory Services	\$	1,003,616	\$	1,042,081	56801
219 715-604 Central Support	\$	14,935,955	\$	16,462,642	56802
Indirect					
4A1 715-640 Operating Expenses	\$	3,214,075	\$	3,304,835	56803
TOTAL GSF General Services				56804	
Fund Group	\$	19,153,646	\$	20,809,558	56805
Federal Special Revenue Fund Group				56806	
3F2 715-630 Revolving Loan Fund -	\$	33,700	\$	80,000	56807
Operating					
3F3 715-632 Fed Supported Cleanup	\$	4,551,830	\$	4,600,910	56808
and Response					
3F4 715-633 Water Quality	\$	702,849	\$	702,849	56809
Management					
3F5 715-641 Nonpoint Source	\$	5,820,330	\$	5,820,330	56810
Pollution Management					
3J1 715-620 Urban Stormwater	\$	522,000	\$	348,000	56811
3J5 715-615 Maumee River	\$	61,196	\$	0	56812
3K2 715-628 Clean Water Act 106	\$	3,769,255	\$	3,769,254	56813
3K4 715-634 DOD Monitoring and	\$	1,388,552	\$	1,487,341	56814
Oversight					
3K6 715-639 Remedial Action Plan	\$	600,000	\$	270,000	56815
3N4 715-657 DOE Monitoring and	\$	4,080,203	\$	4,162,907	56816
Oversight					
3T1 715-668 Rural Hardship Grant	\$	50,000	\$	50,000	56817
3V7 715-606 Agencywide Grants	\$	360,000	\$	80,000	56818
352 715-611 Wastewater Pollution	\$	200,000	\$	278,000	56819
353 715-612 Public Water Supply	\$	2,489,460	\$	2,489,460	56820
354 715-614 Hazardous Waste	\$	3,900,000	\$	3,900,000	56821
Management - Federal					
357 715-619 Air Pollution Control	\$	4,919,683	\$	4,835,600	56822
- Federal					

## As Reported by the Senate Finance and Financial Institutions Committee

362	715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856	56823
TOTAL FED Federal Special Revenue							56824
Fund Group			\$	33,556,914	\$	32,982,507	56825
State Special Revenue Fund Group							56826
3T3	715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217	56827
4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097	56828
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707	56829
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411	56830
4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183	56831
4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021	56832
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914	56833
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911	56834
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324	56835
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482	56836
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435	56837
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773	56838
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547	56839
503	715-621	Hazardous Waste Facility Management	\$	10,274,613	\$	11,045,132	56840
503	715-662	Hazardous Waste Facility Board	\$	688,634	\$	725,713	56841
505	715-623	Hazardous Waste Cleanup	\$	12,786,201	\$	13,427,443	56842
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990	56843

## As Reported by the Senate Finance and Financial Institutions Committee

542	715-671	Risk Management Reporting	\$	174,924	\$	185,605	56844
592	715-627	Anti-Tampering Settlement	\$	10,000	\$	10,000	56845
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	56846
602	715-626	Motor Vehicle Inspection and Maintenance	\$	2,653,217	\$	2,795,062	56847
644	715-631	ER Radiological Safety	\$	242,446	\$	255,947	56848
660	715-629	Infectious Waste Management	\$	138,899	\$	145,271	56849
676	715-642	Water Pollution Control Loan Administration	\$	4,874,302	\$	5,252,873	56850
678	715-635	Air Toxic Release	\$	394,489	\$	413,938	56851
679	715-636	Emergency Planning	\$	2,000,708	\$	2,054,868	56852
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	56853
699	715-644	Water Pollution Control Administration	\$	250,000	\$	250,000	56854
TOTAL SSR State Special Revenue							56855
Fund Group			\$	100,935,220	\$	105,472,864	56856
TOTAL ALL BUDGET FUND GROUPS			\$	176,699,208	\$	184,179,190	56857

**Section 50.01. AREAWIDE PLANNING AGENCIES** 56859

Of the foregoing appropriation item 717-321, Surface Water, 56860  
 \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 56861  
 shall be divided evenly between the following six areawide 56862  
 planning agencies for the purpose of regional water management 56863  
 planning: Eastgate Regional Council of Governments, Miami Valley 56864  
 Regional Planning Commission, Northeast Ohio Four County Regional 56865  
 Planning and Development Organization, Northeast Ohio Areawide 56866

## As Reported by the Senate Finance and Financial Institutions Committee

Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of	56867
Governments, and Toledo Metropolitan Area Council of Governments.	56868
CENTRAL SUPPORT INDIRECT	56869
Notwithstanding any other provision of law to the contrary,	56870
the Director of Environmental Protection, with the approval of the	56871
Director of Budget and Management, shall utilize a methodology for	56872
determining each division's payments into the Central Support	56873
Indirect Fund (Fund 219). The methodology used shall contain the	56874
characteristics of administrative ease and uniform application.	56875
Payments to the Central Support Indirect Fund (Fund 219) shall be	56876
made using an intrastate transfer voucher.	56877
Not later than November 30, 2001, the Director of	56878
Environmental Protection shall certify to the Director of Budget	56879
and Management the cash balances in Fund 356, Indirect Costs, and	56880
Fund 4C3, Central Support Indirect, and may request the Director	56881
of Budget and Management to transfer up to the certified amounts	56882
into Fund 219, Central Support Indirect. The amount transferred is	56883
hereby appropriated.	56884
SOLID WASTE FUND TRANSFER	56885
Not later than March 1, 2002, the Director of Environmental	56886
Protection shall certify to the Director of Budget and Management	56887
the amount expended from Fund 4K3, Solid Waste, during fiscal	56888
years 2000 and 2001 for emergency expenses incurred as a result of	56889
the fire at the Kirby Tire site. In fiscal years 2002 and 2003,	56890
the Director of Environmental Protection shall request the	56891
Director of Budget and Management to transfer up to one-half of	56892
the certified amount during fiscal year 2002 and the balance of	56893
the certified amount during fiscal year 2003 from Fund 4R5, Scrap	56894
Tire Management, to Fund 4K3, Solid Waste. The amounts transferred	56895
are hereby appropriated.	56896
Moneys transferred from Fund 4R5, Scrap Tire Management, to	56897

Fund 4K3, Solid Waste, shall not consist of any moneys generated under division (A)(2) of section 3734.901 of the Revised Code as amended by this act. 56898  
 56899  
 56900

KIRBY TIRE SITE 56901

Of the moneys collected under division (A)(2) of section 3734.901 of the Revised Code as amended by this act and deposited into the Scrap Tire Management Fund, at least fifty per cent shall be expended for cleanup and removal activities at the Kirby Tire site in Wyandot County during fiscal years 2002 and 2003. 56902  
 56903  
 56904  
 56905  
 56906

**Section 51. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION** 56907

General Revenue Fund 56908  
 GRF 172-321 Operating Expenses \$ 465,008 \$ 481,221 56909  
 TOTAL GRF General Revenue Fund \$ 465,008 \$ 481,221 56910  
 TOTAL ALL BUDGET FUND GROUPS \$ 465,008 \$ 481,221 56911

**Section 52. ETH OHIO ETHICS COMMISSION** 56913

General Revenue Fund 56914  
 GRF 146-321 Operating Expenses \$ 1,325,713 \$ 1,415,005 56915  
 TOTAL GRF General Revenue Fund \$ 1,325,713 \$ 1,415,005 56916  
 General Services Fund Group 56917  
 4M6 146-601 Operating Expenses \$ 386,485 \$ 409,543 56918  
 TOTAL GSF General Services Fund Group 56919  
 Fund Group \$ 386,485 \$ 409,543 56920  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,712,198 \$ 1,824,548 56921

FEE REVENUE TRANSFER 56922

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 56923  
 56924  
 56925  
 56926  
 56927

## As Reported by the Senate Finance and Financial Institutions Committee

amount equal to the amount of the extra fee revenue generated each 56928  
fiscal year. 56929

**Section 53. EXP OHIO EXPOSITIONS COMMISSION** 56930

General Revenue Fund 56931

GRF 723-403 Junior Fair Subsidy \$ 525,000 \$ 525,000 56932

TOTAL GRF General Revenue Fund \$ 525,000 \$ 525,000 56933

State Special Revenue Fund Group 56934

506 723-601 Operating Expenses \$ 14,411,437 \$ 14,875,658 56935

4N2 723-602 Ohio State Fair \$ 511,000 \$ 520,000 56936

## Harness Racing

640 723-603 State Fair Reserve \$ 700,000 \$ 0 56937

TOTAL SSR State Special Revenue 56938

Fund Group \$ 15,622,437 \$ 15,395,658 56939

TOTAL ALL BUDGET FUND GROUPS \$ 16,147,437 \$ 15,920,658 56940

## STATE FAIR RESERVE 56941

The foregoing appropriation item 723-603, State Fair Reserve, 56942

shall serve as a budget reserve fund for the Ohio Expositions 56943

Commission in the event of a significant decline in attendance due 56944

to inclement weather or extraordinary circumstances during the 56945

Ohio State Fair and resulting in a loss of revenue. The State Fair 56946

Reserve may be used by the Ohio Expositions Commission to pay 56947

bills resulting from the Ohio State Fair only if all the following 56948

criteria are met: 56949

(A) Admission revenues for the 2001 Ohio State Fair are less 56950

than \$2,920,000 or admission revenues for the 2002 Ohio State Fair 56951

are less than \$3,010,000 due to inclement weather or extraordinary 56952

circumstances. These amounts are ninety per cent of the projected 56953

admission revenues for each year. 56954

(B) The Ohio Expositions Commission declares a state of 56955

fiscal exigency and requests release of funds by the Director of 56956

Budget and Management. 56957

(C) The Director of Budget and Management releases the funds. 56958  
 The Director of Budget and Management may approve or disapprove 56959  
 the request for release of funds, may increase or decrease the 56960  
 amount of release, and may place such conditions as the director 56961  
 deems necessary on the use of the released funds. The Director of 56962  
 Budget and Management may transfer appropriation authority from 56963  
 fiscal year 2002 to fiscal year 2003 as needed. 56964

In the event that the Ohio Expositions Commission faces a 56965  
 temporary cash shortage that will preclude them from meeting 56966  
 current obligations, the Commission may request the Director of 56967  
 Budget and Management to approve use of the State Fair Reserve to 56968  
 meet those obligations. The request shall include a plan 56969  
 describing how the Commission will eliminate the cash shortage. If 56970  
 the Director of Budget and Management approves the expenditures, 56971  
 the Commission shall reimburse Fund 640 by the thirtieth day of 56972  
 June of that same fiscal year through an intrastate transfer 56973  
 voucher. The amount reimbursed is appropriated. 56974

**Section 54. GOV OFFICE OF THE GOVERNOR** 56975

General Revenue Fund 56976

GRF 040-321 Operating Expenses	\$	4,608,731	\$	4,748,556	56977
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GRF 040-403 National Governors	\$	174,001	\$	179,224	56978
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Conference

GRF 040-408 Office of Veterans'	\$	271,599	\$	279,748	56979
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Affairs

TOTAL GRF General Revenue Fund	\$	5,054,331	\$	5,207,528	56980
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TOTAL ALL BUDGET FUND GROUPS	\$	5,054,331	\$	5,207,528	56981
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**APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR** 56982

The Governor may expend a portion of the foregoing 56983  
 appropriation item 040-321, Operating Expenses, to hire or appoint 56984

## As Reported by the Senate Finance and Financial Institutions Committee

legal counsel to be used in proceedings involving the Governor in 56985  
the Governor's official capacity or the Governor's office only, 56986  
without the approval of the Attorney General, notwithstanding 56987  
sections 109.02 and 109.07 of the Revised Code. 56988

**Section 55. DOH DEPARTMENT OF HEALTH** 56989

General Revenue Fund 56990

GRF 440-406 Hemophilia Services \$ 1,230,492 \$ 1,230,492 56991

GRF 440-407 Animal Borne Disease \$ 2,643,874 \$ 2,598,297 56992  
and Prevention

GRF 440-412 Cancer Incidence \$ 898,978 \$ 1,104,175 56993  
Surveillance System

GRF 440-413 Ohio Health Care \$ 3,306,959 \$ 3,407,200 56994  
Policy and Data

GRF 440-416 Child and Family \$ 11,187,078 \$ 10,839,187 56995  
Health Services

GRF 440-418 Immunizations \$ 9,403,469 \$ 9,616,514 56996

GRF 440-419 Sexual Assault \$ 50,000 \$ 50,000 56997  
Prevention and  
Intervention

GRF 440-444 AIDS Prevention and \$ 9,142,101 \$ 9,476,508 56998  
Treatment

GRF 440-446 Infectious Disease \$ 642,821 \$ 649,291 56999  
Prevention

GRF 440-451 Public Health \$ 7,708,440 \$ 7,212,245 57000  
Prevention Programs

GRF 440-452 Child and Family \$ 1,316,947 \$ 1,320,455 57001  
Health Care Operations

GRF 440-453 Health Care Facility \$ 12,466,643 \$ 12,662,779 57002  
Protection and Safety

GRF 440-454 Local Environmental \$ 1,243,340 \$ 1,244,824 57003  
Health

GRF 440-459 Help Me Grow \$ 12,500,000 \$ 12,500,000 57004

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 440-461	Vital Statistics	\$	3,891,580	\$	3,863,425	57005
GRF 440-501	Local Health Districts	\$	3,991,111	\$	3,991,111	57006
GRF 440-504	Poison Control Network	\$	388,000	\$	388,000	57007
GRF 440-505	Medically Handicapped Children	\$	7,634,095	\$	7,540,879	57008
GRF 440-507	Cystic Fibrosis	\$	818,131	\$	818,131	57009
GRF 440-508	Migrant Health	\$	120,767	\$	118,049	57010
GRF 440-510	Arthritis Care	\$	75,000	\$	75,000	57011
TOTAL GRF	General Revenue Fund	\$	90,659,826	\$	90,706,562	57012
General Services Fund Group						57013
142 440-618	General Operations	\$	2,764,557	\$	2,892,340	57014
211 440-613	Central Support Indirect Costs	\$	25,527,855	\$	26,149,512	57015
473 440-622	Lab Operating Expenses	\$	4,006,440	\$	4,154,045	57016
5C1 440-642	TANF Family Planning	\$	255,500	\$	261,888	57017
683 440-633	Employee Assistance Program	\$	1,017,408	\$	1,062,965	57018
698 440-634	Nurse Aide Training	\$	240,000	\$	265,808	57019
TOTAL GSF	General Services Fund Group	\$	33,811,760	\$	34,786,558	57021
Federal Special Revenue Fund Group						57022
320 440-601	Maternal Child Health Block Grant	\$	32,702,100	\$	34,335,562	57023
387 440-602	Preventive Health Block Grant	\$	9,278,173	\$	9,278,173	57024
389 440-604	Women, Infants, and Children	\$	185,850,000	\$	195,142,500	57025
391 440-606	Medicaid/Medicare	\$	24,297,017	\$	25,778,700	57026
392 440-618	General Operations	\$	74,384,890	\$	77,720,166	57027
TOTAL FED	Federal Special Revenue Fund Group	\$	326,512,180	\$	342,255,101	57029
State Special Revenue Fund Group						57030

## As Reported by the Senate Finance and Financial Institutions Committee

3W5	440-611	Title XX Transfer	\$	500,000	\$	500,000	57031
4D6	440-608	Genetics Services	\$	2,725,894	\$	2,799,641	57032
4F9	440-610	Sickle Cell Disease Control	\$	1,010,091	\$	1,035,344	57033
4G0	440-636	Heirloom Birth Certificate	\$	1,000	\$	1,000	57034
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	57035
4L3	440-609	Miscellaneous Expenses	\$	257,548	\$	258,570	57036
4T4	440-603	Child Highway Safety	\$	224,855	\$	233,894	57037
4V6	440-641	Save Our Sight	\$	1,232,421	\$	1,266,900	57038
470	440-618	General Operations	\$	12,364,273	\$	12,941,359	57039
471	440-619	Certificate of Need	\$	352,598	\$	370,524	57040
477	440-627	Medically Handicapped Children Audit	\$	4,400,452	\$	4,640,498	57041
5B5	440-616	Quality, Monitoring, and Inspection	\$	802,502	\$	838,479	57042
5C0	440-615	Alcohol Testing and Permit	\$	1,395,439	\$	1,455,405	57043
5D6	440-620	Second Chance Trust	\$	831,924	\$	852,723	57044
5L1	440-623	Nursing Facility Technical Assistance Program	\$	1,080,000	\$	1,157,150	57045
610	440-626	Radiation Emergency Response	\$	870,505	\$	923,315	57046
666	440-607	Medically Handicapped Children - County Assessments	\$	14,039,889	\$	14,039,889	57047
TOTAL SSR State Special Revenue							57048
Fund Group			\$	42,094,391	\$	43,319,691	57049
Holding Account Redistribution Fund Group							57050
R14	440-631	Vital Statistics	\$	49,000	\$	49,000	57051
R48	440-625	Refunds, Grants	\$	20,000	\$	20,000	57052

As Reported by the Senate Finance and Financial Institutions Committee

Reconciliation, and  
Audit Settlements

TOTAL 090 Holding Account				57053
Redistribution Fund Group	\$	69,000	\$ 69,000	57054
TOTAL ALL BUDGET FUND GROUPS	\$	493,097,157	\$ 511,086,912	57055

**Section 55.01. HEMOPHILIA SERVICES** 57057

Of the foregoing appropriation item 440-406, Hemophilia 57058  
Services, \$205,000 in each fiscal year shall be used to implement 57059  
the Hemophilia Insurance Pilot Project. 57060

Of the foregoing appropriation item 440-406, Hemophilia 57061  
Services, up to \$245,000 in each fiscal year shall be used by the 57062  
Department of Health to provide grants to the nine hemophilia 57063  
treatment centers to provide prevention services for persons with 57064  
hemophilia and their family members affected by AIDS and other 57065  
bloodborne pathogens. 57066

**CANCER REGISTRY SYSTEM** 57067

Of the foregoing appropriation item 440-412, Cancer Incidence 57068  
Surveillance System, \$50,000 in each fiscal year shall be provided 57069  
to the Northern Ohio Cancer Resource Center. 57070

The remaining moneys in appropriation item 440-412, Cancer 57071  
Incidence Surveillance System, shall be used to maintain and 57072  
operate the Ohio Cancer Incidence Surveillance System pursuant to 57073  
sections 3701.261 to 3701.263 of the Revised Code. 57074

No later than March 1, 2002, the Ohio Cancer Incidence 57075  
Surveillance Advisory Board shall report to the General Assembly 57076  
on the effectiveness of the cancer incidence surveillance system 57077  
and the partnership between the Department of Health and the 57078  
Arthur G. James Cancer Hospital and Richard J. Solove Research 57079  
Institute of The Ohio State University. 57080

**CHILD AND FAMILY HEALTH SERVICES** 57081

## As Reported by the Senate Finance and Financial Institutions Committee

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$1,700,000 in each fiscal year shall be used for family planning services. None of the funds received through these family planning grants shall be used to provide abortion services. None of the funds received through these family planning grants shall be used for counseling for or referrals for abortion, except in the case of a medical emergency. These funds shall be distributed on the basis of the relative need in the community served by the Director of Health to family planning programs, which shall include family planning programs funded under Title V of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and Title X of the "Public Health Services Act," 58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to other family planning programs that the Department of Health also determines will provide services that are physically and financially separate from abortion-providing and abortion-promoting activities, and that do not include counseling for or referrals for abortion, other than in the case of medical emergency, with state moneys, but that otherwise substantially comply with the quality standards for such programs under Title V and Title X.

The Director of Health, by rule, shall provide reasonable methods by which a grantee wishing to be eligible for federal funding may comply with these requirements for state funding without losing its eligibility for federal funding, while ensuring that a family planning program receiving a family planning grant must be organized so that it is physically and financially separate from the provision of abortion services and from activities promoting abortion as a method of family planning.

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

## As Reported by the Senate Finance and Financial Institutions Committee

professionals providing prenatal services in programs funded by	57114
the Department of Health.	57115
Of the foregoing appropriation item 440-416, Child and Family	57116
Health Services, \$279,000 shall be used in each fiscal year for	57117
the OPTIONS dental care access program.	57118
Of the foregoing appropriation item 440-416, Child and Family	57119
Health Services, \$600,000 in each fiscal year shall be used by	57120
local child and family health services clinics to provide services	57121
to uninsured low-income persons.	57122
Of the foregoing appropriation item 440-416, Child and Family	57123
Health Services, \$900,000 in each fiscal year shall be used by	57124
federally qualified health centers and federally designated	57125
look-alikes to provide services to uninsured low-income persons.	57126
Of the foregoing appropriation item 440-416, Child and Family	57127
Health Services, \$50,000 in each fiscal year shall be used for the	57128
Tree of Knowledge Learning Center in Cleveland Heights.	57129
Of the foregoing appropriation item 440-416, Child and Family	57130
Health Services, \$25,000 in fiscal year 2002 shall be provided to	57131
the Suicide Prevention Program of Clermont County.	57132
Of the foregoing appropriation item 440-416, Child and Family	57133
Health Services, \$50,000 in fiscal year 2002 shall be provided to	57134
the Discover Health Project.	57135
Of the foregoing appropriation item 440-416, Child and Family	57136
Health Services, \$75,000 in fiscal year 2002 shall be provided to	57137
the Mayerson Center.	57138
Of the foregoing appropriation item 440-416, Child and Family	57139
Health Services, \$50,000 in fiscal year 2002 shall be provided to	57140
the Central Clinic at the University of Cincinnati.	57141
IMMUNIZATIONS	57142
Of the foregoing appropriation item 440-418, Immunizations,	57143

## As Reported by the Senate Finance and Financial Institutions Committee

\$125,000 per fiscal year shall be used to provide vaccinations for  
Hepatitis B to all qualified underinsured students in the seventh  
grade who have not been previously immunized.

Of the foregoing appropriation item 440-418, Immunizations,  
up to \$25,000 in each fiscal year shall be used to provide  
vaccinations for pneumococcal disease for children between the  
ages of two and five.

## SEXUAL ASSAULT PREVENTION AND INTERVENTION 57151

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 57164

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.  
The Department of Health may adopt rules pursuant to Chapter 119.  
of the Revised Code as necessary for the administration of the

## As Reported by the Senate Finance and Financial Institutions Committee

program. 57174

INFECTIOUS DISEASE PREVENTION 57175

Notwithstanding section 339.77 of the Revised Code, \$60,000 57176  
of the foregoing appropriation item 440-446, Infectious Disease 57177  
Prevention, shall be used by the Director of Health to reimburse 57178  
Boards of County Commissioners for the cost of detaining indigent 57179  
persons with tuberculosis. Any portion of the \$60,000 allocated 57180  
for detainment not used for that purpose shall be used to make 57181  
payments to counties pursuant to section 339.77 of the Revised 57182  
Code. 57183

Of the foregoing appropriation item 440-446, Infectious 57184  
Disease Prevention, \$200,000 in each fiscal year shall be used for 57185  
the purchase of drugs for sexually transmitted diseases. 57186

HELP ME GROW 57187

The foregoing appropriation item 440-459, Help Me Grow, shall 57188  
be used by the Department of Health to distribute subsidies to 57189  
counties to implement the Ohio Early Start, Early Intervention, 57190  
and Welcome Home Programs. Counties that receive subsidies from 57191  
appropriation item 440-459, Help Me Grow, shall use the funds to 57192  
provide home-visiting services to newborn infants and their 57193  
families, and services to infants and toddlers under three years 57194  
of age who are at risk for, or with a, developmental delay or 57195  
disability, and their families. Appropriation item 440-459 may be 57196  
used in conjunction with Temporary Assistance for Needy Families 57197  
from the Department of Job and Family Services, Even Start from 57198  
the Department of Education, and in conjunction with other early 57199  
childhood funds and services to promote the optimal development of 57200  
young children. Local contacts shall be developed between local 57201  
departments of job and family services and family and children 57202  
first councils for the administration of TANF funding for the Help 57203  
Me Grow Program. The Department of Health shall enter into an 57204

## As Reported by the Senate Finance and Financial Institutions Committee

interagency agreement with the Department of Education to 57205  
 coordinate the planning, design, and grant selection process for 57206  
 any new Even Start grants and to ensure that all new and existing 57207  
 programs within Help Me grow are school linked. 57208

## POISON CONTROL NETWORK 57209

The foregoing appropriation item 440-504, Poison Control 57210  
 Network, shall be used in each fiscal year by the Department of 57211  
 Health for grants to the consolidated Ohio Poison Control Center 57212  
 to provide poison control services to Ohio citizens. 57213

## BIRTH DEFECTS INFORMATION SYSTEM 57214

Of the foregoing appropriation item 440-507, Cystic Fibrosis, 57215  
 \$50,000 in each fiscal year shall be used to begin implementation 57216  
 of the Birth Defects Information System established under Sub. 57217  
 H.B. 534 of the 123rd General Assembly. 57218

## TANF FAMILY PLANNING 57219

The Director of Budget and Management shall transfer by 57220  
 intrastate transfer voucher, no later than the fifteenth day of 57221  
 July of each fiscal year, cash from the General Revenue Fund, 57222  
 appropriation item 600-410, TANF State, to General Services Fund 57223  
 5C1 in the Department of Health, in an amount of \$250,000 in each 57224  
 fiscal year for the purpose of family planning services for 57225  
 children or their families whose income is at or below 200 per 57226  
 cent of the official poverty guideline. 57227

As used in this section, "poverty guideline" means the 57228  
 official poverty guideline as revised annually by the United 57229  
 States Secretary of Health and Human Services in accordance with 57230  
 section 673 of the "Community Services Block Grant Act," 95 Stat. 57231  
 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal 57232  
 to the size of the family of the person whose income is being 57233  
 determined. 57234

## As Reported by the Senate Finance and Financial Institutions Committee

MATERNAL CHILD HEALTH BLOCK GRANT 57235

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 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 57250

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 57261

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. None of these funds shall be used to counsel

## As Reported by the Senate Finance and Financial Institutions Committee

or refer for abortion, except in the case of a medical emergency.	57266
SICKLE CELL FUND	57267
The foregoing appropriation item 440-610, Sickle Cell Disease	57268
Control (Fund 4F9), shall be used by the Department of Health to	57269
administer programs authorized by section 3701.131 of the Revised	57270
Code. The source of the funds is as specified in section 3701.23	57271
of the Revised Code.	57272
SAFETY AND QUALITY OF CARE STANDARDS	57273
The Department of Health may use Fund 471, Certificate of	57274
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of	57275
the Revised Code in each fiscal year.	57276
MEDICALLY HANDICAPPED CHILDREN AUDIT	57277
The Medically Handicapped Children Audit Fund (Fund 477)	57278
shall receive revenue from audits of hospitals and recoveries from	57279
third-party payors. Moneys may be expended for payment of audit	57280
settlements and for costs directly related to obtaining recoveries	57281
from third-party payors and for encouraging Medically Handicapped	57282
Children's Program recipients to apply for third-party benefits.	57283
Moneys also may be expended for payments for diagnostic and	57284
treatment services on behalf of medically handicapped children, as	57285
defined in division (A) of section 3701.022 of the Revised Code,	57286
and Ohio residents who are twenty-one or more years of age and who	57287
are suffering from cystic fibrosis. Moneys may also be expended	57288
for administrative expenses incurred in operating the Medically	57289
Handicapped Children's Program.	57290
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND	57291
PERMIT FUND	57292
The Director of Budget and Management, pursuant to a plan	57293
submitted by the Department of Health, or as otherwise determined	57294
by the Director of Budget and Management, shall set a schedule to	57295

## As Reported by the Senate Finance and Financial Institutions Committee

transfer cash from the Liquor Control Fund (Fund 043) to the 57296  
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 57297  
needs of the Alcohol Testing and Permit program. 57298

The Director of Budget and Management shall transfer to the 57299  
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 57300  
Fund (Fund 043) established in section 4301.12 of the Revised Code 57301  
such amounts at such times as determined by the transfer schedule. 57302

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 57303

The foregoing appropriation item 440-607, Medically 57304  
Handicapped Children - County Assessments (Fund 666), shall be 57305  
used to make payments pursuant to division (E) of section 3701.023 57306  
of the Revised Code. 57307

**Section 55.02.** (A) There is hereby created the Health Care 57308  
Workforce Shortage Task Force to study the shortage of health care 57309  
professionals and health care workers in the health care workforce 57310  
and to propose a state plan to address the problem. For the 57311  
purposes of the Task Force, "health care professional" and "health 57312  
care worker" have the same meanings as in section 2305.234 of the 57313  
Revised Code. 57314

(B) The Director of Health shall serve as chair of the Health 57315  
Care Workforce Shortage Task Force. The Task Force shall consist 57316  
of not more than twenty-one members, who shall serve without 57317  
compensation. The Director of Aging, one member of the Senate, 57318  
appointed by the President of the Senate, and one member of the 57319  
House of Representatives, appointed by the Speaker of the House of 57320  
Representatives, shall serve on the Task Force. The member from 57321  
the House of Representatives and the member from the Senate shall 57322  
be from different political parties. The Director of Health shall 57323  
appoint health care professionals and health care workers 57324  
representing each of the following organizations: 57325

## As Reported by the Senate Finance and Financial Institutions Committee

(1) Ohio Hospital Association;	57326
(2) Ohio Association of Children's Hospitals;	57327
(3) Ohio Council for Home Care;	57328
(4) Ohio Health Care Association;	57329
(5) Ohio Hospice and Palliative Care Organization;	57330
(6) Ohio Association of Philanthropic Homes;	57331
(7) Ohio Commission on Minority Health;	57332
(8) Ohio Nurses Association;	57333
(9) Ohio Pharmacists Association;	57334
(10) Ohio State Medical Association;	57335
(11) Families for Improved Care;	57336
(12) Ohio Association of Health Care Quality;	57337
(13) Ohio Academy of Family Physicians;	57338
(14) Ohio Provider Resource Association;	57339
(15) Ohio Association of Adult Day Services.	57340
(C) The Department of Health shall provide the Task Force	57341
with office space, staff, supplies, services, and other support as	57342
needed.	57343
(D) The Task Force shall do all of the following:	57344
(1) Review the licensing standards for all health care	57345
professionals;	57346
(2) Identify strategies to increase recruitment, retention,	57347
and development of qualified health care professionals and health	57348
care workers in health care settings;	57349
(3) Develop recommendations for improving scopes of practice	57350
to remove unnecessary barriers to high quality provision of health	57351
care;	57352

## As Reported by the Senate Finance and Financial Institutions Committee

(4) Develop possible demonstration projects to present technology's potential to increase the efficiency of health care personnel; 57353  
57354  
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(5) Recommend education strategies to meet health care workforce needs. 57356  
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(E) The Task Force shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives and to the President and Minority Leader of the Senate not later than July 1, 2002. On submission of the report, the Task Force shall cease to exist. 57358  
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**Section 56.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 57363

Agency Fund Group 57364

461 372-601 Operating Expenses \$ 13,080 \$ 13,900 57365

TOTAL AGY Agency Fund Group \$ 13,080 \$ 13,900 57366

TOTAL ALL BUDGET FUND GROUPS \$ 13,080 \$ 13,900 57367

**Section 57.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 57369

General Revenue Fund 57370

GRF 148-100 Personal Services \$ 171,161 \$ 176,004 57371

GRF 148-200 Maintenance \$ 35,821 \$ 35,751 57372

GRF 148-300 Equipment \$ 3,648 \$ 3,552 57373

TOTAL GRF General Revenue Fund \$ 210,630 \$ 215,307 57374

General Services Fund Group 57375

601 148-602 Gifts and \$ 8,485 \$ 8,697 57376

Miscellaneous

TOTAL GSF General Services 57377

Fund Group \$ 8,485 \$ 8,697 57378

TOTAL ALL BUDGET FUND GROUPS \$ 219,115 \$ 224,004 57379

## COMMISSION ON HISPANIC/LATINO AFFAIRS PROGRESS REVIEW 57380

No later than December 31, 2001, the Commission on 57381

As Reported by the Senate Finance and Financial Institutions Committee

Hispanic/Latino Affairs shall submit to the chairperson and ranking minority member of the Human Services Subcommittee of the Finance and Appropriations Committee of the House of Representatives a report that demonstrates the progress that has been made toward meeting the Commission's mission statement.

**Section 58. OHS OHIO HISTORICAL SOCIETY**

General Revenue Fund				57388
GRF 360-501 Operating Subsidy	\$	3,784,283	\$ 3,816,047	57389
GRF 360-502 Site Operations	\$	7,471,775	\$ 7,458,843	57390
GRF 360-503 Ohio Bicentennial Commission	\$	1,750,000	\$ 1,750,000	57391
GRF 360-504 Ohio Preservation Office	\$	400,575	\$ 383,704	57392
GRF 360-505 Afro-American Museum	\$	1,049,836	\$ 1,030,641	57393
GRF 360-506 Hayes Presidential Center	\$	708,203	\$ 695,253	57394
GRF 360-508 Historical Grants	\$	1,005,000	\$ 775,000	57395
TOTAL GRF General Revenue Fund	\$	16,169,672	\$ 15,909,488	57396
TOTAL ALL BUDGET FUND GROUPS	\$	16,169,672	\$ 15,909,488	57397

SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio Historical Society in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the society for fiscal years 2002 and 2003 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management. The society shall prepare and submit to the Office of Budget and Management the following:

(A) An estimated operating budget for each fiscal year of the

biennium. The operating budget shall be submitted at or near the beginning of each year. 57410  
57411

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium. 57412  
57413  
57414

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code. 57415  
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57417  
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OPERATING SUBSIDY 57419

The Director of Budget and Management shall not release the second quarterly payment for FY 2002 of the foregoing appropriation item GRF 360-501, Operating Subsidy, to the Ohio Historical Society until the release of these moneys is approved by the Controlling Board. The Controlling Board shall not approve such release until the Ohio Historical Society submits a plan to the Controlling Board containing a detailed budget with current and projected costs of operating each state memorial by category, the sources and amounts of non-state income used at each site, and the Ohio Historical Society's management plan for each site during the biennium. The Controlling Board shall consult with the Ohio Historic Preservation Advisory Board and determine the Ohio Historical Society's submitted plan to adequately meet the state's goal of historic preservation prior to the approval of the release of moneys from GRF 360-501, Operating Subsidy, to the Ohio Historical Society. 57420  
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HAYES PRESIDENTIAL CENTER 57436

If a United States government agency, including, but not limited to, the National Park Service, chooses to take over the operations or maintenance of the Hayes Presidential Center, in whole or in part, the Ohio Historical Society shall make 57437  
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57440

## As Reported by the Senate Finance and Financial Institutions Committee

arrangements with the National Park Service or other United States 57441  
government agency for the efficient transfer of operations or 57442  
maintenance. 57443

HISTORICAL GRANTS 57444

Of the foregoing appropriation item 360-508, Historical 57445  
Grants, \$50,000 in each fiscal year shall be distributed to the 57446  
Hebrew Union College in Cincinnati for the Holocaust Education 57447  
Project, \$20,000 in fiscal year 2002 shall be distributed to the 57448  
Clinton County Historical Society, \$60,000 in fiscal year 2002 57449  
shall be distributed to the Holbrook College Project, \$100,000 in 57450  
each fiscal year shall be distributed to the Western Reserve 57451  
Historical Society Hale Farm Project, \$125,000 in each fiscal year 57452  
shall be distributed to the Great lakes Historical Society, 57453  
\$500,000 in each fiscal year shall be distributed to the Western 57454  
Reserve Historical Society, \$75,000 in fiscal year 2002 shall be 57455  
distributed to the Cincinnati Museum Center, \$50,000 in fiscal 57456  
year 2002 shall be distributed to the Underground Railroad Freedom 57457  
Center, and \$25,000 in fiscal year 2002 shall be distributed to 57458  
the Emery Theatre. 57459

**Section 59.** REP OHIO HOUSE OF REPRESENTATIVES 57460

General Revenue Fund 57461

GRF 025-321 Operating Expenses	\$	18,654,083	\$	19,562,481	57462
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TOTAL GRF General Revenue Fund	\$	18,654,083	\$	19,562,481	57463
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General Services Fund Group 57464

103 025-601 House Reimbursement	\$	1,287,500	\$	1,287,500	57465
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4A4 025-602 Miscellaneous Sales	\$	33,990	\$	33,990	57466
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TOTAL GSF General Services 57467

Fund Group	\$	1,321,490	\$	1,321,490	57468
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TOTAL ALL BUDGET FUND GROUPS	\$	19,975,573	\$	20,883,971	57469
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**Section 60.** IGO OFFICE OF THE INSPECTOR GENERAL 57471

## As Reported by the Senate Finance and Financial Institutions Committee

General Revenue Fund				57472
GRF 965-321 Operating Expenses	\$	630,334	\$ 663,877	57473
TOTAL GRF General Revenue Fund	\$	630,334	\$ 663,877	57474
State Special Revenue Fund Group				57475
4Z3 965-602 Special Investigations	\$	100,000	\$ 100,000	57476
TOTAL SSR State Special Revenue	\$	100,000	\$ 100,000	57477
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	730,334	\$ 763,877	57478

Of the foregoing appropriation item 965-602, Special  
Investigations, up to \$100,000 in each fiscal year may be used for  
investigative costs, pursuant to section 121.481 of the Revised  
Code.

**Section 61. INS DEPARTMENT OF INSURANCE** 57483

Federal Special Revenue Fund Group				57484
3U5 820-602 OSHIIP Operating Grant	\$	400,000	\$ 400,000	57485
TOTAL FED Federal Special				57486
Revenue Fund Group	\$	400,000	\$ 400,000	57487
State Special Revenue Fund Group				57488
554 820-601 Operating Expenses -	\$	543,101	\$ 601,773	57489
OSHIIP				
554 820-606 Operating Expenses	\$	20,090,984	\$ 22,350,783	57490
555 820-605 Examination	\$	6,581,705	\$ 6,963,535	57491
TOTAL SSR State Special Revenue				57492
Fund Group	\$	27,215,790	\$ 29,916,091	57493
TOTAL ALL BUDGET FUND GROUPS	\$	27,615,790	\$ 30,316,091	57494

**MARKET CONDUCT EXAMINATION** 57495

When conducting a market conduct examination of any insurer  
doing business in this state, the Superintendent of Insurance may  
assess the costs of the examination against the insurer. The  
superintendent may enter into consent agreements to impose

## As Reported by the Senate Finance and Financial Institutions Committee

administrative assessments or fines for conduct discovered that				57500	
may be violations of statutes or regulations administered by the				57501	
superintendent. All costs, assessments, or fines collected shall				57502	
be deposited to the credit of the Department of Insurance				57503	
Operating Fund (Fund 554).				57504	
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				57505	
The Superintendent of Insurance may transfer funds from the				57506	
Department of Insurance Operating Fund (Fund 554), established by				57507	
section 3901.021 of the Revised Code, to the Superintendent's				57508	
Examination Fund (Fund 555), established by section 3901.071 of				57509	
the Revised Code, only for the expenses incurred in examining				57510	
domestic fraternal benefit societies as required by section				57511	
3921.28 of the Revised Code.				57512	
<b>Section 62. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>				57513	
General Revenue Fund				57514	
GRF 600-100 Personal Services				57515	
State	\$	56,614,143	\$	58,715,838	57516
Federal	\$	18,645,558	\$	19,317,882	57517
Personal Services	\$	75,259,701	\$	78,033,720	57518
Total					
GRF 600-200 Maintenance				57519	
State	\$	30,439,164	\$	24,320,541	57520
Federal	\$	7,295,237	\$	5,828,810	57521
Maintenance Total	\$	37,734,401	\$	30,149,351	57522
GRF 600-300 Equipment				57523	
State	\$	5,469,830	\$	979,504	57524
Federal	\$	179,026	\$	32,059	57525
Equipment Total	\$	5,648,856	\$	1,011,563	57526
GRF 600-402 Electronic Benefits				57527	
Transfer (EBT)					
State	\$	7,551,305	\$	7,715,079	57528

## As Reported by the Senate Finance and Financial Institutions Committee

	Federal	\$	7,551,305	\$	7,715,079	57529
	EBT Total	\$	15,102,610	\$	15,430,158	57530
GRF 600-410	TANF State	\$	268,636,561	\$	268,619,061	57531
GRF 600-413	Day Care	\$	84,120,606	\$	84,120,606	57532
	Match/Maintenance of Effort					
GRF 600-416	Computer Projects					57533
	State	\$	137,583,171	\$	142,908,736	57534
	Federal	\$	32,665,206	\$	34,770,353	57535
	Computer Projects	\$	170,248,377	\$	177,679,089	57536
	Total					
GRF 600-420	Child Support Administration	\$	7,919,511	\$	7,885,309	57537
GRF 600-426	Children's Health Insurance Plan (CHIP)					57538
	State	\$	7,071,338	\$	8,570,373	57539
	Federal	\$	17,473,395	\$	21,177,537	57540
	CHIP Total	\$	24,544,733	\$	29,747,910	57541
GRF 600-427	Child and Family Services Activities	\$	7,189,086	\$	7,000,427	57542
GRF 600-435	Unemployment Compensation Review Commission	\$	3,759,151	\$	3,785,380	57543
GRF 600-436	Medicaid Systems Enhancements	\$	4,445,384	\$	1,853,611	57544
GRF 600-502	Child Support Match	\$	17,383,992	\$	16,814,103	57545
GRF 600-504	Non-TANF County Administration	\$	70,554,373	\$	68,697,679	57546
GRF 600-511	Disability Assistance/Other Assistance	\$	79,562,017	\$	89,752,408	57547
GRF 600-512	Non-TANF Emergency Assistance	\$	1,079,000	\$	1,079,000	57548

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 600-522	Burial Claims	\$	25,000	\$	25,000	57549
GRF 600-525	Health Care/Medicaid					57550
	State	\$	2,847,181,745	\$	3,059,934,875	57551
	Federal	\$	4,087,925,198	\$	4,384,423,698	57552
	Health Care Total	\$	6,935,106,943	\$	7,444,358,573	57553
GRF 600-527	Child Protective Services	\$	59,592,059	\$	64,047,479	57554
GRF 600-528	Adoption Services					57555
	State	\$	31,385,023	\$	34,597,562	57556
	Federal	\$	30,506,168	\$	33,628,748	57557
	Adoption Services Total	\$	61,891,191	\$	68,226,310	57558
GRF 600-534	Adult Protective Services	\$	2,850,975	\$	2,775,950	57559
GRF 600-552	County Social Services	\$	11,354,550	\$	11,055,746	57560
TOTAL GRF	General Revenue Fund					57561
	State	\$	3,741,767,984	\$	3,965,254,267	57562
	Federal	\$	4,202,241,093	\$	4,506,894,166	57563
	GRF Total	\$	7,944,009,077	\$	8,742,148,433	57564
	General Services Fund Group					57565
4A8 600-658	Child Support Collections	\$	42,389,027	\$	42,389,027	57566
4R4 600-665	BCII Service Fees	\$	124,522	\$	136,974	57567
5C9 600-671	Medicaid Program Support	\$	50,846,239	\$	59,226,893	57568
5R1 600-677	County Computers	\$	5,000,000	\$	5,000,000	57569
613 600-645	Training Activities	\$	1,462,626	\$	1,157,525	57570
TOTAL GSF	General Services Fund Group					57571
		\$	99,822,414	\$	107,910,419	57572
	Federal Special Revenue Fund Group					57573
3A2 600-641	Emergency Food Distribution	\$	2,018,844	\$	2,018,844	57574

## As Reported by the Senate Finance and Financial Institutions Committee

3D3	600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	57575
3F0	600-623	Health Care Federal	\$	175,148,990	\$	168,503,630	57576
3F0	600-650	Hospital Care Assurance Match	\$	292,915,017	\$	276,736,571	57577
3G5	600-655	Interagency Reimbursement	\$	852,461,818	\$	860,986,436	57578
3G9	600-657	Special Activities Self Sufficiency	\$	522,500	\$	190,000	57579
3H7	600-617	Day Care Federal	\$	299,156,430	\$	337,848,130	57580
3N0	600-628	IV-E Foster Care Maintenance	\$	152,981,760	\$	173,963,142	57581
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	57582
3V0	600-688	Workforce Investment Act	\$	128,476,093	\$	128,476,093	57583
3V4	600-678	Federal Unemployment Programs	\$	74,025,525	\$	74,025,525	57584
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	2,286,421	\$	2,286,421	57585
3V6	600-689	TANF Block Grant	\$	654,410,661	\$	677,098,311	57586
3V6	600-690	Wellness	\$	14,337,515	\$	14,337,515	57587
316	600-602	State and Local Training	\$	10,166,587	\$	10,325,460	57588
327	600-606	Child Welfare	\$	34,594,191	\$	34,592,977	57589
331	600-686	Federal Operating	\$	41,600,896	\$	41,640,897	57590
365	600-681	JOB Training Program	\$	25,000,000	\$	5,469,259	57591
384	600-610	Food Stamps and State Administration	\$	160,371,358	\$	161,716,857	57592
385	600-614	Refugee Services	\$	4,388,503	\$	4,559,632	57593
395	600-616	Special Activities/Child and Family Services	\$	9,491,000	\$	9,491,000	57594

## As Reported by the Senate Finance and Financial Institutions Committee

396	600-620	Social Services Block Grant	\$	51,195,100	\$	51,297,478	57595
397	600-626	Child Support	\$	248,001,590	\$	247,353,041	57596
398	600-627	Adoption Maintenance/ Administration	\$	277,806,175	\$	341,298,661	57597
TOTAL FED Federal Special Revenue							57598
Fund Group			\$	3,513,931,548	\$	3,626,790,454	57599
State Special Revenue Fund Group							57600
198	600-647	Children's Trust Fund	\$	4,368,785	\$	4,379,333	57601
3W3	600-695	Adult Protective Services	\$	120,227	\$	120,227	57602
3W3	600-696	Non-TANF Adult Assistance	\$	1,000,000	\$	1,000,000	57603
3W8	600-638	Hippy Program	\$	62,500	\$	62,500	57604
3W9	600-640	Adoption Connection	\$	50,000	\$	50,000	57605
4A9	600-607	Unemployment Compensation Admin Fund	\$	9,420,000	\$	9,420,000	57606
4E3	600-605	Nursing Home Assessments	\$	95,511	\$	95,511	57607
4E7	600-604	Child and Family Services Collections	\$	145,805	\$	149,450	57608
4F1	600-609	Foundation Grants/Child and Family Services	\$	116,400	\$	119,310	57609
4J5	600-613	Nursing Facility Bed Assessments	\$	31,179,798	\$	31,279,798	57610
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	57611
4K1	600-621	ICF/MR Bed Assessments	\$	21,604,331	\$	22,036,418	57612
4R3	600-687	Banking Fees	\$	592,937	\$	592,937	57613
4V2	600-612	Child Support Activities	\$	124,993	\$	124,993	57614

## As Reported by the Senate Finance and Financial Institutions Committee

4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	57615
5A5	600-685	Unemployment Benefit	\$	19,607,027	\$	13,555,667	57616
		Automation					
5E6	600-634	State Option Food	\$	6,000,000	\$	6,000,000	57617
		Stamps					
5P4	600-691	TANF Child Welfare	\$	7,500,000	\$	7,500,000	57618
5P5	600-692	Health Care Services	\$	223,847,498	\$	255,386,713	57619
651	600-649	Hospital Care	\$	203,298,801	\$	192,070,088	57620
		Assurance Program Fund					
TOTAL SSR	State	Special Revenue					57621
Fund Group			\$	554,834,613	\$	569,642,945	57622
Agency Fund Group							57623
192	600-646	Support Intercept -	\$	80,000,000	\$	82,000,000	57624
		Federal					
5B6	600-601	Food Stamp Intercept	\$	5,283,920	\$	5,283,920	57625
583	600-642	Support Intercept -	\$	20,162,335	\$	20,565,582	57626
		State					
TOTAL AGY	Agency	Fund Group	\$	105,446,255	\$	107,849,502	57627
Holding Account	Redistribution	Fund Group					57628
R12	600-643	Refunds and Audit	\$	200,000	\$	200,000	57629
		Settlements					
R13	600-644	Forgery Collections	\$	700,000	\$	700,000	57630
TOTAL 090	Holding Account						57631
Redistribution							
Fund Group			\$	900,000	\$	900,000	57632
TOTAL ALL BUDGET FUND GROUPS			\$	12,218,943,907	\$	12,885,241,753	57633

**Section 62.01.** JOB AND FAMILY SERVICES REPORT TO THE GENERAL ASSEMBLY 57635  
ASSEMBLY 57636

In addition to other reporting requirements established in 57637  
the Revised Code, the Department of Job and Family Services shall, 57638  
not later than June 30, 2002, at the request of the Finance and 57639

## As Reported by the Senate Finance and Financial Institutions Committee

Appropriations Committee of the House of Representatives, report 57640  
to the General Assembly on the department's performance in 57641  
carrying out its mission and include in the report at least the 57642  
following: the long-term planning and vision for the various 57643  
elements of the Department of Job and Family Services, and an 57644  
analysis of the fund balances and cash flow in the department's 57645  
budget. 57646

**Section 62.02. ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER** 57647

Each fiscal year, the Director of Budget and Management shall 57648  
transfer \$3,500,000 in appropriation authority from appropriation 57649  
item 600-410, TANF State, to State Special Revenue Fund 5B7 57650  
appropriation item 038-629, TANF Transfer-Treatment, and 57651  
\$1,500,000 in appropriation authority from appropriation item 57652  
600-410, TANF State, to State Special Revenue Fund 5E8 57653  
appropriation item 038-630, TANF Transfer-Mentoring, in the 57654  
Department of Alcohol and Drug Addiction Services. The Department 57655  
of Alcohol and Drug Addiction Services shall comply with all TANF 57656  
reporting requirements and timelines specified by the Department 57657  
of Job and Family Services. 57658

**Section 62.03. DISABILITY ASSISTANCE** 57659

The following schedule shall be used to determine monthly 57660  
grant levels in the Disability Assistance Program effective July 57661  
1, 2001. 57662

Persons in			57663
Assistance Group		Monthly Grant	57664
1		\$115	57665
2		159	57666
3		193	57667
4		225	57668
5		251	57669

## As Reported by the Senate Finance and Financial Institutions Committee

6	281	57670
7	312	57671
8	361	57672
9	394	57673
10	426	57674
11	458	57675
12	490	57676
13	522	57677
14	554	57678
For each additional person add	40	57679
<b>Section 62.04. ADULT EMERGENCY ASSISTANCE PROGRAM</b>		57680
Appropriations in appropriation item 600-512, Non-TANF		57681
Emergency Assistance, in each fiscal year shall be used for the		57682
Adult Emergency Assistance Program established under section		57683
5101.86 of the Revised Code.		57684
<b>Section 62.05. HEALTH CARE/MEDICAID</b>		57685
The foregoing appropriation item 600-525, Health		57686
Care/Medicaid, shall not be limited by the provisions of section		57687
131.33 of the Revised Code.		57688
<b>Section 62.06. CHILD SUPPORT COLLECTIONS/TANF MOE</b>		57689
The foregoing appropriation item 600-658, Child Support		57690
Collections, shall be used by the Department of Job and Family		57691
Services to meet the TANF maintenance of effort requirements of		57692
Pub. L. No. 104-193. After the state has met the maintenance of		57693
effort requirement, the Department of Job and Family Services may		57694
use funds from appropriation item 600-658 to support public		57695
assistance activities.		57696
<b>Section 62.07. MEDICAID PROGRAM SUPPORT FUND - STATE</b>		57697

## As Reported by the Senate Finance and Financial Institutions Committee

The foregoing appropriation item 600-671, Medicaid Program Support, shall be used by the Department of Job and Family Services to pay for Medicaid services and contracts.

**Section 62.08. HOSPITAL CARE ASSURANCE MATCH FUND** 57701

Appropriation item 600-650, Hospital Care Assurance Match, shall be used by the Department of Job and Family Services in accordance with division (B) of section 5112.18 of the Revised Code.

**Section 62.09. TANF** 57706

## TANF COUNTY INCENTIVES 57707

Of the foregoing appropriation item 600-689, TANF Block Grant, the Department of Job and Family Services may provide financial incentives to those county departments of job and family services that have exceeded performance standards adopted by the state department, and where the board of county commissioners has entered into a written agreement with the state department under section 5101.21 of the Revised Code governing the administration of the county department. Any financial incentive funds provided pursuant to this division shall be used by the county department for additional or enhanced services for families eligible for assistance under Chapter 5107. or benefits and services under Chapter 5108. of the Revised Code or, on request by the county and approval by the Department of Job and Family Services, be transferred to the Child Care and Development Fund or the Social Services Block Grant. The county departments of job and family services may retain and expend such funds without regard to the state or county fiscal year in which the financial incentives were earned or paid. Each county department of job and family services shall file an annual report with the Department of Job and Family Services providing detailed information on the expenditure of

## As Reported by the Senate Finance and Financial Institutions Committee

these financial incentives and an evaluation of the effectiveness	57728
of the county department's use of these funds in achieving	57729
self-sufficiency for families eligible for assistance under	57730
Chapter 5107. or benefits and services under Chapter 5108. of the	57731
Revised Code.	57732
TANF YOUTH DIVERSION PROGRAMS	57733
Of the foregoing appropriation item 600-689, TANF Block	57734
Grant, \$19,500,000 in each fiscal year shall be allocated by the	57735
Department of Job and Family Services to the counties according to	57736
the allocation formula established in division (D) of section	57737
5101.14 of the Revised Code. Of the funds allocated to each	57738
county, up to half may be used for contract or county-provided	57739
services for unruly and misdemeanor diversionary programs. The	57740
juvenile court in each county shall have a right of first refusal	57741
for the use of these funds for the purpose of juvenile diversion	57742
activities in accordance with the county's comprehensive joint	57743
service plan, as provided by divisions (C), (D), and (E) of	57744
section 121.37 of the Revised Code.	57745
The remaining funds not allocated for use in juvenile	57746
diversion activities may be used by the county for other contract	57747
or county-provided child welfare services. In counties with	57748
separate departments of job and family services and public	57749
children services agencies, the county department of job and	57750
family services shall serve as a pass through to the public	57751
children services agencies for these funds. Separate public	57752
children services agencies receiving such funds shall comply with	57753
all TANF requirements, including reporting requirements and	57754
timelines, as specified in state and federal laws, federal	57755
regulations, state rules, and the Title IV-A state plan, and are	57756
responsible for payment of any adverse audit finding, final	57757
disallowance of federal financial participation, or other sanction	57758
or penalty issued by the federal government or other entity	57759

concerning these funds. 57760

Of the foregoing \$19,500,000 set aside, any funds remaining 57761  
unspent on June 30, 2002, shall be carried forward and added to 57762  
the earmark for fiscal year 2003, and allocated to the counties 57763  
according to the allocation formula established in division (D) of 57764  
section 5101.14 of the Revised Code. 57765

KINSHIP NAVIGATORS 57766

Of the foregoing appropriation item 600-689, TANF Block 57767  
Grant, up to \$3 million in each fiscal year shall be allocated by 57768  
the Department of Job and Family Services to county departments of 57769  
job and family services for the purpose of making allocations to 57770  
local public children services agencies to provide services in the 57771  
Kinship Navigation program. The allocation to county departments 57772  
of job and family services shall be based on the number of Ohio 57773  
works first cases in the county, and the number of children 57774  
seventeen years of age or younger in the county. The Department of 57775  
Job and Family Services shall develop an appropriate method of 57776  
reallocating these funds in each fiscal year among the county 57777  
deparments of job and family services, if they would otherwise be 57778  
unspent. 57779

TANF FAITH-BASED CAPACITY-BUILDING PROGRAMS 57780

From the foregoing appropriation item 600-689, TANF Block 57781  
Grant, up to \$1,000,000 in each fiscal year shall be used to 57782  
support capacity-building efforts among faith-based organizations, 57783  
for the purpose of providing allowable services to TANF-eligible 57784  
individuals. Organizations receiving these funds shall comply with 57785  
all TANF requirements, and shall agree with the Department of Job 57786  
and Family Services on reporting requirements to be incorporated 57787  
into the grant agreement. 57788

TANF EDUCATION 57789

Not later than July 15, 2002, the Director of Budget and 57790

## As Reported by the Senate Finance and Financial Institutions Committee

Management shall transfer \$35,000,000 in appropriation authority 57791  
 from appropriation item 600-689, TANF Block Grant (Fund 3V6), to 57792  
 Fund 3W6, TANF Education, in the Department of Education, which is 57793  
 created in the State Treasury. The transferred funds shall be used 57794  
 for the purpose of providing allowable services to TANF-eligible 57795  
 individuals. 57796

Not later than July 15, 2001, the Director of Budget and 57797  
 Management shall transfer \$76,156,175 from Fund 3V6, TANF Block 57798  
 Grant, to Fund 3W6, TANF Education, in the Department of 57799  
 Education. Not later than July 15, 2002, the Director of Budget 57800  
 and Management shall transfer \$98,843,825 from Fund 3V6, TANF 57801  
 Block Grant, to Fund 3W6, TANF Education, in the Department of 57802  
 Education. The transferred funds shall be used for the purpose of 57803  
 providing allowable services to TANF-eligible individuals. The 57804  
 Department of Education shall comply with all TANF requirements, 57805  
 including reporting requirements and timelines, as specified in 57806  
 state and federal laws, federal regulations, state rules, and the 57807  
 Title IV-A state plan, and is responsible for payment of any 57808  
 adverse audit finding, final disallowance of federal financial 57809  
 participation, or other sanction or penalty issued by the federal 57810  
 government or other entity concerning these funds. 57811

## TANF ADULT LITERACY AND CHILD READING PROGRAMS 57812

From the foregoing appropriation item 600-689, TANF Block 57813  
 Grant, up to \$5,000,000 in each fiscal year shall be used to 57814  
 support local adult literacy and child reading programs. 57815

## COMMUNITY SERVICE CENTERS 57816

In each fiscal year, some portion of the TANF funds allocated 57817  
 to Butler, Lorain, Mahoning, and Richland counties from 57818  
 appropriation items 600-410, TANF State, or 600-689, TANF Block 57819  
 Grant, or a combination of both, shall be used to provide 57820  
 allowable services to TANF-eligible individuals who are tenants at 57821

## As Reported by the Senate Finance and Financial Institutions Committee

a former hospital facility that is now controlled by a community	57822
development corporation and operated as a community service	57823
center.	57824
TALBERT HOUSE	57825
In each fiscal year, the Director of Job and Family Services	57826
shall provide \$100,500 from appropriation item 600-689, TANF Block	57827
Grant, to the Hamilton County Department of Job and Family	57828
Services to contract with the Talbert House for the purpose of	57829
providing allowable servcies to TANF-eligible individuals. The	57830
Hamilton County Department of Job and Family Services and the	57831
Talbert House shall agree on reporting requirements that meet all	57832
TANF reporting requirements and timelines specified by the	57833
Department of Job and Family Services to be incorporated into the	57834
contract.	57835
MONTGOMERY COUNTY OUT-OF-SCHOOL YOUTH PROJECT	57836
In each fiscal year, the Director of Job and Family Services	57837
shall provide \$500,000 from appropriation item 600-689, TANF Block	57838
Grant, to the Montgomery County Department of Job and Family	57839
Services to be used to support the Out-of-School Youth Project in	57840
Montgomery County for the purpose of providing allowable services	57841
to TANF-eligible individuals. The Montgomery County Department of	57842
Job and Family Services andthe Sinclair Community College shall	57843
comply with all TANF requirements, including reporting	57844
requirements and timelines, as specified in state and federal	57845
laws, federal regulations, state rules, and the Title IV-A state	57846
plan.	57847
DYS COMPREHENSIVE STRATEGIES	57848
No later than July 15, 2001, the Director of Budget and	57849
Management shall transfer \$5,000,000 in appropriation authority	57850
from appropriation item 600-689, TANF Block Grant, to Federal	57851
Special Revenue Fund 321 appropriation item 470-614, TANF Transfer	57852

## As Reported by the Senate Finance and Financial Institutions Committee

- Comprehensive Strategies, in the Department of Youth Services. 57853  
 These funds shall be used by the Department of Youth Services to 57854  
 make grants to local communities to establish models of 57855  
 inter-system collaboration to prevent children from entering the 57856  
 juvenile justice system. In making the grants, the Department of 57857  
 Youth Services shall require that grantees use the funds only to 57858  
 plan, develop, or enhance collaborative models. Funds provided to 57859  
 grantees may not be used for any type of direct or purchased 57860  
 services. The Department of Youth Services shall comply with all 57861  
 TANF requirements, including reporting requirements and timelines, 57862  
 as specified in state and federal laws, federal regulations, state 57863  
 rules, and the Title IV-A state plan, and is responsible for 57864  
 payment of any adverse audit finding, final disallowance of 57865  
 federal financial participation, or other sanction or penalty 57866  
 issued by the federal government or other entity concerning these 57867  
 funds. 57868

TANF TRANSFER DOWN PAYMENT ASSISTANCE AND FAMILY SHELTER 57869  
 PROGRAM 57870

No later than July 15, 2001, the Director of Budget and 57871  
 Management shall transfer \$5,200,000 in appropriation authority 57872  
 from appropriation item 600-689, TANF Block Grant, to 57873  
 appropriation item 195-497, CDBG Operating Match, in the 57874  
 Department of Development. No later than July 15, 2002, the 57875  
 Director of Budget and Management shall transfer \$6,500,000 in 57876  
 appropriation authority from appropriation item 600-689, TANF 57877  
 Block Grant, to appropriation item 195-497, CDBG Operating Match, 57878  
 in the Department of Development. These funds shall be used to 57879  
 provide supportive services for low-income families related to 57880  
 housing or homelessness, including housing counseling; to provide 57881  
 grants to nonprofit organizations to assist families with incomes 57882  
 at or below 200 per cent of the federal poverty guidelines with 57883  
 down-payment assistance for homeownership, including the purchase 57884

## As Reported by the Senate Finance and Financial Institutions Committee

of mobile homes; to provide emergency home repair funding for 57885  
 families with incomes at or below 200 per cent of the federal 57886  
 poverty guidelines; to provide operating support for family 57887  
 emergency shelter programs; and to provide emergency rent and 57888  
 mortgage assistance for families with incomes at or below 200 per 57889  
 cent of the federal poverty guidelines. The funds shall not be 57890  
 used to match federal funds. The Department of Development shall 57891  
 comply with all TANF requirements, including reporting 57892  
 requirements and timelines, as specified in state and federal 57893  
 laws, federal regulations, state rules, and the Title IV-A state 57894  
 plan, and is responsible for payment of any adverse audit finding, 57895  
 final disallowance of federal financial participation, or other 57896  
 sanction or penalty issued by the federal government or other 57897  
 entity concerning these funds. 57898

## TANF FAMILY PLANNING 57899

The Director of Budget and Management shall transfer by 57900  
 intrastate voucher, no later than the fifteenth day of July of 57901  
 each fiscal year, cash from the General Revenue Fund, 57902  
 appropriation item 600-410, TANF State, to General Services Fund 57903  
 5C1 in the Department of Health, in an amount of \$250,000 in each 57904  
 fiscal year for the purpose of family planning services for 57905  
 children or their families whose income is at or below 200 per 57906  
 cent of the official poverty guideline. 57907

## TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS 57908

From the foregoing appropriation items 600-410, TANF State; 57909  
 600-658, Child Support Collections; or 600-689, TANF Block Grant, 57910  
 or a combination of these appropriation items, no less than 57911  
 \$369,040,735 in each fiscal year shall be allocated to county 57912  
 departments of job and family services as follows: 57913

County Allocations	\$276,586,957	57914
WIA Supplement	\$35,109,178	57915
Early Start - Statewide	\$38,034,600	57916

## As Reported by the Senate Finance and Financial Institutions Committee

Transportation	\$5,000,000	57917
County Training	\$3,050,000	57918
Adult Literacy and Child		57919
ading Programs	\$5,000,000	57920
Disaster Relief	\$5,000,000	57921
School Readiness Centers	\$1,260,000	57922

Upon the request of the Department of Job and Family Services, the Director of Budget and Management may seek Controlling Board approval to increase appropriations in appropriation item 600-689, TANF Block Grant, provided sufficient Federal TANF Block Grant funds exist to do so, without any corresponding decrease in other appropriation items. The Department of Job and Family Services shall provide the Office of Budget and Management and the Controlling Board with documentation to support the need for the increased appropriation.

All transfers of moneys from or charges against TANF Federal Block Grant awards for use in the Social Services Block Grant or the Child Care and Development Block Grant from either unobligated prior year appropriation authority in appropriation item 400-411, TANF Federal Block Grant, or 600-411, TANF Federal Block Grant, or from fiscal year 2002 and fiscal year 2003 appropriation authority in item 600-689, TANF Block Grant, shall be done ten days after the Department of Job and Family Services gives written notice to the Office of Budget and Management. The Department of Job and Family Services shall first provide the Office of Budget and Management with documentation to support the need for such transfers or charges for use in the Social Services Block Grant or in the Child Care Development Block Grant.

The Department of Job and Family Services shall in each fiscal year of the biennium transfer the maximum amount of funds from the federal TANF Block Grant to the federal Social Services Block Grant as permitted under federal law. Not later than July

## As Reported by the Senate Finance and Financial Institutions Committee

15, 2001, the Director of Budget and Management shall transfer 57949  
\$60,000,000 in receipts from TANF Block Grant funds that have been 57950  
credited to the Social Services Block Grant to State Special 57951  
Revenue Fund 5Q8, in the Office of Budget and Management. Not 57952  
later than June 1, 2002, the Director of Budget and Management 57953  
shall determine the amount of funds in State Special Revenue Fund 57954  
XXX that is needed for the purpose of balancing the General 57955  
Revenue Fund, and may transfer that amount to the General Revenue 57956  
Fund. That amount is hereby appropriated. Any moneys remaining in 57957  
State Special Revenue Fund 5Q8 on June 15, 2002, shall be 57958  
transferred not later than June 20, 2002 to Fund 3V6, TANF Block 57959  
Grant, in the Department of Job and Family Services. Not later 57960  
than July 15, 2002, the Director of Budget and Management shall 57961  
transfer to State Special Revenue Fund 5Q8, from Fund 3V6 in the 57962  
Department of Job and Family Services, the amount of funds that 57963  
remained in Special Revenue Fund 5Q8 on June 15, 2002, and that 57964  
were transferred to Fund 3V6. Not later than June 1, 2003, the 57965  
Director of Budget and Management shall determine the amount of 57966  
funds in State Special Revenue Fund 5Q8 that is needed for the 57967  
purpose of balancing the General Revenue Fund, and may transfer 57968  
that amount to the General Revenue Fund. That amount is hereby 57969  
appropriated. Any moneys remaining in State Special Revenue Fund 57970  
5Q8 on June 15, 2003, shall be transferred not later than June 20, 57971  
2003, to Fund 3V6, TANF Block Grant, in the Department of Job and 57972  
Family Services. 57973

Before the thirtieth day of September of each fiscal year, 57974  
the Department of Job and Family Services shall file claims with 57975  
the United States Department of Health and Human Services for 57976  
reimbursement for all allowable expenditures for services provided 57977  
by the Department of Job and Family Services, or other agencies 57978  
that may qualify for Social Services Block Grant funding pursuant 57979  
to Title XX of the Social Security Act. The Department of Job and 57980

## As Reported by the Senate Finance and Financial Institutions Committee

Family Services shall deposit, during each fiscal year, into Fund		57981
5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF		57982
Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services,		57983
\$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund		57984
3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002,		57985
into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, and		57986
into Fund 3W3, Adult Special Needs, \$2,920,227 and deposit in		57987
fiscal year 2003, into Fund 3W2, Title XX Vocational		57988
Rehabilitation, \$897,052, and into Fund 3W3, Adult Special Needs,		57989
\$6,520,227 in receipts from TANF Block Grant funds credited to the		57990
Social Services Block Grant. On verification of the receipt of the		57991
above revenue, the funds provided by these transfers shall be used		57992
as follows:		57993
Fund 5E6		57994
Second Harvest Food Bank	\$4,500,000	57995
Child Nutrition Services	\$900,000	57996
Ohio Alliance of Boys and Girls Clubs	\$600,000	57997
Fund 5P4		57998
Support and Expansion for PCSA Activities	\$5,500,000	57999
Pilot Projects for Violent and Aggressive Youth	\$2,000,000	58000
Fund 3W2		58001
Title XX Vocational Rehabilitation in fiscal	\$600,000	58002
year 2002		
Title XX Vocational Rehabilitation in fiscal	\$897,052	58003
year 2003		
Fund 3W3		58004
Adult Protective Services in fiscal year 2002	\$120,227	58005
Adult Protective Services in fiscal year 2003	\$120,227	58006
Non-TANF Adult Assistance in fiscal year 2002	\$1,000,000	58007
Non-TANF Adult Assistance in fiscal year 2003	\$1,000,000	58008
Community-Based Correctional Facilities in	\$1,800,000	58009
fiscal year 2002		
Community-Based Correctional Facilities in	\$5,400,000	58010

## As Reported by the Senate Finance and Financial Institutions Committee

fiscal year 2003		
Fund 3W5		58011
Abstinence-only Education	\$500,000	58012
Fund 3W8		58013
Hippy Program	\$62,500	58014
Fund 3W9		58015
Adoption Connection	\$50,000	58016
WELLNESS		58017
The foregoing appropriation item 600-690, Wellness, shall be		58018
used by county departments of job and family services for teen		58019
pregnancy prevention programming. Local contracts shall be		58020
developed between county departments of job and family services		58021
and local family and children first councils for the		58022
administration of TANF funding for this program.		58023
<b>Section 62.10. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS</b>		58024
The Department of Job and Family Services may use up to		58025
\$4,500,000 of appropriation item 600-634, State Options Food		58026
Stamps (Fund 5E6), in each fiscal year of the biennium to support		58027
expenditures to the Ohio Association of Second Harvest Food Banks		58028
pursuant to the following criteria.		58029
As used in this section, "federal poverty guidelines" has the		58030
same meaning as in section 5101.46 of the Revised Code.		58031
The Department of Job and Family Services shall provide an		58032
annual grant of \$4,500,000 in each of the fiscal years 2002 and		58033
2003 to the Ohio Association of Second Harvest Food Banks. In each		58034
fiscal year, the Ohio Association of Second Harvest Food Banks		58035
shall use \$2,500,000 for the purchase of food products for the		58036
Ohio Food Program, of which up to \$105,000 may be used for food		58037
storage and transport, and shall use \$2,000,000 for the		58038
Agricultural Surplus Production Alliance Project. Funds provided		58039
for the Ohio Food Program shall be used to purchase food products		58040

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and distribute those food products to agencies participating in 58041  
the emergency food distribution program. No funds provided through 58042  
this grant may be used for administrative expenses other than 58043  
funds provided for food storage and transport. As soon as possible 58044  
after entering into a grant agreement at the beginning of the 58045  
fiscal year, the Department of Job and Family Services shall 58046  
distribute the grant funds in one single payment. The Ohio 58047  
Association of Second Harvest Food Banks shall develop a plan for 58048  
the distribution of the food products to local food distribution 58049  
agencies. Agencies receiving these food products shall ensure that 58050  
individuals and families who receive any of the food products 58051  
purchased with these funds have an income at or below 150 per cent 58052  
of the federal poverty guidelines. The Department of Job and 58053  
Family Services and the Ohio Association of Second Harvest Food 58054  
Banks shall agree on reporting requirements to be incorporated 58055  
into the grant agreement. 58056

The Ohio Association of Second Harvest Food Banks shall 58057  
return any fiscal year 2002 funds from this grant remaining 58058  
unspent on June 30, 2002, to the Department of Job and Family 58059  
Services no later than November 1, 2002. The Ohio Association of 58060  
Second Harvest Food Banks shall return any fiscal year 2003 funds 58061  
from this grant remaining unspent on June 30, 2003, to the 58062  
Department no later than November 1, 2003. 58063

**Section 62.11. CHILD NUTRITION SERVICES** 58064

The Department of Job and Family Services may use up to 58065  
\$900,000 in each fiscal year of appropriation item 600-634, State 58066  
Option Food Stamps(Fund 5E6), to support Child Nutrition Services 58067  
in the Department of Education. As soon as possible after the 58068  
effective date of this section, the Department of Job and Family 58069  
Services shall enter into an interagency agreement with the 58070  
Department of Education to reimburse the 19 pilot programs that 58071

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provide nutritional evening meals to adolescents 13 through 18 58072  
 years of age participating in educational or enrichment activities 58073  
 at youth development centers. Such funds shall not be used as 58074  
 matching funds. Eligibility and reporting guidelines shall be 58075  
 detailed in the interagency agreement. 58076

## OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 58077

Of the foregoing appropriation item 600-634, State Option 58078  
 Food Stamps (Fund 5E6), the Department of Job and Family Services 58079  
 shall use up to \$600,000 in each fiscal year to support 58080  
 expenditures of the Ohio Alliance of Boys and Girls Clubs to 58081  
 provide nutritional meals, snacks, and educational and enrichment 58082  
 services, including tutoring, homework assistance, and 58083  
 standardized achievement test preparation, to children 58084  
 participating in programs and activities operated by eligible Boys 58085  
 and Girls Clubs. The Ohio Alliance of Boys and Girls Clubs shall 58086  
 provide allowable services to Title XX eligible children. 58087

As soon as possible after entering into a grant agreement at 58088  
 the beginning of the fiscal year, the Department of Job and Family 58089  
 Services shall distribute the grant funds in one single payment. 58090  
 The Ohio Alliance of Boys and Girls Clubs shall return any fiscal 58091  
 year 2002 funds from this grant remaining unspent on June 30, 58092  
 2002, to the Department of Job and Family Services not later than 58093  
 November 1, 2002. The Ohio Alliance of Boys and Girls Clubs shall 58094  
 return any fiscal year 2003 funds from this grant remaining 58095  
 unspent on June 30, 2003, to the Department of Job and Family 58096  
 Services not later than November 1, 2003. 58097

**Section 62.12.** PRESCRIPTION DRUG REBATE FUND 58098

The foregoing appropriation item 600-692, Health Care 58099  
 Services, shall be used by the Department of Job and Family 58100  
 Services in accordance with section 5111.081 of the Revised Code. 58101

Section 62.13. MEDICAID PHARMACY SERVICES FOR NURSING HOME	58102
RESIDENTS	58103
(A) As used in this section:	58104
(1) "Nursing home" has the same meaning as in section 3721.01	58105
of the Revised Code.	58106
(2) "Pharmacy provider" has the same meaning as in rule	58107
5101:3-9-01 of the Administrative Code.	58108
(3) "Wholesale acquisition cost" is the cost of a particular	58109
drug estimated by the Department of Job and Family Services by	58110
periodic review of pricing information from drug wholesalers in	58111
this state, pharmaceutical manufacturers, and one or more pharmacy	58112
pricing update services.	58113
(B) During the first quarter of the biennium ending June 30,	58114
2003, a pharmacy provider shall be reimbursed for the pharmacy	58115
services provided to a Medicaid recipient who resides in a nursing	58116
home at a rate of the wholesale acquisition cost plus nine per	58117
cent plus any applicable dispensing fee. During each quarter of	58118
the biennium thereafter, the pharmacy provider shall be reimbursed	58119
for such services at a rate determined by comparing the provider's	58120
average monthly cost of providing such services in the immediately	58121
preceding quarter to the statewide average monthly cost of	58122
providing such services on March 31, 2001. The Department of Job	58123
and Family Services shall make the comparison at the end of each	58124
quarter of the biennium and shall take into account an adequate	58125
factor for inflation in the cost of drugs.	58126
If the provider's average monthly cost of such services in	58127
the quarter being examined is equal to or greater than the	58128
statewide average monthly cost of such services on March 31, 2001,	58129
the provider shall be reimbursed at a rate of the wholesale	58130
acquisition cost plus nine per cent plus any applicable dispensing	58131

fee. If the provider's average monthly cost of such services is 58132  
less than the statewide average monthly cost of such services on 58133  
March 31, 2001, the provider shall be reimbursed at a rate of the 58134  
wholesale acquisition cost plus eleven per cent, plus any 58135  
applicable dispensing fee, plus fifty per cent of the difference 58136  
between the provider's average monthly cost of such services and 58137  
the statewide average monthly cost of such services on March 31, 58138  
2001. 58139

(C) A pharmacy provider may achieve a reduction in its 58140  
average monthly cost of providing services to a Medicaid recipient 58141  
who resides in a nursing home by providing consulting services to 58142  
the physicians who prescribe drugs to the resident. These 58143  
consulting services may include recommendations for eliminating 58144  
unnecessary and duplicative drugs, modifying inefficient drug 58145  
regimens, and implementing safe and cost-effective drug therapies. 58146

(D) The Department may adopt any rules it considers necessary 58147  
to develop and administer this section. If rules are adopted, the 58148  
rules shall be adopted in accordance with Chapter 119. of the 58149  
Revised Code. 58150

**Section 62.14. ODJFS FUNDS** 58151

**AGENCY FUND GROUP** 58152

The Agency Fund Group shall be used to hold revenues until 58153  
the appropriate fund is determined or until they are directed to 58154  
the appropriate governmental agency other than the Department of 58155  
Job and Family Services. If it is determined that additional 58156  
appropriation authority is necessary, such amounts are 58157  
appropriated. 58158

**HOLDING ACCOUNT REDISTRIBUTION GROUP** 58159

The foregoing appropriation items 600-643, Refunds and Audit 58160  
Settlements, and 600-644, Forgery Collections, Holding Account 58161

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Redistribution Fund Group, shall be used to hold revenues until 58162  
they are directed to the appropriate accounts or until they are 58163  
refunded. If it is determined that additional appropriation 58164  
authority is necessary, such amounts are appropriated. 58165

**Section 62.15.** SINGLE ALLOCATION FOR COUNTY DEPARTMENTS OF 58166  
JOB AND FAMILY SERVICES 58167

Using the foregoing appropriation items 600-504, Non-TANF 58168  
County Administration; 600-610, Food Stamps and State 58169  
Administration; 600-410, TANF State; 600-689, TANF Block Grant; 58170  
600-620, Social Services Block Grant; 600-552, County Social 58171  
Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, 58172  
Day Care Federal; 600-534, Adult Protective Services; and 600-614, 58173  
Refugees Services, the Department of Job and Family Services may 58174  
establish a single allocation for county departments of job and 58175  
family services that are subject to a partnership agreement 58176  
between a board of county commissioners and the department under 58177  
section 5101.21 of the Revised Code. The county department is not 58178  
required to use all the money from one or more of the 58179  
appropriation items listed in this paragraph for the purpose for 58180  
which the specific appropriation item is made so long as the 58181  
county department uses the money for a purpose for which at least 58182  
one of the other of those appropriation items is made. The county 58183  
department may not use the money in the allocation for a purpose 58184  
other than a purpose any of those appropriation items are made. If 58185  
the spending estimates used in establishing the single allocation 58186  
are not realized and the county department uses money in one or 58187  
more of those appropriation items in a manner for which federal 58188  
financial participation is not available, the department shall use 58189  
state funds available in one or more of those appropriation items 58190  
to ensure that the county department receives the full amount of 58191  
its allocation. The single allocation is the maximum amount the 58192  
county department shall receive from those appropriation items. 58193

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ADULT PROTECTIVE SERVICES	58194
The foregoing appropriation item 600-695, Adult Protective Services, shall be used to provide adult protective services in accordance with section 5101.62 of the Revised Code.	58195 58196 58197
NON-TANF ADULT ASSISTANCE	58198
The foregoing appropriation item 600-696, Non-TANF Adult Assistance, shall be used to provide funding for the Adult Emergency Assistance Program in accordance with section 5101.86 of the Revised Code.	58199 58200 58201 58202
HIPPY PROGRAM	58203
The Department of Job and Family Services may use up to \$62,500 of appropriation item 600-638, Hippy Program (Fund 3W8), in each fiscal year to support expenditures to the Hippy Program in Hamilton County. The Department of Job and Family Services and the Hippy Program shall agree on reporting requirements to be incorporated into the grant agreement.	58204 58205 58206 58207 58208 58209
ADOPTION CONNECTION	58210
The Department of Job and Family Services may use up to \$62,500 of appropriation item 600-640, Adoption Connection (Fund 3W9), in each fiscal year to support expenditures to the Adoption Connection Program in Hamilton County. The Department of Job and Family Services and the Adoption Connection Program shall agree on reporting requirements to be incorporated into the grant agreement.	58211 58212 58213 58214 58215 58216 58217
<b>Section 62.16. TRANSFER OF FUNDS</b>	58218
The Department of Job and Family Services shall transfer through intrastate transfer vouchers, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, to fund 4K8, Home and Community-Based Services, in the Ohio Department of Mental	58219 58220 58221 58222

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Retardation and Developmental Disabilities. The sum of the 58223  
 transfers shall equal \$12,783,463 in fiscal year 2002 and 58224  
 \$13,039,133 in fiscal year 2003. The transfer may occur on a 58225  
 quarterly basis or on a schedule developed and agreed to by both 58226  
 departments. 58227

The Department of Job and Family Services shall transfer, 58228  
 through intrastate transfer vouchers, cash from the State Special 58229  
 Revenue Fund 4J5, Home and Community-Based Services for the Aged, 58230  
 to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 58231  
 transfers shall be equal to the amounts appropriated in fiscal 58232  
 year 2002 and fiscal year 2003 in appropriation item 490-610, 58233  
 PASSPORT/Residential State Supplement. The transfer may occur on a 58234  
 quarterly basis or on a schedule developed and agreed to by both 58235  
 departments. 58236

TRANSFERS OF IMD/DSH CASH 58237

The Department of Job and Family Services shall transfer, 58238  
 through intrastate transfer voucher, cash from fund 5C9, Medicaid 58239  
 Program Support, to the Department of Mental Health's Fund 4X5, 58240  
 OhioCare, in accordance with an interagency agreement which 58241  
 delegates authority from the Department of Job and Family Services 58242  
 to the Department of Mental Health to administer specified 58243  
 Medicaid services. 58244

**Section 62.17.** CONSOLIDATION OF STATE GRANTS 58245

With the consent of a county, the Department of Job and 58246  
 Family Services may combine into a single and consolidated grant 58247  
 of state aid, funds that would otherwise be provided to that 58248  
 county pursuant to the operation of section 5101.14 of the Revised 58249  
 Code and other funds that would otherwise be provided to that 58250  
 county for the purpose of providing kinship care. In fiscal year 58251  
 2003, the grant shall also include unspent funds remaining from 58252  
 any grant provided to the county under this section in fiscal year 58253

2002. 58254

Funds contained in any such consolidation grant shall not be 58255  
subject to either statutory or administrative rules that would 58256  
otherwise govern allowable uses from such funds, except that such 58257  
funds shall continue to be used by the county to meet the expenses 58258  
of its children services program under Chapter 5153. of the 58259  
Revised Code. Funds contained in a consolidation grant shall be 58260  
paid to each county within thirty days after the beginning of each 58261  
calendar quarter. Funds provided to a county under this section 58262  
shall be deposited in the children services fund, established in 58263  
section 5101.144 of the Revised Code, and shall be used for no 58264  
other purpose than to meet the expenses of the children services 58265  
program. Within ninety days after the end of fiscal year 2003, 58266  
each county shall return to the Department of Job and Family 58267  
Services any unspent balance in the consolidated grant, unless 58268  
this section is renewed for a subsequent period of time. 58269

**Section 62.18. EMPLOYER SURCHARGE** 58270

The surcharge and the interest on the surcharge amounts due 58271  
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 58272  
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 58273  
118th General Assembly, and section 4141.251 of the Revised Code 58274  
as it existed prior to Sub. H.B. 478 of the 122nd General 58275  
Assembly, again shall be assessed and collected by, accounted for, 58276  
and made available to the Department of Job and Family Services in 58277  
the same manner as set forth in section 4141.251 of the Revised 58278  
Code as it existed prior to Sub. H.B. 478 of the 122nd General 58279  
Assembly, notwithstanding the repeal of the surcharge for calendar 58280  
years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 58281  
Assembly, except that amounts received by the Director on or after 58282  
July 1, 2001, shall be deposited into the special administrative 58283  
fund established pursuant to section 4141.11 of the Revised Code. 58284

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Effective July 1, 2001, the balance of the unemployment 58285  
 compensation surcharge trust funds created in custody of the 58286  
 Treasurer of State pursuant to section 4141.251 of the Revised 58287  
 Code shall be transferred into the special administrative fund 58288  
 established pursuant to section 4141.11 of the Revised Code. 58289

**Section 62.19. OHIO ACCESS SUCCESS PROJECT** 58290

(A) As used in this section, "nursing facility" has the same 58291  
 meaning as in section 5111.20 of the Revised Code. 58292

(B) To the extent funds are available as provided in this 58293  
 act, the Director of Job and Family Services may establish the 58294  
 Ohio Access Success Project to help Medicaid recipients make the 58295  
 transition from residing in a nursing facility to residing in a 58296  
 community setting. If the Director establishes the Project, the 58297  
 Director shall provide one-time benefits to not more than 58298  
 seventy-five Medicaid recipients in fiscal year 2002 and not more 58299  
 than one hundred twenty-five Medicaid recipients in fiscal year 58300  
 2003. To be eligible for benefits under the Project, a Medicaid 58301  
 recipient must satisfy all of the following requirements: 58302

(1) At the time of applying for the benefits, be a recipient 58303  
 of Medicaid-funded nursing facility care; 58304

(2) Have resided continuously in a nursing facility since at 58305  
 least January 1, 2000; 58306

(3) Need the level of care provided by nursing facilities; 58307

(4) Need benefits whose projected cost does not exceed eighty 58308  
 per cent of the average monthly Medicaid cost of individual 58309  
 Medicaid recipients' nursing facility care. 58310

(C) If the Director of Job and Family Services establishes 58311  
 the Ohio Access Success Project, the benefits provided under the 58312  
 Project may include payment of all of the following: 58313

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(1) The first month's rent in a community setting;	58314
(2) Rental deposits;	58315
(3) Utility deposits;	58316
(4) Moving expenses;	58317
(5) Other expenses not covered by the Medicaid program that facilitate a Medicaid recipient's move from a nursing facility to a community setting.	58318 58319 58320
(D) No person may receive more than two thousand dollars worth of benefits under the Ohio Access Success Project.	58321 58322
<b>Section 62.20. FUNDING FOR HABILITATIVE SERVICES</b>	58323
Notwithstanding any limitations contained in sections 5112.31 and 5112.37 of the Revised Code, in each fiscal year, cash from State Special Revenue Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed for transfers to Fund 4K8 may be used by the Department of Job and Family Services to cover costs of care provided to participants in the Ohio Home Care Waiver or in a waiver administered by the Department under the section titled "MR/DD Waiver Redesign". Expenses to be paid from this fund by the Department of Job and Family Services shall be limited to costs for rehabilitative services for individuals who are not determined to be eligible for county board of MR/DD services, and who require a level of care that is routinely provided through intermediate care facilities for the mentally retarded or through ICF/MR waivers administered by the Department of Mental Retardation and Developmental Disabilities.	58324 58325 58326 58327 58328 58329 58330 58331 58332 58333 58334 58335 58336 58337 58338
<b>Section 62.21. FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND THE OHIO ACCESS SUCCESS PROJECT</b>	58339 58340
Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the	58341 58342

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State Special Revenue Fund 4J5, Home and Community-Based Services 58343  
 for the Aged, in excess of the amounts needed for the transfers 58344  
 may be used by the Department of Job and Family Services for the 58345  
 following purposes: (A) up to \$1.0 million in each fiscal year to 58346  
 fund the state share of audits of Medicaid cost reports filed with 58347  
 the Department of Job and Family Services by nursing facilities 58348  
 and intermediate care facilities for the mentally retarded; and 58349  
 (B) up to \$150,000 in fiscal year 2002 and up to \$250,000 in 58350  
 fiscal year 2003 to provide one-time transitional benefits under 58351  
 the Ohio Access Success Project that the Director of Job and 58352  
 Family Services may establish under the section of this act titled 58353  
 "Ohio Access Success Project." 58354

**Section 62.22. MR/DD WAIVER REDESIGN** 58355

(A) The Director of Job and Family Services may submit a 58356  
 request to the United States Secretary of Health and Human 58357  
 Services pursuant to section 1915 of the "Social Security Act," 79 58358  
 Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 58359  
 Medicaid home and community-based services waiver program, or 58360  
 modify a current Medicaid home and community-based services waiver 58361  
 program, to serve individuals with mental retardation or a 58362  
 developmental disability who meet all of the following 58363  
 requirements: 58364

(1) Need the level of care provided by intermediate care 58365  
 facilities for the mentally retarded; 58366

(2) Need habilitation services; 58367

(3) Are enrolled in the Ohio Home Care Waiver Program on June 58368  
 30, 2001; 58369

(4) Are transferred from the Ohio Home Care Waiver Program to 58370  
 the new or modified home and community-based services waiver 58371  
 program. 58372

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(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.

(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) 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 Care/Medicaid, by the estimated cost specified in the interagency agreement. If the Director makes the reduction, the state share of the estimated costs are appropriated to the Department of Mental Retardation and Developmental Disabilities in a new appropriation item that shall be established for this purpose. The Director of

Budget and Management may increase the appropriation in 58405  
appropriation item 322-639, Medicaid Waiver, by the corresponding 58406  
non-GRF federal share of the estimated costs. 58407

**Section 62.23. MEDICALLY FRAGILE WAIVER REDESIGN** 58408

(A) The Director of Job and Family Services may submit a 58409  
request to the United States Secretary of Health and Human 58410  
Services pursuant to section 1915 of the "Social Security Act," 79 58411  
Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 58412  
Medicaid home and community-based services waiver program, or 58413  
modify a current Medicaid home and community-based services waiver 58414  
program, to serve medically fragile individuals who meet all of 58415  
the following requirements: 58416

(1) Need a skilled level of care as defined in rule 58417  
5101:3-3-05 of the Administrative Code; 58418

(2) Are enrolled in the Ohio Home Care Waiver Program on June 58419  
30, 2001, or, as limited by division (D) of this section, after 58420  
that date; 58421

(3) Are transferred from the Ohio Home Care Waiver Program to 58422  
the new or modified home and community-based services waiver 58423  
program. 58424

(B) If the United States Secretary of Health and Human 58425  
Services grants a waiver request submitted under division (A) of 58426  
this section, the Director of Job and Family Services may create a 58427  
new, or modify an existing, home and community-based services 58428  
waiver program in accordance with the waiver. The new or modified 58429  
waiver program shall specify the maximum amount that the program 58430  
may spend per individual enrolled in the program. The Department 58431  
of Job and Family Services shall administer the waiver program. 58432

(C) The Director of Job and Family Services may reduce the 58433  
maximum number of individuals the Ohio Home Care Waiver Program 58434

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may serve by the number of individuals transferred from that 58435  
 program to the new or modified home and community-based services 58436  
 waiver program provided for by this section. 58437

(D) No more than a number, approved by the Director of Budget 58438  
 and Management, of individuals who enroll in the Ohio Home Care 58439  
 Waiver Program after June 30, 2001, may transfer to the new or 58440  
 modified waiver program provided for by this section. 58441

**Section 62.24. MEDICAID WAIVER** 58442

(A) With the assistance of the Department of Mental Health 58443  
 and after consulting with community mental health facilities that 58444  
 provide mental health services included in the state Medicaid plan 58445  
 pursuant to section 5111.022 of the Revised Code and with the 58446  
 chairpersons and ranking minority members of the House of 58447  
 Representatives Health and Family Services Committee and the 58448  
 Senate Health, Human Services, and Aging Committee, the Department 58449  
 of Job and Family Services shall develop and submit to the Health 58450  
 Care Financing Administration of the United States Department of 58451  
 Health and Human Services an application for a waiver under which 58452  
 any of the federal Medicaid statutes and regulations that are 58453  
 subject to being waived may be waived as necessary for purposes of 58454  
 better ensuring both of the following: 58455

(1) That Medicaid coverage and payment methods for mental 58456  
 health services provided under section 5111.022 of the Revised 58457  
 Code are consistent with the service priorities established 58458  
 pursuant to Chapters 340. and 5119. of the Revised Code; 58459

(2) That the services provided under section 5111.022 of the 58460  
 Revised Code can be provided in a manner that maximizes the 58461  
 effectiveness of resources available to the Department of Mental 58462  
 Health and boards of alcohol, drug addiction, and mental health 58463  
 services. 58464

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(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.

**Section 62.25.** REFUND OF SETS PENALTY 58470

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.

**Section 62.26.** As used in this section, "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

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.

The rule of this act that items in uncodified sections do not have effect after June 30, 2003, does not apply to this section.

**Section 62.27.** 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.

**Section 62.28.** Not later than February 28, 2002, the Director of Job and Family Services shall submit to the United States

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Secretary of Health and Human Services an amendment to the state 58493  
Medicaid Plan to provide for the Department of Job and Family 58494  
Services to continue the Program of All-Inclusive Care for the 58495  
Elderly, known as PACE, in accordance with 42 U.S.C. 1396u-4. The 58496  
Director may submit to the United States Secretary of Health and 58497  
Human Services application for program agreements to operate the 58498  
PACE program in accordance with 42 U.S.C. 1396u-4. The Director 58499  
shall consider and, in the absence of just cause for refusal, 58500  
shall give preference to, Condordia Care and TriHealth Senior 58501  
Link, when determining the entities for which the first two PACE 58502  
applications shall be submitted. The Director may submit to the 58503  
United States Secretary a request to transfer the day-to-day 58504  
administration of PACE to the Department of Aging. If the United 58505  
States Secretary approves the amendment, the Directors of Job and 58506  
Family Services and Aging may enter into an interagency agreement 58507  
under section 5111.86 of the Revised Code to transfer 58508  
responsibility for the day-to-day administration of PACE from the 58509  
Department of Job and Family Services to the Department of Aging. 58510  
The interagency agreement is subject to the approval of the 58511  
Director of Budget and Management and shall include an estimated 58512  
cost of services to be provided under PACE and an estimated cost 58513  
for the administrative duties assigned by the agreement to the 58514  
Department of Aging. 58515

If the Directors of Job and Family Services and Aging enter 58516  
into the interagency agreement, the Director of Budget and 58517  
Management shall reduce the amount in appropriation item 600-525, 58518  
Health Care/Medicaid, by the estimated costs of PACE services and 58519  
an estimated cost for the administrative duties assigned by the 58520  
agreement to the Department of Aging included in the interagency 58521  
agreement. If the Director of Budget and Management makes the 58522  
reduction, the state and federal share of the estimated costs of 58523  
PACE services and administration is hereby appropriated to the 58524

Department of Aging. The Director of Budget and Management shall 58525  
establish a new appropriation item for the appropriation. 58526

**Section 62.29.** (A) The authority of the Director of Job and 58527  
Family Services under section 5111.02 of the Revised Code to adopt 58528  
a rule excluding drugs for the treatment of obesity from coverage 58529  
under the Medicaid program is revoked. Therefore, the Director 58530  
shall rescind paragraph (D)(1) of rule 5101:3-9-03 of the 58531  
Administrative Code. Paragraph (D)(1) of rule 5101:3-9-03 of the 58532  
Administrative Code is suspended pending the rescission. This 58533  
division does not require the Medicaid program to cover drugs for 58534  
the treatment of obesity. 58535

The rule of this act that items in uncodified sections do not 58536  
have effect after June 30, 2003, does not apply to this division. 58537

(B) Not later than six months after the effective date of 58538  
this section, the Director of Job and Family Services shall 58539  
complete an evaluation and issue a report on whether the Medicaid 58540  
program should cover anti-obesity agents that have been approved 58541  
by the United States Food and Drug Administration for the 58542  
treatment of obesity and obesity's related co-morbidities. At a 58543  
minimum, the evaluation shall consider the safety, efficacy, and 58544  
cost-effectiveness of having the Medicaid program cover such 58545  
anti-obesity agents. The Director shall submit the report to the 58546  
chairperson and ranking minority member of the House of 58547  
Representatives Finance and Appropriations Committee and the 58548  
chairperson and ranking minority member of the Senate Finance and 58549  
Financial Institutions Committee. 58550

**Section 62.30. CHILD PROTECTIVE SERVICES** 58551

Of the foregoing appropriation item 600-527, Child Protective 58552  
Services, \$15,000 in each fiscal year shall be provided to the 58553  
Children's Advocacy Center in Portage County. 58554

## As Reported by the Senate Finance and Financial Institutions Committee

Of the foregoing appropriation item 600-527, Child Protective Services, \$750,000 in fiscal year 2002 and \$1,000,000 in fiscal year 2003 shall be used as state matching funds for independent living services under the John H. Chafee Foster Care Independence Program.

**Section 62.31.** The Director of Job and Family Services may apply to the United States Secretary of Health and Human Services for approval to increase the number of slots for the Individual Options Medicaid home and community-based services waiver program as follows:

(A) For fiscal year 2002, that the waiver program have at least five hundred more slots than the waiver program had in fiscal year 2001;

(B) For fiscal year 2003, that the waiver program have at least five hundred more slots than the waiver program had in fiscal year 2002.

**Section 62.32.** PREFERRED OPTION EVALUATION

The Director of Job and Family Services shall evaluate the Medicaid managed care enrollment alternative known as Preferred Option. As part of the evaluation, the Director shall examine whether Preferred Option should be expanded to additional counties. Not later than June 30, 2003, the Director shall submit a report on the evaluation to the Governor, Speaker of the House of Representatives, and President of the Senate. The Director shall include in the report any findings made pursuant to the evaluation, including the Director's conclusions as to whether Preferred Option should be expanded to additional counties. The Director may not expand Preferred Option to any additional county before the Director submits the report.

58584

**Section 62.33.** (A) The Director of Job and Family Services 58585  
shall continue operations through each of the local public 58586  
employment offices described in section 4141.04 of the Revised 58587  
Code that exist on the effective date of this section until thirty 58588  
days after submitting the report required by division (B) of this 58589  
section. 58590

(B) The Director shall present a detailed report to the 58591  
members of the Finance and Appropriations Committee of the House 58592  
of Representatives and of the Finance and Financial Institutions 58593  
Committee of the Senate on or before October 1, 2001, that 58594  
describes the Director's plan to cease the Department of Job and 58595  
Family Services operations at the offices described in division 58596  
(A) of this section and instead commence operations at telephone 58597  
registration centers, mail claims centers, and one-stop employment 58598  
centers. The report shall include all of the following 58599  
information: 58600

(1) A description of plans to employ personnel for telephone 58601  
registration centers and mail claims centers, including plans to 58602  
possibly reassign personnel employed at the offices described in 58603  
division (A) of this section to the telephone registration 58604  
centers, mail claims centers, or one-stop employment centers, and 58605  
a description of model plans and actual plans detailing the manner 58606  
in which personnel would be employed in each telephone 58607  
registration center, mail claims center, or one-stop employment 58608  
center; 58609

(2) A fiscal analysis of the impact of the transition, 58610  
including all of the following information that is presented in a 58611  
manner so that the costs described in division (B)(2)(a) of this 58612  
section can be readily compared to the costs described in division 58613  
(B)(2)(b) of this section: 58614

(a) The cost of operating the existing offices described in 58615

## As Reported by the Senate Finance and Financial Institutions Committee

division (A) of this section, including the costs for	58616
administration, facilities, and employing personnel;	58617
(b) The number of proposed telephone registration centers and	58618
mail claims centers and the projected operational costs of those	58619
centers, including, but not limited to, the cost of employing	58620
personnel for those centers, the administrative overhead costs of	58621
those centers, the initial costs to establish those centers, the	58622
long-term costs of maintaining those centers, and the cost of	58623
renting facilities for those centers, if rental is necessary.	58624
	58625
(3) The estimated cost projections of the initial start-up	58626
costs of transitioning from the existing offices described in	58627
division (A) of this section to the telephone registration	58628
centers, mail claims centers, and one-stop employment centers and	58629
the long-term operational costs of both operating those centers	58630
and assisting in providing personnel to staff the one-stop	58631
employment centers;	58632
(4) Funding projections that clearly indicate the amount of	58633
funding expected from federal, state, and local sources for the	58634
transition, and for maintaining the telephone registration centers	58635
and mail claims centers, and for assisting in providing personnel	58636
to staff the one-stop employment centers, with the amounts from	58637
each source stated separately;	58638
(5) Steps that the Director plans to take to assist local	58639
communities in improving services at one-stop employment centers	58640
so that service to unemployed individuals, other job seekers, and	58641
employers is not interrupted.	58642
(C) It is the intention of the General Assembly that the	58643
Director be strongly encouraged to negotiate with boards of county	58644
commissioners, local workforce policy boards, and other interested	58645
local officials in developing a plan to transfer operations from	58646

## As Reported by the Senate Finance and Financial Institutions Committee

the offices described in division (A) of this section to telephone 58647  
 registration centers, mail claims centers, and one-stop employment 58648  
 centers. It is also the intention of the General Assembly that 58649  
 those negotiations include a process for agreeing to the division 58650  
 of resources and the allocation of costs between the Department of 58651  
 Job and Family Services, boards of county commissioners, and local 58652  
 workforce policy boards. 58653

**Section 62.34. CHILD AND FAMILY SERVICES ACTIVITIES** 58654

Of the foregoing appropriation item 600-427, Child and Family 58655  
 Services Activities, \$10,000 in each fiscal year shall be provided 58656  
 to the Parmadale Children's Home. 58657

Of the foregoing appropriation item 600-427, Child and Family 58658  
 Services Activities, \$10,000 in each fiscal year shall be provided 58659  
 to the Berea Children's Home. 58660

**Section 62.35. (A) As used in this section:** 58661

(1) "Medicaid days" means all days during which a resident 58662  
 who is a Medicaid recipient occupies a bed in a nursing facility 58663  
 that is included in the facility's certified capacity under Title 58664  
 XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 58665  
 1396, as amended. Therapeutic or hospital leave days for which 58666  
 payment is made under section 5111.33 of the Revised Code are 58667  
 considered Medicaid days proportionate to the percentage of the 58668  
 nursing facility's per resident per day rate paid for those days. 58669

(2) "Nursing facility" has the same meaning as in section 58670  
 5111.20 of the Revised Code. 58671

(B) Notwithstanding sections 5111.20 to 5111.32 of the 58672  
 Revised Code, rates paid to nursing facilities under the Medicaid 58673  
 program shall be subject to the following limitations: 58674

(1) For fiscal year 2002, the mean total per diem rate for 58675

## As Reported by the Senate Finance and Financial Institutions Committee

all nursing facilities in the state, weighted by Medicaid days and  
calculated as of July 1, 2001, under sections 5111.20 to 5111.32  
of the Revised Code, shall not exceed \$144.99.

(2) For fiscal year 2003, the mean total per diem rate for  
all nursing facilities in the state, weighted by Medicaid days and  
calculated as of July 1, 2002, under sections 5111.20 to 5111.32  
of the Revised Code, shall not exceed \$154.41, plus any difference  
between \$144.99 and the mean total per diem rate for all nursing  
facilities in the state for fiscal year 2002, weighted by Medicaid  
days and calculated as of July 1, 2001, under sections 5111.20 to  
5111.32 of the Revised Code.

(3) If the mean total per diem rate for all nursing  
facilities in the state for fiscal year 2002 or 2003, weighted by  
Medicaid days and calculated under sections 5111.20 to 5111.32 of  
the Revised Code as of the first day of July of the calendar year  
in which the fiscal year begins, exceeds the amount specified for  
that fiscal year in division (B)(1) or (2) of this section, the  
Department of Job and Family Services shall reduce the total per  
diem rate for each nursing facility in the state by a percentage  
that is equal to the percentage by which the mean total per diem  
rate exceeds the amount specified in division (B)(1) or (2) of  
this section for that fiscal year.

(4) Subsequent to any reduction required by division (B)(1),  
(2), or (3) of this section, a nursing facility's rate shall be  
subject to any adjustments required or authorized by sections  
5111.20 to 5111.32 of the Revised Code during the remainder of the  
fiscal year.

**Section 62.36.** (A) Notwithstanding division (Q)(1) of section  
5111.20 of the Revised Code, when calculating indirect care costs  
for the purpose of establishing rates under section 5111.24 or  
5111.241 of the Revised Code for fiscal year 2002, "per diem," as

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used in sections 5111.20 to 5111.32 of the Revised Code, means a 58707  
nursing facility's or intermediate care facility for the mentally 58708  
retarded's actual, allowable indirect care costs in the cost 58709  
reporting period divided by the greater of the facility's 58710  
inpatient days for that period or the number of inpatient days the 58711  
facility would have had during that period if its occupancy rate 58712  
had been eighty-two per cent. 58713

(B) Notwithstanding division (Q)(1) of section 5111.20 of the 58714  
Revised Code, when calculating indirect care costs for the purpose 58715  
of establishing rates under section 5111.24 or 5111.241 of the 58716  
Revised Code for fiscal year 2003, "per diem," as used in sections 58717  
5111.20 to 5111.32 of the Revised Code, means a nursing facility's 58718  
or intermediate care facility for the mentally retarded's actual, 58719  
allowable indirect care costs in the cost reporting period divided 58720  
by the greater of the facility's inpatient days for that period or 58721  
the number of inpatient days the facility would have had during 58722  
that period if its occupancy rate had been eighty-seven per cent. 58723  
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(C) Notwithstanding division (Q)(2) of section 5111.20 of the 58725  
Revised Code, when calculating capital costs for the purpose of 58726  
establishing rates under section 5111.25 or 5111.251 of the 58727  
Revised Code for fiscal year 2002, "per diem," as used in sections 58728  
5111.20 to 5111.32 of the Revised Code, means a nursing facility's 58729  
or intermediate care facility for the mentally retarded's actual, 58730  
allowable capital costs in the cost reporting period divided by 58731  
the greater of the facility's inpatient days for that period or 58732  
the number of inpatient days the facility would have had during 58733  
that period if its occupancy rate had been eighty-eight per cent. 58734

(D) Notwithstanding division (Q)(2) of section 5111.20 of the 58735  
Revised Code, when calculating capital costs for the purpose of 58736  
establishing rates under section 5111.25 or 5111.251 of the 58737  
Revised Code for fiscal year 2003, "per diem," as used in sections 58738

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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.

**Section 62.37. NURSING FACILITY STABILIZATION FUND**

(A) As used in this section:

(1) "Inpatient days" and "nursing facility" have the same  
 meanings as in section 5111.20 of the Revised Code.

(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.

(B) The Department of Job and Family Services shall use money

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in the Nursing Facility Stabilization Fund created under section	58769
3721.56 of the Revised Code to do all of the following:	58770
(1) Make payments to nursing facilities under sections	58771
5111.20 to 5111.32 of the Revised Code to the extent that funds	58772
available in appropriation item 600-525, Health Care/Medicaid, are	58773
insufficient to make those payments;	58774
(2) Make payments to each nursing facility for fiscal years	58775
2002 and 2003 in an amount equal to three fourths of the franchise	58776
permit fee the nursing facility pays under section 3721.53 of the	58777
Revised Code for the fiscal year the department makes the payment	58778
divided by the nursing facility's inpatient days for the calendar	58779
year preceding the calendar year in which that fiscal year begins;	58780
(3) Make payments to each nursing facility for fiscal years	58781
2002 and 2003 in an amount equal to one dollar and fifty cents per	58782
Medicaid day;	58783
(4) Make payments under the Nursing Facility Bed Operating	58784
Rights Buy-Back Program. The Department may not use more than	58785
\$15,000,000 to implement that program.	58786
(C) Any money remaining in the Nursing Facility Stabilization	58787
Fund after payments specified in division (B) of this section are	58788
made for fiscal years 2002 and 2003 shall be retained in the fund.	58789
Any interest or other investment proceeds earned on money in the	58790
fund shall be credited to the fund and used to make payments in	58791
accordance with division (B) of this section.	58792
<b>Section 62.38. NURSING FACILITY BED OPERATING RIGHTS BUY-BACK</b>	58793
<b>PROGRAM</b>	58794
As used in this section, "nursing facility" has the same	58795
meaning as in section 5111.20 of the Revised Code.	58796
The Director of Job and Family Services shall create and	58797
implement a Nursing Facility Bed Operating Rights Buy-Back	58798

## As Reported by the Senate Finance and Financial Institutions Committee

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. 58799  
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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 the lowest bidder asks for more than the maximum per-bed amount, if any, the Director may establish. The Director shall not purchase the operating rights to more nursing facility beds than the Director specified in its notice to the nursing facilities. 58804  
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A nursing facility that has sold the operating rights to a nursing facility bed under this section may not include that bed or costs associated with the bed in a cost report filed under section 5111.26 or 5111.27 of the Revised Code. The facility shall file with the Director an amended cost report for the calendar year preceding the year the Director purchases the operating rights. In the amended cost report, the nursing facility shall subtract the bed and costs associated with the bed from the previous cost report for that calendar year. The Director shall use the amended cost report to revise the nursing facility's rates 58821  
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under sections 5111.20 to 5111.32 of the Revised Code for the	58831
fiscal year in which the operating rights are purchased.	58832
	58833
No action taken pursuant to the Nursing Facility Bed	58834
Operating Rights Buy-Back Program is a reviewable activity under	58835
sections 3702.51 to 3702.62 of the Revised Code.	58836
<b>Section 62.39. NURSING FACILITY REIMBURSEMENT STUDY COUNCIL</b>	58837
During fiscal years 2002 and 2003, the Nursing Facility	58838
Reimbursement Study Council shall examine and report to the	58839
Governor, the Speaker of the House of Representatives, and the	58840
President of the Senate its activities, findings, and	58841
recommendations concerning at least all of the following:	58842
(1) The use of imputed occupancy factors in calculating	58843
reimbursement rates;	58844
(2) The identification and quantification of costs that vary	58845
with occupancy and costs that do not vary with occupancy;	58846
(3) Specific elements of the reimbursement formula that	58847
contribute to or detract from facility efficiency, including	58848
appropriate methods of defining and measuring efficiency;	58849
(4) The inclusion or exclusion of direct-care costs and	58850
case-mix scores for classes of facility residents the Council	58851
identifies from case-mix calculations and the effect of those	58852
inclusions or exclusions on direct care of residents;	58853
(5) Whether the return on equity provision in the	58854
reimbursement formula should remain;	58855
(6) The use of depreciation recapture in the case of	58856
transfers of nursing facilities;	58857
(7) The amount of time that elapses between when a facility	58858
incurs costs for wage increases or other expenditure and when	58859

those costs are included in the reimbursement rate; 58860

(8) The percentage of capital costs that are not included in 58861  
the reimbursement rate; 58862

(9) The percentage of purchased nursing costs that are not 58863  
included in the reimbursement rate. 58864

**Section 62.40.** The Department of Mental Retardation and 58865  
Developmental Disabilities shall arrange for a study to be 58866  
completed no later than January 1, 2003, of the implications of 58867  
the "Health Insurance Portability and Accountability Act of 1996," 58868  
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 58869  
amended, on payment systems for Medicaid-funded services to 58870  
individuals with mental retardation or other developmental 58871  
disability, including the Multi-Agency Community Services 58872  
Information System and similar payment systems. The study shall 58873  
include consideration of the feasibility of a payment system under 58874  
which a county board of mental retardation and developmental 58875  
disabilities pays claims directly to persons and government 58876  
entities under contract with the county board to provide 58877  
Medicaid-funded services to individuals with mental retardation or 58878  
other developmental disability. 58879

The Department shall contract with a person to administer an 58880  
individual assessment instrument to a representative sample of 58881  
individuals receiving or eligible to receive home and 58882  
community-based services provided under a Medicaid component the 58883  
Department administers under section 5111.871 of the Revised Code. 58884  
The assessment instrument shall be identical or similar in design 58885  
to the New York Developmental Disabilities Profile as developed by 58886  
the New York Office of Mental Retardation and Developmental 58887  
Disabilities. The purpose of the contract is to collect data 58888  
necessary for constructing a statewide individual assessment 58889  
instrument capable of reliably assessing an individual's needs 58890

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that the Department is required to provide to the Department of 58891  
 Job and Family Services under division (A)(2) of section 5111.873 58892  
 of the Revised Code. 58893

**Section 62.41. CRITICAL ACCESS HOSPITALS** 58894

Pursuant to the requirement of section 5112.03 of the Revised 58895  
 Code to adopt rules establishing a methodology for paying 58896  
 hospitals under the Hospital Care Assurance Program, the Director 58897  
 of Job and Family Services shall include within the methodology a 58898  
 special payment pool for hospitals certified as critical access 58899  
 hospitals by the United States Health Care Financing 58900  
 Administration. The special payment pool for critical access 58901  
 hospitals shall be used to reimburse each critical access hospital 58902  
 an amount equal to the difference between the hospital's Medicaid 58903  
 costs and its Medicaid payments. 58904

**Section 63. JCO JUDICIAL CONFERENCE OF OHIO** 58905

General Revenue Fund 58906

GRF 018-321 Operating Expenses	\$	1,110,240	\$	1,141,327	58907
TOTAL GRF General Revenue Fund	\$	1,110,240	\$	1,141,327	58908

General Services Fund Group 58909

403 018-601 Ohio Jury Instructions	\$	200,000	\$	200,000	58910
TOTAL GSF General Services Fund	\$	200,000	\$	200,000	58911

Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,310,240	\$	1,341,327	58912
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## STATE COUNCIL OF UNIFORM STATE LAWS 58913

Notwithstanding section 105.26 of the Revised Code, of the 58914  
 foregoing appropriation item 018-321, Operating Expenses, up to 58915  
 \$60,000 in fiscal year 2002 and up to \$63,000 in fiscal year 2003 58916  
 may be used to pay the expenses of the State Council of Uniform 58917  
 State Laws, including membership dues to the National Conference 58918

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of Commissioners on Uniform State Laws.				58919	
OHIO JURY INSTRUCTIONS FUND				58920	
The Ohio Jury Instructions Fund (Fund 403) shall consist of				58921	
grants, royalties, dues, conference fees, bequests, devises, and				58922	
other gifts received for the purpose of supporting costs incurred				58923	
by the Judicial Conference of Ohio in dispensing education and				58924	
informational data to the state's judicial system. Fund 403 shall				58925	
be used by the Judicial Conference of Ohio to pay expenses				58926	
incurred in dispensing educational and informational data to the				58927	
state's judicial system. All moneys accruing to Fund 403 in excess				58928	
of \$200,000 in fiscal year 2002 and in excess of \$200,000 in				58929	
fiscal year 2003 are hereby appropriated for the purposes				58930	
authorized.				58931	
No money in the Ohio Jury Instructions Fund shall be				58932	
transferred to any other fund by the Director of Budget and				58933	
Management or the Controlling Board.				58934	
<b>Section 64.</b> JSC THE JUDICIARY/SUPREME COURT				58935	
General Revenue Fund				58936	
GRF 005-321 Operating Expenses -	\$	98,524,655	\$	103,540,214	58937
Judiciary/Supreme					
Court					
GRF 005-401 State Criminal	\$	294,096	\$	304,881	58938
Sentencing Council					
GRF 005-406 Law-Related Education	\$	200,802	\$	206,826	58939
GRF 005-502 Commission for Legal	\$	0	\$	657,600	58940
Education Opportunity					
TOTAL GRF General Revenue Fund	\$	99,019,553	\$	104,709,521	58941
General Services Fund Group					58942
672 005-601 Continuing Judicial	\$	235,000	\$	265,000	58943
Education					

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TOTAL GSF General Services Fund	\$	235,000	\$	265,000	58944
Group					
State Special Revenue Fund Group					58945
4C8 005-605 Attorney Registration	\$	1,971,100	\$	2,030,233	58946
6A8 005-606 Supreme Court	\$	1,042,536	\$	1,089,111	58947
Admissions					
643 005-607 Commission on	\$	573,268	\$	590,016	58948
Continuing Legal					
Education					
TOTAL SSR State Special Revenue	\$	3,586,904	\$	3,709,360	58949
Fund Group					
Federal Special Revenue Fund Group					58950
3J0 005-603 Federal Grants	\$	1,093,306	\$	964,484	58951
TOTAL FED Federal Special Revenue	\$	1,093,306	\$	964,484	58952
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	103,934,763	\$	109,648,365	58953
LAW-RELATED EDUCATION					58954
The foregoing appropriation item 005-406, Law-Related					58955
Education, shall be distributed directly to the Ohio Center for					58956
Law-Related Education for the purposes of providing continuing					58957
citizenship education activities to primary and secondary					58958
students, expanding delinquency prevention programs, increasing					58959
activities for at-risk youth, and accessing additional public and					58960
private money for new programs.					58961
OHIO COMMISSION FOR LEGAL EDUCATION OPPORTUNITY					58962
The foregoing appropriation item 005-502, Commission for					58963
Legal Education Opportunity, shall be used to fund the activities					58964
of the Commission for Legal Education Opportunity created by the					58965
Chief Justice of the Supreme Court of Ohio for the purpose of					58966
assisting minority, low-income, and educationally disadvantaged					58967
college graduates in the transition to legal education. Moneys					58968

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appropriated to the Commission for Legal Education Opportunity may 58969  
 be used to establish and provide an intensive course of study 58970  
 designed to prepare eligible college graduates for law school 58971  
 education, provide annual stipends for students who successfully 58972  
 complete the course of study and are admitted to and maintain 58973  
 satisfactory academic standing in an Ohio law school, and pay the 58974  
 administrative costs associated with the program. 58975

## CONTINUING JUDICIAL EDUCATION 58976

The Continuing Judicial Education Fund (Fund 672) shall 58977  
 consist of fees paid by judges and court personnel for attending 58978  
 continuing education courses and other gifts and grants received 58979  
 for the purpose of continuing judicial education. The foregoing 58980  
 appropriation item 005-601, Continuing Judicial Education, shall 58981  
 be used to pay expenses for continuing education courses for 58982  
 judges and court personnel. If it is determined by the 58983  
 Administrative Director of the Supreme Court that additional 58984  
 appropriations are necessary, the amounts are appropriated. 58985

No money in the Continuing Judicial Education Fund shall be 58986  
 transferred to any other fund by the Director of Budget and 58987  
 Management or the Controlling Board. Interest earned on moneys in 58988  
 the Continuing Judicial Education Fund shall be credited to the 58989  
 fund. 58990

## ATTORNEY REGISTRATION 58991

In addition to funding other activities considered 58992  
 appropriate by the Supreme Court, the foregoing appropriation item 58993  
 005-605, Attorney Registration, may be used to compensate 58994  
 employees and fund the appropriate activities of the following 58995  
 offices established by the Supreme Court pursuant to the Rules for 58996  
 the Government of the Bar of Ohio: the Office of Disciplinary 58997  
 Counsel, the Board of Commissioners on Grievances and Discipline, 58998  
 the Clients' Security Fund, the Board of Commissioners on the 58999

## As Reported by the Senate Finance and Financial Institutions Committee

Unauthorized Practice of Law, and the Office of Attorney 59000  
 Registration. If it is determined by the Administrative Director 59001  
 of the Supreme Court that additional appropriations are necessary, 59002  
 the amounts are appropriated. 59003

No moneys in the Attorney Registration Fund shall be 59004  
 transferred to any other fund by the Director of Budget and 59005  
 Management or the Controlling Board. Interest earned on moneys in 59006  
 the Attorney Registration Fund shall be credited to the fund. 59007

## SUPREME COURT ADMISSIONS 59008

The foregoing appropriation item 005-606, Supreme Court 59009  
 Admissions, shall be used to compensate Supreme Court employees 59010  
 who are primarily responsible for administering the attorney 59011  
 admissions program, pursuant to the Rules for the Government of 59012  
 the Bar of Ohio, and to fund any other activities considered 59013  
 appropriate by the court. Moneys shall be deposited into the 59014  
 Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 59015  
 Court Rules for the Government of the Bar of Ohio. If it is 59016  
 determined by the Administrative Director of the Supreme Court 59017  
 that additional appropriations are necessary, the amounts are 59018  
 appropriated. 59019

No moneys in the Supreme Court Admissions Fund shall be 59020  
 transferred to any other fund by the Director of Budget and 59021  
 Management or the Controlling Board. Interest earned on moneys in 59022  
 the Supreme Court Admissions Fund shall be credited to the fund. 59023

## CONTINUING LEGAL EDUCATION 59024

The foregoing appropriation item 005-607, Commission on 59025  
 Continuing Legal Education, shall be used to compensate employees 59026  
 of the Commission on Continuing Legal Education, established 59027  
 pursuant to the Supreme Court Rules for the Government of the Bar 59028  
 of Ohio, and to fund other activities of the commission considered 59029  
 appropriate by the court. If it is determined by the 59030

As Reported by the Senate Finance and Financial Institutions Committee

Administrative Director of the Supreme Court that additional	59031
appropriations are necessary, the amounts are appropriated.	59032
No moneys in the Continuing Legal Education Fund shall be	59033
transferred to any other fund by the Director of Budget and	59034
Management or the Controlling Board. Interest earned on moneys in	59035
the Continuing Legal Education Fund shall be credited to the fund.	59036
 FEDERAL MISCELLANEOUS	59037
The Federal Miscellaneous Fund (3J0) shall consist of grants	59038
and other moneys awarded to the Supreme Court of Ohio (The	59039
Judiciary) by the United States Government, the State Justice	59040
Institute, or other entities that receive the moneys directly from	59041
the United States Government or the State Justice Institute and	59042
distribute those moneys to the Supreme Court of Ohio (The	59043
Judiciary). The foregoing appropriation item 005-603, Federal	59044
Grants, shall be used in a manner consistent with the purpose of	59045
the grant or award. If it is determined by the Administrative	59046
Director of the Supreme Court that additional appropriations are	59047
necessary, the amounts are appropriated.	59048
No money in the Federal Miscellaneous Fund shall be	59049
transferred to any other fund by the Director of Budget and	59050
Management or the Controlling Board. However, interest earned on	59051
moneys in the Federal Miscellaneous Fund shall be credited or	59052
transferred to the General Revenue Fund.	59053
 <b>Section 65.</b> LEC LAKE ERIE COMMISSION	59054
State Special Revenue Fund Group	59055
4C0 780-601 Lake Erie Protection      \$      1,044,854   \$      1,070,975	59056
Fund	
5D8 780-602 Lake Erie Resources      \$           661,009   \$           689,004	59057
Fund	
TOTAL SSR State Special Revenue	59058

## As Reported by the Senate Finance and Financial Institutions Committee

Fund Group	\$	1,705,863	\$	1,759,979	59059
TOTAL ALL BUDGET FUND GROUPS	\$	1,705,863	\$	1,759,979	59060
CASH TRANSFER					59061
Not later than the thirtieth day of November of each fiscal					59062
year, the Executive Director of the Ohio Lake Erie Office, with					59063
the approval of the Lake Erie Commission, shall certify to the					59064
Director of Budget and Management the cash balance in the Lake					59065
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet					59066
operating expenses of the Lake Erie Office. The Ohio Lake Erie					59067
Office may request the Director of Budget and Management to					59068
transfer up to the certified amount from the Lake Erie Resources					59069
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The					59070
Director of Budget and Management may transfer the requested					59071
amount, or the Director may transfer a different amount up to the					59072
certified amount. Cash transferred shall be used for the purposes					59073
described in division (A) of section 1506.23 of the Revised Code.					59074
The amount transferred by the director is appropriated to the					59075
foregoing appropriation item 780-601, Lake Erie Protection Fund,					59076
which shall be increased by the amount transferred.					59077
<b>Section 66. LRS LEGAL RIGHTS SERVICE</b>					59078
General Revenue Fund					59079
GRF 054-100 Personal Services	\$	274,718	\$	269,974	59080
GRF 054-200 Maintenance	\$	45,278	\$	46,184	59081
GRF 054-300 Equipment	\$	2,476	\$	2,526	59082
GRF 054-401 Ombudsman	\$	321,769	\$	318,491	59083
TOTAL GRF General Revenue Fund	\$	644,241	\$	637,175	59084
General Services Fund Group					59085
416 054-601 Gifts and Donations	\$	1,319	\$	1,352	59086
5M0 054-610 Settlements	\$	75,000	\$	75,000	59087
524 054-608 Traumatic Brain Injury	\$	21,550	\$	0	59088
TOTAL GSF General Services					59089

## As Reported by the Senate Finance and Financial Institutions Committee

Fund Group	\$	97,869	\$	76,352	59090
Federal Special Revenue Fund Group					59091
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	810,314	\$	810,314	59092
3N3 054-606 Protection and Advocacy - Individual Rights	\$	468,445	\$	468,445	59093
3N9 054-607 Assistive Technology	\$	50,000	\$	50,000	59094
3R9 054-604 Family Support Collaborative	\$	242,500	\$	242,500	59095
3T2 054-609 Client Assistance Program	\$	406,772	\$	406,772	59096
305 054-602 Protection and Advocacy - Developmentally Disabled	\$	1,068,109	\$	1,068,109	59097
TOTAL FED Federal Special Revenue Fund Group					59098
	\$	3,046,140	\$	3,046,140	59099
TOTAL ALL BUDGET FUND GROUPS	\$	3,788,250	\$	3,759,667	59100
<b>Section 67. JLE JOINT LEGISLATIVE ETHICS COMMITTEE</b>					59102
General Revenue Fund					59103
GRF 028-321 Legislative Ethics Committee	\$	589,000	\$	612,000	59104
TOTAL GRF General Revenue Fund	\$	589,000	\$	612,000	59105
State Special Revenue Fund Group					59106
4G7 028-601 Joint Legislative Ethics Committee	\$	50,000	\$	50,000	59107
TOTAL SSR State Special Revenue Fund	\$	50,000	\$	50,000	59108
TOTAL ALL BUDGET FUND GROUPS	\$	639,000	\$	662,000	59109

## As Reported by the Senate Finance and Financial Institutions Committee

<b>Section 68. LSC LEGISLATIVE SERVICE COMMISSION</b>				59111
General Revenue Fund				59112
GRF 035-321	Operating Expenses	\$ 13,325,000	\$ 14,470,000	59113
GRF 035-402	Legislative Interns	\$ 953,500	\$ 993,500	59114
GRF 035-404	Legislative Office of	\$ 1,192,146	\$ 1,239,832	59115
	Education Oversight			
GRF 035-406	ATMS Replacement	\$ 90,000	\$ 90,000	59116
	Project			
GRF 035-407	Legislative Task Force	\$ 2,000,000	\$ 0	59117
	on Redistricting			
GRF 035-409	National Associations	\$ 417,906	\$ 427,381	59118
GRF 035-410	Legislative	\$ 4,343,000	\$ 4,690,000	59119
	Information Systems			
TOTAL GRF	General Revenue Fund	\$ 22,321,552	\$ 21,910,713	59120
General Services Fund Group				59121
4F6 035-603	Legislative Budget	\$ 140,000	\$ 145,000	59122
	Services			
410 035-601	Sale of Publications	\$ 25,000	\$ 25,000	59123
TOTAL GSF	General Services			59124
Fund Group		\$ 165,000	\$ 170,000	59125
TOTAL ALL BUDGET FUND GROUPS		\$ 22,486,552	\$ 22,080,713	59126

OPERATING EXPENSES 59127

On or before August 1, 2001, the Director of Budget and 59128  
Management shall determine and certify to the Director of the 59129  
Legislative Service Commission the total amount of unexpended, 59130  
unobligated appropriations made to the Commission for fiscal year 59131  
2001 in appropriation items 035-321 and 035-403. Additional 59132  
appropriation authority equal to the amount certified by the 59133  
Director of Budget and Management to the Director of the 59134  
Legislative Service Commission, not to exceed \$500,000, is hereby 59135  
appropriated to appropriation item 035-321 Operating Expenses, for 59136

fiscal year 2002.	59137
ATMS REPLACEMENT PROJECT	59138
Of the foregoing appropriation item 035-406, ATMS Replacement	59139
Project, any amounts not used for the ATMS project may be used to	59140
pay the operating expenses of the Legislative Service Commission.	59141
LEGISLATIVE TASK FORCE ON REDISTRICTING	59142
On or before August 1, 2001, the Director of Budget and	59143
Management shall determine and certify to the Director of the	59144
Legislative Service Commission the total amount of unexpended,	59145
unobligated appropriations made to the Commission for fiscal year	59146
2001 in appropriation item 035-407, Legislative Task Force on	59147
Redistricting. Additional appropriation authority equal to the	59148
amount certified by the Director of Budget and Management to the	59149
Director of the Legislative Service Commission is hereby	59150
appropriated to appropriation item 035-407, Legislative Task Force	59151
on Redistricting, for fiscal year 2002.	59152
NATIONAL ASSOCIATIONS	59153
Of the foregoing appropriation item 035-409, National	59154
Associations, \$10,000 in each fiscal year shall be used for the	59155
State and Local Legal Center.	59156
LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT	59157
The foregoing appropriation item 035-404, Legislative Office	59158
of Education Oversight, shall be used to support the legislative	59159
oversight activities of the Legislative Committee on Education	59160
Oversight established in section 3301.68 of the Revised Code.	59161
<b>Section 69. LIB STATE LIBRARY BOARD</b>	59162
General Revenue Fund	59163
GRF 350-321 Operating Expenses \$ 7,645,422 \$ 7,969,585	59164
GRF 350-401 Ohioana Rental \$ 120,972 \$ 120,972	59165
Payments	

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 350-501	Cincinnati Public Library	\$	758,699	\$	753,594	59166
GRF 350-502	Regional Library Systems	\$	1,792,357	\$	1,780,093	59167
GRF 350-503	Cleveland Public Library	\$	1,141,234	\$	1,133,512	59168
TOTAL GRF	General Revenue Fund	\$	11,458,684	\$	11,757,756	59169
	General Services Fund Group					59170
139 350-602	Intra-Agency Service Charges	\$	14,148	\$	14,502	59171
4S4 350-604	OPLIN Technology	\$	7,661,095	\$	7,777,962	59172
459 350-602	Interlibrary Service Charges	\$	845,896	\$	1,239,661	59173
TOTAL GSF	General Services Fund Group	\$	8,521,139	\$	9,032,125	59175
	Federal Special Revenue Fund Group					59176
313 350-601	LSTA Federal	\$	5,241,306	\$	5,241,306	59177
TOTAL FED	Federal Special Revenue Fund Group	\$	5,241,306	\$	5,241,306	59179
TOTAL ALL BUDGET FUND GROUPS		\$	25,221,129	\$	26,031,187	59180
	OHIOANA RENTAL PAYMENTS					59181
	The foregoing appropriation item 350-401, Ohioana Rental Payments, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association pursuant to section 3375.61 of the Revised Code.					59182 59183 59184 59185
	REGIONAL LIBRARY SYSTEMS					59186
	The foregoing appropriation item 350-502, Regional Library Systems, shall be used to support regional library systems eligible for funding under section 3375.90 of the Revised Code.					59187 59188 59189
	OHIO PUBLIC LIBRARY INFORMATION NETWORK					59190
	The foregoing appropriation item 350-604, OPLIN Technology,					59191

## As Reported by the Senate Finance and Financial Institutions Committee

shall be used for an information telecommunications network 59192  
linking public libraries in the state and such others as may be 59193  
certified as participants by the Ohio Public Library Information 59194  
Network Board. 59195

The Ohio Public Library Information Network Board shall 59196  
consist of eleven members appointed by the State Library Board 59197  
from among the staff of public libraries and past and present 59198  
members of boards of trustees of public libraries, based on the 59199  
recommendations of the Ohio library community. The Ohio Public 59200  
Library Information Network Board in consultation with the State 59201  
Library shall develop a plan of operations for the network. The 59202  
Board shall have the authority to make decisions regarding the use 59203  
of the foregoing appropriation item 350-604, OPLIN Technology, and 59204  
to receive and expend grants to carry out the operations of the 59205  
network in accordance with state law and the authority to appoint 59206  
and fix the compensation of a director and necessary staff. The 59207  
State Library will be the fiscal agent for the network and shall 59208  
have fiscal accountability for the expenditure of funds. The Ohio 59209  
Public Library Information Network Board members shall be 59210  
reimbursed for actual travel and necessary expenses incurred in 59211  
the carrying out of their responsibilities. 59212

In order to limit access to obscene and illegal materials 59213  
through internet use at Ohio Public Library Information Network 59214  
(OPLIN) terminals, local libraries with OPLIN computer terminals 59215  
shall adopt policies that control access to obscene and illegal 59216  
materials. These policies may include use of technological systems 59217  
to select or block certain internet access. The OPLIN shall 59218  
condition provision of its funds, goods, and services on 59219  
compliance with these policies. The OPLIN board shall also adopt 59220  
and communicate specific recommendations to local libraries on 59221  
methods to control such improper usage. These methods may include 59222  
each library implementing a written policy controlling such 59223

## As Reported by the Senate Finance and Financial Institutions Committee

improper use of library terminals and requirements for parental 59224  
involvement or written authorization for juvenile internet usage. 59225

The OPLIN board shall research and assist or advise local 59226  
libraries with emerging technologies and methods that may be 59227  
effective means to control access to obscene and illegal 59228  
materials. The OPLIN Executive Director shall biannually provide 59229  
written reports to the Governor, the Speaker and Minority Leader 59230  
of the House of Representatives, and the President and Minority 59231  
Leader of the Senate on any steps being taken by OPLIN and public 59232  
libraries in this state to limit and control such improper usage 59233  
as well as information on technological, legal, and law 59234  
enforcement trends nationally and internationally affecting this 59235  
area of public access and service. 59236

The Ohio Public Library Information Network, InfOhio, and 59237  
OhioLink shall, to the extent feasible, coordinate and cooperate 59238  
in their purchase or other acquisition of the use of electronic 59239  
databases for their respective users and shall contribute funds in 59240  
an equitable manner to such effort. 59241

## TRANSFER TO OPLIN TECHNOLOGY FUND 59242

Notwithstanding sections 5747.03 and 5747.47 of the Revised 59243  
Code and any other provision of law to the contrary, in accordance 59244  
with a schedule established by the Director of Budget and 59245  
Management, (A) in fiscal year 2002, the Director of Budget and 59246  
Management shall transfer \$6,361,095 from the Library and Local 59247  
Government Support Fund (Fund 065) to the OPLIN Technology Fund 59248  
(Fund 4S4); and (B) in fiscal year 2003, the Director of Budget 59249  
and Management shall transfer \$6,477,962 from the Library and 59250  
Local Government Support Fund (Fund 065) to the OPLIN Technology 59251  
Fund (Fund 4S4). 59252

**Section 70.** LCO LIQUOR CONTROL COMMISSION 59253

As Reported by the Senate Finance and Financial Institutions Committee

Liquor Control Fund Group				59254
043 970-321 Operating Expenses	\$	738,135	\$ 756,472	59255
TOTAL LCF Liquor Control Fund Group	\$	738,135	\$ 756,472	59256
TOTAL ALL BUDGET FUND GROUPS	\$	738,135	\$ 756,472	59257

**Section 71.** LOT STATE LOTTERY COMMISSION 59259

State Lottery Fund Group				59260
044 950-100 Personal Services	\$	23,990,502	\$ 25,164,204	59261
044 950-200 Maintenance	\$	24,167,162	\$ 24,698,840	59262
044 950-300 Equipment	\$	4,131,719	\$ 3,664,576	59263
044 950-402 Game and Advertising	\$	64,913,869	\$ 64,624,331	59264
Contracts				
044 950-601 Prizes, Bonuses, and	\$	136,371,980	\$ 132,532,125	59265
Commissions				
871 950-602 Annuity Prizes	\$	185,454,636	\$ 188,275,991	59266
872 950-603 Unclaimed Prize Awards	\$	13,093,114	\$ 13,354,976	59267
TOTAL SLF State Lottery Fund				59268
Group	\$	452,122,982	\$ 452,315,043	59269
TOTAL ALL BUDGET FUND GROUPS	\$	452,122,982	\$ 452,315,043	59270

OPERATING EXPENSES 59271

The foregoing appropriation items include all amounts 59272  
 necessary for the purchase and printing of tickets, consultant 59273  
 services, and advertising. The Controlling Board may, at the 59274  
 request of the State Lottery Commission, authorize additional 59275  
 appropriations for operating expenses of the State Lottery 59276  
 Commission from the State Lottery Fund up to a maximum of 15 per 59277  
 cent of anticipated total revenue accruing from the sale of 59278  
 lottery tickets. 59279

PRIZES, BONUSSES, AND COMMISSIONS 59280

Any amounts, in addition to the amounts appropriated in 59281  
 appropriation item 950-601, Prizes, Bonuses, and Commissions, that 59282

## As Reported by the Senate Finance and Financial Institutions Committee

are determined by the Director of the State Lottery Commission to 59283  
 be necessary to fund prizes, bonuses, and commissions are 59284  
 appropriated. 59285

ANNUITY PRIZES 59286

With the approval of the Office of Budget and Management, the 59287  
 State Lottery Commission shall transfer cash from the State 59288  
 Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 59289  
 (Fund 871) in an amount sufficient to fund deferred prizes. The 59290  
 Treasurer of State, from time to time, shall credit the Deferred 59291  
 Prizes Trust Fund (Fund 871) the pro rata share of interest earned 59292  
 by the Treasurer of State on invested balances. 59293

Any amounts, in addition to the amounts appropriated in 59294  
 appropriation item 950-602, Annuity Prizes, that are determined by 59295  
 the Director of the State Lottery Commission to be necessary to 59296  
 fund deferred prizes and interest earnings are appropriated. 59297

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 59298

The Ohio Lottery Commission shall transfer an amount greater 59299  
 than or equal to \$633,722,100 in fiscal year 2002 and \$621,722,600 59300  
 in fiscal year 2003 to the Lottery Profits Education Fund. 59301  
 Transfers from the Commission to the Lottery Profits Education 59302  
 Fund shall represent the estimated net income from operations for 59303  
 the Commission and may be supplemented by transfers from the 59304  
 Unclaimed Prizes Fund at any time in fiscal year 2002 or fiscal 59305  
 year 2003. Transfers by the Commission to the Lottery Profits 59306  
 Education Fund shall be administered in accordance with and 59307  
 pursuant to the Revised Code. 59308

**Section 72. MED STATE MEDICAL BOARD** 59309

General Services Fund Group 59310

5C6 883-609 State Medical Board \$ 6,344,740 \$ 6,728,301 59311

Operating

As Reported by the Senate Finance and Financial Institutions Committee

TOTAL GSF General Services				59312	
Fund Group	\$	6,344,740	\$	6,728,301	59313
TOTAL ALL BUDGET FUND GROUPS	\$	6,344,740	\$	6,728,301	59314

**Section 73.** DMH DEPARTMENT OF MENTAL HEALTH 59315

Division of General Administration Intragovernmental Service Fund 59316  
 Group 59317

151 235-601 General Administration \$ 76,095,310 \$ 78,181,973 59318

TOTAL ISF Intragovernmental 59319

Service Fund Group \$ 76,095,310 \$ 78,181,973 59320

Division of Mental Health-- 59321

Psychiatric Services to Correctional Facilities 59322

General Revenue Fund 59323

GRF 332-401 Forensic Services \$ 4,259,513 \$ 4,338,858 59324

TOTAL GRF General Revenue Fund \$ 4,259,513 \$ 4,338,858 59325

TOTAL ALL BUDGET FUND GROUPS \$ 80,354,823 \$ 82,520,831 59326

FORENSIC SERVICES 59327

The foregoing appropriation item 322-401, Forensic Services, 59328  
 shall be used to provide psychiatric services to courts of common 59329  
 pleas. The appropriation shall be allocated through community 59330  
 mental health boards to certified community agencies and shall be 59331  
 distributed according to the criteria delineated in rule 59332  
 5122:4-1-01 of the Administrative Code. These community forensic 59333  
 funds may also be used to provide forensic training to community 59334  
 mental health boards and to forensic psychiatry residency programs 59335  
 in hospitals operated by the Department of Mental Health and to 59336  
 provide evaluations of patients of forensic status in facilities 59337  
 operated by the Department of Mental Health prior to conditional 59338  
 release to the community. 59339

In addition, appropriation item 332-401, Forensic Services, 59340  
 may be used to support projects involving mental health, substance 59341  
 abuse, courts, and law enforcement to identify and develop 59342

## As Reported by the Senate Finance and Financial Institutions Committee

appropriate alternative services to institutionalization for				59343	
nonviolent mentally ill offenders, and to provide linkage to				59344	
community services for severely mentally disabled offenders				59345	
released from institutions operated by the Department of				59346	
Rehabilitation and Correction. Funds may also be utilized to				59347	
provide forensic monitoring and tracking in addition to community				59348	
programs serving persons of forensic status on conditional release				59349	
or probation.				59350	
Division of Mental Health--				59351	
Administration and Statewide Programs				59352	
General Revenue Fund				59353	
GRF 333-100 Personal Services -	\$	17,024,323	\$	16,807,353	59354
Central Administration					
GRF 333-200 Maintenance - Central	\$	2,276,155	\$	2,318,555	59355
Administration					
GRF 333-300 Equipment - Central	\$	490,894	\$	500,038	59356
Administration					
GRF 333-402 Resident Trainees	\$	1,472,858	\$	1,500,294	59357
GRF 333-403 Pre-Admission	\$	638,246	\$	650,135	59358
Screening Expenses					
GRF 333-415 Lease-Rental Payments	\$	24,754,900	\$	26,275,300	59359
GRF 333-416 Research Program	\$	956,224	\$	972,178	59360
Evaluation					
TOTAL GRF General Revenue Fund	\$	47,613,600	\$	49,023,853	59361
General Services Fund Group				59362	
149 333-609 Central Office Rotary	\$	2,013,823	\$	2,037,918	59363
- Operating					
TOTAL General Services Fund Group	\$	2,013,823	\$	2,037,918	59364
Federal Special Revenue Fund Group				59365	
3A7 333-612 Social Services Block	\$	25,000	\$	25,000	59366
Grant					
3A8 333-613 Federal Grant -	\$	87,000	\$	58,000	59367

As Reported by the Senate Finance and Financial Institutions Committee

		Administration				
3A9	333-614	Mental Health Block	\$	642,264	\$	642,264 59368
		Grant				
3B1	333-635	Community Medicaid	\$	6,550,000	\$	5,550,000 59369
		Expansion				
324	333-605	Medicaid/Medicare	\$	379,009	\$	375,219 59370
TOTAL Federal Special Revenue						59371
Fund Group			\$	7,683,273	\$	6,650,483 59372
State Special Revenue Fund Group						59373
4X5	333-607	Behavioral Health	\$	2,759,400	\$	2,828,385 59374
		Medicaid Services				
485	333-632	Mental Health	\$	130,959	\$	134,233 59375
		Operating				
5M2	333-602	PWLC Campus	\$	1,000,000	\$	0 59376
		Improvement				
TOTAL State Special Revenue						59377
Fund Group			\$	3,890,359	\$	2,962,618 59378
TOTAL ALL BUDGET FUND GROUPS			\$	61,201,055	\$	60,674,872 59379

RESIDENCY TRAINEESHIP PROGRAMS 59380

The foregoing appropriation item 333-402, Resident Trainees, 59381  
 shall be used to fund training agreements entered into by the 59382  
 Department of Mental Health for the development of curricula and 59383  
 the provision of training programs to support public mental health 59384  
 services. 59385

PRE-ADMISSION SCREENING EXPENSES 59386

The foregoing appropriation item 333-403, Pre-Admission 59387  
 Screening Expenses, shall be used to pay for costs to ensure that 59388  
 uniform statewide methods for pre-admission screening are in place 59389  
 to perform assessments for persons in need of mental health 59390  
 services or for whom institutional placement in a hospital or in 59391  
 another inpatient facility is sought. Pre-admission screening 59392  
 includes the following activities: pre-admission assessment, 59393

## As Reported by the Senate Finance and Financial Institutions Committee

consideration of continued stay requests, discharge planning and				59394	
referral, and adjudication of appeals and grievance procedures.				59395	
RENTAL PAYMENTS TO THE OHIO PUBLIC FACILITIES COMMISSION				59396	
The foregoing appropriation item 333-415, Lease-Rental				59397	
Payments, shall be used to meet all payments at the times they are				59398	
required to be made during the period from July 1, 2001, to June				59399	
30, 2003, by the Department of Mental Health pursuant to leases				59400	
and agreements made under section 154.20 of the Revised Code, but				59401	
limited to the aggregate amount of \$51,030,200. Nothing in this				59402	
act shall be deemed to contravene the obligation of the state to				59403	
pay, without necessity for further appropriation, from the sources				59404	
pledged thereto, the bond service charges on obligations issued				59405	
pursuant to section 154.20 of the Revised Code.				59406	
<b>Section 73.01. DIVISION OF MENTAL HEALTH - HOSPITALS</b>				59407	
General Revenue Fund				59408	
GRF 334-408 Community and Hospital	\$	356,469,071	\$	352,719,838	59409
Mental Health Services					
GRF 334-506 Court Costs	\$	958,791	\$	976,652	59410
TOTAL GRF General Revenue Fund	\$	357,427,862	\$	353,696,490	59411
General Services Fund Group				59412	
149 334-609 Hospital Rotary -	\$	10,451,492	\$	10,451,492	59413
Operating Expenses					
150 334-620 Special Education	\$	152,500	\$	152,500	59414
TOTAL GSF General Services				59415	
Fund Group	\$	10,603,992	\$	10,603,992	59416
Federal Special Revenue Fund Group				59417	
3A8 334-613 Federal Letter of	\$	9,000	\$	0	59418
Credit					
3B0 334-617 Elementary and	\$	202,774	\$	214,340	59419
Secondary Education					

## As Reported by the Senate Finance and Financial Institutions Committee

	Act					
3B1	334-635	Hospital Medicaid	\$	2,000,000	\$ 2,000,000	59420
		Expansion				
324	334-605	Medicaid/Medicare	\$	8,791,748	\$ 9,043,700	59421
5L2	334-619	Health	\$	131,600	\$ 94,869	59422
		Foundation/Greater				
		Cincinnati				
TOTAL FED		Federal Special Revenue				59423
Fund Group			\$	11,135,122	\$ 11,352,909	59424
		State Special Revenue Fund Group				59425
485	334-632	Mental Health	\$	1,991,448	\$ 1,989,912	59426
		Operating				
692	334-636	Community Mental	\$	361,323	\$ 370,356	59427
		Health Board Risk Fund				
TOTAL SSR		State Special Revenue				59428
Fund Group			\$	2,352,771	\$ 2,360,268	59429
TOTAL ALL BUDGET FUND GROUPS			\$	381,519,747	\$ 378,013,659	59430
		COMMUNITY MENTAL HEALTH BOARD RISK FUND				59431
		The foregoing appropriation item 334-636, Community Mental				59432
		Health Board Risk Fund, shall be used to make payments pursuant to				59433
		section 5119.62 of the Revised Code.				59434
		<b>Section 73.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT</b>				59435
		SERVICES				59436
		General Revenue Fund				59437
GRF	335-419	Community Medication	\$	7,682,295	\$ 7,701,549	59438
		Subsidy				
GRF	335-502	Community Mental	\$	38,166,674	\$ 38,166,674	59439
		Health Programs				
GRF	335-508	Services for Severely	\$	60,405,135	\$ 60,905,135	59440
		Mentally Disabled				

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL GRF General Revenue Fund	\$	106,254,104	\$	106,773,358	59441
General Services Fund Group					59442
4N8 335-606 Family Stability	\$	7,460,600	\$	7,647,115	59443
Incentive					
4P9 335-604 Community Mental	\$	200,000	\$	200,000	59444
Health Projects					
TOTAL GSF General Services					59445
Fund Group	\$	7,660,600	\$	7,847,115	59446
Federal Special Revenue Fund Group					59447
3A7 335-612 Social Services Block	\$	9,314,108	\$	9,314,108	59448
Grant					
3A8 335-613 Federal Grant -	\$	960,000	\$	960,000	59449
Community Mental					
Health Board Subsidy					
3A9 335-614 Mental Health Block	\$	12,754,654	\$	12,737,654	59450
Grant					
3B1 335-635 Community Medicaid	\$	157,480,000	\$	165,355,000	59451
Expansion					
State Special Revenue Fund Group					59452
632 335-616 Community Capital	\$	250,000	\$	250,000	59453
Replacement					
TOTAL SSR State Special Revenue	\$	250,000	\$	250,000	59454
Fund Group					
TOTAL FED Federal Special Revenue					59455
Fund Group	\$	180,508,762	\$	188,366,762	59456
TOTAL ALL BUDGET FUND GROUPS	\$	294,673,466	\$	303,237,235	59457
DEPARTMENT TOTAL					59458
GENERAL REVENUE FUND	\$	515,555,079	\$	513,832,559	59459
DEPARTMENT TOTAL					59460
GENERAL SERVICES FUND GROUP	\$	20,278,415	\$	20,489,025	59461
DEPARTMENT TOTAL					59462
FEDERAL SPECIAL REVENUE					59463

As Reported by the Senate Finance and Financial Institutions Committee

FUND GROUP	\$	199,327,157	\$	206,370,154	59464
DEPARTMENT TOTAL					59465
STATE SPECIAL REVENUE FUND GROUP	\$	6,493,130	\$	5,572,886	59466
DEPARTMENT TOTAL					59467
INTRAGOVERNMENTAL FUND GROUP	\$	76,095,310	\$	78,181,973	59468
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	817,749,091	\$	824,446,597	59469

**Section 73.03. COMMUNITY MEDICATION SUBSIDY** 59471

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. 59472  
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GENERAL COMMUNITY MENTAL HEALTH PROGRAMS 59477

The foregoing appropriation item 335-502, Community Mental Health Programs, shall be distributed by the Department of Mental Health on a per capita basis to community mental health boards. 59478  
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The purpose of the appropriation is to provide subsidized support for general mental health services to Ohioans. The range of mental health services eligible for funding shall be defined in a Department of Mental Health rule. Community mental health boards shall allocate funds in support of these services in accordance with the mental health needs of the community. 59481  
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MENTAL HEALTH SERVICES FOR SEVERELY MENTALLY DISABLED PERSONS 59487

The foregoing appropriation item 335-508, Services for Severely Mentally Disabled, shall be used to fund mental health services for adults and children who meet or have formerly met criteria established by the Department of Mental Health under its definition of severely mentally disabled. Those adults and children who constitute severely mentally disabled include those with a history of recent or chronic psychiatric hospitalizations, 59488  
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## As Reported by the Senate Finance and Financial Institutions Committee

a history of psychosis, a prognosis of continued severe social and adaptive functioning impairment, or those certified impaired by the Social Security Administration for reasons of mental illness. In addition to the above, children and adolescents who are currently determined to be severely mentally disabled, or who are at risk of becoming severely mental disabled, and who are already in or about to enter the juvenile justice system, or child welfare system, or receiving special education services within the education system may also receive services funded by appropriation item 335-508, Services for Severely Mentally Disabled.

Of the foregoing appropriation item 335-508, Services for Severely Mentally Disabled, \$100,000 in each fiscal year shall be used to fund family and consumer education and support.

Of the foregoing appropriation item 335-508, Services for Severely Mentally Disabled, \$2.7 million in each fiscal year shall 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 59513

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 59522

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

As Reported by the Senate Finance and Financial Institutions Committee

item 333-607, Behavioral Health Medicaid Services, may be used to 59526  
 make payments for free-standing psychiatric hospital inpatient 59527  
 services as defined in an interagency agreement with the 59528  
 Department of Job and Family Services. 59529

**Section 73.04.** To increase the cost-effectiveness of 59530  
 community mental health services, the Director of Mental Health 59531  
 shall amend or rescind any rules formerly adopted under section 59532  
 5119.01 of the Revised Code establishing certification standards 59533  
 for mental health services that do not improve the quality of 59534  
 services or the health and safety of clients of the services. The 59535  
 Director shall amend or rescind the rules not later than ninety 59536  
 days after the effective date of this section. 59537

**Section 74.** DMR DEPARTMENT OF MENTAL RETARDATION 59538  
 AND DEVELOPMENTAL DISABILITIES 59539

**Section 74.01.** GENERAL ADMINISTRATION AND STATEWIDE 59540  
 SERVICES 59541

General Revenue Fund				59542	
GRF 320-321 Central Administration	\$	11,001,218	\$	11,361,253	59543
GRF 320-411 Special Olympics	\$	200,000	\$	200,000	59544
GRF 320-412 Protective Services	\$	1,402,498	\$	1,502,150	59545
GRF 320-415 Lease-Rental Payments	\$	24,754,900	\$	26,275,300	59546
TOTAL GRF General Revenue Fund	\$	37,358,616	\$	39,338,703	59547
General Services Fund Group				59548	
4B5 320-640 Conference/Training	\$	826,463	\$	864,496	59549
TOTAL GSF General Services				59550	
Fund Group	\$	826,463	\$	864,496	59551
Federal Special Revenue Fund Group				59552	
3A4 320-605 Administrative Support	\$	11,964,698	\$	12,492,892	59553
3A5 320-613 DD Council Operating	\$	992,486	\$	992,486	59554
Expenses				59555	

## As Reported by the Senate Finance and Financial Institutions Committee

TOTAL FED Federal Special Revenue				59556
Fund Group	\$	12,957,184	\$ 13,485,378	59557
TOTAL ALL GENERAL ADMINISTRATION				59558
AND STATEWIDE SERVICES				59559
BUDGET FUND GROUPS	\$	51,142,263	\$ 53,688,577	59560
LEASE-RENTAL PAYMENTS				59561
The foregoing appropriation item 320-415, Lease-Rental				59562
Payments, shall be used to meet all payments at the times they are				59563
required to be made during the period from July 1, 2001, to June				59564
30, 2003, by the Department of Mental Retardation and				59565
Developmental Disabilities pursuant to leases and agreements made				59566
under section 154.20 of the Revised Code, but limited to the				59567
aggregate amount of \$51,030,200. Nothing in this act shall be				59568
deemed to contravene the obligation of the state to pay, without				59569
necessity for further appropriation, from the sources pledged				59570
thereto, the bond service charges on obligations issued pursuant				59571
to section 154.20 of the Revised Code.				59572
<b>Section 74.02. COMMUNITY SERVICES</b>				59573
General Revenue Fund				59574
GRF 322-405 State Use Program	\$	264,685	\$ 264,685	59575
GRF 322-413 Residential and	\$	155,168,317	\$ 165,289,811	59576
Support				
Services				59577
GRF 322-451 Family Support	\$	7,975,870	\$ 7,975,870	59578
Services				
GRF 322-452 Case Management	\$	8,984,491	\$ 9,874,628	59579
GRF 322-501 County Boards	\$	45,366,297	\$ 46,817,644	59580
Subsidies				
TOTAL GRF General Revenue Fund	\$	217,759,660	\$ 230,222,638	59581
General Services Fund Group				59582
4J6 322-645 Intersystem Services	\$	5,000,000	\$ 5,000,000	59583

## As Reported by the Senate Finance and Financial Institutions Committee

		for					
		Children					59584
4U4	322-606	Community MR and DD	\$	125,000	\$	131,250	59585
		Trust					
4V1	322-611	Program Support	\$	2,000,000	\$	2,000,000	59586
488	322-603	Residential Services	\$	2,499,188	\$	2,499,188	59587
		Refund					59588
TOTAL GSF General Services							59589
Fund Group			\$	9,624,188	\$	9,630,438	59590
Federal Special Revenue Fund Group							59591
3A4	322-605	Community Program	\$	3,024,047	\$	3,326,452	59592
		Support					
3A4	322-610	Community Residential	\$	5,924,858	\$	5,924,858	59593
		Support					59594
3A5	322-613	DD Council Grants	\$	3,358,290	\$	3,358,290	59595
3G6	322-639	Medicaid Waiver	\$	148,304,949	\$	151,754,169	59596
3M7	322-650	CAFS Medicaid	\$	163,747,903	\$	172,568,939	59597
325	322-608	Federal Grants -	\$	1,360,000	\$	1,360,000	59598
		Operating Expenses					59599
325	322-612	Social Service Block	\$	11,500,000	\$	11,500,000	59600
		Grant					59601
325	322-617	Education Grants -	\$	115,000	\$	115,000	59602
		Operating					59603
TOTAL FED Federal Special Revenue							59604
Fund Group			\$	337,335,047	\$	349,907,708	59605
State Special Revenue Fund Group							59606
4K8	322-604	Waiver - Match	\$	13,783,463	\$	14,039,133	59607
5H0	322-619	Medicaid Repayment	\$	562,080	\$	576,132	59608
TOTAL SSR State Special Revenue							59609
Fund Group			\$	14,345,543	\$	14,615,265	59610
TOTAL ALL COMMUNITY SERVICES							59611
BUDGET FUND GROUPS			\$	579,064,438	\$	604,376,049	59612

## As Reported by the Senate Finance and Financial Institutions Committee

RESIDENTIAL AND SUPPORT SERVICES	59613
The foregoing appropriation item 322-413, Residential and Support Services, shall be used for any of the following:	59614 59615
(A) Home and community-based waiver services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;	59616 59617 59618
(B) Services contracted by county boards of mental retardation and developmental disabilities;	59619 59620
(C) Supported living services contracted by county boards of mental retardation and developmental disabilities in accordance with sections 5126.40 to 5126.47 of the Revised Code;	59621 59622 59623
(D) Sermak Class Services used to implement the requirements of the consent decree in <i>Sermak v. Manuel</i> , Case No. c-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	59624 59625 59626 59627
(E) Other Medicaid-reimbursed programs, in an amount not to exceed \$1,000,000 in each fiscal year, that enable persons with mental retardation and developmental disabilities to live in the community.	59628 59629 59630 59631
Notwithstanding Chapters 5123. and 5126. of the Revised Code, the Department of Mental Retardation and Developmental Disabilities may develop residential and support service programs that enable persons with mental retardation and developmental disabilities to live in the community. Notwithstanding Chapter 5121. and section 5123.122 of the Revised Code, the department may waive the support collection requirements of those statutes for persons in community programs developed by the department under this section. The department shall adopt rules under Chapter 119. of the Revised Code or may use existing rules for the implementation of these programs.	59632 59633 59634 59635 59636 59637 59638 59639 59640 59641 59642

## As Reported by the Senate Finance and Financial Institutions Committee

The Department of Mental Retardation and Developmental Disabilities may designate a portion of appropriation item 332-413, Residential and Support Services, to county boards of mental retardation and developmental disabilities that have greater need for various residential and support services due to a low percentage of residential and support services development in comparison to the number of individuals with mental retardation or developmental disabilities in the county.

Not later than 30 days after the effective date of this section, the Director of Budget and Management shall transfer up to \$5,000,000 from appropriation item 322-413, Residential and Support Services, to appropriation item 322-501, County Boards Subsidies. The total amount that is transferred from appropriation item 322-413 to appropriation item 322-501 shall be used for the tax equalization program created under sections 5126.16 to 5126.18 of the Revised Code and is subject to all statutes and rules established for the tax equalization program.

Not later than July 30, 2002, the Director of Budget and Management shall transfer up to \$11,500,000 from appropriation item 322-413, Residential and Support Services, to appropriation item 322-501, County Boards Subsidies. The total amount that is transferred from appropriation item 322-413 to appropriation item 322-501 shall be used for the tax equalization program created under sections 5126.16 to 5126.18 of the Revised Code and is subject to all statutes and rules established for the tax equalization program.

Of the foregoing appropriation item 322-413, Residential and Support Services, \$9,700,000 in fiscal year 2002 and \$9,850,000 in fiscal year 2003 shall be distributed by the Department to county boards of mental retardation and developmental disabilities to support existing residential facilities waiver and individual options waiver related Medicaid activities provided for in the

## As Reported by the Senate Finance and Financial Institutions Committee

component of a county board's plan developed under division (A)(2) 59675  
of section 5126.054 of the Revised Code and approved under section 59676  
5123.046 of the Revised Code. Up to \$3,000,000 of these funds in 59677  
each fiscal year may be used to implement day-to-day program 59678  
management services under division (A)(2) of section 5126.054 of 59679  
the Revised Code. Up to \$4,200,000 in each fiscal year may be used 59680  
to implement the program and health and welfare requirements of 59681  
division (A)(2) of section 5126.054 of the Revised Code. 59682

In fiscal years 2002 and 2003, not less than \$2,500,000 and 59683  
\$2,650,000, respectively, of these funds shall be used to recruit 59684  
and retain, under division (A)(2) of section 5126.054 of the 59685  
Revised Code, the direct care staff necessary to implement the 59686  
services included in an individualized service plan in a manner 59687  
that ensures the health and welfare of the individuals being 59688  
served. 59689

## FAMILY SUPPORT SERVICES 59690

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 59691  
5126.11 of the Revised Code, the Department of Mental Retardation 59692  
and Developmental Disabilities may implement programs funded by 59693  
appropriation item 322-451, Family Support Services, to provide 59694  
assistance to persons with mental retardation or developmental 59695  
disabilities and their families who are living in the community. 59696  
The department shall adopt rules to implement these programs. 59697

## CASE MANAGEMENT 59698

The foregoing appropriation item 322-452, Case Management, 59699  
shall be allocated to county boards of mental retardation and 59700  
developmental disabilities for the purpose of providing case 59701  
management services and to assist in bringing state funding for 59702  
all department-approved case managers within county boards of 59703  
mental retardation and developmental disabilities to the level 59704  
authorized in division (C) of section 5126.15 of the Revised Code. 59705

## As Reported by the Senate Finance and Financial Institutions Committee

The department may request approval from the Controlling Board to transfer any unobligated appropriation authority from other state General Revenue Fund appropriation items within the department's budget to appropriation item 322-452, Case Management, to be used to meet the statutory funding level in division (C) of section 5126.15 of the Revised Code.

Notwithstanding division (C) of section 5126.15 of the Revised Code and subject to funding in appropriation item 322-452, Case Management, no county may receive less than its allocation in fiscal year 1995.

**Section 74.03. RENAMING OF CASE MANAGEMENT SERVICES**

As used in this section, "service and support administration" has the same meaning as in section 5126.01 of the Revised Code, as amended by this act.

Wherever case management services are referred to in any law, contract, or other document, the reference shall be deemed to refer to service and support administration. No action or proceeding pending on the effective date of this section is affected by the renaming of case management services as service and support administration.

The Department of Mental Retardation and Developmental Disabilities shall adopt, amend, and rescind rules as necessary to reflect the renaming of case management services as service and support administration. All boards of mental retardation and developmental disabilities and the entities with which they contract for services shall rename the titles of their employees who provide service and support administration. All boards and contracting entities shall make corresponding changes to all employment contracts.

STATE SUBSIDIES TO MR/DD BOARDS

## As Reported by the Senate Finance and Financial Institutions Committee

Of the foregoing appropriation item 322-501, County Boards Subsidies, \$6,500,000 in fiscal year 2002 and \$13,000,000 in fiscal year 2003 shall be used to fund the tax equalization program created under sections 5126.16 to 5126.18 of the Revised Code for county boards of mental retardation and developmental disabilities. The tax equalization program shall utilize the average daily membership of adults 22 years of age and older in habilitation, vocational, and community employment services only for the yield on 1/2 mills.

After funding the tax equalization program, the Department of Mental Retardation and Developmental Disabilities shall distribute the remaining appropriation authority in appropriation item 322-501, County Boards Subsidies, to county boards of mental retardation and developmental disabilities for subsidies distributed pursuant to section 5126.12 of the Revised Code to the limit of the lesser of the amount required by that section or the remaining balance of the appropriation authority in appropriation item 322-501 prorated to all county boards of mental retardation and developmental disabilities.

## INTERSYSTEM SERVICES FOR CHILDREN

The foregoing appropriation item 322-645, Intersystem Services for Children, shall be used to support 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 multi-needs children that come to the attention of the Family and Children First Cabinet Council 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

As Reported by the Senate Finance and Financial Institutions Committee

the distribution of funds to the county councils.				59768
WAIVER - MATCH				59769
The foregoing appropriation item 322-604, Waiver-Match (Fund				59770
4K8), shall be used as state matching funds for the home and				59771
community-based waivers.				59772
The Department of Job and Family Services may enter into an				59773
interagency agreement with the Department of Mental Retardation				59774
and Developmental Disabilities providing for the Department of				59775
Mental Retardation and Developmental Disabilities to operate the				59776
program.				59777
DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A MODEL BILLING FOR				59778
SERVICES RENDERED				59779
Developmental centers of the Department of Mental Retardation				59780
and Developmental Disabilities may provide services to persons				59781
with mental retardation or developmental disabilities living in				59782
the community or to providers of services to these persons. The				59783
department may develop a methodology for recovery of all costs				59784
associated with the provisions of these services.				59785
<b>Section 74.04. RESIDENTIAL FACILITIES</b>				59786
General Revenue Fund				59787
GRF 323-321 Residential Facilities \$	99,765,232	\$	99,917,289	59788
Operations				59789
TOTAL GRF General Revenue Fund	\$	99,765,232	\$	99,917,289
59790				
General Services Fund Group				59791
152 323-609 Residential Facilities \$	889,929	\$	912,177	59792
Support				59793
TOTAL GSF General Services				59794
Fund Group	\$	889,929	\$	912,177
59795				
Federal Special Revenue Fund Group				59796

## As Reported by the Senate Finance and Financial Institutions Committee

3A4 323-605 Residential Facilities	\$	120,985,419	\$	120,985,419	59797
Reimbursement					59798
325 323-608 Federal Grants -	\$	532,000	\$	536,000	59799
Subsidies					59800
325 323-617 Education Grants -	\$	411,000	\$	411,000	59801
Residential Facilities					59802
TOTAL FED Federal Special Revenue					59803
Fund Group	\$	121,928,419	\$	121,932,419	59804
State Special Revenue Fund Group					59805
489 323-632 Operating Expense	\$	11,506,603	\$	12,125,628	59806
TOTAL SSR State Special Revenue					59807
Fund Group	\$	11,506,603	\$	12,125,628	59808
TOTAL ALL RESIDENTIAL FACILITIES					59809
BUDGET FUND GROUPS	\$	234,090,183	\$	234,887,513	59810
DEPARTMENT TOTAL					59811
GENERAL REVENUE FUND	\$	354,883,508	\$	369,478,630	59812
DEPARTMENT TOTAL					59813
GENERAL SERVICES FUND GROUP	\$	11,340,580	\$	11,407,111	59814
DEPARTMENT TOTAL					59815
FEDERAL SPECIAL REVENUE FUND GROUP	\$	472,220,650	\$	485,325,505	59816
DEPARTMENT TOTAL					59817
STATE SPECIAL REVENUE FUND GROUP	\$	25,852,146	\$	26,740,893	59818
TOTAL DEPARTMENT OF MENTAL					59819
RETARDATION AND DEVELOPMENTAL					59820
DISABILITIES	\$	864,296,884	\$	892,952,139	59821

**Section 74.05.** (A) There is hereby created the Executive 59823  
Branch Committee on Medicaid Redesign and Expansion of MRDD 59824  
Services. The committee shall consist of all of the following 59825  
individuals: 59826

(1) One representative of the Governor appointed by the 59827  
Governor; 59828

## As Reported by the Senate Finance and Financial Institutions Committee

- (2) Two representatives of the Department of Mental Retardation and Developmental Disabilities appointed by the Director of Mental Retardation and Developmental Disabilities; 59829  
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- (3) Two representatives of the Department of Job and Family Services appointed by the Director of Job and Family Services; 59832  
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- (4) One representative of the Office of Budget and Management appointed by the Director of Budget and Management; 59834  
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- (5) One representative of the ARC of Ohio appointed by the organization's board of trustees; 59836  
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- (6) One representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities appointed by the association's board of trustees; 59838  
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- (7) One representative of the Ohio Association of Superintendents of County Boards of Mental Retardation and Developmental Disabilities appointed by the organization's board of trustees; 59841  
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59843  
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- (8) One representative of the Ohio Provider Resource Association appointed by the association's board of trustees; 59845  
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- (9) One representative of the Ohio Health Care Association appointed by the association's board of trustees; 59847  
59848
- (10) One representative of individuals with mental retardation or other developmental disability appointed by the Director of Mental Retardation and Developmental Disabilities. 59849  
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- (B) The Governor shall appoint the chairperson of the committee. Members of the committee shall serve without compensation or reimbursement, except to the extent that serving on the committee is considered a part of their regular employment duties. 59852  
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- (C) The committee shall meet at times determined by the chairperson to do all of the following: 59857  
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As Reported by the Senate Finance and Financial Institutions Committee

(1) Review the effect that the provisions of this act 59859  
 regarding Medicaid funding for services to individuals with mental 59860  
 retardation or other developmental disability have on the funding 59861  
 and provision of services to such individuals; 59862

(2) Identify issues related to, and barriers to, the 59863  
 effective implementation of those provisions of this act with the 59864  
 goal of meeting the needs of individuals with mental retardation 59865  
 or other developmental disability; 59866

(3) Establish effective means for resolving the issues and 59867  
 barriers, including advocating changes to state law, rules, or 59868  
 both. 59869

(D) The committee shall finish a preliminary report on its 59870  
 actions no later than one year after the effective date of this 59871  
 section and a final report on its actions no later than three 59872  
 years after the effective date of this section. The committee 59873  
 shall submit the reports to the Governor and Directors of Mental 59874  
 Retardation and Developmental Disabilities and Job and Family 59875  
 Services. The committee shall cease to exist on submission of the 59876  
 final report unless the Governor issues an executive order 59877  
 providing for the committee to continue. 59878

**Section 75. MIH COMMISSION ON MINORITY HEALTH** 59879

General Revenue Fund 59880

GRF 149-321 Operating Expenses	\$	635,218	\$	638,229	59881
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GRF 149-501 Minority Health Grants	\$	954,360	\$	951,348	59882
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GRF 149-502 Lupus Program	\$	179,206	\$	179,206	59883
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TOTAL GRF General Revenue Fund	\$	1,768,784	\$	1,768,783	59884
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Federal Special Revenue Fund Group 59885

3J9 149-602 Federal Grants	\$	155,000	\$	150,000	59886
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TOTAL FED Federal Special Revenue					59887
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Fund Group	\$	155,000	\$	150,000	59888
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## As Reported by the Senate Finance and Financial Institutions Committee

State Special Revenue Fund Group				59889
4C2 149-601 Minority Health	\$	369,194	\$ 320,776	59890
Conference				
TOTAL SSR State Special Revenue				59891
Fund Group	\$	369,194	\$ 320,776	59892
TOTAL ALL BUDGET FUND GROUPS	\$	2,292,978	\$ 2,239,559	59893
LUPUS PROGRAM				59894
The foregoing appropriation item 149-502, Lupus Program,				59895
shall be used to provide grants for programs in patient, public,				59896
and professional education on the subject of systemic lupus				59897
erythematosus; to encourage and develop local centers on lupus				59898
information gathering and screening; and to provide outreach to				59899
minority women.				59900
<b>Section 76. CRB MOTOR VEHICLE COLLISION REPAIR</b>				59901
REGISTRATION BOARD				59902
General Service Fund Group				59903
5H9 865-609 Operating Expenses	\$	250,025	\$ 262,952	59904
TOTAL GSF General Services				59905
Fund Group	\$	250,025	\$ 262,952	59906
TOTAL ALL BUDGET FUND GROUPS	\$	250,025	\$ 262,952	59907
<b>Section 77. DNR DEPARTMENT OF NATURAL RESOURCES</b>				59909
General Revenue Fund				59910
GRF 725-401 Wildlife - GRF Central	\$	1,050,000	\$ 1,050,000	59911
Support				
GRF 725-404 Fountain Square Rental	\$	1,092,400	\$ 1,089,100	59912
Payments - OBA				
GRF 725-407 Conservation Reserve	\$	1,920,400	\$ 1,920,400	59913
Enhancement Program				
GRF 725-412 Reclamation Commission	\$	67,123	\$ 70,971	59914
GRF 725-413 OPFC Lease Rental	\$	16,211,500	\$ 14,279,000	59915

## As Reported by the Senate Finance and Financial Institutions Committee

		Payments				
GRF 725-423	Stream and Ground	\$	448,745	\$	478,214	59916
	Water Gauging					
GRF 725-425	Wildlife License	\$	1,000,000	\$	1,000,000	59917
	Reimbursement					
GRF 725-456	Canal Lands	\$	397,811	\$	407,756	59918
GRF 725-502	Soil and Water	\$	12,526,462	\$	12,771,123	59919
	Districts					
GRF 725-903	Natural Resources	\$	19,001,100	\$	22,101,900	59920
	General Obligation					
	Debt Service					
GRF 725-904	Conservation General	\$	1,595,000	\$	6,695,000	59921
	Obligation Debt					
	Service					
GRF 727-321	Division of Forestry	\$	10,209,173	\$	10,888,345	59922
GRF 728-321	Division of Geological	\$	2,269,911	\$	2,432,974	59923
	Survey					
GRF 729-321	Office of Information	\$	1,072,960	\$	1,985,667	59924
	Technology					
GRF 730-321	Division of Parks and	\$	35,651,542	\$	37,972,382	59925
	Recreation					
GRF 733-321	Division of Water	\$	4,035,213	\$	4,234,581	59926
GRF 736-321	Division of	\$	3,709,501	\$	3,918,766	59927
	Engineering					
GRF 737-321	Division of Soil and	\$	4,675,812	\$	4,879,744	59928
	Water					
GRF 738-321	Division of Real	\$	2,540,554	\$	2,669,042	59929
	Estate and Land					
	Management					
GRF 741-321	Division of Natural	\$	3,439,427	\$	3,616,940	59930
	Areas and Preserves					
GRF 743-321	Division of Civilian	\$	2,842,407	\$	0	59931
	Conservation					

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 744-321	Division of Mineral Resources Management	\$ 3,946,725	\$ 4,162,882	59932
TOTAL GRF	General Revenue Fund	\$ 129,703,766	\$ 138,624,787	59933
	General Services Fund Group			59934
155 725-601	Departmental Projects	\$ 2,216,594	\$ 1,913,242	59935
157 725-651	Central Support Indirect	\$ 8,009,551	\$ 8,423,094	59936
158 725-604	Natural Resources Publication Center Intrastate	\$ 94,198	\$ 94,595	59937
161 725-635	Parks Facilities Maintenance	\$ 2,993,169	\$ 3,063,124	59938
162 725-625	Civilian Conservation Corps Operations	\$ 200,000	\$ 0	59939
204 725-687	Information Services	\$ 3,010,774	\$ 3,971,856	59940
206 725-689	REALM Support Services	\$ 475,000	\$ 475,000	59941
207 725-690	Real Estate Services	\$ 50,000	\$ 54,000	59942
4D5 725-618	Recycled Materials	\$ 50,000	\$ 50,000	59943
4S9 725-622	NatureWorks Personnel	\$ 759,143	\$ 832,528	59944
4X8 725-662	Water Resources Council	\$ 275,633	\$ 282,524	59945
430 725-671	Canal Lands	\$ 1,215,441	\$ 1,259,511	59946
508 725-684	Natural Resources Publication Center Interstate	\$ 239,538	\$ 245,808	59947
510 725-631	Maintenance - state-owned residences	\$ 224,926	\$ 229,710	59948
516 725-620	Water Management	\$ 2,459,256	\$ 2,522,146	59949
635 725-664	Fountain Square Facilities Management	\$ 2,755,109	\$ 2,821,999	59950
697 725-670	Submerged Lands	\$ 589,315	\$ 615,000	59951
TOTAL GSF	General Services Fund Group	\$ 25,617,647	\$ 26,854,137	59952 59953

## As Reported by the Senate Finance and Financial Institutions Committee

	Federal Special Revenue Fund Group				59954	
3B3	725-640 Federal Forest	\$	55,000	\$	55,000	59955
	Pass-Thru					
3B4	725-641 Federal Flood	\$	190,000	\$	190,000	59956
	Pass-Thru					
3B5	725-645 Federal Abandoned Mine	\$	9,908,408	\$	10,125,056	59957
	Lands					
3B6	725-653 Federal Land and Water	\$	3,559,697	\$	3,689,697	59958
	Conservation Grants					
3B7	725-654 Reclamation -	\$	1,788,579	\$	1,799,459	59959
	Regulatory					
3P0	725-630 Natural Areas and	\$	230,000	\$	230,000	59960
	Preserves - Federal					
3P1	725-632 Geological Survey -	\$	381,910	\$	366,303	59961
	Federal					
3P2	725-642 Oil and Gas-Federal	\$	189,701	\$	190,289	59962
3P3	725-650 Real Estate and Land	\$	2,980,975	\$	3,184,300	59963
	Management - Federal					
3P4	725-660 Water - Federal	\$	180,000	\$	180,000	59964
3R5	725-673 Acid Mine Drainage	\$	600,000	\$	613,200	59965
	Abatement/Treatment					
328	725-603 Forestry Federal	\$	1,200,000	\$	1,200,000	59966
332	725-669 Federal Mine Safety	\$	136,423	\$	141,880	59967
	Grant					
	TOTAL FED Federal Special Revenue					59968
	Fund Group	\$	21,400,693	\$	21,965,184	59969
	State Special Revenue Fund Group					59970
4J2	725-628 Injection Well Review	\$	51,742	\$	61,638	59971
4M7	725-631 Wildfire Suppression	\$	150,310	\$	150,000	59972
4U6	725-668 Scenic Rivers	\$	500,000	\$	510,000	59973
	Protection					
5B3	725-674 Mining Regulation	\$	35,000	\$	35,000	59974

## As Reported by the Senate Finance and Financial Institutions Committee

5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000	59975
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$	1,500,000	59976
		Administration					
509	725-602	State Forest	\$	1,489,013	\$	1,536,595	59977
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$	1,070,899	59978
512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146	59979
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305	59980
518	725-643	Oil and Gas Permit	\$	1,821,252	\$	1,821,325	59981
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	59982
		Plugging					
521	725-627	Off-Road Vehicle	\$	66,213	\$	68,490	59983
		Trails					
522	725-656	Natural Areas Checkoff	\$	1,508,080	\$	1,860,670	59984
		Funds					
526	725-610	Strip Mining	\$	1,480,566	\$	1,449,459	59985
		Administration Fees					
527	725-637	Surface Mining	\$	2,963,272	\$	3,093,938	59986
		Administration					
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327	59987
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087	59988
532	725-644	Litter Control and	\$	13,137,680	\$	13,311,365	59989
		Recycling					
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	59990
615	725-661	Dam Safety	\$	244,442	\$	259,758	59991
TOTAL SSR State Special Revenue							59992
Fund Group			\$	61,594,456	\$	63,822,002	59993
Wildlife Fund Group							59994
015	740-401	Division of Wildlife	\$	46,177,752	\$	48,713,747	59995
		Conservation					
815	725-636	Cooperative Management	\$	156,536	\$	160,449	59996
		Projects					
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885	59997

## As Reported by the Senate Finance and Financial Institutions Committee

817	725-655	Wildlife Conservation	\$	1,435,567	\$	1,472,755	59998
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	964,470	\$	988,582	59999
		Research					
819	725-685	Ohio River Management	\$	125,448	\$	128,584	60000
TOTAL WLF		Wildlife Fund Group	\$	49,803,076	\$	52,431,002	60001
		Waterways Safety Fund Group					60002
086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497	60003
086	725-416	Natural Areas Marine	\$	25,000	\$	0	60004
		Patrol					
086	725-417	Parks Marine Patrol	\$	25,000	\$	0	60005
086	725-418	Buoy Placement	\$	41,153	\$	42,182	60006
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867	60007
086	725-506	Watercraft Marine	\$	562,100	\$	576,153	60008
		Patrol					
086	725-513	Watercraft Educational	\$	357,700	\$	366,643	60009
		Grants					
086	739-401	Division of Watercraft	\$	16,579,526	\$	17,374,158	60010
TOTAL WSF		Waterways Safety Fund					60011
Group			\$	21,026,671	\$	21,969,500	60012
		Holding Account Redistribution Fund Group					60013
R17	725-659	Performance Cash Bond	\$	251,500	\$	252,000	60014
		Refunds					
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000	60015
TOTAL 090		Holding Account					60016
Redistribution Fund Group			\$	2,001,500	\$	2,002,000	60017
		Accrued Leave Liability Fund Group					60018
4M8	725-675	FOP Contract	\$	19,609	\$	20,844	60019
TOTAL ALF		Accrued Leave					60020
Liability Fund Group			\$	19,609	\$	20,844	60021
TOTAL ALL BUDGET FUND GROUPS			\$	311,167,418	\$	327,689,456	60022

## As Reported by the Senate Finance and Financial Institutions Committee

**Section 77.01.** NATURAL RESOURCES GENERAL OBLIGATION DEBT 60024  
SERVICE 60025

The foregoing appropriation item 725-903, Natural Resources 60026  
General Obligation Debt Service, shall be used to pay all debt 60027  
service and financing costs at the times they are required to be 60028  
made pursuant to sections 151.01 and 151.05 of the Revised Code 60029  
during the period from July 1, 2001, to June 30, 2003. The Office 60030  
of the Sinking Fund or the Director of Budget and Management shall 60031  
effectuate the required payments by an intrastate transfer 60032  
voucher. 60033

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 60034

The foregoing appropriation item 725-904, Conservation 60035  
General Obligation Debt Service, shall be used to pay all debt 60036  
service and financing costs during the period from July 1, 2001, 60037  
to June 30, 2003, on obligations to be issued for conservation 60038  
purposes under Section 20 of Article VIII, Ohio Constitution, and 60039  
implementing legislation. The Office of the Sinking Fund or the 60040  
Director of Budget and Management shall effectuate the required 60041  
payments by an intrastate transfer voucher. 60042

LEASE RENTAL PAYMENTS 60043

The foregoing appropriation item 725-413, OPFC Lease Rental 60044  
Payments, shall be used to meet all payments at the times they are 60045  
required to be made during the period from July 1, 2001, to June 60046  
30, 2003, by the Department of Natural Resources pursuant to 60047  
leases and agreements made under section 154.22 of the Revised 60048  
Code, but limited to the aggregate amount of \$30,490,500. Nothing 60049  
in this act shall be deemed to contravene the obligation of the 60050  
state to pay, without necessity for further appropriation, from 60051  
the sources pledged thereto, the bond service charges on 60052  
obligations issued pursuant to section 154.22 of the Revised Code. 60053

## As Reported by the Senate Finance and Financial Institutions Committee

FOUNTAIN SQUARE 60054

The foregoing appropriation item 725-404, Fountain Square 60055  
 Rental Payments - OBA, shall be used by the Department of Natural 60056  
 Resources to meet all payments required to be made to the Ohio 60057  
 Building Authority during the period from July 1, 2001, to June 60058  
 30, 2003, pursuant to leases and agreements with the Ohio Building 60059  
 Authority under section 152.241 of the Revised Code, but limited 60060  
 to the aggregate amount of \$2,181,500. 60061

The Director of Natural Resources, using intrastate transfer 60062  
 vouchers, shall make payments to the General Revenue Fund from 60063  
 funds other than the General Revenue Fund to reimburse the General 60064  
 Revenue Fund for the other funds' shares of the lease rental 60065  
 payments to the Ohio Building Authority. The transfers from the 60066  
 non-General Revenue funds shall be made within 10 days of the 60067  
 payment to the Ohio Building Authority for the actual amounts 60068  
 necessary to fulfill the leases and agreements pursuant to section 60069  
 152.241 of the Revised Code. 60070

The foregoing appropriation item 725-664, Fountain Square 60071  
 Facilities Management (Fund 635), shall be used for payment of 60072  
 repairs, renovation, utilities, property management, and building 60073  
 maintenance expenses for the Fountain Square Complex. Cash 60074  
 transferred by intrastate transfer vouchers from various 60075  
 department funds and rental income received by the Department of 60076  
 Natural Resources shall be deposited to the Fountain Square 60077  
 Facilities Management Fund (Fund 635). 60078

**Section 77.02. CENTRAL SUPPORT INDIRECT** 60079

With the exception of the Division of Wildlife, whose 60080  
 indirect central support charges shall be paid out of the General 60081  
 Revenue Fund from the foregoing appropriation item 725-401, 60082  
 Wildlife - GRF Central Support, the Department of Natural 60083  
 Resources, with the approval of the Director of Budget and 60084

## As Reported by the Senate Finance and Financial Institutions Committee

Management, shall utilize a methodology for determining each 60085  
division's payments into the Central Support Indirect Fund (Fund 60086  
157). The methodology used shall contain the characteristics of 60087  
administrative ease and uniform application. Payments to the 60088  
Central Support Indirect Fund shall be made using an intrastate 60089  
transfer voucher. 60090

## WILDLIFE LICENSE REIMBURSEMENT 60091

Notwithstanding the limits of the transfer from the General 60092  
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 60093  
of the Revised Code, up to the amount available in appropriation 60094  
item 725-425, Wildlife License Reimbursement, may be transferred 60095  
from the General Revenue Fund to the Wildlife Fund (Fund 015). 60096  
Pursuant to the certification of the Director of Budget and 60097  
Management of the amount of foregone revenue in accordance with 60098  
section 1533.15 of the Revised Code, the foregoing appropriation 60099  
item in the General Revenue Fund, appropriation item 725-425, 60100  
Wildlife License Reimbursement, shall be used to reimburse the 60101  
Wildlife Fund (Fund 015) for the cost of hunting and fishing 60102  
licenses and permits issued after June 30, 1990, to individuals 60103  
who are exempted under the Revised Code from license, permit, and 60104  
stamp fees. 60105

## SOIL AND WATER DISTRICTS 60106

In addition to state payments to soil and water conservation 60107  
districts authorized by section 1515.10 of the Revised Code, the 60108  
Department of Natural Resources may pay to any soil and water 60109  
conservation district, from authority in appropriation item 60110  
725-502, Soil and Water Districts, an annual amount not to exceed 60111  
\$30,000, upon receipt of a request and justification from the 60112  
district and approval by the Ohio Soil and Water Conservation 60113  
Commission. The county auditor shall credit the payments to the 60114  
special fund established under section 1515.10 of the Revised Code 60115  
for the local soil and water conservation district. Moneys 60116

## As Reported by the Senate Finance and Financial Institutions Committee

received by each district shall be expended for the purposes of 60117  
the district. 60118

Of the foregoing appropriation item 725-502, Soil and Water 60119  
Districts, \$150,000 in each fiscal year shall be distributed to 60120  
the Muskingum Watershed Conservancy District and \$50,000 in each 60121  
fiscal year shall be distributed to the Livestock Assurance 60122  
Program. 60123

Of the foregoing appropriation 725-502, Soil and Water 60124  
Districts, \$136,000 shall be earmarked in fiscal year 2002 for 60125  
Indian Lake, \$56,000 per fiscal year for the Conservation Action 60126  
Program, \$48,000 in fiscal year 2002 for Millcreek Valley 60127  
Conservation District, \$40,000 per fiscal year for Wills Creek 60128  
Reservoir, \$120,000 in fiscal year 2002 for the relocation of 60129  
Route 30, \$250,000 in fiscal year 2002 for the Upper Hocking and 60130  
Rush Creek Flood Control project, and \$100,000 per fiscal year for 60131  
Rush Creek Conservancy District. Of the foregoing appropriation 60132  
item 725-502, Soil and Water Districts, \$150,000 shall be 60133  
earmarked in each fiscal year for the Loramie Lake Project. 60134

## DIVISION OF SOIL AND WATER 60135

Of the foregoing appropriation item 737-321, Division of Soil 60136  
and Water, \$220,000 in each fiscal year shall be distributed to 60137  
the Water Quality Laboratory located at Heidelberg College. 60138

## CANAL LANDS 60139

The foregoing appropriation item 725-456, Canal Lands, shall 60140  
be used to transfer funds to the Canal Lands Fund (Fund 430) to 60141  
provide operating expenses for the State Canal Lands Program. The 60142  
transfer shall be made using an intrastate transfer voucher and 60143  
shall be subject to the approval of the Director of Budget and 60144  
Management. 60145

## WATERCRAFT MARINE PATROL 60146

## As Reported by the Senate Finance and Financial Institutions Committee

Of the foregoing appropriation item 739-401, Division of Watercraft, not more than \$200,000 in each fiscal year shall be expended for the purchase of equipment for marine patrols qualifying for funding from the Department of Natural Resources pursuant to section 1547.67 of the Revised Code. Proposals for equipment shall accompany the submission of documentation for receipt of a marine patrol subsidy pursuant to section 1547.67 of the Revised Code and shall be loaned to eligible marine patrols pursuant to a cooperative agreement between the Department of Natural Resources and the eligible marine patrol.

## FUND CONSOLIDATION

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and any amounts that accrue to that fund after that date, to the Wildlife Education Fund (Fund 015). The Director shall cancel any remaining outstanding encumbrances against appropriation item 725-612, Wildlife Education, and reestablish them against appropriation item 740-401, Division of Wildlife Conservation. The amounts of any encumbrances canceled and reestablished are appropriated.

On July 15, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balances of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 30, 2001, and any amounts that accrue to that fund after that date, to the Waterways Safety Fund (Fund 086). The director shall cancel any remaining outstanding encumbrances against appropriation item 725-614, Cooperative Boat Harbor Projects, and reestablish them against appropriation item 739-401, Division of Watercraft. The amounts of any encumbrances canceled and reestablished are hereby appropriated.

On July 15, 2001, or as soon thereafter as possible, the

## As Reported by the Senate Finance and Financial Institutions Committee

Director of Budget and Management shall transfer the cash balances 60179  
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, 60180  
and any amounts that accrue to that fund after that date, to the 60181  
State Forest Fund (Fund 509). The director shall cancel any 60182  
remaining outstanding encumbrances against appropriation item 60183  
725-617, Forestry Development Fund, and reestablish them against 60184  
appropriation item 725-602, State Forest. The amounts of any 60185  
encumbrances canceled and reestablished are appropriated. No 60186  
interest shall be credited to Fund 4B8 after June 30, 2001. 60187

On July 15, 2001, or as soon thereafter as possible, the 60188  
Director of Budget and Management shall transfer the cash balance 60189  
in the Burr Oak Water Plant Fund (Fund 519), which is abolished by 60190  
the repeal of section 1507.12 of the Revised Code in this act, to 60191  
the Burr Oak Regional Water District. 60192

## CIVILIAN CONSERVATION CORPS 60193

The Director of Budget and Management, before June 30, 2003, 60194  
shall transfer the cash balance of the Civilian Conservation Corps 60195  
Operations Fund (Fund 162), and shall transfer any amounts that 60196  
accrue to that fund after that date, to the State Parks Operations 60197  
Fund (Fund 512). The Director shall cancel any existing 60198  
encumbrances against appropriation item 725-625, Civilian 60199  
Conservation Corps Operations, and re-establish them against 60200  
appropriation item 725-605, State Parks Operations. The amount of 60201  
the re-established encumbrances is appropriated. After the cash 60202  
balance is transferred, the Civilian Conservation Corps Operations 60203  
Fund (Fund 162), which was created by the Controlling Board in 60204  
1982, is abolished. 60205

## PARKS FACILITIES MAINTENANCE 60206

Notwithstanding section 1541.221 of the Revised Code, the 60207  
first \$1,100,000 that would be transferred to the Parks Facilities 60208  
Maintenance Fund (Fund 161) in fiscal year 2002 shall be retained 60209

## As Reported by the Senate Finance and Financial Institutions Committee

by the State Park Fund (Fund 512). The difference between ten per 60210  
 cent of the receipts from revenue-producing facilities of the 60211  
 division of parks and recreation and \$1,100,000 shall be 60212  
 transferred to the Parks Facilities Maintenance Fund in fiscal 60213  
 year 2002. 60214

## OIL AND GAS WELL PLUGGING 60215

The foregoing appropriation item 725-677, Oil and Gas Well 60216  
 Plugging, shall be used exclusively for the purposes of plugging 60217  
 wells and to properly restore the land surface of idle and orphan 60218  
 oil and gas wells pursuant to section 1509.071 of the Revised 60219  
 Code. No funds from the appropriation item shall be used for 60220  
 salaries, maintenance, equipment, or other administrative 60221  
 purposes, except for those costs directly attributed to the 60222  
 plugging of an idle or orphan well. Appropriation authority from 60223  
 this line item shall not be transferred to any other fund or line 60224  
 item. 60225

**Section 78.** NUR STATE BOARD OF NURSING 60226

General Services Fund Group 60227

4K9 884-609 Operating Expenses	\$	4,816,241	\$	5,205,776	60228
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5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	60229
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TOTAL GSF General Services					60230
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Fund Group	\$	4,821,241	\$	5,210,776	60231
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TOTAL ALL BUDGET FUND GROUPS	\$	4,821,241	\$	5,210,776	60232
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## NURSING SPECIAL ISSUES 60233

Not later than thirty days after the effective date of this 60234  
 section, the Director of Budget and Management shall transfer 60235  
 \$5,000 cash from the Occupational Licensing and Regulatory Fund 60236  
 (Fund 4K9) to the Nursing Special Issues Fund (Fund 5P8). 60237

Not later than July 30, 2002, the Director of Budget and 60238  
 Management shall transfer \$5,000 cash from the Occupational 60239

## As Reported by the Senate Finance and Financial Institutions Committee

Licensing and Regulatory Fund (Fund 4K9) to the Nursing Special				60240
Issues Fund (Fund 5P8).				60241
The foregoing appropriation item 884-601, Nursing Special				60242
Issues (Fund 5P8), shall be used to pay the costs the Board of				60243
Nursing incurs in implementing section 4723.062 of the Revised				60244
Code.				60245
<b>Section 79.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,				60246
AND ATHLETIC TRAINERS BOARD				60247
General Services Fund Group				60248
4K9 890-609 Operating Expenses	\$	681,020	\$	703,201
TOTAL GSF General Services				60250
Fund Group	\$	681,020	\$	703,201
TOTAL ALL BUDGET FUND GROUPS	\$	681,020	\$	703,201
OPERATING EXPENSES				60253
Notwithstanding Section 74 of Am. H.B. 283 of the 123rd				60254
General Assembly, the findings of the two clinical outcomes				60255
studies required by the Operating Expenses earmark shall be				60256
reported not later than December 31, 2001.				60257
<b>Section 80.</b> OLA OHIOANA LIBRARY ASSOCIATION				60258
General Revenue Fund				60259
GRF 355-501 Library Subsidy	\$	243,367	\$	248,786
TOTAL GRF General Revenue Fund	\$	243,367	\$	248,786
TOTAL ALL BUDGET FUND GROUPS	\$	243,367	\$	248,786
<b>Section 81.</b> ODB OHIO OPTICAL DISPENSERS BOARD				60264
General Services Fund Group				60265
4K9 894-609 Operating Expenses	\$	280,391	\$	295,277
TOTAL GSF General Services				60267
Fund Group	\$	280,391	\$	295,277

As Reported by the Senate Finance and Financial Institutions Committee

TOTAL ALL BUDGET FUND GROUPS	\$	280,391	\$	295,277	60269
<b>Section 82.</b> OPT STATE BOARD OF OPTOMETRY					60271
General Services Fund Group					60272
4K9 885-609 Operating Expenses	\$	289,600	\$	306,051	60273
TOTAL GSF General Services					60274
Fund Group	\$	289,600	\$	306,051	60275
TOTAL ALL BUDGET FUND GROUPS	\$	289,600	\$	306,051	60276
<b>Section 83.</b> OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND					60277
PEDORTHICS					60278
General Services Fund Group					60279
4K9 973-609 Operating Expenses	\$	98,622	\$	100,518	60280
TOTAL GSF General Services					60281
Fund Group	\$	98,622	\$	100,518	60282
TOTAL ALL BUDGET FUND GROUPS	\$	98,622	\$	100,518	60283
<b>Section 84.</b> PBR STATE PERSONNEL BOARD OF REVIEW					60284
General Revenue Fund					60285
GRF 124-321 Operating	\$	1,015,059	\$	1,059,243	60286
TOTAL GRF General Revenue Fund	\$	1,015,059	\$	1,059,243	60287
General Services Fund Group					60288
636 124-601 Transcript and Other	\$	39,598	\$	40,587	60289
TOTAL GSF General Services					60290
Fund Group	\$	39,598	\$	40,587	60291
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,657	\$	1,099,830	60292
TRANSCRIPT AND OTHER					60293
The foregoing appropriation item 124-601, Transcript and					60294
Other, may be used to produce and distribute transcripts and other					60295
documents. Revenues generated by charges for transcripts and other					60296
documents shall be deposited in the Transcripts and Other Fund					60297
(Fund 636).					60298

## As Reported by the Senate Finance and Financial Institutions Committee

<b>Section 85. PRX STATE BOARD OF PHARMACY</b>				60299	
General Services Fund Group				60300	
4A5 887-605 Drug Law Enforcement	\$	72,900	\$	75,550	60301
5N2 887-603 Operating Expenses	\$	4,353,629	\$	4,744,594	60302
TOTAL GSF General Services				60303	
Fund Group	\$	4,426,529	\$	4,820,144	60304
TOTAL ALL BUDGET FUND GROUPS	\$	4,426,529	\$	4,820,144	60305
 PHARMACY BOARD OPERATING FUND				60306	
 On July 1, 2001, or as soon as possible thereafter, the				60307	
Executive Director of the State Board of Pharmacy shall certify				60308	
the board's portion of the cash balance in the Occupational				60309	
Licensing and Regulatory Fund (Fund 4K9) to the Director of Budget				60310	
and Management. The Director of Budget and Management shall				60311	
transfer the certified amount from Fund 4K9 to the Pharmacy Board				60312	
Operating Fund (Fund 5N2).				60313	
 The Director of Budget and Management shall cancel any				60314	
existing encumbrances against appropriation item 887-609,				60315	
Operating Expenses (Fund 4K9), and reestablish them against				60316	
appropriation item 887-603, Operating Expenses (Fund 5N2). The				60317	
amounts of the reestablished encumbrances are appropriated.				60318	
 <b>Section 86. SCR STATE BOARD OF PROPRIETARY SCHOOL</b>				60319	
 REGISTRATION				60320	
General Revenue Fund				60321	
GRF 233-100 Personal Services	\$	326,400	\$	333,429	60322
GRF 233-200 Maintenance	\$	77,760	\$	78,776	60323
GRF 233-300 Equipment	\$	4,286	\$	4,279	60324
TOTAL GRF General Revenue Fund	\$	408,446	\$	416,484	60325
TOTAL ALL BUDGET FUND GROUPS	\$	408,446	\$	416,484	60326
 <b>Section 87. PSY STATE BOARD OF PSYCHOLOGY</b>				60328	

## As Reported by the Senate Finance and Financial Institutions Committee

General Services Fund Group				60329
4K9 882-609 Operating Expenses	\$	459,382	\$ 486,184	60330
TOTAL GSF General Services				60331
Fund Group	\$	459,382	\$ 486,184	60332
TOTAL ALL BUDGET FUND GROUPS	\$	459,382	\$ 486,184	60333
<b>Section 88. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				60335
General Revenue Fund				60336
GRF 019-321 Public Defender	\$	1,772,373	\$ 1,772,373	60337
Administration				
GRF 019-401 State Legal Defense	\$	6,983,914	\$ 7,259,931	60338
Services				
GRF 019-403 Multi-County: State	\$	1,110,254	\$ 1,104,920	60339
Share				
GRF 019-404 Trumbull County-State	\$	364,686	\$ 363,917	60340
Share				
GRF 019-405 Training Account	\$	48,000	\$ 48,000	60341
GRF 019-501 County Reimbursement -	\$	33,893,062	\$ 34,512,523	60342
Non-Capital Cases				
GRF 019-503 County Reimbursements	\$	935,868	\$ 1,000,000	60343
- Capital Cases				
TOTAL GRF General Revenue Fund	\$	45,108,157	\$ 46,061,664	60344
General Services Fund Group				60345
101 019-602 Inmate Legal	\$	67,172	\$ 71,020	60346
Assistance				
101 019-607 Juvenile Legal	\$	458,767	\$ 481,462	60347
Assistance				
406 019-603 Training and	\$	16,000	\$ 16,000	60348
Publications				
407 019-604 County Representation	\$	213,778	\$ 240,556	60349
408 019-605 Client Payments	\$	260,584	\$ 285,533	60350
TOTAL GSF General Services				60351

## As Reported by the Senate Finance and Financial Institutions Committee

Fund Group	\$	1,016,301	\$	1,094,571	60352
Federal Special Revenue Fund Group					60353
3S8 019-608 Federal Representation	\$	564,929	\$	594,247	60354
3U7 019-614 Juvenile JAIBG Grant		51,516		54,601	60355
3U8 019-615 Juvenile Challenge Grant		118,658		124,984	60356
TOTAL FED Federal Special Revenue					60357
Fund Group	\$	735,103	\$	773,832	60358
State Special Revenue Fund Group					60359
4C7 019-601 Multi-County: County Share	\$	1,603,064	\$	1,714,575	60360
4X7 019-610 Trumbull County-County Share	\$	526,560	\$	564,714	60361
574 019-606 Legal Services Corporation	\$	15,725,233	\$	16,275,558	60362
TOTAL SSR State Special Revenue					60363
Fund Group	\$	17,854,857	\$	18,554,847	60364
TOTAL ALL BUDGET FUND GROUPS	\$	64,714,418	\$	66,484,914	60365
INDIGENT DEFENSE OFFICE					60366
The foregoing appropriation items 019-404, Trumbull County - State Share, and 019-610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.					60367 60368 60369
MULTI-COUNTY OFFICE					60370
The foregoing appropriation items 019-403, Multi-County: State Share, and 019-601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office program.					60371 60372 60373 60374
TRAINING ACCOUNT					60375
The foregoing appropriation item 019-405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who					60376 60377 60378

## As Reported by the Senate Finance and Financial Institutions Committee

represent at least one indigent defendant at no cost, and for				60379	
state and county public defenders and attorneys who contract with				60380	
the Ohio Public Defender to provide indigent defense services.				60381	
FEDERAL REPRESENTATION				60382	
The foregoing appropriation item 019-608, Federal				60383	
Representation, shall be used to receive reimbursements from the				60384	
federal courts when the Ohio Public Defender provides				60385	
representation on federal court cases.				60386	
<b>Section 89. DHS DEPARTMENT OF PUBLIC SAFETY</b>				60387	
General Revenue Fund				60388	
GRF 763-403 Operating Expenses -	\$	3,851,927	\$	4,225,628	60389
EMA					
GRF 763-507 Individual and Family	\$	90,014	\$	89,398	60390
Grants					
GRF 764-404 Transportation	\$	2,438,979	\$	2,491,606	60391
Enforcement Operations					
GRF 769-321 Food Stamp Trafficking	\$	935,817	\$	981,422	60392
Enforcement Operations					
TOTAL GRF General Revenue Fund	\$	7,316,737	\$	7,788,054	60393
TOTAL ALL BUDGET FUND GROUPS	\$	7,316,737	\$	7,788,054	60394
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT				60395	
Of the foregoing appropriation item 763-403, Operating				60396	
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund				60397	
the Ohio Task Force One - Urban Search and Rescue Unit and other				60398	
urban search and rescue programs around the state to create a				60399	
stronger search and rescue capability statewide.				60400	
IFG STATE MATCH				60401	
The foregoing appropriation item 763-507, Individual and				60402	
Family Grants, shall be used to fund the state share of costs to				60403	
provide grants to individuals and families in cases of disaster.				60404	

## As Reported by the Senate Finance and Financial Institutions Committee

<b>Section 90. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b>				60405
General Services Fund Group				60406
5F6	870-622	Utility and Railroad Regulation	\$ 29,104,298 \$ 30,622,222	60407
5F6	870-624	NARUC/NRRI Subsidy	\$ 167,233 \$ 167,233	60408
5F6	870-625	Motor Transportation Regulation	\$ 4,578,771 \$ 4,811,239	60409
558	870-602	Salvage and Exchange	\$ 32,474 \$ 33,285	60410
TOTAL GSF General Services Fund Group				60411
				\$ 33,882,776 \$ 35,633,979 60412
Federal Special Revenue Fund Group				60413
3V3	870-604	Commercial Vehicle Information Systems/Networks	\$ 2,500,000 \$ 0	60414
333	870-601	Gas Pipeline Safety	\$ 461,920 \$ 485,332	60415
350	870-608	Motor Carrier Safety	\$ 6,749,153 \$ 7,027,712	60416
TOTAL FED Federal Special Revenue Fund Group				60417
				\$ 9,711,073 \$ 7,513,044 60418
State Special Revenue Fund Group				60419
4A3	870-614	Grade Crossing Protection Devices-State	\$ 1,311,986 \$ 1,349,757	60420
4L8	870-617	Pipeline Safety-State	\$ 177,323 \$ 187,621	60421
4S6	870-618	Hazardous Material Registration	\$ 449,927 \$ 464,325	60422
4S6	870-621	Hazardous Materials Base State Registration	\$ 364,240 \$ 373,346	60423
4U8	870-620	Civil Forfeitures	\$ 269,426 \$ 284,986	60424
559	870-605	Public Utilities Territorial	\$ 4,000 \$ 4,000	60425

## As Reported by the Senate Finance and Financial Institutions Committee

## Administration

560	870-607	Special Assessment	\$	100,000	\$	100,000	60426
561	870-606	Power Siting Board	\$	319,839	\$	337,210	60427
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	60428
661	870-612	Hazardous Materials	\$	800,000	\$	800,000	60429

## Transportation

TOTAL SSR State Special Revenue							60430
Fund Group			\$	3,836,741	\$	3,941,245	60431
Agency Fund Group							60432
4G4	870-616	Base State	\$	6,500,000	\$	6,500,000	60433

## Registration Program

TOTAL AGY Agency Fund Group			\$	6,500,000	\$	6,500,000	60434
TOTAL ALL BUDGET FUND GROUPS			\$	53,930,590	\$	53,588,268	60435

## TEMPORARY CASH TRANSFERS 60436

On July 1, 2001, or as soon as possible thereafter, the 60437  
 Director of Budget and Management shall transfer \$150,000 in cash 60438  
 from Fund 4U8, Civil Forfeitures, and \$350,000 in cash from Fund 60439  
 4S6, Hazardous Materials Registration, to Fund 3V3, Commercial 60440  
 Vehicle Information Systems/Networks Fund, which is hereby created 60441  
 in the State Treasury. The Commercial Vehicle Information 60442  
 Systems/Networks Fund shall receive funding from the United States 60443  
 Department of Transportation's Commercial Vehicle Intelligent 60444  
 Transportation System Infrastructure Deployment Program and shall 60445  
 be used to deploy the Ohio Commercial Vehicle Information Systems 60446  
 and Networks Project and to expedite and improve safety of motor 60447  
 carrier operations through electronic exchange of data by means of 60448  
 on-highway electronic systems. 60449

The Chairman of the Public Utilities Commission shall notify 60450  
 the Director of Budget and Management when the cash balance in 60451  
 Fund 3V3 is sufficient for the transfers required under this 60452  
 heading to be repaid. On or before June 30, 2003, the Director of 60453  
 Budget and Management shall transfer \$150,000 in cash from Fund 60454

## As Reported by the Senate Finance and Financial Institutions Committee

3V3, Commercial Vehicle Information Systems/Networks, to Fund 4U8, 60455  
 Civil Forfeitures, and \$350,000 in cash from Fund 3V3, Commercial 60456  
 Vehicle Information Systems/Networks, to Fund 4S6, Hazardous 60457  
 Materials Registration. 60458

## BIOMASS ENERGY PROGRAM FUND 60459

The Biomass Energy Program Fund created by section 4905.87 of 60460  
 the Revised Code is the same fund, with a new name, as the 60461  
 Biofuels/Municipal Waste Technology Fund created by the 60462  
 Controlling Board in January 1988. 60463

**Section 91.** PWC PUBLIC WORKS COMMISSION 60464

General Revenue Fund 60465

GRF 150-907 State Capital \$ 135,693,200 \$ 146,210,200 60466

Improvements

General Obligation 60467

Debt

Service 60468

TOTAL GRF General Revenue Fund \$ 135,693,200 \$ 146,210,200 60469

TOTAL ALL BUDGET FUND GROUPS \$ 135,693,200 \$ 146,210,200 60470

## STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 60471

The foregoing appropriation item 150-907, State Capital 60472  
 Improvements General Obligation Debt Service, shall be used to pay 60473  
 all debt service and financing costs at the times they are 60474  
 required to be made pursuant to sections 151.01, 151.08, and 60475  
 164.10 of the Revised Code during the period from July 1, 2001, to 60476  
 June 30, 2003. The Office of the Sinking Fund or the Director of 60477  
 Budget and Management shall effectuate the required payments by an 60478  
 intrastate transfer voucher. 60479

**Section 92.** RAC STATE RACING COMMISSION 60480

State Special Revenue Fund Group 60481

## As Reported by the Senate Finance and Financial Institutions Committee

5C4	875-607	Simulcast Horse Racing	\$	16,301,749	\$	18,025,043	60482
		Purse					
562	875-601	Thoroughbred Race Fund	\$	4,529,149	\$	4,642,378	60483
563	875-602	Standardbred	\$	2,022,797	\$	2,200,810	60484
		Development Fund					
564	875-603	Quarterhorse	\$	1,000	\$	1,000	60485
		Development Fund					
565	875-604	Racing Commission	\$	4,109,513	\$	4,314,143	60486
		Operating					
TOTAL SSR State Special Revenue							60487
Fund Group			\$	26,964,208	\$	29,183,374	60488
Holding Account Redistribution Fund Group							60489
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	60490
TOTAL 090 Holding Account							60491
Redistribution							
Fund Group			\$	212,900	\$	212,900	60492
TOTAL ALL BUDGET FUND GROUPS			\$	27,177,108	\$	29,396,274	60493
 <b>Section 93. BOR BOARD OF REGENTS</b>							60495
General Revenue Fund							60496
GRF	235-321	Operating Expenses	\$	3,200,141	\$	3,264,144	60497
GRF	235-401	Lease-Rental Payments	\$	295,058,500	\$	268,910,500	60498
GRF	235-402	Sea Grants	\$	299,940	\$	299,940	60499
GRF	235-403	Math/Science Teaching	\$	1,984,000	\$	2,018,680	60500
		Improvement					
GRF	235-404	College Readiness	\$	2,500,000	\$	2,500,000	60501
		Initiatives					
GRF	235-406	Articulation and	\$	800,000	\$	800,000	60502
		Transfer					
GRF	235-408	Midwest Higher	\$	82,500	\$	82,500	60503
		Education Compact					
GRF	235-409	Information System	\$	1,389,263	\$	1,417,049	60504
GRF	235-414	State Grants and	\$	1,400,888	\$	1,428,907	60505

## As Reported by the Senate Finance and Financial Institutions Committee

	Scholarship				
	Administration				
GRF 235-415	Jobs Challenge	\$ 10,100,000	\$ 10,200,000	60506	
GRF 235-417	Ohio Learning Network	\$ 3,920,000	\$ 3,920,000	60507	
GRF 235-418	Access Challenge	\$ 57,000,000	\$ 57,218,579	60508	
GRF 235-420	Success Challenge	\$ 48,741,000	\$ 48,741,000	60509	
GRF 235-428	Appalachian New	\$ 1,000,000	\$ 1,500,000	60510	
	Economy Partnership				
GRF 235-454	Research Challenge	\$ 21,568,440	\$ 21,568,440	60511	
GRF 235-455	Productivity	\$ 1,694,947	\$ 1,728,845	60512	
	Improvement Challenge				
GRF 235-474	Area Health Education	\$ 2,093,727	\$ 2,135,601	60513	
	Centers Program				
	Support				
GRF 235-477	Access Improvement	\$ 1,088,661	\$ 1,088,661	60514	
	Projects				
GRF 235-501	State Share of	\$ 1,692,981,471	\$ 1,699,473,589	60515	
	Instruction				
GRF 235-502	Student Support	\$ 1,000,000	\$ 1,000,000	60516	
	Services				
GRF 235-503	Ohio Instructional	\$ 98,000,000	\$ 111,500,000	60517	
	Grants				
GRF 235-504	War Orphans	\$ 4,652,548	\$ 4,792,124	60518	
	Scholarships				
GRF 235-507	OhioLINK	\$ 7,668,731	\$ 7,668,731	60519	
GRF 235-508	Air Force Institute of	\$ 2,000,000	\$ 2,000,000	60520	
	Technology				
GRF 235-509	Displaced Homemakers	\$ 240,096	\$ 240,096	60521	
GRF 235-510	Ohio Supercomputer	\$ 4,833,574	\$ 4,833,574	60522	
	Center				
GRF 235-511	Cooperative Extension	\$ 28,262,696	\$ 28,827,949	60523	
	Service				
GRF 235-513	OU Voinovich Center	\$ 367,500	\$ 367,500	60524	

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 235-514	Central State Supplement	\$	12,044,956	\$	12,044,956	60525
GRF 235-515	Case Western Reserve University School of Medicine	\$	4,280,224	\$	4,365,827	60526
GRF 235-519	Family Practice	\$	6,538,471	\$	6,669,240	60527
GRF 235-520	Shawnee State Supplement	\$	1,845,106	\$	904,237	60528
GRF 235-521	OSU Glenn Institute	\$	367,500	\$	367,500	60529
GRF 235-524	Police and Fire Protection	\$	240,096	\$	240,096	60530
GRF 235-525	Geriatric Medicine	\$	1,087,195	\$	1,108,939	60531
GRF 235-526	Primary Care Residencies	\$	3,166,168	\$	3,229,491	60532
GRF 235-527	Ohio Aerospace Institute	\$	2,383,334	\$	2,383,334	60533
GRF 235-530	Academic Scholarships	\$	8,400,000	\$	8,820,000	60534
GRF 235-531	Student Choice Grants	\$	52,428,000	\$	53,476,560	60535
GRF 235-534	Student Workforce Development Grants	\$	1,200,000	\$	1,200,000	60536
GRF 235-535	Ohio Agricultural Research and Development Center	\$	39,505,502	\$	40,295,612	60537
GRF 235-536	Ohio State University Clinical Teaching	\$	15,989,883	\$	16,309,680	60538
GRF 235-537	University of Cincinnati Clinical Teaching	\$	13,151,461	\$	13,414,491	60539
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	10,250,851	\$	10,455,868	60540
GRF 235-539	Wright State University Clinical	\$	4,980,064	\$	5,079,665	60541

## As Reported by the Senate Finance and Financial Institutions Committee

	Teaching				
GRF 235-540	Ohio University	\$	4,814,378	\$	4,910,666 60542
	Clinical Teaching				
GRF 235-541	Northeastern Ohio	\$	4,951,583	\$	5,050,615 60543
	Universities College				
	of Medicine Clinical				
	Teaching				
GRF 235-543	Ohio College of	\$	499,800	\$	509,796 60544
	Podiatric Medicine				
	Clinical Subsidy				
GRF 235-547	School of	\$	1,708,764	\$	1,708,764 60545
	International Business				
GRF 235-549	Part-time Student	\$	13,311,638	\$	13,977,219 60546
	Instructional Grants				
GRF 235-552	Capital Component	\$	14,537,639	\$	14,537,639 60547
GRF 235-553	Dayton Area Graduate	\$	3,779,088	\$	3,779,088 60548
	Studies Institute				
GRF 235-554	Computer Science	\$	3,482,368	\$	3,482,368 60549
	Graduate Education				
GRF 235-555	Library Depositories	\$	1,999,200	\$	2,039,184 60550
GRF 235-556	Ohio Academic	\$	3,510,777	\$	3,580,993 60551
	Resources Network				
GRF 235-558	Long-term Care	\$	312,004	\$	312,004 60552
	Research				
GRF 235-561	Bowling Green State	\$	164,289	\$	164,289 60553
	University Canadian				
	Studies Center				
GRF 235-572	Ohio State University	\$	2,102,361	\$	2,144,408 60554
	Clinic Support				
GRF 235-583	Urban University	\$	6,503,559	\$	6,503,559 60555
	Programs				
GRF 235-585	Ohio University	\$	48,750	\$	48,750 60556
	Innovation Center				

## As Reported by the Senate Finance and Financial Institutions Committee

GRF 235-587	Rural University Projects	\$	1,375,552	\$	1,375,552	60557
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	980,000	\$	980,000	60558
GRF 235-595	International Center for Water Resources Development	\$	185,593	\$	185,593	60559
GRF 235-596	Hazardous Materials Program	\$	390,096	\$	390,096	60560
GRF 235-599	National Guard Scholarship Program	\$	12,048,106	\$	12,048,106	60561
GRF 235-909	Higher Education General Obligation Debt Service	\$	50,055,100	\$	74,344,100	60562
TOTAL GRF	General Revenue Fund	\$	2,598,548,079	\$	2,621,964,694	60563
	General Services Fund Group					60564
456 235-603	Publications	\$	43,050	\$	44,342	60565
456 235-613	Job Preparation Initiative	\$	144,383	\$	144,383	60566
TOTAL GSF	General Services Fund Group	\$	187,433	\$	188,725	60567 60568
	Federal Special Revenue Fund Group					60569
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000	60570
3N6 235-605	State Student Incentive Grants	\$	2,000,000	\$	2,000,000	60571
3T0 235-610	NHSC Ohio Loan Repayment	\$	100,000	\$	100,000	60572
312 235-609	Tech Prep	\$	183,852	\$	183,852	60573
312 235-611	Gear-up Grant	\$	1,590,986	\$	1,690,434	60574
312 235-612	Carl D. Perkins Grant/Plan	\$	112,960	\$	112,960	60575

As Reported by the Senate Finance and Financial Institutions Committee

Administration							
312	235-631	Federal Grants	\$	2,055,511	\$	0	60576
TOTAL FED Federal Special Revenue							60577
Fund Group			\$	7,543,309	\$	5,587,246	60578
State Special Revenue Fund Group							60579
4E8	235-602	HEFC Administration	\$	13,080	\$	13,900	60580
4P4	235-604	Physician Loan	\$	416,067	\$	436,870	60581
Repayment							
649	235-607	Ohio State University	\$	855,021	\$	760,000	60582
Highway/Transportation							
Research							
682	235-606	Nursing Loan Program	\$	870,000	\$	893,000	60583
TOTAL SSR State Special Revenue							60584
Fund Group			\$	2,154,168	\$	2,103,770	60585
TOTAL ALL BUDGET FUND GROUPS			\$	2,608,432,989	\$	2,629,844,435	60586

**Section 93.01. STATE SHARE OF INSTRUCTION** 60588

As soon as practicable during each fiscal year of the 60589  
 2001-2003 biennium in accordance with instructions of the Board of 60590  
 Regents, each state-assisted institution of higher education shall 60591  
 report its actual enrollment to the Board of Regents. 60592

The Board of Regents shall establish procedures required by 60593  
 the system of formulas set out below and for the assignment of 60594  
 individual institutions to categories described in the formulas. 60595  
 The system of formulas establishes the manner in which aggregate 60596  
 expenditure requirements shall be determined for each of the three 60597  
 components of institutional operations. In addition to other 60598  
 adjustments and calculations described below, the subsidy 60599  
 entitlement of an institution shall be determined by subtracting 60600  
 from the institution's aggregate expenditure requirements income 60601  
 to be derived from the local contributions assumed in calculating 60602  
 the subsidy entitlements. The local contributions for purposes of 60603

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determining subsidy support shall not limit the authority of the individual boards of trustees to establish fee levels. 60604  
60605

The General Studies and Technical models shall be adjusted by the Board of Regents so that the share of state subsidy earned by those models is not altered by changes in the overall local share. A lower-division fee differential shall be used to maintain the relationship that would have occurred between these models and the baccalaureate models had an assumed share of thirty-seven per cent been funded. 60606  
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In defining the number of full-time equivalent (FTE) students for state subsidy purposes, the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made pursuant to section 3333.17 or employer contracts entered into pursuant to section 3333.32 of the Revised Code. 60613  
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## (A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 60619

## (1) INSTRUCTION AND SUPPORT SERVICES 60620

MODEL	FY 2002	FY 2003	
General Studies I	\$ 4,481	\$ 4,904	60621
General Studies II	\$ 5,046	\$ 5,299	60622
General Studies III	\$ 6,101	\$ 6,652	60623
Technical I	\$ 5,353	\$ 5,696	60624
Technical III	\$ 8,854	\$ 9,044	60625
Baccalaureate I	\$ 7,031	\$ 7,517	60626
Baccalaureate II	\$ 7,875	\$ 8,310	60627
Baccalaureate III	\$ 11,480	\$ 12,193	60628
Masters and Professional I	\$ 13,338	\$ 13,875	60629
Masters and Professional II	\$ 19,084	\$ 19,652	60630
Masters and Professional III	\$ 25,869	\$ 26,577	60631
Medical I	\$ 28,800	\$ 29,934	60632
Medical II	\$ 40,152	\$ 40,981	60633
Blended MPD I	\$ 14,163	\$ 14,877	60634 60635

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(2) STUDENT SERVICES			60636
For this purpose, FTE counts shall be weighted to reflect			60637
differences among institutions in the numbers of students enrolled			60638
on a part-time basis.			60639
MODEL	FY 2002	FY 2003	60640
General Studies I	\$ 694	\$ 747	60641
General Studies II	\$ 704	\$ 747	60642
General Studies III	\$ 687	\$ 747	60643
Technical I	\$ 669	\$ 747	60644
Technical III	\$ 675	\$ 747	60645
Baccalaureate I	\$ 666	\$ 747	60646
Baccalaureate II	\$ 663	\$ 747	60647
Baccalaureate III	\$ 675	\$ 747	60648
Masters and Professional I	\$ 680	\$ 747	60649
Masters and Professional II	\$ 685	\$ 747	60650
Masters and Professional III	\$ 694	\$ 747	60651
Medical I	\$ 668	\$ 747	60652
Medical II	\$ 668	\$ 747	60653
Blended MPD I	\$ 668	\$ 747	60654
(B) PLANT OPERATION AND MAINTENANCE (POM)			60655
(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY			60656
Space undergoing renovation shall be funded at the rate			60657
allowed for storage space.			60658
In the calculation of square footage for each campus, square			60659
footage shall be weighted to reflect differences in space			60660
utilization.			60661
The space inventories for each campus shall be those			60662
determined in the fiscal year 1999 instructional subsidy, adjusted			60663
for changes attributable to the construction or renovation of			60664
facilities for which state appropriations were made or local			60665
commitments were made prior to January 1, 1995.			60666

## As Reported by the Senate Finance and Financial Institutions Committee

Only 50 per cent of the space permanently taken out of operation in fiscal year 2002 or fiscal year 2003 that is not otherwise replaced by a campus shall be deleted from the fiscal year 1997 inventory.

The square-foot-based plant operation and maintenance subsidy for each campus shall be determined as follows:

(a) For each standard room type category shown below, the subsidy-eligible net assignable square feet (NASF) for each campus shall be multiplied by the following rates, and the amounts summed for each campus to determine the total gross square-foot-based POM expenditure requirement:

	FY 2002	FY 2003	
Classrooms	\$5.33	\$5.56	60679
Laboratories	\$6.65	\$6.93	60680
Offices	\$5.33	\$5.56	60681
Audio Visual Data Processing	\$6.65	\$6.93	60682
Storage	\$2.36	\$2.46	60683
Circulation	\$6.73	\$7.01	60684
Other	\$5.33	\$5.56	60685

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to FTE enrollments as reported in enrollment data for all models except Doctoral I and Doctoral II.

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures to produce the total square-foot-based POM subsidy.

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 60696

(a) The number of subsidy-eligible FTE students in each model 60697

As Reported by the Senate Finance and Financial Institutions Committee

shall be multiplied by the following rates for each campus for			60698
each fiscal year.			60699
	FY 2002	FY 2003	60700
General Studies I	\$ 537	\$ 543	60701
General Studies II	\$ 669	\$ 686	60702
General Studies III	\$1,424	\$1,565	60703
Technical I	\$ 649	\$ 750	60704
Technical II	\$1,315	\$1,436	60705
Baccalaureate I	\$ 671	\$ 692	60706
Baccalaureate II	\$1,175	\$1,263	60707
Baccalaureate III	\$1,606	\$1,674	60708
Masters and Professional I	\$1,138	\$1,217	60709
Masters and Professional II	\$2,447	\$2,928	60710
Masters and Professional III	\$3,363	\$3,932	60711
Medical I	\$2,568	\$2,653	60712
Medical II	\$3,470	\$3,581	60713
Blended MPD I	\$1,135	\$1,192	60714

(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 60721

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 60722

The calculation of the core subsidy entitlement shall consist of the following components: 60723  
60724

(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 60725  
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60727  
60728

## As Reported by the Senate Finance and Financial Institutions Committee

subsidy-eligible FTEs for the two-year period ending in the prior 60729  
 year for all models except Doctoral I and Doctoral II; and (ii) 60730  
 average subsidy-eligible FTEs for the five-year period ending in 60731  
 the prior year for all models except Doctoral I and Doctoral II. 60732

(b) In calculating the core subsidy entitlements for Medical 60733  
 II models only, the Board of Regents shall use the following count 60734  
 of FTE students in place of the two-year average and five-year 60735  
 average of subsidy-eligible students: 60736

(i) For those medical schools whose current year enrollment 60737  
 is below the base enrollment, the Medical II FTE enrollment shall 60738  
 equal: 65 per cent of the base enrollment plus 35 per cent of the 60739  
 current year enrollment, where the base enrollment is: 60740

The Ohio State University	1010	60741
University of Cincinnati	833	60742
Medical College of Ohio at Toledo	650	60743
Wright State University	433	60744
Ohio University	433	60745
Northeastern Ohio Universities	433	60746
College of Medicine		

(ii) For those medical schools whose current year enrollment 60747  
 is equal to or greater than the base enrollment, the Medical II 60748  
 FTE enrollment shall equal the current enrollment. 60749

(c) For all FTE-based subsidy calculations involving 60750  
 annualized FTE data, FTE-based allowances shall be converted from 60751  
 annualized to all-terms rates to ensure equity and consistency of 60752  
 subsidy determination. 60753

(d) The Board of Regents shall compute the sum of the two 60754  
 calculations listed in division (C)(1)(a) of this section and use 60755  
 the greater sum as the core subsidy entitlement. 60756

The POM subsidy for each campus shall equal the greater of 60757  
 the square-foot-based subsidy or the activity-based POM subsidy 60758

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component of the core subsidy entitlement. 60759

(e) The state share of instruction provided for doctoral 60760  
students shall be based on a fixed percentage of the total 60761  
appropriation. In each fiscal year of the biennium not more than 60762  
10.34 per cent of the total state share of instruction shall be 60763  
reserved to implement the recommendations of the Graduate Funding 60764  
Commission. It is the intent of the General Assembly that the 60765  
doctoral reserve be reduced each year thereafter until no more 60766  
than 10.0 per cent of the total state share of instruction is 60767  
reserved to implement the recommendations of the Graduate Funding 60768  
Commission. The Board of Regents shall reallocate 2 per cent in 60769  
each fiscal year of the biennium of the reserve among the 60770  
state-assisted universities on the basis of a quality review as 60771  
specified in the recommendations of the Graduate Funding 60772  
Commission. 60773

The amount so reserved shall be allocated to universities in 60774  
proportion to their share of the total number of Doctoral I 60775  
equivalent FTEs as calculated on an institutional basis using the 60776  
greater of the two-year or five-year FTEs for the period fiscal 60777  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 60778  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 60779  
adjusted to reflect the effects of doctoral review. For the 60780  
purposes of this calculation, Doctoral I equivalent FTEs shall 60781  
equal the sum of Doctoral I FTEs plus 1.5 times the sum of 60782  
Doctoral II FTEs. 60783

(2) ANNUAL HOLD HARMLESS PROVISION 60784

In addition to and after the other adjustment noted above, in 60785  
fiscal year 2002 each campus shall have its state share of 60786  
instruction adjusted to the extent necessary to provide an amount 60787  
that is not less than 100 per cent of the state share of 60788  
instruction received by the campus in fiscal year 2001. In fiscal 60789  
year 2003, each campus shall have its state share of instruction 60790

adjusted to the extent necessary to provide an amount that is not 60791  
less than 100 per cent of the state share of instruction received 60792  
by the campus in fiscal year 2002. 60793

(3) CAPITAL COMPONENT DEDUCTION 60794

After all other adjustments have been made, instructional 60795  
subsidy earnings shall be reduced for each campus by the amount, 60796  
if any, by which debt service charged in Am. H.B. No. 748 of the 60797  
121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General 60798  
Assembly, and Am. H.B. No. 640 of the 123rd General Assembly for 60799  
that campus exceeds that campus's capital component earnings. 60800

(D) REDUCTIONS IN EARNINGS 60801

If the total state share of instruction earnings in any 60802  
fiscal year exceed the total appropriations available for such 60803  
purposes, the Board of Regents shall proportionately reduce the 60804  
state share of instruction earnings for all campuses by a uniform 60805  
percentage so that the systemwide sum equals available 60806  
appropriations. 60807

(E) EXCEPTIONAL CIRCUMSTANCES 60808

Adjustments may be made to the state share of instruction 60809  
payments and other subsidies distributed by the Board of Regents 60810  
to state-assisted colleges and universities for exceptional 60811  
circumstances. No adjustments for exceptional circumstances may be 60812  
made without the recommendation of the Chancellor and the approval 60813  
of the Controlling Board. 60814

DISTRIBUTION OF STATE SHARE OF INSTRUCTION 60815

The state share of instruction payments to the institutions 60816  
shall be in substantially equal monthly amounts during the fiscal 60817  
year, unless otherwise determined by the Director of Budget and 60818  
Management pursuant to section 126.09 of the Revised Code. 60819  
Payments during the first six months of the fiscal year shall be 60820

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based upon the state share of instruction appropriation estimates 60821  
 made for the various institutions of higher education according to 60822  
 Board of Regents enrollment estimates. Payments during the last 60823  
 six months of the fiscal year shall be distributed after approval 60824  
 of the Controlling Board upon the request of the Board of Regents. 60825  
 60826

## LAW SCHOOL SUBSIDY 60827

The state share of instruction to state-supported 60828  
 universities for students enrolled in law schools in fiscal year 60829  
 2002 and fiscal year 2003 shall be calculated by using the number 60830  
 of subsidy-eligible FTE law school students funded by state 60831  
 subsidy in fiscal year 1995 or the actual number of 60832  
 subsidy-eligible FTE law school students at the institution in the 60833  
 fiscal year, whichever is less. 60834

**Section 93.02. MISSION-BASED CORE FUNDING FOR HIGHER** 60835  
 EDUCATION 60836

## JOBS CHALLENGE 60837

Funds appropriated to appropriation item 235-415, Jobs 60838  
 Challenge, shall be distributed to state-assisted community and 60839  
 technical colleges, regional campuses of state-assisted 60840  
 universities, and other organizationally distinct and identifiable 60841  
 member campuses of the EnterpriseOhio Network in support of 60842  
 noncredit job-related training. In fiscal years 2002 and 2003, 60843  
 \$2,114,673 and \$1,981,841, respectively, shall be distributed as 60844  
 performance grants to EnterpriseOhio Network campuses based upon 60845  
 each campus's documented performance according to criteria 60846  
 established by the Board of Regents for increasing training and 60847  
 related services to businesses, industries, and public sector 60848  
 organizations. 60849

Of the foregoing appropriation item 235-415, Jobs Challenge, 60850  
 \$3,130,087 in fiscal year 2002 and \$2,875,953 in fiscal year 2003 60851

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shall be allocated to the Targeted Industries Training Grant Program to attract, develop, and retain business and industry strategically important to the state's economy.

Also, in fiscal years 2002 and 2003, \$2,991,513 and \$3,629,797, respectively, shall be allocated to the Non-credit Incentives Grant Program to reward two-year campuses for increasing the amount of non-credit skill upgrading services provided to Ohio employers and employees. The funds shall be distributed to campuses in proportion to each campus's share of noncredit job-related training revenues received by all campuses for the previous fiscal year. It is the intent of the General Assembly that this workforce development incentive component of the Jobs Challenge Program reward campus noncredit job-related training efforts in the same manner that the Research Challenge Program rewards campuses for their ability to obtain sponsored research revenues.

Of the foregoing appropriation item 235-415, Jobs Challenge, \$1,863,726 in fiscal year 2002 and \$1,712,409 in fiscal year 2003 shall be allocated as an incentive to support local EnterpriseOhio Network Campus/Adult Workforce Education Center Partnerships. The purpose of the partnerships is to promote and deliver coordinated, comprehensive training to local employers. Each partnership shall include a formal agreement between one or more EnterpriseOhio Network campus and one or more adult workforce education center for the delivery of training services. The Department of Education and Board of Regents shall jointly award funds to certified EnterpriseOhio campus/adult workforce education center partnerships to offer training grants to eligible companies. A certified EnterpriseOhio Network/adult workforce education center partnership is one that has been documented and approved by the Board of Regents and the Department of Education according to partnership criteria established jointly by those agencies. An

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eligible company is one that meets the funding criteria of the Targeted Industries Training Grant Program. The amount set aside for the partnerships is designed to match an equal appropriation in the Department of Education's appropriation item 200-514, Post-Secondary/Adult Career-Technical Education. The Department of Education's appropriation also serves as a partnership-building incentive by allocating funds to local EnterpriseOhio Network campus/adult workforce education center partnerships.

## ACCESS CHALLENGE

In each fiscal year, the foregoing appropriation item 235-418, Access Challenge, shall be distributed to Ohio's state-assisted access colleges and universities. For the purposes of this allocation, "access campuses" includes state-assisted community colleges, state community colleges, technical colleges, Shawnee State University, Central State University, Cleveland State University, the regional campuses of state-assisted universities, and, where they are organizationally distinct and identifiable, the community-technical colleges located at the University of Cincinnati, Youngstown State University, and the University of Akron.

In each year of the biennium, Access Challenge appropriations shall be allocated to eligible campuses according to the following methodology:

(A) Each campus shall receive an amount equal to four per cent of the product of its subsidy-eligible lower-division FTE student enrollments for the prior fiscal year multiplied by the unweighted average of in-state undergraduate instructional and general fees for community colleges, state community colleges, technical colleges, and regional campuses in fiscal year 2001.

(B) All remaining appropriations shall be allocated to each campus proportionate to its share of the sum of FTEs used in the

## As Reported by the Senate Finance and Financial Institutions Committee

distribution of access funds in the prior fiscal year updated with 60915  
the most recent FTE data available. 60916

For the purposes of this calculation, Cleveland State 60917  
University's and Youngstown State University's enrollments shall 60918  
be adjusted by the ratio of the sum of subsidy-eligible 60919  
lower-division FTE student enrollments eligible for access funding 60920  
to the sum of subsidy-eligible General Studies FTE student 60921  
enrollments at Central State University and Shawnee State 60922  
University, and for the following universities and their regional 60923  
campuses: Ohio State University, Ohio University, Kent State 60924  
University, Bowling Green State University, Miami University, the 60925  
University of Cincinnati, the University of Akron, and Wright 60926  
State University. 60927

## SUCCESS CHALLENGE 60928

The foregoing appropriation item 235-420, Success Challenge, 60929  
shall be used by the Board of Regents to promote degree completion 60930  
by students enrolled at a main campus of a state-assisted 60931  
university. 60932

In each fiscal year, two-thirds of the appropriations shall 60933  
be distributed to state-assisted university main campuses in 60934  
proportion to each campus's share of the total statewide 60935  
bachelor's degrees granted by university main campuses to 60936  
"at-risk" students. In fiscal years 2002 and 2003, an "at-risk" 60937  
student means any undergraduate student who has received an Ohio 60938  
Instructional Grant during the past ten years. An eligible 60939  
institution shall not receive its share of this distribution until 60940  
it has submitted a plan that addresses how the subsidy will be 60941  
used to better serve at-risk students and increase their 60942  
likelihood of successful completion of a bachelor's degree 60943  
program. The Board of Regents shall disseminate to all 60944  
state-supported institutions of higher education all such plans 60945  
submitted by institutions that received Success Challenge funds. 60946

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In each fiscal year, one-third of the appropriations shall be distributed to university main campuses in proportion to each campus's share of the total bachelor's degrees granted by university main campuses to undergraduate students who completed their bachelor's degrees in a "timely manner" in the previous fiscal year. For the purposes of this section, "timely manner" means the normal time it would take for a full-time degree-seeking undergraduate student to complete the student's degree. Generally, for such students pursuing a bachelor's degree, "timely manner" means four years. Exceptions to this general rule shall be permitted for students enrolled in programs specifically designed to be completed in a longer time period. The Board of Regents shall collect base-line data beginning with the 1998-99 academic year to assess the timely completion statistics by university main campuses.

## RESEARCH CHALLENGE

The foregoing appropriation item 235-454, Research Challenge, shall be used to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued pursuant to section 1713.02 of the Revised Code, in order to strengthen academic research for pursuing Ohio's economic redevelopment goals. The Board of Regents, in consultation with the colleges and universities, shall administer the Research Challenge Program and utilize a means of matching, on a fractional basis, external funds attracted in the previous year by institutions for basic research. The program may include incentives for increasing the amount of external research funds coming to eligible institutions and for focusing research efforts upon critical state needs. Colleges and universities shall submit for review and approval to the Board of Regents plans for the institutional allocation of state dollars received through the

## As Reported by the Senate Finance and Financial Institutions Committee

program. The institutional plans shall provide the rationale for  
the allocation in terms of the strategic targeting of funds for  
academic and state purposes, for strengthening research programs,  
and for increasing the amount of external research funds, and  
shall include an evaluation process to provide results of the  
increased support.

The Board of Regents shall submit a biennial report of  
progress to the General Assembly.

## COMPUTER SCIENCE GRADUATE EDUCATION 60987

The foregoing appropriation item 235-554, Computer Science  
Graduate Education, shall be used by the Board of Regents to  
support improvements in graduate programs in computer science at  
state-assisted universities. In each fiscal year, up to \$200,000  
may be used to support collaborative efforts in graduate education  
in this program area.

**Section 93.03.** HIGHER EDUCATION - BOARD OF TRUSTEES 60994

Funds appropriated for instructional subsidies at colleges  
and universities may be used to provide such branch or other  
off-campus undergraduate courses of study and such master's degree  
courses of study as may be approved by the Board of Regents.

In providing instructional and other services to students,  
boards of trustees of state-assisted institutions of higher  
education shall supplement state subsidies by income from charges  
to students. Each board shall establish the fees to be charged to  
all students, including an instructional fee for educational and  
associated operational support of the institution and a general  
fee for noninstructional services, including locally financed  
student services facilities used for the benefit of enrolled  
students. The instructional fee and the general fee shall  
encompass all charges for services assessed uniformly to all

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enrolled students. Each board may also establish special purpose  
fees, service charges, and fines as required; such special purpose  
fees and service charges shall be for services or benefits  
furnished individual students or specific categories of students  
and shall not be applied uniformly to all enrolled students. A  
tuition surcharge shall be paid by all students who are not  
residents of Ohio.

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.

## As Reported by the Senate Finance and Financial Institutions Committee

The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

**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.

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The foregoing appropriation item 235-572, Ohio State University Clinic Support, shall be distributed through the Board of Regents to The Ohio State University for support of dental and veterinary medicine clinics.

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation items 235-519, Family Practice, 235-525, Geriatric Medicine, and 235-526, Primary Care Residencies.

Of the foregoing appropriation item 235-539, Wright State University Clinical Teaching, \$160,000 in each fiscal year shall be for the use of Wright State University's Ellis Institute for Clinical Teaching Studies to operate the clinical facility to serve the Greater Dayton area.

## PERFORMANCE STANDARDS FOR MEDICAL EDUCATION

The Board of Regents, in consultation with the state-assisted medical colleges, shall develop performance standards for medical education. Special emphasis in the standards shall be placed on attempting to ensure that at least 50 per cent of the aggregate number of students enrolled in state-assisted medical colleges continue to enter residency as primary care physicians. Primary care physicians are general family practice physicians, general internal medicine practitioners, and general pediatric care physicians. The Board of Regents shall monitor medical school performance in relation to their plans for reaching the 50 per cent systemwide standard for primary care physicians.

The foregoing appropriation item 235-526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether the institution has submitted and gained approval for a plan. If the institution does not have an

## As Reported by the Senate Finance and Financial Institutions Committee

approved plan, it shall receive five per cent less funding per  
 student than it would have received from its annual allocation.  
 The remaining funding shall be distributed among those  
 institutions that meet or exceed their targets.

## AREA HEALTH EDUCATION CENTERS

The foregoing appropriation item 235-474, Area Health  
 Education Centers Program Support, shall be used by the Board of  
 Regents to support the medical school regional area health  
 education centers' educational programs for the continued support  
 of medical and other health professions education and for support  
 of the Area Health Education Center Program.

Of the foregoing appropriation item 235-474, Area Health  
 Education Centers Program Support, \$200,000 in each fiscal year  
 shall be disbursed to the Ohio University College of Osteopathic  
 Medicine for the establishment of a mobile health care unit to  
 serve the southeastern area of the state. Of the foregoing  
 appropriation item 235-474, Area Health Education Centers Program  
 Support, \$150,000 in each fiscal year shall be used to support the  
 Ohio Valley Community Health Information Network (OVCHIN) project.

**Section 93.05.** MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235-408, Midwest Higher  
 Education Compact, shall be distributed by the Board of Regents  
 pursuant to section 3333.40 of the Revised Code.

## COLLEGE READINESS INITIATIVES

Appropriation item 235-404, College Readiness Initiatives,  
 shall be used by the Board of Regents to support programs designed  
 to improve the ability of high school students to enroll and  
 succeed in higher education.

## MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT

## As Reported by the Senate Finance and Financial Institutions Committee

Appropriation item 235-403, Math/Science Teaching 61132  
 Improvement, shall be used by the Board of Regents to support 61133  
 programs designed to raise the quality of mathematics and science 61134  
 teaching in primary and secondary education. 61135

Of the foregoing appropriation item 235-403, Mathematics and 61136  
 Science Teaching Improvement, \$250,000 in each fiscal year shall 61137  
 be distributed to the Mathematics and Science Center in Lake 61138  
 County. 61139

Of the foregoing appropriation item 235-403, Mathematics and 61140  
 Science Teaching Improvement, \$100,000 in each fiscal year shall 61141  
 be distributed to the Ohio Mathematics and Science Coalition. 61142

OHIO LEARNING NETWORK 61143

Appropriation item 235-417, Ohio Learning Network, shall be 61144  
 used by the Board of Regents to support the continued 61145  
 implementation of the Ohio Learning Network, a statewide 61146  
 electronic collaborative effort designed to promote degree 61147  
 completion of students, workforce training of employees, and 61148  
 professional development through the use of advanced 61149  
 telecommunications and distance education initiatives. 61150

DISPLACED HOME MAKERS 61151

Out of the foregoing appropriation item 235-509, Displaced 61152  
 Homemakers, the Board of Regents shall continue funding pilot 61153  
 projects authorized in Am. Sub. H.B. No. 291 of the 115th General 61154  
 Assembly for the following centers: Cuyahoga Community College, 61155  
 University of Toledo, Southern State Community College, and Stark 61156  
 Technical College. The amount of \$30,000 in each fiscal year shall 61157  
 be used for the Baldwin-Wallace Single Parents Reaching Out for 61158  
 Unassisted Tomorrows program. 61159

OHIO AEROSPACE INSTITUTE 61160

The foregoing appropriation item 235-527, Ohio Aerospace 61161

## As Reported by the Senate Finance and Financial Institutions Committee

Institute, shall be distributed by the Board of Regents under	61162
section 3333.042 of the Revised Code.	61163
 PRODUCTIVITY IMPROVEMENT CHALLENGE	 61164
The foregoing appropriation item 235-455, Productivity	61165
Improvement Challenge, shall be allocated by the Board of Regents	61166
to continue increasing the capabilities of the EnterpriseOhio	61167
Network to meet the ongoing training needs of Ohio employers.	61168
Funds shall support multicampus collaboration, best practice	61169
dissemination, and capacity building projects. The Regents	61170
Advisory Committee for Workforce Development, in its advisory	61171
role, shall advise in the development of plans and activities.	61172
 Of the foregoing appropriation item 235-455, Productivity	 61173
Improvement Challenge, \$208,000 in each fiscal year shall be used	61174
by the Dayton Business/Sinclair College Jobs Profiling Program.	61175
 ACCESS IMPROVEMENT PROJECTS	 61176
The foregoing appropriation item 235-477, Access Improvement	61177
Projects, shall be used by the Board of Regents to develop	61178
innovative statewide strategies to increase student access and	61179
retention for specialized populations, and to provide for pilot	61180
projects that will contribute to improving access to higher	61181
education by specialized populations. The funds may be used for	61182
projects that improve access for nonpublic secondary students.	61183
 Of the foregoing appropriation item 235-477, Access	 61184
Improvement Projects, \$765,000 in each fiscal year shall be	61185
distributed to the Appalachian Center for Higher Education at	61186
Shawnee State University. The board of directors of the center	61187
shall consist of the presidents of Shawnee State University, Ohio	61188
University, Belmont Technical College, Hocking Technical College,	61189
Jefferson Community College, Muskingum Area Technical College, Rio	61190
Grande Community College, Southern State Community College, and	61191
Washington State Community College; the dean of one of the Salem,	61192

## As Reported by the Senate Finance and Financial Institutions Committee

Tuscarawas, and East Liverpool regional campuses of Kent State University, as designated by the president of Kent State University; a representative of the Board of Regents designated by the Chancellor; and other members as may be determined by the Board of Regents. 61193  
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Of the foregoing appropriation item 235-477, Access Improvement Projects, \$50,000 in fiscal year 2002 shall be distributed to the University of Rio Grande Site Improvement Planning project. 61198  
61199  
61200  
61201

Of the foregoing appropriation item 235-477, Access Improvement Projects, \$135,000 in fiscal year 2002 shall be used to support the Access Appalachia Project. 61202  
61203  
61204

## OHIO SUPERCOMPUTER CENTER 61205

The foregoing appropriation item 235-510, Ohio Supercomputer Center, shall be used by the Board of Regents to support the operation of the center, located at The Ohio State University, as a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate. Policies of the center shall be established by a governance committee, representative of Ohio's research universities and private industry, to be appointed by the Chancellor of the Board of Regents and established for this purpose. 61206  
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## OHIO ACADEMIC RESOURCES NETWORK (OARNET) 61216

The foregoing appropriation item 235-556, Ohio Academic Resources Network, shall be used to support the operations of the Ohio Academic Resources Network, which shall include support for Ohio's state-assisted colleges and universities in maintaining and enhancing network connections. 61217  
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61219  
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**Section 93.06. PLEDGE OF FEES\*** 61222

## As Reported by the Senate Finance and Financial Institutions Committee

Any new pledge of fees, or new agreement for adjustment of 61223  
 fees, made in the 2001-2003 biennium to secure bonds or notes of a 61224  
 state-assisted institution of higher education for a project for 61225  
 which bonds or notes were not outstanding on the effective date of 61226  
 this section shall be effective only after approval by the Board 61227  
 of Regents, unless approved in a previous biennium. 61228

## HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 61229

The foregoing appropriation item 235-909, Higher Education 61230  
 General Obligation Debt Service, shall be used to pay all debt 61231  
 service and financing costs at the times they are required to be 61232  
 made pursuant to sections 151.01 and 151.04 of the Revised Code 61233  
 during the period from July 1, 2001, to June 30, 2003. The Office 61234  
 of the Sinking Fund or the Director of Budget and Management shall 61235  
 effectuate the required payments by an interstate transfer 61236  
 voucher. 61237

## LEASE RENTAL PAYMENTS 61238

The foregoing appropriation item 235-401, Lease Rental 61239  
 Payments, shall be used to meet all payments at the times they are 61240  
 required to be made during the period from July 1, 2001, to June 61241  
 30, 2003, by the Board of Regents pursuant to leases and 61242  
 agreements made under section 154.21 of the Revised Code, but 61243  
 limited to the aggregate amount of \$563,969,000. Nothing in this 61244  
 act shall be deemed to contravene the obligation of the state to 61245  
 pay, without necessity for further appropriation, from the sources 61246  
 pledged thereto, the bond service charges on obligations issued 61247  
 pursuant to section 154.21 of the Revised Code. 61248

**Section 93.07.** OHIO INSTRUCTIONAL GRANTS 61249

Notwithstanding section 3333.12 of the Revised Code, in lieu 61250  
 of the tables in that section, instructional grants for all 61251  
 full-time students shall be made for fiscal year 2002 using the 61252

As Reported by the Senate Finance and Financial Institutions Committee

tables under this heading. 61253

The tables under this heading prescribe the maximum grant 61254  
 amounts covering two semesters, three quarters, or a comparable 61255  
 portion of one academic year. The grant amount for a full-time 61256  
 student enrolled in an eligible institution for a semester or 61257  
 quarter in addition to the portion of the academic year covered by 61258  
 a grant determined under these tables shall be a percentage of the 61259  
 maximum prescribed in the applicable table. The maximum grant for 61260  
 a fourth quarter shall be one-third of the maximum amount 61261  
 prescribed under the table. The maximum grant for a third semester 61262  
 shall be one-half of the maximum amount prescribed under the 61263  
 table. 61264

For a full-time student who is a dependent and enrolled in a 61265  
 nonprofit educational institution that is not a state-assisted 61266  
 institution and that has a certificate of authorization issued 61267  
 pursuant to Chapter 1713. of the Revised Code, the amount of the 61268  
 instructional grant for two semesters, three quarters, or a 61269  
 comparable portion of the academic year shall be determined in 61270  
 accordance with the following table: 61271

Private Institution 61272

Table of Grants 61273

Maximum Grant \$5,160 61274

Gross Income Number of Dependents 61275

	1	2	3	4	5 or more	
Under \$14,000	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	61277
\$14,001 - \$15,000	4,644	5,160	5,160	5,160	5,160	61278
\$15,001 - \$16,000	4,116	4,644	5,160	5,160	5,160	61279
\$16,001 - \$17,000	3,612	4,116	4,644	5,160	5,160	61280
\$17,001 - \$18,000	3,102	3,612	4,116	4,644	5,160	61281
\$18,001 - \$21,000	2,586	3,102	3,612	4,116	4,644	61282
\$21,001 - \$24,000	2,058	2,586	3,102	3,612	4,116	61283

As Reported by the Senate Finance and Financial Institutions Committee

\$24,001 - \$27,000	1,536	2,058	2,586	3,102	3,612	61284
\$27,001 - \$30,000	1,272	1,536	2,058	2,586	3,102	61285
\$30,001 - \$31,000	1,020	1,272	1,536	2,058	2,586	61286
\$31,001 - \$32,000	930	1,020	1,272	1,536	2,058	61287
\$32,001 - \$33,000	840	930	1,020	1,272	1,536	61288
\$33,001 - \$34,000	420	840	930	1,020	1,272	61289
\$34,001 - \$35,000	--	420	840	930	1,020	61290
\$35,001 - \$36,000	--	--	420	840	930	61291
\$36,001 - \$37,000	--	--	--	420	840	61292
\$37,001 - \$38,000	--	--	--	--	420	61293

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	61305
\$4,501 - \$5,000	4,644	5,160	5,160	5,160	5,160	5,160	61306
\$5,001 - \$5,500	4,116	4,644	5,160	5,160	5,160	5,160	61307
\$5,501 - \$6,000	3,612	4,116	4,644	5,160	5,160	5,160	61308
\$6,001 - \$6,500	3,102	3,612	4,116	4,644	5,160	5,160	61309
\$6,501 - \$7,000	2,586	3,102	3,612	4,116	4,644	5,160	61310
\$7,001 - \$8,000	2,058	2,586	3,102	3,612	4,116	4,644	61311
\$8,001 - \$9,000	1,536	2,058	2,586	3,102	3,612	4,116	61312
\$9,001 - \$10,000	1,272	1,536	2,058	2,586	3,102	3,612	61313
\$10,001 - \$11,500	1,020	1,272	1,536	2,058	2,586	3,102	61314

As Reported by the Senate Finance and Financial Institutions Committee

\$11,501 - \$13,000	930	1,020	1,272	1,536	2,058	2,586	61316
\$13,001 - \$14,500	840	930	1,020	1,272	1,536	2,058	61317
\$14,501 - \$16,000	420	840	930	1,020	1,272	1,536	61318
\$16,001 - \$19,000	--	420	840	930	1,020	1,272	61319
\$19,001 - \$22,000	--	--	420	840	930	1,020	61320
\$22,001 - \$25,000	--	--	--	420	840	930	61321
\$25,001 - \$30,000	--	--	--	--	420	840	61322
\$30,001 - \$35,000	--	--	--	--	--	420	61323

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	61334
\$14,001 - \$15,000	3,948	4,374	4,374	4,374	4,374	61335
\$15,001 - \$16,000	3,480	3,948	4,374	4,374	4,374	61336
\$16,001 - \$17,000	3,042	3,480	3,948	4,374	4,374	61337
\$17,001 - \$18,000	2,634	3,042	3,480	3,948	4,374	61338
\$18,001 - \$21,000	2,166	2,634	3,042	3,480	3,948	61339
\$21,001 - \$24,000	1,752	2,166	2,634	3,042	3,480	61340
\$24,001 - \$27,000	1,338	1,752	2,166	2,634	3,042	61341
\$27,001 - \$30,000	1,074	1,338	1,752	2,166	2,634	61342
\$30,001 - \$31,000	858	1,074	1,338	1,752	2,166	61343
\$31,001 - \$32,000	804	858	1,074	1,338	1,752	61344
\$32,001 - \$33,000	708	804	858	1,074	1,338	61345
\$33,001 - \$34,000	354	708	804	858	1,074	61346

As Reported by the Senate Finance and Financial Institutions Committee

\$34,001 - \$35,000	--	354	708	804	858	61348
\$35,001 - \$36,000	--	--	354	708	804	61349
\$36,001 - \$37,000	--	--	--	354	708	61350
\$37,001 - \$38,000	--	--	--	--	354	61351

For a full-time student who is financially independent and  
 enrolled in an educational institution that holds a certificate of  
 registration from the state board of proprietary school  
 registration, the amount of the instructional grant for two  
 semesters, three quarters, or a comparable portion of the academic  
 year shall be determined in accordance with the following table:

Proprietary Institution 61358

Table of Grants 61359

Maximum Grant \$4,374 61360

Gross Income Number of Dependents 61361

	Number of Dependents						61362
	0	1	2	3	4	5 or more	
Under \$4,500	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	61363
\$4,501 - \$5,000	3,948	4,374	4,374	4,374	4,374	4,374	61364
\$5,001 - \$5,500	3,480	3,948	4,374	4,374	4,374	4,374	61365
\$5,501 - \$6,000	3,042	3,480	3,948	4,374	4,374	4,374	61366
\$6,001 - \$6,500	2,634	3,042	3,480	3,948	4,374	4,374	61367
\$6,501 - \$7,000	2,166	2,634	3,042	3,480	3,948	4,374	61368
\$7,001 - \$8,000	1,752	2,166	2,634	3,042	3,480	3,948	61369
\$8,001 - \$9,000	1,338	1,752	2,166	2,634	3,042	3,480	61370
\$9,001 - \$10,000	1,074	1,338	1,752	2,166	2,634	3,042	61371
\$10,001 - \$11,500	858	1,074	1,338	1,752	2,166	2,634	61372
\$11,501 - \$13,000	804	858	1,074	1,338	1,752	2,166	61373
\$13,001 - \$14,500	708	804	858	1,074	1,338	1,752	61374
\$14,501 - \$16,000	354	708	804	858	1,074	1,338	61375
\$16,001 - \$19,000	--	354	708	804	858	1,074	61376
\$19,001 - \$22,000	--	--	354	708	804	858	61377
\$22,001 - \$25,000	--	--	--	354	708	804	61378
\$25,001 - \$30,000	--	--	--	--	354	708	61379

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\$30,001 - \$35,000            --            --            --            --            --            354    61380

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution

Table of Grants

Gross Income	Maximum Grant \$2,070					5 or more	
	Number of Dependents						
	1	2	3	4			
Under \$14,000	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	61391
\$14,001 - \$15,000	1,866	2,070	2,070	2,070	2,070	2,070	61392
\$15,001 - \$16,000	1,644	1,866	2,070	2,070	2,070	2,070	61393
\$16,001 - \$17,000	1,458	1,644	1,866	2,070	2,070	2,070	61394
\$17,001 - \$18,000	1,248	1,458	1,644	1,866	2,070	2,070	61395
\$18,001 - \$21,000	1,020	1,248	1,458	1,644	1,866	1,866	61396
\$21,001 - \$24,000	816	1,020	1,248	1,458	1,644	1,644	61397
\$24,001 - \$27,000	612	816	1,020	1,248	1,458	1,458	61398
\$27,001 - \$30,000	492	612	816	1,020	1,248	1,248	61399
\$30,001 - \$31,000	396	492	612	816	1,020	1,020	61400
\$31,001 - \$32,000	366	396	492	612	816	816	61401
\$32,001 - \$33,000	336	366	396	492	612	612	61402
\$33,001 - \$34,000	168	336	366	396	492	492	61403
\$34,001 - \$35,000	--	168	336	366	396	396	61404
\$35,001 - \$36,000	--	--	168	336	366	366	61405
\$36,001 - \$37,000	--	--	--	168	336	336	61406
\$37,001 - \$38,000	--	--	--	--	168	168	61407

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

As Reported by the Senate Finance and Financial Institutions Committee

comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							61413
Table of Grants							61414
Maximum Grant \$2,070							61415
Gross Income	Number of Dependents						61416
	0	1	2	3	4	5 or more	61417
Under \$4,500	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	61418
\$4,501 - \$5,000	1,866	2,070	2,070	2,070	2,070	2,070	61419
\$5,001 - \$5,500	1,644	1,866	2,070	2,070	2,070	2,070	61420
\$5,501 - \$6,000	1,458	1,644	1,866	2,070	2,070	2,070	61421
\$6,001 - \$6,500	1,248	1,458	1,644	1,866	2,070	2,070	61422
\$6,501 - \$7,000	1,020	1,248	1,458	1,644	1,866	2,070	61423
\$7,001 - \$8,000	816	1,020	1,248	1,458	1,644	1,866	61424
\$8,001 - \$9,000	612	816	1,020	1,248	1,458	1,644	61425
\$9,001 - \$10,000	492	612	816	1,020	1,248	1,458	61426
\$10,001 - \$11,500	396	492	612	816	1,020	1,248	61427
\$11,501 - \$13,000	366	396	492	612	816	1,020	61428
\$13,001 - \$14,500	336	366	396	492	612	816	61429
\$14,501 - \$16,000	168	336	366	396	492	612	61430
\$16,001 - \$19,000	--	168	336	366	396	492	61431
\$19,001 - \$22,000	--	--	168	336	366	396	61432
\$22,001 - \$25,000	--	--	--	168	336	366	61433
\$25,001 - \$30,000	--	--	--	--	168	336	61434
\$30,001 - \$35,000	--	--	--	--	--	168	61435

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

## As Reported by the Senate Finance and Financial Institutions Committee

required by that division. 61442

Of the appropriation item 235-503, Ohio Instructional Grants, 61443  
surplus funds net of encumbrances from the appropriation for 61444  
fiscal year 2002 shall be reappropriated to appropriation item 61445  
235-534, Student Workforce Development Grants, for fiscal year 61446  
2003. 61447

WAR ORPHANS SCHOLARSHIPS 61448

The foregoing appropriation item 235-504, War Orphans 61449  
Scholarships, shall be used to reimburse state-assisted 61450  
institutions of higher education for waivers of instructional fees 61451  
and general fees provided by them, to provide grants to 61452  
institutions that have received a certificate of authorization 61453  
from the Ohio Board of Regents under Chapter 1713. of the Revised 61454  
Code, in accordance with the provisions of section 5910.04 of the 61455  
Revised Code, and to fund additional scholarship benefits provided 61456  
by section 5910.032 of the Revised Code. 61457

PART-TIME STUDENT INSTRUCTIONAL GRANTS 61458

The foregoing appropriation item 235-549, Part-time Student 61459  
Instructional Grants, shall be used to support a grant program for 61460  
part-time undergraduate students who are Ohio residents and who 61461  
are enrolled in degree granting programs. 61462

Eligibility for participation in the program shall include 61463  
degree granting educational institutions that hold a certificate 61464  
of registration from the State Board of Proprietary School 61465  
Registration, and nonprofit institutions that have a certificate 61466  
of authorization issued pursuant to Chapter 1713. of the Revised 61467  
Code, as well as state-assisted colleges and universities. Grants 61468  
shall be given to students on the basis of need, as determined by 61469  
the college, which, in making these determinations, shall give 61470  
special consideration to single-parent heads-of-household and 61471  
displaced homemakers who enroll in an educational degree program 61472

## As Reported by the Senate Finance and Financial Institutions Committee

that prepares the individual for a career. In determining need, 61473  
the college also shall consider the availability of educational 61474  
assistance from a student's employer. It is the intent of the 61475  
General Assembly that these grants not supplant such assistance. 61476

**Section 93.08. STUDENT CHOICE GRANTS** 61477

The foregoing appropriation item 235-531, Student Choice 61478  
Grants, shall be used to support the Student Choice Grant Program 61479  
created by section 3333.27 of the Revised Code. 61480

## STUDENT WORKFORCE DEVELOPMENT GRANTS 61481

The foregoing appropriation item 235-534, Student Workforce 61482  
Development Grants, shall be used to support the Student Workforce 61483  
Development Grant Program. Of the appropriated funds available, 61484  
the Board of Regents shall distribute grants to each eligible 61485  
student in an academic year. The size of each grant award shall be 61486  
determined by the Board of Regents based on the amount of funds 61487  
available for the program. 61488

## ACADEMIC SCHOLARSHIPS 61489

The foregoing appropriation item 235-530, Academic 61490  
Scholarships, shall be used to provide academic scholarships to 61491  
students under section 3333.22 of the Revised Code. The annual 61492  
scholarship amount awarded to any student who receives a 61493  
scholarship for the 2001-2002 academic year shall be \$2,100, and 61494  
the annual scholarship amount awarded to any student who receives 61495  
a scholarship for the 2002-2003 academic year shall be \$2,205. 61496

## PHYSICIAN LOAN REPAYMENT 61497

The foregoing appropriation item 235-604, Physician Loan 61498  
Repayment, shall be used in accordance with sections 3702.71 to 61499  
3702.81 of the Revised Code. 61500

## NURSING LOAN PROGRAM 61501

## As Reported by the Senate Finance and Financial Institutions Committee

The foregoing appropriation item 235-606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$159,600 in fiscal year 2002 and \$167,580 in fiscal year 2003 may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.

**Section 93.09. COOPERATIVE EXTENSION SERVICE** 61509

Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$210,000 in each fiscal year shall be used for additional staffing for county agents for expanded 4-H activities. Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$210,000 in each fiscal year shall be used by the Cooperative Extension Service, through the Enterprise Center for Economic Development in cooperation with other agencies, for a public-private effort to create and operate a small business economic development program to enhance the development of alternatives to the growing of tobacco, and implement, through applied research and demonstration, the production and marketing of other high-value crops and value-added products. Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$65,000 in each fiscal year shall be used for farm labor mediation and education programs. Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$215,000 in each fiscal year shall be used to support the Ohio State University Marion Enterprise Center.

Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$910,500 in each fiscal year shall be used to support the Ohio Watersheds Initiative.

## OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 61531

Of the foregoing appropriation item 235-535, Ohio 61532

## As Reported by the Senate Finance and Financial Institutions Committee

Agricultural Research and Development Center, \$950,000 in each 61533  
 fiscal year shall be distributed to the Piketon Agricultural 61534  
 Research and Extension Center. 61535

Of the foregoing appropriation item 235-535, Ohio 61536  
 Agricultural Research and Development Center, \$250,000 in each 61537  
 fiscal year shall be distributed to the 61538  
 Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 61539  
 State University Medical College in cooperation with the Ohio 61540  
 State University College of Agriculture. 61541

Of the foregoing appropriation item 235-535, Ohio 61542  
 Agricultural Research and Development Center, \$50,000 in each 61543  
 fiscal year shall be used to support the Ohio Berry Administrator. 61544

Of the foregoing appropriation item 235-535, Ohio 61545  
 Agricultural Research and Development Center, \$100,000 in each 61546  
 fiscal year shall be used for the development of agricultural 61547  
 crops and products not currently in widespread production in Ohio, 61548  
 in order to increase the income and viability of family farmers. 61549

COOPERATIVE EXTENSION SERVICE AND OHIO AGRICULTURAL RESEARCH 61550  
 AND DEVELOPMENT CENTER 61551

The foregoing appropriation items 235-511, Cooperative 61552  
 Extension Service, and 235-535, Ohio Agricultural Research and 61553  
 Development Center, shall be disbursed through the Board of 61554  
 Regents to The Ohio State University in monthly payments, unless 61555  
 otherwise determined by the Director of Budget and Management 61556  
 pursuant to section 126.09 of the Revised Code. Of the foregoing 61557  
 appropriation item 235-535, Ohio Agricultural Research and 61558  
 Development Center, \$540,000 in each fiscal year shall be used to 61559  
 purchase equipment. 61560

The Ohio Agricultural Research and Development Center shall 61561  
 not be required to remit payment to The Ohio State University 61562  
 during the 2001-2003 biennium for cost reallocation assessments. 61563

## As Reported by the Senate Finance and Financial Institutions Committee

The cost reallocation assessments include, but are not limited to,  
any assessment on state appropriations to the center. 61564  
61565

**Section 93.10. SEA GRANTS** 61566

The foregoing appropriation item 235-402, Sea Grants, shall  
be disbursed to The Ohio State University and shall be used to  
conduct research on fish in Lake Erie. 61567  
61568  
61569

**INFORMATION SYSTEM** 61570

The foregoing appropriation item 235-409, Information System,  
shall be used by the Board of Regents to operate the higher  
education information data system known as the Higher Education  
Information System. 61571  
61572  
61573  
61574

**STUDENT SUPPORT SERVICES** 61575

The foregoing appropriation item 235-502, Student Support  
Services, shall be distributed by the Board of Regents to Ohio's  
state-assisted colleges and universities that incur  
disproportionate costs in the provision of support services to  
disabled students. 61576  
61577  
61578  
61579  
61580

**CENTRAL STATE SUPPLEMENT** 61581

The foregoing appropriation item 235-514, Central State  
Supplement, shall be used by Central State University to keep  
undergraduate fees below the statewide average, consistent with  
its mission of service to many first-generation college students  
from groups historically underrepresented in higher education and  
from families with limited incomes. 61582  
61583  
61584  
61585  
61586  
61587

**SHAWNEE STATE SUPPLEMENT** 61588

The foregoing appropriation item 235-520, Shawnee State  
Supplement, shall be used by Shawnee State University as detailed  
by both of the following: 61589  
61590  
61591

(A) To allow Shawnee State University to keep its 61592

## As Reported by the Senate Finance and Financial Institutions Committee

undergraduate fees below the statewide average, consistent with  
 its mission of service to an economically depressed Appalachian  
 region;

(B) To allow Shawnee State University to employ new faculty  
 to develop and teach in new degree programs that meet the needs of  
 Appalachians.

## POLICE AND FIRE PROTECTION

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.

## SCHOOL OF INTERNATIONAL BUSINESS

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.

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

## As Reported by the Senate Finance and Financial Institutions Committee

its international business programs. 61624

Of the foregoing appropriation item 235-547, School of 61625  
International Business, \$245,000 in each fiscal year shall be used 61626  
by to support the Ohio State University BioMEMS program. 61627

CAPITAL COMPONENT 61628

The foregoing appropriation item 235-552, Capital Component, 61629  
shall be used by the Board of Regents to implement the capital 61630  
funding policy for state-assisted colleges and universities 61631  
established in Am. H.B. No. 748 of the 121st General Assembly. 61632  
Appropriations from this item shall be distributed to all campuses 61633  
for which the estimated campus debt service attributable to new 61634  
qualifying capital projects is less than the campus's 61635  
formula-determined capital component allocation. Campus 61636  
allocations shall be determined by subtracting the estimated 61637  
campus debt service attributable to new qualifying capital 61638  
projects from the campus formula-determined capital component 61639  
allocation. Moneys distributed from this appropriation item shall 61640  
be restricted to capital-related purposes. 61641

DAYTON AREA GRADUATE STUDIES INSTITUTE 61642

The foregoing appropriation item 235-553, Dayton Area 61643  
Graduate Studies Institute, shall be used by the Board of Regents 61644  
to support the Dayton Area Graduate Studies Institute, an 61645  
engineering graduate consortium of three universities in the 61646  
Dayton area: Wright State University, the University of Dayton, 61647  
and the Air Force Institute of Technology, with the participation 61648  
of the University of Cincinnati and The Ohio State University. 61649

LONG-TERM CARE RESEARCH 61650

The foregoing appropriation item 235-558, Long-term Care 61651  
Research, shall be disbursed to Miami University for long-term 61652  
care research. 61653

## As Reported by the Senate Finance and Financial Institutions Committee

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 61654

The foregoing appropriation item 235-561, Bowling Green State 61655  
University Canadian Studies Center, shall be used by the Canadian 61656  
Studies Center at Bowling Green State University to study 61657  
opportunities for Ohio and Ohio businesses to benefit from the 61658  
Free Trade Agreement between the United States and Canada. 61659

URBAN UNIVERSITY PROGRAMS 61660

Of the foregoing appropriation item 235-583, Urban University 61661  
Programs, universities receiving funds that are used to support an 61662  
ongoing university unit shall certify periodically in a manner 61663  
approved by the Board of Regents that program funds are being 61664  
matched on a one-to-one basis with equivalent resources. Overhead 61665  
support may not be used to meet this requirement. Where Urban 61666  
University Program funds are being used to support an ongoing 61667  
university unit, matching funds must come from continuing rather 61668  
than one-time sources. At each participating state-assisted 61669  
institution of higher education, matching funds must be within the 61670  
substantial control of the individual designated by the 61671  
institution's president as the Urban University Program 61672  
representative. 61673

Of the foregoing appropriation item 235-583, Urban University 61674  
Programs, \$372,400 in each fiscal year shall be used to support a 61675  
public communication outreach program (WCPN). The primary purpose 61676  
of the program shall be to develop a relationship between 61677  
Cleveland State University and nonprofit communications entities. 61678

Of the foregoing appropriation item 235-583, Urban University 61679  
Programs, \$176,400 in each fiscal year shall be used to support 61680  
the Center for the Interdisciplinary Study of Education and the 61681  
Urban Child at Cleveland State University. These funds shall be 61682  
distributed according to rules adopted by the Board of Regents and 61683  
shall be used by the center for interdisciplinary activities 61684

## As Reported by the Senate Finance and Financial Institutions Committee

targeted toward increasing the chance of lifetime success of the  
urban child, including interventions beginning with the prenatal  
period. The primary purpose of the center is to study issues in  
urban education and to systematically map directions for new  
approaches and new solutions by bringing together a cadre of  
researchers, scholars, and professionals representing the social,  
behavioral, education, and health disciplines.

Of the foregoing appropriation item 235-583, Urban University  
Programs, \$254,800 in each fiscal year shall be used to support  
the Kent State University Learning and Technology Project. This  
project is a kindergarten through university collaboration between  
schools surrounding Kent's eight campuses in northeast Ohio, and  
corporate partners who will assist in development and delivery.

The Kent State University Project shall provide a faculty  
member who has a full-time role in the development of  
collaborative activities and teacher instructional programming  
between Kent and the K-12th grade schools that surround its eight  
campuses; appropriate student support staff to facilitate these  
programs and joint activities; and hardware and software to  
schools that will make possible the delivery of instruction to  
pre-service and in-service teachers, and their students, in their  
own classrooms or school buildings. This shall involve the  
delivery of low-bandwidth streaming video and web-based  
technologies in a distributed instructional model.

Of the foregoing appropriation item 235-583, Urban University  
Programs, \$98,000 in each fiscal year shall be used to support the  
Ameritech Classroom/Center for Research at Kent State University.

Of the foregoing appropriation item 235-583, Urban University  
Programs, \$980,000 in each fiscal year shall be used to support  
the Polymer Distance Learning Project at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University

## As Reported by the Senate Finance and Financial Institutions Committee

Programs, \$49,000 in each fiscal year shall be distributed to the 61716  
Kent State University/Cleveland Design Center program. 61717

Of the foregoing appropriation item 235-583, Urban University 61718  
Programs, \$245,000 in each fiscal year shall be used to support 61719  
the Bliss Institute of Applied Politics at the University of 61720  
Akron. 61721

Of the foregoing appropriation item 235-583, Urban University 61722  
Programs, \$14,700 in each fiscal year shall be used for the 61723  
Advancing-Up Program at the University of Akron. 61724

Of the foregoing appropriation item 235-583, Urban University 61725  
Programs, in each fiscal year \$2,156,629 shall be distributed by 61726  
the Board of Regents to Cleveland State University in support of 61727  
the Maxine Goodman Levin College of Urban Affairs. 61728

Of the foregoing appropriation item 235-583, Urban University 61729  
Programs, in each fiscal year \$2,156,630 shall be distributed to 61730  
the Northeast Ohio Research Consortium, the Urban Linkages 61731  
Program, and the Urban Research Technical Assistance Grant 61732  
Program. The distribution among the three programs shall be 61733  
determined by the chair of the Urban University Program. 61734

## INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 61735

The foregoing appropriation item 235-595, International 61736  
Center for Water Resources Development, shall be used to support 61737  
the International Center for Water Resources Development at 61738  
Central State University. The center shall develop methods to 61739  
improve the management of water resources for Ohio and for 61740  
emerging nations. 61741

## RURAL UNIVERSITY PROJECTS 61742

Of the foregoing appropriation item 235-587, Rural University 61743  
Projects, Bowling Green State University shall receive \$212,072 in 61744  
each fiscal year, Miami University shall receive \$324,503 in each 61745

## As Reported by the Senate Finance and Financial Institutions Committee

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  
 University, the Center for Public Management and Regional Affairs  
 at Miami University, and the Center for Policy Analysis and Public  
 Service at Bowling Green State University.

Of the foregoing appropriation item 235-587, Rural University  
 Projects, \$24,500 in each fiscal year shall be used to support the  
 Washington State Community College day care center.

Of the foregoing appropriation item 235-587, Rural University  
 Projects, \$73,500 in each fiscal year shall be used to support the  
 COAD/ILGARD/GOA Appalachian Leadership Initiative.

A small portion of the funds provided to Ohio University  
 shall also be used for the Institute for Local Government  
 Administration and Rural Development State and Rural Policy  
 Partnership with the Governor's Office of Appalachia and the  
 Appalachian delegation of the General Assembly.

## OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 61763

The foregoing appropriation item 235-588, Ohio Resource  
 Center for Mathematics, Science, and Reading, shall be used to  
 support a resource center for mathematics, science, and reading to  
 be located at a state-assisted university for the purpose of  
 identifying best educational practices in primary and secondary  
 schools and establishing methods for communicating them to  
 colleges of education and school districts.

## HAZARDOUS MATERIALS PROGRAM 61771

The foregoing appropriation item 235-596, Hazardous Materials  
 Program, shall be disbursed to Cleveland State University for the  
 operation of a program to certify firefighters for the handling of  
 hazardous materials. Training shall be available to all Ohio  
 firefighters.

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Of the foregoing appropriation item 235-596, Hazardous 61777  
 Materials Program, \$150,000 in each fiscal year shall be used to 61778  
 support the Center for the Interdisciplinary Study of Education 61779  
 and Leadership in Public Service at Cleveland State University. 61780  
 These funds shall be distributed by the Board of Regents and shall 61781  
 be used by the center targeted toward increasing the role of 61782  
 special populations in public service and not-for-profit 61783  
 organizations. The primary purpose of the center is to study 61784  
 issues in public service and to guide strategies for attracting 61785  
 new communities into public service occupations by bringing 61786  
 together a cadre of researchers, scholars and professionals 61787  
 representing the public administration, social behavioral, and 61788  
 education disciplines. 61789

## NATIONAL GUARD SCHOLARSHIP PROGRAM 61790

The Board of Regents shall disburse funds from appropriation 61791  
 item 235-599, National Guard Scholarship Program, at the direction 61792  
 of the Adjutant General. 61793

## OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 61794

The foregoing appropriation item 235-602, HEFC 61795  
 Administration, shall be used by the Board of Regents for 61796  
 operating expenses related to the Board of Regents' support of the 61797  
 activities of the Ohio Higher Educational Facility Commission. 61798  
 Upon the request of the chancellor, the Director of Budget and 61799  
 Management shall transfer up to \$12,000 cash from Fund 461 to Fund 61800  
 4E8 in each fiscal year of the biennium. 61801

## CAPITAL SCHOLARSHIP PROGRAMS 61802

The Chancellor of the Board of Regents may, for the purpose 61803  
 of providing up to one hundred twenty-five scholarships in each 61804  
 fiscal year in the amount of \$2,000 each for students enrolled in 61805  
 Ohio's public and private institutions of higher education to 61806  
 participate in the Washington Center Internship Program, utilize 61807

## As Reported by the Senate Finance and Financial Institutions Committee

any funds from any appropriation within the budget of the Board of Regents that the Chancellor determines to be available, not to exceed \$250,000 in any fiscal year. The scholarships shall be matched by the Washington Center's scholarship funds.

**Section 93.11. BREAKTHROUGH INVESTMENTS**

## OHIO PLAN STUDY COMMITTEE

There is established the Ohio Plan Study Committee, which shall determine appropriate ways to fund the Ohio Plan for Technology and Development. The Study Committee shall consist of the Governor's Science Advisor, the Director of Budget and Management, the Chancellor of the Board of Regents, the Director of Development, three members of the House of Representatives appointed by the Speaker, of whom no more than two shall be of the same political party, and three members of the Senate appointed by the President, of whom no more than two shall be of the same political party. Administrative support for the Study Committee shall be provided by the Board of Regents. The Study Committee shall report its recommendations to the Governor and the General Assembly no later than December 31, 2001. After it submits its report, the Study Committee shall cease to exist. The Ohio Plan for Technology and Development is intended to promote collaborative efforts among state government, higher education, and business and industry that will lead to the development of New Economy applications of science and technology and, ultimately, new business start-ups in the state and increased economic prosperity for the citizens of Ohio.

## APPALACHIAN NEW ECONOMY PARTNERSHIP

The foregoing appropriation item 235-428, Appalachian New Economy Partnership, shall be used by the Board of Regents to begin a multicampus and multiagency coordinated effort to link Appalachia to the new economy. Funds shall be distributed to Ohio

## As Reported by the Senate Finance and Financial Institutions Committee

University to provide leadership in the development and 61839  
 implementation of initiatives in the areas of entrepreneurship, 61840  
 technology, education, and management. 61841

**Section 93.12. REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND** 61842  
 MONEYS 61843

Notwithstanding any provision of law to the contrary, all 61844  
 repayments of Research Facility Investment Fund loans shall be 61845  
 made to the Bond Service Trust Fund. All Research Facility 61846  
 Investment Fund loan repayments made prior to the effective date 61847  
 of this section shall be transferred by the Director of Budget and 61848  
 Management to the Bond Service Trust Fund within sixty days of the 61849  
 effective date of this section. 61850

Campuses shall make timely repayments of Research Facility 61851  
 Investment Fund loans, according to the schedule established by 61852  
 the Board of Regents. In the case of late payments, the Board of 61853  
 Regents may deduct from an institution's periodic subsidy 61854  
 distribution an amount equal to the amount of the overdue payment 61855  
 for that institution, transfer such amount to the Bond Service 61856  
 Trust Fund, and credit the appropriate institution for the 61857  
 repayment. 61858

**VETERANS' PREFERENCES** 61859

The Board of Regents shall work with the Governor's Office of 61860  
 Veterans' Affairs to develop specific veterans' preference 61861  
 guidelines for higher education institutions. These guidelines 61862  
 shall ensure that the institutions' hiring practices are in 61863  
 accordance with the intent of Ohio's veterans' preference laws. 61864

**OHIO STATE UNIVERSITY VETERINARY CLINIC** 61865

Notwithstanding anything to the contrary in sections 9.33, 61866  
 123.01, and 3345.50 and Chapter 153. of the Revised Code, The Ohio 61867  
 State University may negotiate, enter into, and locally administer 61868

a contract which combines the design and construction elements of 61869  
the project into a single contract for the College of Veterinary 61870  
Medicine Large Animal Clinic in Union County, Ohio. This project, 61871  
costing approximately \$1,200,000, is funded with university funds. 61872

**Section 93.13. CENTRAL STATE UNIVERSITY** 61873

(A) Notwithstanding sections 3345.72, 3345.74, 3345.75, and 61874  
3345.76 of the Revised Code and rule 126:3-1-01 of the 61875  
Administrative Code, Central State University shall adhere to the 61876  
following fiscal standards: 61877

(1) Maintenance of a balanced budget and filing of quarterly 61878  
reports on an annualized budget with the Board of Regents, 61879  
comparing the budget to actual spending and revenues with 61880  
projected expenditures and revenues for the remainder of the year. 61881  
Such reports shall include narrative explanations as appropriate 61882  
and be filed within 30 days of the end of the quarter. 61883

(2) Timely and accurate assessment of the current and 61884  
projected cash flow of university funds, by fund type; 61885

(3) Timely reconciliation of all university cash and general 61886  
ledger accounts, by fund; 61887

(4) Submission to the Auditor of State of financial 61888  
statements consistent with audit requirements prescribed by the 61889  
Auditor of State within four months after the end of the fiscal 61890  
year; 61891

(5) Completion of an audit within six months after the end of 61892  
the fiscal year. 61893

The Director of Budget and Management shall provide 61894  
clarification to the university on these fiscal standards as 61895  
deemed necessary. The director also may take such actions as are 61896  
necessary to ensure that the university adheres to these standards 61897  
and other fiscal standards consistent with generally accepted 61898

accounting principles and the requirements of external entities 61899  
providing funding to the university. Such actions may include the 61900  
appointment of a financial consultant to assist Central State 61901  
University in the continuous process of design and implementation 61902  
of responsible systems of financial management and accounting. 61903

(B) The director's fiscal oversight shall continue until such 61904  
time as the university meets the same criteria as those created in 61905  
paragraph (F) of rule 126:3-1-01 of the Administrative Code for 61906  
the termination of a fiscal watch. At that time Central State 61907  
University shall be relieved of the requirements of this section 61908  
and subject to the requirements of sections 3345.72, 3345.74, 61909  
3345.75, and 3345.76 of the Revised Code. 61910

Any encumbered funds remaining from appropriation item 61911  
042-407, Central State Deficit, as appropriated in Am. Sub. S.B. 6 61912  
of the 122nd General Assembly shall be released during the 61913  
2001-2003 biennium for nonrecurring expenses contingent upon the 61914  
approval of the Director of Budget and Management. 61915

**Section 94. DRC DEPARTMENT OF REHABILITATION AND** 61916  
**CORRECTION** 61917

General Revenue Fund 61918

GRF 501-321 Institutional \$ 806,042,214 \$ 847,148,431 61919  
Operations

GRF 501-403 Prisoner Compensation \$ 8,837,616 \$ 8,837,616 61920

GRF 501-405 Halfway House \$ 34,573,018 \$ 35,673,018 61921

GRF 501-406 Lease Rental Payments \$ 147,288,300 \$ 151,594,300 61922

GRF 501-407 Community \$ 15,150,792 \$ 15,150,792 61923

Nonresidential

Programs

GRF 501-408 Community Misdemeanor \$ 7,942,211 \$ 7,942,211 61924

Programs

GRF 501-501 Community Residential \$ 51,215,353 \$ 54,815,353 61925

## As Reported by the Senate Finance and Financial Institutions Committee

	Programs - CBCF				61926
GRF 502-321	Mental Health Services	\$ 74,444,329	\$ 78,261,520		61927
GRF 503-321	Parole and Community Operations	\$ 73,332,328	\$ 78,711,552		61928
GRF 504-321	Administrative Operations	\$ 27,673,600	\$ 27,465,740		61929
GRF 505-321	Institution Medical Services	\$ 132,610,379	\$ 138,122,584		61930
GRF 506-321	Institution Education Services	\$ 22,858,645	\$ 23,917,493		61931
GRF 507-321	Institution Recovery Services	\$ 6,642,352	\$ 6,951,387		61932
TOTAL GRF	General Revenue Fund	\$ 1,408,611,137	\$ 1,474,591,997		61933
					61934
	General Services Fund Group				61935
4B0 501-601	Penitentiary Sewer Treatment Facility Services	\$ 1,535,919	\$ 1,614,079		61936
4D4 501-603	Prisoner Programs	\$ 21,872,497	\$ 23,135,230		61937
4L4 501-604	Transitional Control	\$ 401,772	\$ 417,032		61938
4S5 501-608	Education Services	\$ 3,727,680	\$ 3,894,150		61939
483 501-605	Property Receipts	\$ 361,230	\$ 373,628		61940
5H8 501-617	Offender Financial Responsibility	\$ 435,000	\$ 440,000		61941
5L6 501-611	Information Technology Services	\$ 5,474,800	\$ 3,561,670		61942
571 501-606	Training Academy Receipts	\$ 71,567	\$ 71,567		61943
593 501-618	Laboratory Services	\$ 4,277,711	\$ 4,469,231		61944
TOTAL GSF	General Services Fund Group	\$ 38,158,176	\$ 37,976,587		61945

## As Reported by the Senate Finance and Financial Institutions Committee

Federal Special Revenue Fund Group				61946	
3S1 501-615 Truth-In-Sentencing	\$	22,906,042	\$	23,432,796	61947
Grants					
323 501-619 Federal Grants	\$	10,246,790	\$	10,246,790	61948
TOTAL FED Federal Special Revenue				61949	
Fund Group	\$	33,152,832	\$	33,679,586	61950
Intragovernmental Service Fund Group				61951	
148 501-602 Services and	\$	95,102,123	\$	98,634,008	61952
Agricultural					
200 501-607 Ohio Penal Industries	\$	43,131,254	\$	44,425,724	61953
TOTAL ISF Intragovernmental				61954	
Service Fund Group	\$	138,233,377	\$	143,059,732	61955
TOTAL ALL BUDGET FUND GROUPS	\$	1,618,155,522	\$	1,689,307,902	61956
OHIO BUILDING AUTHORITY LEASE PAYMENTS				61957	
The foregoing appropriation item 501-406, Lease Rental				61958	
Payments, shall be used for payments to the Ohio Building				61959	
Authority for the period July 1, 2001, to June 30, 2003, pursuant				61960	
to the primary leases and agreements for those buildings made				61961	
under Chapter 152. of the Revised Code in the amount of				61962	
\$298,882,600, which are the source of funds pledged for bond				61963	
service charges on related obligations issued pursuant to Chapter				61964	
152. of the Revised Code.				61965	
PRISONER COMPENSATION				61966	
Money from the foregoing appropriation item 501-403, Prisoner				61967	
Compensation, shall be transferred on a quarterly basis by				61968	
intrastate transfer voucher to Fund 148 for the purposes of paying				61969	
prisoner compensation.				61970	
CBCF Title XX FUNDS				61971	
Not later than July 15, 2001, the Director of Budget and				61972	
Management shall transfer \$1,800,000 from Fund 3W3, Adult Special				61973	
Needs, to the General Revenue Fund. Not later than July 15, 2002,				61974	

## As Reported by the Senate Finance and Financial Institutions Committee

the Director of Budget and Management shall transfer \$5,400,000				61975	
from Fund 3W3, Adult Special Needs, to the General Revenue Fund.				61976	
INMATE DEVELOPMENT PROGRAM				61977	
Of the foregoing appropriation item 503-321, Parole and				61978	
Community Operations, at least \$30,000 in each fiscal year shall				61979	
be used for an inmate development program.				61980	
INSTITUTION RECOVERY SERVICES				61981	
Of the foregoing appropriation item 507-321, Institution				61982	
Recovery Services, \$50,000 in each fiscal year shall be used to				61983	
fund a demonstration project using innovative alcohol and				61984	
substance abuse treatment methods.				61985	
<b>Section 95. RSC REHABILITATION SERVICES COMMISSION</b>				61986	
General Revenue Fund				61987	
GRF 415-100 Personal Services	\$	8,506,587	\$	8,949,644	61988
GRF 415-401 Personal Care	\$	943,374	\$	943,374	61989
Assistance					
GRF 415-402 Independent Living	\$	398,582	\$	398,582	61990
Council					
GRF 415-403 Mental Health Services	\$	754,473	\$	754,473	61991
GRF 415-404 MR/DD Services	\$	1,326,302	\$	1,326,301	61992
GRF 415-405 Vocational	\$	564,799	\$	564,799	61993
Rehabilitation/Job and					
Family Services					
GRF 415-406 Assistive Technology	\$	50,000	\$	50,000	61994
GRF 415-431 Office for People with	\$	246,856	\$	247,746	61995
Brain Injury					
GRF 415-506 Services for People	\$	11,785,245	\$	12,082,297	61996
with Disabilities					
GRF 415-508 Services for the Deaf	\$	145,040	\$	145,040	61997
GRF 415-509 Services for the	\$	378,043	\$	378,044	61998

## As Reported by the Senate Finance and Financial Institutions Committee

		Elderly				
GRF	415-520	Independent Living	\$	61,078	\$	61,078 61999
		Services				
TOTAL GRF		General Revenue Fund	\$	25,160,379	\$	25,901,378 62000
		General Services Fund Group				62001
4W5	415-606	Administrative	\$	18,775,759	\$	19,649,829 62002
		Expenses				
467	415-609	Business Enterprise	\$	1,585,602	\$	1,493,586 62003
		Operating Expenses				
TOTAL GSF		General Services				62004
		Fund Group	\$	20,361,361	\$	21,143,415 62005
		Federal Special Revenue Fund Group				62006
3L1	415-601	Social Security	\$	3,044,146	\$	3,044,146 62007
		Personal Care				
		Assistance				
3L1	415-605	Social Security	\$	1,100,488	\$	1,100,488 62008
		Community Centers for				
		the Deaf				
3L1	415-607	Social Security	\$	163,596	\$	171,085 62009
		Administration Cost				
3L1	415-608	Social Security	\$	16,949,140	\$	7,309,984 62010
		Special				
		Programs/Assistance				
3L1	415-610	Social Security	\$	1,338,324	\$	1,338,324 62011
		Vocational				
		Rehabilitation				
3L4	415-612	Federal-Independent	\$	681,726	\$	681,726 62012
		Living Centers or				
		Services				
3L4	415-615	Federal - Supported	\$	1,753,738	\$	1,753,738 62013
		Employment				
3L4	415-617	Independent	\$	1,033,853	\$	1,035,196 62014

As Reported by the Senate Finance and Financial Institutions Committee

		Living/Vocational Rehabilitation Programs				
317	415-620	Disability	\$	68,752,767	\$	71,452,334 62015
		Determination				
379	415-616	Federal-Vocational	\$	107,747,928	\$	110,980,366 62016
		Rehabilitation				
		TOTAL FED Federal Special				62017
		Revenue Fund Group	\$	202,565,706	\$	198,867,387 62018
		State Special Revenue Fund Group				62019
4L1	415-619	Services for	\$	5,698,621	\$	5,260,262 62020
		Rehabilitation				
468	415-618	Third Party Funding	\$	1,231,465	\$	892,991 62021
		TOTAL SSR State Special				62022
		Revenue Fund Group	\$	6,930,086	\$	6,153,253 62023
		TOTAL ALL BUDGET FUND GROUPS	\$	255,017,532	\$	252,065,433 62024
		STAND CONCESSIONS FUND - CREDITING OF INCOME				62025
		In crediting interest and other income earned on moneys				62026
		deposited in the Stand Concessions Fund (Fund 467), the Treasurer				62027
		of State and Director of Budget and Management shall ensure that				62028
		the requirements of section 3304.35 of the Revised Code are met.				62029
		PERSONAL CARE ASSISTANCE				62030
		The foregoing appropriation item 415-401, Personal Care				62031
		Assistance, shall be used in addition to Social Security				62032
		reimbursement funds to provide personal care assistance services.				62033
		These funds shall not be used in lieu of Social Security				62034
		reimbursement funds.				62035
		MR/DD SERVICES				62036
		The foregoing appropriation item 415-404, MR/DD Services,				62037
		shall be used as state matching funds to provide vocational				62038
		rehabilitation services to mutually eligible clients between the				62039

## As Reported by the Senate Finance and Financial Institutions Committee

Rehabilitation Services Commission and the Department of Mental  
 Retardation and Developmental Disabilities. The Rehabilitation  
 Services Commission shall report to the Department of Mental  
 Retardation and Developmental Disabilities, as outlined in an  
 interagency agreement, on the number and status of mutually  
 eligible clients and the status of the funds and expenditures for  
 these clients.

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES 62047

The foregoing appropriation item 415-405, Vocational  
 Rehabilitation/Job and Family Services, shall be used as state  
 matching funds to provide vocational rehabilitation services to  
 mutually eligible clients between the Rehabilitation Services  
 Commission and the Department of Job and Family Services. The  
 Rehabilitation Services Commission shall report to the Department  
 of Job and Family Services, as outlined in an interagency  
 agreement, on the number and status of mutually eligible clients  
 and the status of the funds and expenditures for these clients.

ASSISTIVE TECHNOLOGY 62057

The foregoing appropriation item 415-406, Assistive  
 Technology, shall be provided to Assistive Technology of Ohio and  
 shall be used only to provide grants under that program. No amount  
 of the appropriation may be used for administrative costs.

OFFICE FOR PEOPLE WITH BRAIN INJURY 62062

Of the foregoing appropriation item 415-431, Office for  
 People with Brain Injury, \$100,000 in each fiscal year shall be  
 used for the state match for a federal grant awarded through the  
 Traumatic Brain Injury Act, Pub. L. No. 104-166, and \$50,000 in  
 fiscal year 2002 and \$50,000 in fiscal year 2003 shall be provided  
 to the Brain Injury Trust Fund. The remaining appropriation in  
 this item shall be used to plan and coordinate head-injury-related  
 services provided by state agencies and other government or

private entities, to assess the needs for such services, and to	62071
set priorities in this area.	62072
SERVICES FOR PEOPLE WITH DISABILITIES	62073
On verification of the receipt of revenue in Fund 3W2, Title	62074
XX Vocational Rehabilitation, the Director of Budget and	62075
Management shall transfer those funds to the General Revenue Fund.	62076
The transferred funds are appropriated to appropriation item	62077
415-506, Services for People with Disabilities. The foregoing	62078
appropriation item 415-506, Services for People with Disabilities,	62079
includes transferred funds of \$600,000 in fiscal year 2002 and	62080
\$897,052 in fiscal year 2003.	62081
SERVICES FOR THE DEAF	62082
The foregoing appropriation item 415-508, Services for the	62083
Deaf, shall be used to supplement Social Security reimbursement	62084
funds used to provide grants to community centers for the deaf.	62085
These funds shall not be used in lieu of Social Security	62086
reimbursement funds.	62087
SERVICES FOR THE ELDERLY	62088
The foregoing appropriation item 415-509, Services for the	62089
Elderly, shall be used as matching funds for vocational	62090
rehabilitation services for eligible elderly citizens with a	62091
disability.	62092
SOCIAL SECURITY REIMBURSEMENT FUNDS	62093
Reimbursement funds received from the Social Security	62094
Administration, United States Department of Health and Human	62095
Services, for the costs of providing services and training to	62096
return disability recipients to gainful employment, shall be used	62097
in the Social Security Reimbursement Fund (Fund 3L1), as follows:	62098
(A) Appropriation item 415-601, Social Security Personal Care	62099
Assistance, to provide personal care services in accordance with	62100

section 3304.41 of the Revised Code;	62101
(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;	62102 62103 62104 62105
(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;	62106 62107 62108
(D) Appropriation item 415-608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities, who are Social Security beneficiaries, to achieve competitive employment. This item also includes funds to assist the Personal Care Assistance, Community Centers for the Deaf, and Independent Living Programs to pay their share of indirect costs as mandated by federal OMB Circular A-87.	62109 62110 62111 62112 62113 62114 62115
(E) Appropriation item 415-610, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities to achieve a noncompetitive employment goal such as homemaker.	62116 62117 62118 62119
ADMINISTRATIVE EXPENSES	62120
The foregoing appropriation item 415-606, Administrative Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.	62121 62122 62123 62124 62125
INDEPENDENT LIVING COUNCIL	62126
The foregoing appropriation items 415-402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council.	62127 62128 62129
MENTAL HEALTH SERVICES	62130

The foregoing appropriation item 415-403, Mental Health Services, shall be used for the provision of vocational rehabilitation services to mutually eligible consumers of the Rehabilitation Services Commission and the Department of Mental Health.

The Department of Mental Health shall receive a quarterly report from the Rehabilitation Services Commission stating the numbers served, numbers placed in employment, average hourly wage, and average hours worked.

INDEPENDENT LIVING SERVICES 62140

The foregoing appropriation items 415-520, Independent Living Services, and 415-612, Federal-Independent Living Centers or Services, shall be used to support state independent living centers or independent living services pursuant to Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 62148

The foregoing appropriation item 415-617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs, including, but not limited to, Projects with Industry and Training Grants.

**Section 96.** RCB RESPIRATORY CARE BOARD 62153

General Services Fund Group				62154
4K9 872-609 Operating Expenses	\$	287,191	\$ 305,030	62155
TOTAL GSF General Services Fund Group				62156
	\$	287,191	\$ 305,030	62157
TOTAL ALL BUDGET FUND GROUPS	\$	287,191	\$ 305,030	62158

**Section 97.** REVENUE DISTRIBUTION FUNDS 62160

## As Reported by the Senate Finance and Financial Institutions Committee

Volunteer Firefighters' Dependents Fund				62161
085 800-900 Volunteer	\$	200,000	\$ 200,000	62162
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				62163
Dependents Fund	\$	200,000	\$ 200,000	62164
Agency Fund Group				62165
062 110-900 Resort Area Excise Tax	\$	500,000	\$ 500,000	62166
063 110-900 Permissive Tax	\$	1,398,200,000	\$ 1,447,100,000	62167
Distribution				
067 110-900 School District Income	\$	156,800,000	\$ 166,200,000	62168
Tax Fund				
4P8 001-698 Cash Management	\$	2,000,000	\$ 2,000,000	62169
Improvement Fund				
608 001-699 Investment Earnings	\$	406,700,000	\$ 398,300,000	62170
TOTAL AGY Agency Fund Group	\$	1,964,200,000	\$ 2,014,100,000	62171
Holding Account Redistribution				62172
R45 110-617 International Fuel Tax	\$	40,000,000	\$ 41,000,000	62173
Distribution				
TOTAL R45 Holding Account	\$	40,000,000	\$ 41,000,000	62174
Redistribution Fund				
Revenue Distribution Fund Group				62175
049 038-900 Indigent Drivers	\$	2,100,000	\$ 2,300,000	62176
Alcohol Treatment				
050 762-900 International	\$	58,000,000	\$ 65,000,000	62177
Registration Plan				
Distribution				
051 762-901 Auto Registration	\$	490,000,000	\$ 515,000,000	62178
Distribution				
054 110-900 Local Government	\$	43,700,000	\$ 88,800,000	62179
Property Tax				
Replacement				

## As Reported by the Senate Finance and Financial Institutions Committee

060	110-900	Gasoline Excise Tax Fund	\$ 116,027,000	\$ 118,348,000	62180
064	110-900	Local Government Revenue Assistance	\$ 100,600,000	\$ 100,900,000	62181
065	110-900	Library/Local Government Support Fund	\$ 506,700,000	\$ 508,100,000	62182
066	800-900	Undivided Liquor Permit Fund	\$ 13,500,000	\$ 13,750,000	62183
068	110-900	State/Local Government Highway Distribution Fund	\$ 233,750,000	\$ 238,893,000	62184
069	110-900	Local Government Fund	\$ 718,700,000	\$ 720,400,000	62185
082	110-900	Horse Racing Tax	\$ 200,000	\$ 200,000	62186
083	700-900	Ohio Fairs Fund	\$ 3,000,000	\$ 3,000,000	62187
TOTAL RDF Revenue Distribution					62188
Fund Group			\$ 2,286,277,000	\$ 2,374,691,000	62189
TOTAL ALL BUDGET FUND GROUPS			\$ 4,290,677,000	\$ 4,429,991,000	62190
ADDITIONAL APPROPRIATIONS					62191
Appropriation items in this section are to be used for the					62192
purpose of administering and distributing the designated revenue					62193
distributions fund according to the Revised Code. If it is					62194
determined that additional appropriations are necessary, such					62195
amounts are appropriated.					62196
<b>Section 98. SAN BOARD OF SANITARIAN REGISTRATION</b>					62197
General Services Fund Group					62198
4K9	893-609	Operating Expenses	\$ 109,512	\$ 115,074	62199
TOTAL GSF General Services					62200
Fund Group			\$ 109,512	\$ 115,074	62201
TOTAL ALL BUDGET FUND GROUPS			\$ 109,512	\$ 115,074	62202

## As Reported by the Senate Finance and Financial Institutions Committee

<b>Section 99. OSB OHIO STATE SCHOOL FOR THE BLIND</b>				62204
General Revenue Fund				62205
GRF 226-100 Personal Services	\$	5,880,065	\$ 6,157,563	62206
GRF 226-200 Maintenance	\$	700,437	\$ 717,948	62207
GRF 226-300 Equipment	\$	139,288	\$ 142,770	62208
TOTAL GRF General Revenue Fund	\$	6,719,790	\$ 7,018,281	62209
General Services Fund Group				62210
4H8 226-602 Education Reform	\$	30,652	\$ 31,476	62211
Grants				
TOTAL GSF General Services				62212
Fund Group	\$	30,652	\$ 31,476	62213
State Special Revenue Fund Group				62214
4M5 226-601 Work Study &	\$	41,854	\$ 42,919	62215
Technology Investments				
TOTAL SSR State Special Revenue				62216
Fund Group	\$	41,854	\$ 42,919	62217
Federal Special Revenue Fund Group				62218
3P5 226-643 Medicaid Professional	\$	125,000	\$ 125,000	62219
Services Reimbursement				
310 226-626 Coordinating Unit	\$	1,274,274	\$ 1,278,475	62220
TOTAL FED Federal Special				62221
Revenue Fund Group	\$	1,399,274	\$ 1,403,475	62222
TOTAL ALL BUDGET FUND GROUPS	\$	8,191,570	\$ 8,496,151	62223
<b>Section 100. OSD OHIO STATE SCHOOL FOR THE DEAF</b>				62225
General Revenue Fund				62226
GRF 221-100 Personal Services	\$	7,662,763	\$ 8,022,913	62227
GRF 221-200 Maintenance	\$	998,197	\$ 1,018,160	62228
GRF 221-300 Equipment	\$	270,867	\$ 276,284	62229
TOTAL GRF General Revenue Fund	\$	8,931,827	\$ 9,317,357	62230
General Services Fund Group				62231

## As Reported by the Senate Finance and Financial Institutions Committee

4M1 221-602	Education Reform	\$	68,107	\$	70,701	62232
	Grants					
TOTAL GSF	General Services					62233
Fund Group		\$	68,107	\$	70,701	62234
State Special Revenue	Fund Group					62235
4M0 221-601	Educational Program	\$	35,320	\$	33,188	62236
	Expenses					62237
5H6 221-609	Even Start Fees &	\$	157,723	\$	122,989	62238
	Gifts					
TOTAL SSR	State Special Revenue					62239
Fund Group		\$	193,043	\$	156,177	62240
Federal Special Revenue	Fund Group					62241
3R0 221-684	Medicaid Professional	\$	90,464	\$	111,377	62242
	Services Reimbursement					62243
3U4 221-603	Even Start	\$	125,000	\$	104,625	62244
311 221-625	Coordinating Unit	\$	910,000	\$	933,400	62245
TOTAL FED	Federal Special					62246
Revenue Fund Group		\$	1,125,464	\$	1,149,402	62247
TOTAL ALL BUDGET FUND GROUPS		\$	10,318,441	\$	10,693,637	62248
<b>Section 101. SFC SCHOOL FACILITIES COMMISSION</b>						62250
General Revenue	Fund					62251
GRF 230-428	Lease Rental Payments	\$	41,645,300	\$	37,654,300	62252
GRF 230-908	Common Schools General	\$	36,418,800	\$	55,336,300	62253
	Obligation Debt					
	Service					
TOTAL GRF	General Revenue Fund	\$	78,064,100	\$	92,990,600	62254
State Special Revenue	Fund Group					62255
5E3 230-644	Operating Expenses	\$	6,096,521	\$	6,409,766	62256
TOTAL SSR	State Special Revenue					62257
Fund Group		\$	6,096,521	\$	6,409,766	62258
TOTAL ALL BUDGET FUND GROUPS		\$	84,160,621	\$	99,400,366	62259

## As Reported by the Senate Finance and Financial Institutions Committee

**Section 101.01. LEASE RENTAL PAYMENTS** 62261

The foregoing appropriation item 230-428, Lease Rental 62262  
 Payments, shall be used to meet all payments at the times they are 62263  
 required to be made during the period from July 1, 2001, to June 62264  
 30, 2003, by the School Facilities Commission pursuant to leases 62265  
 and agreements made under section 3318.26 of the Revised Code, but 62266  
 limited to the aggregate amount of \$79,299,600. Nothing in this 62267  
 act shall be deemed to contravene the obligation of the state to 62268  
 pay, without necessity for further appropriation, from the sources 62269  
 pledged thereto, the bond service charges on obligations issued 62270  
 pursuant to Chapter 3318. of the Revised Code. 62271

**COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE** 62272

The foregoing appropriation item 230-908, Common Schools 62273  
 General Obligation Debt Service, shall be used to pay all debt 62274  
 service and financing costs at the times they are required to be 62275  
 made pursuant to sections 151.01 and 151.03 of the Revised Code 62276  
 during the period from July 1, 2001, to June 30, 2003. The Office 62277  
 of the Sinking Fund or the Director of Budget and Management shall 62278  
 effectuate the required payments by an intrastate transfer 62279  
 voucher. 62280

**OPERATING EXPENSES** 62281

The foregoing appropriation item 230-644, Operating Expenses, 62282  
 shall be used by the Ohio School Facilities Commission to carry 62283  
 out its responsibilities pursuant to this section and Chapter 62284  
 3318. of the Revised Code. 62285

Within ten days after the effective date of this section, or 62286  
 as soon as possible thereafter, the Executive Director of the Ohio 62287  
 School Facilities Commission shall certify to the Director of 62288  
 Budget and Management the amount of cash to be transferred from 62289  
 the School Building Assistance Fund (Fund 032) or the Public 62290

## As Reported by the Senate Finance and Financial Institutions Committee

School Building Fund (Fund 021) to the Ohio School Facilities	62291
Commission Fund (Fund 5E3).	62292
By July 10, 2002, the Executive Director of the Ohio School	62293
Facilities Commission shall certify to the Director of Budget and	62294
Management the amount of cash to be transferred from the School	62295
Building Assistance Fund (Fund 032) or the Public School Building	62296
Fund (Fund 021) to the Ohio School Facilities Commission Fund	62297
(Fund 5E3).	62298
SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION	62299
At the request of the Executive Director of the Ohio School	62300
Facilities Commission, the Director of Budget and Management may	62301
cancel encumbrances for school district projects from a previous	62302
biennium if the district has not raised its local share of project	62303
costs within one year of receiving Controlling Board approval in	62304
accordance with section 3318.05 of the Revised Code. The Executive	62305
Director of the Ohio School Facilities Commission shall certify	62306
the amounts of these canceled encumbrances to the Director of	62307
Budget and Management on a quarterly basis. The amounts of the	62308
canceled encumbrances are appropriated.	62309
DISABILITY ACCESS PROJECTS	62310
The unencumbered and unallotted balances as of June 30, 2001,	62311
in appropriation item 230-649, Disability Access Project, are	62312
hereby reappropriated. The unencumbered and unallotted balances of	62313
the appropriation at the end of fiscal year 2002 are hereby	62314
reappropriated in fiscal year 2003 to fund capital projects	62315
pursuant to this section.	62316
(A) As used in this section:	62317
(1) "Percentile" means the percentile in which a school	62318
district is ranked according to the fiscal year 1998 ranking of	62319
school districts with regard to income and property wealth under	62320
division (B) of section 3318.011 of the Revised Code.	62321

## As Reported by the Senate Finance and Financial Institutions Committee

(2) "School district" means a city, local, or exempted village school district, but excluding a school district that is one of the state's 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code, as that section existed prior to July 1, 1998.

(3) "Valuation per pupil" means a district's total taxable value as defined in section 3317.02 of the Revised Code divided by the district's ADM as defined in division (A) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(B) The School Facilities Commission shall adopt rules for awarding grants to school districts with a valuation per pupil of less than \$200,000, to be used for construction, reconstruction, or renovation projects in classroom facilities, the purpose of which is to improve access to such facilities by physically handicapped persons. The rules shall include application procedures. No school district shall be awarded a grant under this section in excess of \$100,000. In addition, any school district shall be required to pay a percentage of the cost of the project or which the grant is being awarded equal to the percentile in which the district is ranked.

(C) The School Facilities Commission is hereby authorized to transfer a portion of appropriation item CAP-622, Public School Buildings, contained in Am. Sub. H.B. No. 283 of the 123rd General Assembly, to CAP-777, Disability Access Projects, to provide funds to make payments resulting from the approval of applications for disability access grants received prior to January 1, 1999. The amounts transferred are appropriated.

**Section 101.02.** In fiscal year 2002, the Director of Budget and Management shall deposit into the Community School Classroom Facilities Loan Guarantee Fund, established under section 3318.52 of the Revised Code, not more than ten million dollars from the

## As Reported by the Senate Finance and Financial Institutions Committee

moneys that have been appropriated to the Ohio School Facilities Commission for capital projects. The moneys so deposited shall be used by the Commission to guarantee loans to community schools under section 3318.50 of the Revised Code.

<b>Section 102. NET OHIO SCHOOLNET COMMISSION</b>				62357	
General Revenue Fund				62358	
GRF 228-404 Operating Expenses	\$	7,255,189	\$	7,117,741	62359
GRF 228-406 Technical and Instructional Professional Development	\$	10,475,898	\$	10,172,630	62360
GRF 228-539 Education Technology	\$	6,161,096	\$	5,910,596	62361
Total GRF General Revenue Fund	\$	23,892,183	\$	23,200,967	62362
General Services Fund Group				62363	
5D4 228-640 Conference/Special Purpose Expenses	\$	510,700	\$	521,382	62364
TOTAL GSF General Services Fund Group	\$	510,700	\$	521,382	62365
State Special Revenue Fund Group				62367	
4W9 228-630 Ohio SchoolNet Telecommunity Fund	\$	547,615	\$	447,615	62368
4X1 228-634 Distance Learning	\$	2,930,000	\$	2,930,000	62369
TOTAL SSR State Special Revenue Fund Group	\$	3,477,615	\$	3,377,615	62370
Federal Special Revenue Fund Group				62372	
3S3 228-655 Technology Literacy Challenge	\$	15,918,780	\$	15,918,780	62373
TOTAL FED Federal Special Revenue Fund Group	\$	15,918,780	\$	15,918,780	62374
TOTAL ALL BUDGET FUND GROUPS	\$	43,799,278	\$	43,018,744	62376

## As Reported by the Senate Finance and Financial Institutions Committee

**Section 102.01.** INTERACTIVE VIDEO DISTANCE LEARNING PROGRAM 62378

The unencumbered and unallotted balances as of June 30, 2001, 62379  
in appropriation item 228-650, Interactive Video Distance 62380  
Learning, are reappropriated to fund projects pursuant to this 62381  
section. Appropriation item 228-650, Interactive Video Distance 62382  
Learning, shall be used to extend the Interactive Video Distance 62383  
Learning Program in accordance with the statewide educational 62384  
technology strategic plan. The Ohio SchoolNet Commission shall 62385  
adopt procedures for the administration and implementation of the 62386  
Interactive Video Distance Learning Program, which shall include 62387  
application procedures, specifications for distance learning 62388  
technology, and terms and conditions for participation in the 62389  
program. The commission shall not approve any application for 62390  
participation unless it determines that the applicant can 62391  
effectively and efficiently integrate the proposed distance 62392  
learning technology into schools or the selected schools or 62393  
classrooms for the phase of the program. The commission shall give 62394  
preference to lower wealth districts or consortia of such 62395  
districts that do not have existing video conferencing 62396  
technology. 62397

## SCHOOLNET PLUS PROGRAM 62398

The unencumbered and unallotted balances as of June 30, 2001, 62399  
in appropriation item 228-698, SchoolNet Plus, are hereby 62400  
reappropriated to fund projects pursuant to this section. 62401  
Appropriation item 228-698, SchoolNet Plus, may be used to 62402  
purchase network telecommunications equipment for each public 62403  
school building in this state to provide classroom and building 62404  
access to existing and potential statewide voice, video, and data 62405  
telecommunication services or to establish and equip interactive 62406  
computer workstations. As used in this section, "public school 62407  
building" means a school building of any city, local, exempted 62408

## As Reported by the Senate Finance and Financial Institutions Committee

village, or joint vocational school district or any community  
 school established under Chapter 3314. of the Revised Code. The  
 Ohio SchoolNet Commission, in consultation with the Department of  
 Education, Department of Administrative Services, and Ohio  
 Education Computer Network, shall define the standards and  
 equipment configurations necessary to maximize the efficient use  
 of the existing and potential statewide voice, video, and data  
 telecommunication services.

**Section 102.02. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL  
 DEVELOPMENT**

The foregoing appropriation item 228-406, Technical and  
 Instructional Professional Development, shall be used by the Ohio  
 SchoolNet Commission to make grants or provide services 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.

The Ohio SchoolNet Commission shall consider the professional  
 development needs associated with the OhioReads Program when  
 making funding allocations and program decisions.

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.

## As Reported by the Senate Finance and Financial Institutions Committee

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Of the foregoing appropriation item 228-406, Technical and 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.

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The remaining appropriation allocated in appropriation item 228-406, Technical and Instructional Professional Development, shall be used by the Ohio SchoolNet Commission for professional development for teachers and administrators for the use of educational technology. The commission may make grants to provide technical assistance and professional development on the use of educational technology to school districts.

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Eligible recipients of grants include regional training centers, county offices of education, data collection sites, instructional technology centers, institutions of higher education, public television stations, special education resource centers, area media centers, or other nonprofit educational organizations. Services provided through these grants may include use of private entities subcontracting through the grant recipient.

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Grants shall be made to entities on a contractual basis with the Ohio SchoolNet Commission. Contracts shall include provisions that demonstrate how services will benefit technology use in the schools, and in particular will support SchoolNet efforts to support technology in the schools. Contracts shall specify the scope of assistance being offered and the potential number of professionals who will be served. Contracting entities may be awarded more than one grant at a time.

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Grants shall be awarded in a manner consistent with the goals

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## As Reported by the Senate Finance and Financial Institutions Committee

of SchoolNet. Special emphasis in the award of grants shall be placed on collaborative efforts among service providers.

Application for grants from this appropriation in appropriation item 228-406, Technical and Instructional Professional Development, shall be consistent with a school district's technology plan that shall meet the minimum specifications for school district technology plans as prescribed by the Ohio SchoolNet Commission. Funds allocated through these grants may be combined with funds received through other state or federal grants for technology so long as the school district's technology plan specifies the use of these funds.

## EDUCATION TECHNOLOGY

The foregoing appropriation item 228-539, Education Technology, shall be used to provide funding to suppliers of information services to school districts for the provision of hardware, software, and staff development in support of educational uses of technology in the classroom as prescribed by the State Plan for Technology pursuant to section 3301.07 of the Revised Code, and to support assistive technology for children and youth with disabilities.

Up to \$5,200,000 in each fiscal year shall be used by the Ohio SchoolNet Commission to contract with instructional television, and \$961,096 in fiscal year 2002, and \$710,596 in fiscal year 2003 shall be used by the commission to contract with education media centers to provide Ohio schools with instructional resources and services.

Resources may include, but not be limited to, the following: pre-recorded video materials (including videotape, laser discs, and CD-ROM discs); computer software for student use or student access to electronic communication, databases, spreadsheet, and word processing capability; live student courses or courses

## As Reported by the Senate Finance and Financial Institutions Committee

delivered electronically; automated media systems; and 62503  
instructional and professional development materials for teachers. 62504  
The commission shall cooperate with education technology agencies 62505  
in the acquisition, development, and delivery of such educational 62506  
resources to ensure high-quality and educational soundness at the 62507  
lowest possible cost. Delivery of such resources may utilize a 62508  
variety of technologies, with preference given to a high-speed 62509  
integrated information network that can transport video, voice, 62510  
data, and graphics simultaneously. 62511

Services shall include presentations and technical assistance 62512  
that will help students and teachers integrate educational 62513  
materials that support curriculum objectives, match specific 62514  
learning styles, and are appropriate for individual interests and 62515  
ability levels. 62516

Such instructional resources and services shall be made 62517  
available for purchase by chartered nonpublic schools or by public 62518  
school districts for the benefit of pupils attending chartered 62519  
nonpublic schools. 62520

## DISTANCE LEARNING 62521

Appropriation item 228-634, Distance Learning, shall be 62522  
distributed by the Ohio SchoolNet Commission on a grant basis to 62523  
eligible school districts to establish "distance learning" in the 62524  
school district. Per the agreement with Ameritech, school 62525  
districts are eligible for funds if they are within an Ameritech 62526  
service area. Funds to administer the program shall be expended by 62527  
the commission up to the amount specified in the agreement with 62528  
Ameritech. 62529

Within 30 days after the effective date of this section, the 62530  
Director of Budget and Management shall transfer to fund 4X1 in 62531  
the State Special Revenue Fund Group any investment earnings from 62532  
moneys paid to the office or to the SchoolNet Commission by any 62533

## As Reported by the Senate Finance and Financial Institutions Committee

telephone company as part of a settlement agreement between the 62534  
company and the Public Utilities Commission in fiscal year 1995. 62535

## ELECTRICAL INFRASTRUCTURE 62536

The unencumbered and unallotted balances of June 30, 2001, in 62537  
appropriation item 228-690, SchoolNet Electrical Infrastructure, 62538  
are reappropriated to fund projects pursuant to this section. The 62539  
foregoing appropriation item may be distributed by the Ohio 62540  
SchoolNet Commission for use by school districts to renovate 62541  
existing buildings with sufficient electrical service to safely 62542  
operate educational technology consistent with their SchoolNet and 62543  
SchoolNet Plus technology plans. The Executive Director of the 62544  
Ohio SchoolNet Commission shall review grant proposals from school 62545  
districts for the use of these funds. In evaluating grant 62546  
proposals, the executive director shall consider the ability and 62547  
commitment of school districts to contribute local public and 62548  
private resources to upgrade their electrical service and shall 62549  
give consideration to consortia of school districts that have 62550  
formed to optimize resources to upgrade electrical service. In no 62551  
case shall grant awards exceed \$1,000,000 for a single school 62552  
district. Funding recommendations for this appropriation made by 62553  
the executive director are subject to the review of the Ohio 62554  
SchoolNet Commission. 62555

**Section 102.03.** TOBACCO SETTLEMENT EDUCATION TECHNOLOGIES 62556

## TRUST FUND 62557

All funds from the Tobacco Settlement Education Technologies 62558  
Trust Fund are hereby dedicated to the Ohio SchoolNet Commission. 62559  
Existing balances in the fund and additional revenue deposited 62560  
prior to June 30, 2003, are hereby appropriated to be used by the 62561  
SchoolNet Commission for grants to school districts and other 62562  
entities, and for the costs of administering these grants. Of the 62563  
total amount for grants, \$1,841,655 in fiscal year 2002 and 62564

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\$1,917,293 in fiscal year 2003 shall be used for the Ohio ONEnet project, \$4,086,000 in fiscal year 2002 shall be used for Interactive Video Distance Learning, \$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 Interactive Video Distance Learning Program shall provide competitive grants to school districts or consortia of school districts to purchase necessary distance learning technology, pay recurring connectivity costs, train technology coordinators to use, maintain, and support distance learning technology, train teachers to use distance learning technology in the classroom, and provide ongoing content development to be shared statewide.

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.

## As Reported by the Senate Finance and Financial Institutions Committee

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 more closely in the education and development of their children. The project shall include an interactive instructional program, delivered using satellite television, Internet, and with facilitation, which shall be distributed to program participants using the established satellite receiver dishes on public schools, Head Start centers, and childcare centers at up to 100 locations throughout the state. The interactive instructional program shall be developed to enhance the professional development, training, and performance of preschool staff members; the education and care-giving skills of the parents of preschool children; and the preparation of preschool-aged children for learning.

The project shall utilize the grant to continue a direct-service program that shall include at least three teleconferences that may be distributed by Ohio-based public television utilizing satellite or microwave technology in a manner designed to promote interactive communications between the program participants located at sub-sites within the Ohio Educational Broadcast Network or as determined by the commission. Program participants shall communicate with trainers and participants at other program sites through telecommunications and facsimile and on-line computer technology. As much as possible, the project shall utilize systems currently available in state-supported technology programs and conduct the program in a manner that

## As Reported by the Senate Finance and Financial Institutions Committee

promotes innovative, interactive communications between program 62628  
participants at all the sites. Parent support groups and teacher 62629  
training sessions shall supplement the teleconferences and shall 62630  
occur on a local basis. 62631

RISE Learning Solutions may subcontract components of the 62632  
project. 62633

Individuals eligible to participate in the program include 62634  
those children, their parents, custodians, or guardians, and 62635  
preschool staff members who are eligible to participate in a 62636  
preschool program as defined in division (A) of section 3301.52 62637  
and section 5104.02 of the Revised Code. 62638

The programs, including two to be developed in support of 62639  
teacher proficiency in teaching reading to prekindergarten and 62640  
kindergarten to third grade students, at the direction of the 62641  
Department, may include: two three-hour broadcast seminars from a 62642  
central up-link station, distributed in up to 88 counties; high 62643  
production-value video sought in various locations; and direct 62644  
interactive adult learning activities. The program shall develop 62645  
program workbooks and involve at least three small 62646  
group-facilitated follow-up discussion workshops and development 62647  
and distribution of at least two home videos. The program shall 62648  
also provide Internet access, interactive lines, bulletin board, 62649  
and CD-ROM. 62650

Upon completion of each of the school years for which the 62651  
grant was made, RISE Learning Solutions shall issue a report to 62652  
the commission and the members of the General Assembly explaining 62653  
the goals and objectives determined, the activities implemented, 62654  
the progress made toward the achievement of the goals and 62655  
objectives, and the outcome of the project. 62656

Not later than August 30, 2001, after the approval of the 62657  
Director of Budget and Management, the SchoolNet Commission shall 62658

## As Reported by the Senate Finance and Financial Institutions Committee

submit a budget for the expected appropriations from the Tobacco Settlement Education Technologies Trust Fund to the Controlling Board. The SchoolNet Commission shall demonstrate to the Controlling Board how the Commission's other funding provided by this act works with these additional appropriations.

In the event that the funds in the Tobacco Settlement Education Technologies Trust Fund are not sufficient to cover the appropriations for the specific projects listed in this section, spending on every project shall be reduced proportionately.

**Section 102.04.** 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

As Reported by the Senate Finance and Financial Institutions Committee

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 Speaker of the House of Representatives. The voting members may, by majority vote, elect to include any number of additional nonvoting members.

The Legislative Service Commission shall provide any staffing assistance requested by the Task Force. The Task Force shall issue a report not later than December 1, 2002. Upon issuing its report, the Task Force shall cease to exist.

**Section 103. SOS SECRETARY OF STATE**

General Revenue Fund				62708
GRF 050-321 Operating Expenses	\$	3,300,000	\$ 3,300,000	62709
GRF 050-403 Election Statistics	\$	146,963	\$ 154,882	62710
GRF 050-407 Pollworkers Training	\$	231,400	\$ 327,600	62711
GRF 050-409 Litigation	\$	26,210	\$ 27,622	62712
Expenditures				
TOTAL GRF General Revenue Fund	\$	3,704,573	\$ 3,810,104	62713
General Services Fund Group				
4S8 050-610 Board of Voting	\$	7,200	\$ 7,200	62715
Machine Examiners				
412 050-607 Notary Commission	\$	166,284	\$ 171,273	62716
413 050-601 Information Systems	\$	153,300	\$ 157,133	62717
414 050-602 Citizen Education Fund	\$	80,000	\$ 70,000	62718

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TOTAL General Services Fund Group	\$	406,784	\$	405,606	62719
State Special Revenue Fund Group					62720
5N9 050-607 Technology	\$	120,000	\$	121,000	62721
Improvements					
599 050-603 Business Services	\$	11,880,000	\$	11,979,000	62722
Operating Expenses					
TOTAL SSR State Special Revenue					62723
Fund Group	\$	12,000,000	\$	12,100,000	62724
Holding Account Redistribution Fund Group					62725
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000	62726
Code Refunds					
R02 050-606 Corporate/Business	\$	185,000	\$	185,000	62727
Filing Refunds					
TOTAL 090 Holding Account					62728
Redistribution Fund Group	\$	250,000	\$	250,000	62729
TOTAL ALL BUDGET FUND GROUPS	\$	16,361,357	\$	16,565,710	62730

BOARD OF VOTING MACHINE EXAMINERS 62731

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.

HOLDING ACCOUNT REDISTRIBUTION GROUP 62741

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

## As Reported by the Senate Finance and Financial Institutions Committee

appropriations are necessary, such amounts are appropriated.				62746	
<b>Section 104. SEN THE OHIO SENATE</b>				62747	
General Revenue Fund				62748	
GRF 020-321 Operating Expenses	\$	11,199,045	\$	11,199,045	62749
TOTAL GRF General Revenue Fund	\$	11,199,045	\$	11,199,045	62750
General Services Fund Group				62751	
102 020-602 Senate Reimbursement	\$	402,744	\$	402,744	62752
409 020-601 Miscellaneous Sales	\$	30,980	\$	30,980	62753
TOTAL GSF General Services				62754	
Fund Group	\$	433,724	\$	433,724	62755
TOTAL ALL BUDGET FUND GROUPS	\$	11,632,769	\$	11,632,769	62756
<b>Section 105. CSF COMMISSIONERS OF THE SINKING FUND</b>				62758	
Debt Service Fund Group				62759	
071 155-901 Highway Obligations	\$	49,614,300	\$	47,572,500	62760
Bond Retirement Fund					
072 155-902 Highway Capital	\$	137,730,500	\$	152,120,700	62761
Improvements Bond					
Retirement Fund					
073 155-903 Natural Resources Bond	\$	19,001,100	\$	22,101,900	62762
Retirement					
076 155-906 Coal Research and	\$	8,971,700	\$	9,420,300	62763
Development Bond					
Retirement Fund					
077 155-907 State Capital	\$	135,693,200	\$	146,210,200	62764
Improvements Bond					
Retirement Fund					
078 155-908 Common Schools Capital	\$	36,418,800	\$	55,336,300	62765
Facilities Bond					
Retirement Fund					
079 155-909 Higher Education	\$	50,055,100	\$	74,344,100	62766

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## Capital Facilities

## Bond Retirement Fund

TOTAL DSF Debt Service Fund Group	\$	437,484,700	\$	507,106,000	62767
TOTAL ALL BUDGET FUND GROUPS	\$	437,484,700	\$	507,106,000	62768

ADDITIONAL APPROPRIATIONS 62769

Appropriation items in this section are for the purpose of 62770  
 paying debt service and financing costs on bonds or notes of the 62771  
 state issued pursuant to the Ohio Constitution and acts of the 62772  
 General Assembly. If it is determined that additional 62773  
 appropriations are necessary, such amounts are appropriated. 62774

**Section 106.** SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY 62775

& AUDIOLOGY 62776

General Services Fund Group					62777
4K9 886-609 Operating Expenses	\$	352,727	\$	372,348	62778
TOTAL GSF General Services					62779
Fund Group	\$	352,727	\$	372,348	62780
TOTAL ALL BUDGET FUND GROUPS	\$	352,727	\$	372,348	62781

**Section 107.** BTA BOARD OF TAX APPEALS 62783

General Revenue Fund					62784
GRF 116-321 Operating Expenses	\$	2,499,741	\$	2,569,734	62785
TOTAL GRF General Revenue Fund	\$	2,499,741	\$	2,569,734	62786
General Services Fund Group					62787
439 116-602 Reproduction of	\$	7,500	\$	7,500	62788
Decisions					
TOTAL GSF General Services					62789
Fund Group	\$	7,500	\$	7,500	62790
TOTAL ALL BUDGET FUND GROUPS	\$	2,507,241	\$	2,577,234	62791

**Section 108.** TAX DEPARTMENT OF TAXATION 62793

## As Reported by the Senate Finance and Financial Institutions Committee

General Revenue Fund				62794	
GRF 110-321 Operating Expenses	\$	87,611,076	\$	89,566,509	62795
GRF 110-412 Child Support	\$	92,939	\$	90,006	62796
Administration					
GRF 110-901 Property Tax	\$	380,200,000	\$	399,300,000	62797
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	30,000,000	\$	30,900,000	62798
- Taxation					
TOTAL GRF General Revenue Fund	\$	497,904,015	\$	519,856,515	62799
Agency Fund Group				62800	
425 110-635 Tax Refunds	\$	860,000,000	\$	875,000,000	62801
TOTAL AGY Agency Fund Group	\$	860,000,000	\$	875,000,000	62802
General Services Fund Group				62803	
433 110-602 Tape File Account	\$	92,082	\$	96,165	62804
TOTAL GSF General Services				62805	
Fund Group	\$	92,082	\$	96,165	62806
State Special Revenue Fund Group				62807	
4C6 110-616 International	\$	669,561	\$	706,855	62808
Registration Plan					
4R6 110-610 Tire Tax	\$	65,000	\$	65,000	62809
Administration					
435 110-607 Local Tax	\$	29,517,404	\$	24,189,026	62810
Administration					
436 110-608 Motor Vehicle Audit	\$	1,687,249	\$	1,600,000	62811
437 110-606 Litter Tax and Natural	\$	594,726	\$	625,232	62812
Resource Tax					
Administration					
438 110-609 School District Income	\$	2,873,446	\$	2,599,999	62813
Tax					
5N6 110-618 Kilowatt Hour Tax	\$	85,000	\$	85,000	62814
Administration					
5N7 110-619 Municipal Internet	\$	10,000	\$	10,000	62815

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	Site					
639	110-614	Cigarette Tax	\$	161,168	\$	168,925 62816
		Enforcement				
642	110-613	Ohio Political Party	\$	800,000	\$	800,000 62817
		Distributions				
688	110-615	Local Excise Tax	\$	300,000	\$	300,000 62818
		Administration				
TOTAL SSR State Special Revenue						62819
Fund Group			\$	36,763,554	\$	31,150,037 62820
Federal Special Revenue Fund Group						62821
3J6	110-601	Motor Fuel Compliance	\$	33,000	\$	33,000 62822
TOTAL FED Federal Special Revenue						62823
Fund Group			\$	33,000	\$	33,000 62824
Holding Account Redistribution Fund Group						62825
R10	110-611	Tax Distributions	\$	2,000	\$	2,000 62826
R11	110-612	Miscellaneous Income	\$	5,000	\$	5,000 62827
		Tax Receipts				
TOTAL 090 Holding Account						62828
Redistribution Fund Group			\$	7,000	\$	7,000 62829
TOTAL ALL BUDGET FUND GROUPS						\$ 1,394,799,651 \$ 1,426,142,717 62830
LITTER CONTROL TAX ADMINISTRATION FUND						62831
Notwithstanding section 5733.12 of the Revised Code, during						62832
the period from July 1, 2001, to June 30, 2002, the amount of						62833
\$594,726, and during the period from July 1, 2002, to June 30,						62834
2003, the amount of \$625,232, received by the Treasurer of State						62835
under Chapter 5733. of the Revised Code, shall be credited to the						62836
Litter Control Tax Administration Fund (Fund 437).						62837
INTERNATIONAL REGISTRATION PLAN AUDIT						62838
The foregoing appropriation item 110-616, International						62839
Registration Plan, shall be used pursuant to section 5703.12 of						62840
the Revised Code for audits of persons with vehicles registered						62841

## As Reported by the Senate Finance and Financial Institutions Committee

under the International Registration Plan. 62842

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 62843  
EXEMPTION 62844

The foregoing appropriation item 110-901, Property Tax 62845  
Allocation - Taxation, is appropriated to pay for the state's 62846  
costs incurred due to the Homestead Exemption, the Manufactured 62847  
Home Property Tax Rollback, and the Property Tax Rollback. The Tax 62848  
Commissioner shall distribute these funds directly to the 62849  
appropriate local taxing districts of the state, except for school 62850  
districts, notwithstanding the provisions in sections 321.24 and 62851  
323.156 of the Revised Code, which provide for payment of the 62852  
Homestead Exemption, the Manufactured Home Property Tax Rollback, 62853  
and Property Tax Rollback by the Tax Commissioner to the 62854  
appropriate county treasurer and the subsequent redistribution of 62855  
these funds to the appropriate local taxing districts by the 62856  
county auditor. 62857

The foregoing appropriation item 110-906, Tangible Tax 62858  
Exemption - Taxation, is appropriated to pay for the state's costs 62859  
incurred due to the tangible personal property tax exemption 62860  
required by division (C)(3) of section 5709.01 of the Revised 62861  
Code. The Tax Commissioner shall distribute to each county 62862  
treasurer the total amount certified by the county treasurer 62863  
pursuant to section 319.311 of the Revised Code for all local 62864  
taxing districts located in the county except for school 62865  
districts, notwithstanding the provision in section 319.311 of the 62866  
Revised Code which provides for payment of the \$10,000 tangible 62867  
personal property tax exemption by the Tax Commissioner to the 62868  
appropriate county treasurer for all local taxing districts 62869  
located in the county including school districts. Pursuant to 62870  
division (G) of section 321.24 of the Revised Code, the county 62871  
auditor shall distribute the amount paid by the Tax Commissioner 62872  
among the appropriate local taxing districts except for school 62873

districts.				62874	
Upon receipt of these amounts, each local taxing district				62875	
shall distribute the amount among the proper funds as if it had				62876	
been paid as real or tangible personal property taxes. Payments				62877	
for the costs of administration shall continue to be paid to the				62878	
county treasurer and county auditor as provided for in sections				62879	
319.54, 321.26, and 323.156 of the Revised Code.				62880	
Any sums, in addition to the amounts specifically				62881	
appropriated in appropriation items 110-901, Property Tax				62882	
Allocation - Taxation, for the Homestead Exemption, the				62883	
Manufactured Home Property Tax Rollback, and the Property Tax				62884	
Rollback payments, and 110-906, Tangible Tax Exemption, for the				62885	
\$10,000 tangible personal property tax exemption payments, which				62886	
are determined to be necessary for these purposes, are				62887	
appropriated.				62888	
TAX REFUNDS				62889	
The foregoing appropriation item 110-635, Tax Refunds, shall				62890	
be used to pay refunds as provided in section 5703.052 of the				62891	
Revised Code. If it is determined that additional appropriations				62892	
are necessary, such amounts are appropriated.				62893	
<b>Section 109.</b> DOT DEPARTMENT OF TRANSPORTATION				62894	
Transportation Modes				62895	
General Revenue Fund				62896	
GRF 775-451 Public Transportation	\$	24,000,000	\$	24,000,000	62897
- State					
GRF 775-453 Waterfront Line Lease	\$	1,786,000	\$	0	62898
Payments - State					
GRF 775-458 Elderly and Disabled	\$	3,364,000	\$	3,364,000	62899
Fare Assistance					
GRF 776-465 Ohio Rail Development	\$	5,000,000	\$	5,000,000	62900

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	Commission				
GRF 776-466	Railroad Crossing and Grade Separation	\$ 1,000,000	\$ 1,000,000	62901	
GRF 777-471	Airport Improvements - State	\$ 3,409,876	\$ 3,000,576	62902	
GRF 777-473	Rickenbacker Lease Payments - State	\$ 600,000	\$ 600,000	62903	
TOTAL GRF	General Revenue Fund	\$ 39,159,876	\$ 36,964,576	62904	
	Federal Special Revenue Fund Group			62905	
3B9 776-662	Rail Transportation - Federal	\$ 600,000	\$ 600,000	62906	
TOTAL FSR	Federal Special Revenue Fund Group	\$ 600,000	\$ 600,000	62907	
	State Special Revenue Fund Group			62908	
4N4 776-663	Panhandle Lease Reserve Payments	\$ 770,000	\$ 770,000	62909	
4N4 776-664	Rail Transportation - Other	\$ 850,720	\$ 1,745,000	62910	
TOTAL SSR	State Special Revenue Fund Group	\$ 1,620,720	\$ 2,515,000	62911	
TOTAL ALL BUDGET FUND GROUPS		\$ 41,380,596	\$ 40,079,576	62912	

AVIATION LEASE PAYMENTS 62915

The foregoing appropriation item 777-473, Rickenbacker Lease 62916  
 Payments - State, shall be used to meet scheduled payments for the 62917  
 Rickenbacker Port Authority. The Director of Transportation shall 62918  
 certify to the Director of Budget and Management any 62919  
 appropriations in appropriation item 777-473, Rickenbacker Lease 62920  
 Payments - State, that are not needed to make lease payments for 62921  
 the Rickenbacker Port Authority. Notwithstanding section 127.14 of 62922  
 the Revised Code, the amount certified may be transferred by the 62923  
 Director of Budget and Management to appropriation item 777-471, 62924  
 Airport Improvements - State. 62925

## As Reported by the Senate Finance and Financial Institutions Committee

TRANSFER OF APPROPRIATIONS - PUBLIC TRANSPORTATION				62926	
The Director of Budget and Management may approve requests				62927	
from the Department of Transportation for the transfer of				62928	
appropriations between appropriation item 775-451, Public				62929	
Transportation - State, and appropriation item 775-458, Elderly				62930	
and Disabled Fare Assistance. Transfers between appropriation				62931	
items shall be made upon the written request of the Director of				62932	
Transportation and with the approval of the Director of Budget and				62933	
Management. Such transfers shall be reported to the Controlling				62934	
Board.				62935	
RAILROAD CROSSING AND GRADE SEPARATION				62936	
The foregoing appropriation item 776-466, Railroad Crossing				62937	
and Grade Separation, shall be used to fund the Rail Crossing				62938	
Safety Initiative, which will provide improvements to communities				62939	
most affected by rail traffic and related issues.				62940	
AIRPORT IMPROVEMENTS - STATE				62941	
Of the foregoing appropriation item 777-471, Airport				62942	
Improvements - State, \$500,000 in fiscal year 2002 shall be used				62943	
for the Lorain County Airport.				62944	
<b>Section 110.</b> TOS TREASURER OF STATE				62945	
General Revenue Fund				62946	
GRF 090-321 Operating Expenses	\$	10,510,560	\$	12,717,120	62947
GRF 090-401 Office of the Sinking	\$	596,736	\$	614,640	62948
Fund				62949	
GRF 090-402 Continuing Education	\$	460,150	\$	513,600	62950
GRF 090-524 Police and Fire	\$	43,000	\$	40,000	62951
Disability Pension				62952	
GRF 090-534 Police & Fire Ad Hoc	\$	280,000	\$	260,000	62953
Cost					
of Living				62954	
GRF 090-544 Police and Fire State	\$	1,200,000	\$	1,200,000	62955

## As Reported by the Senate Finance and Financial Institutions Committee

	Contribution				62956
GRF 090-554	Police and Fire	\$	1,550,000	\$	1,500,000
	Survivor				62957
	Benefits				62958
GRF 090-575	Police and Fire Death	\$	23,000,000	\$	24,000,000
	Benefits				62959
					62960
TOTAL GRF	General Revenue Fund	\$	37,640,446	\$	40,845,360
					62961
	Agency Fund Group				62962
425 090-635	Tax Refunds	\$	655,000,000	\$	675,000,000
TOTAL Agency	Fund Group	\$	655,000,000	\$	675,000,000
					62963
					62964
	General Services Fund Group				62965
182 090-608	Financial Planning	\$	12,944	\$	13,682
	Commissions				62966
					62967
4E9 090-603	Securities Lending	\$	3,773,177	\$	970,000
	Income				62968
4NO 090-611	Treasury Education	\$	27,500	\$	27,500
577 090-605	Investment Pool	\$	662,000	\$	600,000
	Reimbursement				62970
					62971
605 090-609	Treasurer of State	\$	760,000	\$	1,270,000
	Administrative Fund				62972
					62973
TOTAL GSF	General Services				62974
	Fund Group	\$	5,235,621	\$	2,881,182
					62975
	State Special Revenue Fund Group				62976
5C5 090-602	County Treasurer	\$	92,000	\$	88,000
	Education				62977
TOTAL SSR	State Special Revenue				62978
	Fund Group	\$	92,000	\$	88,000
					62979
TOTAL ALL BUDGET	FUND GROUPS	\$	697,968,067	\$	718,814,542
					62980

**Section 110.01.** OFFICE OF THE SINKING FUND 62982

The foregoing appropriation item 090-401, Office of the 62983

Sinking Fund, shall be used for financing and other costs incurred 62984

As Reported by the Senate Finance and Financial Institutions Committee

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  
 amounts used. The amounts necessary to make such reimbursements  
 are appropriated from the general obligation bond retirement funds  
 created by the Constitution and laws to the extent such costs are  
 incurred.

**Section 110.02. POLICE AND FIRE DEATH BENEFIT FUND**

The foregoing appropriation item 090-575, Police and Fire  
 Death Benefits, shall be disbursed annually by the Treasurer of  
 State at the beginning of each fiscal year to the Board of  
 Trustees of the Ohio Police and Fire Pension Fund. By the  
 twentieth day of June of each year, the Board of Trustees of the  
 Ohio Police and Fire Pension Fund shall certify to the Treasurer  
 of State the amount disbursed in the current fiscal year to make  
 the payments required by section 742.63 of the Revised Code and  
 shall return to the Treasurer of State moneys received from this  
 item but not disbursed.

**Section 111. UST PETROLEUM UNDERGROUND STORAGE TANK**

RELEASE COMPENSATION BOARD

State Special Revenue Fund Group  
 691 810-632 PUSTRCB Staff \$ 1,011,437 \$ 1,075,158  
 TOTAL SSR State Special Revenue

## As Reported by the Senate Finance and Financial Institutions Committee

Fund Group	\$	1,011,437	\$	1,075,158	63015
TOTAL ALL BUDGET FUND GROUPS	\$	1,011,437	\$	1,075,158	63016

**Section 112.** TTA OHIO TUITION TRUST AUTHORITY 63018

State Special Revenue Fund Group					63019
645 095-601 Operating Expenses	\$	4,539,200	\$	4,950,700	63020
TOTAL SSR State Special Revenue					63021
Fund Group	\$	4,539,200	\$	4,950,700	63022
TOTAL ALL BUDGET FUND GROUPS	\$	4,539,200	\$	4,950,700	63023

**Section 113.** OVH OHIO VETERANS' HOME 63025

General Revenue Fund					63026
GRF 430-100 Personal Services	\$	14,019,975	\$	14,954,831	63027
GRF 430-200 Maintenance	\$	5,099,666	\$	5,199,159	63028
TOTAL GRF General Revenue Fund	\$	19,119,641	\$	20,153,990	63029
Federal Special Revenue Fund Group					63030
3L2 430-601 Federal Grants	\$	9,823,259	\$	10,059,342	63031
TOTAL FED Federal Special Revenue					63032
Fund Group	\$	9,823,259	\$	10,059,342	63033
State Special Revenue Fund Group					63034
4E2 430-602 Veterans Home	\$	5,288,525	\$	5,583,806	63035
Operating					
484 430-603 Rental and Service	\$	457,060	\$	509,737	63036
Revenue					
604 430-604 Veterans Home	\$	725,699	\$	670,096	63037
Improvement					
TOTAL SSR State Special Revenue					63038
Fund Group	\$	6,471,284	\$	6,763,639	63039
TOTAL ALL BUDGET FUND GROUPS	\$	35,414,184	\$	36,976,971	63040

**Section 114.** VET VETERANS' ORGANIZATIONS 63042

General Revenue Fund					63043
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## As Reported by the Senate Finance and Financial Institutions Committee

	VAP AMERICAN EX-PRISONERS OF WAR				63044	
GRF 743-501	State Support	\$	25,030	\$	25,030	63045
	VAN ARMY AND NAVY UNION, USA, INC.				63046	
GRF 746-501	State Support	\$	55,012	\$	55,012	63047
	VKW KOREAN WAR VETERANS				63048	
GRF 747-501	State Support	\$	49,453	\$	49,453	63049
	VJW JEWISH WAR VETERANS				63050	
GRF 748-501	State Support	\$	29,715	\$	29,715	63051
	VCW CATHOLIC WAR VETERANS				63052	
GRF 749-501	State Support	\$	57,990	\$	57,990	63053
	VPH MILITARY ORDER OF THE PURPLE HEART				63054	
GRF 750-501	State Support	\$	56,377	\$	56,377	63055
	VVV VIETNAM VETERANS OF AMERICA				63056	
GRF 751-501	State Support	\$	185,954	\$	185,954	63057
	VAL AMERICAN LEGION OF OHIO				63058	
GRF 752-501	State Support	\$	252,328	\$	252,328	63059
	VII VETERANS OF WORLD WAR II-KOREA-VIETNAM				63060	
GRF 753-501	State Support	\$	237,919	\$	237,919	63061
	VAV DISABLED AMERICAN VETERANS				63062	
GRF 754-501	State Support	\$	166,308	\$	166,308	63063
	VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO				63064	
GRF 755-501	State Support	\$	4,226	\$	4,226	63065
	VMC MARINE CORPS LEAGUE				63066	
GRF 756-501	State Support	\$	85,972	\$	85,972	63067
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION				63068	
GRF 757-501	State Support	\$	5,946	\$	5,946	63069
	VFW VETERANS OF FOREIGN WARS				63070	
GRF 758-501	State Support	\$	196,615	\$	196,615	63071
	VWI VETERANS OF WORLD WAR I				63072	
GRF 759-501	State Support	\$	24,780	\$	24,780	63073
TOTAL GRF	General Revenue Fund	\$	1,433,625	\$	1,433,625	63074
TOTAL ALL BUDGET FUND GROUPS		\$	1,433,625	\$	1,433,625	63075
	RELEASE OF FUNDS				63076	

## As Reported by the Senate Finance and Financial Institutions Committee

The foregoing appropriation items 743-501, 746-501, 747-501, 63077  
 748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 63078  
 755-501, 756-501, 757-501, 758-501, and 759-501, State Support, 63079  
 shall be released upon approval by the Director of Budget and 63080  
 Management. 63081

## AMERICAN EX-PRISONERS OF WAR 63082

The American Ex-Prisoners of War shall be permitted to share 63083  
 an office with the Veterans of World War I. 63084

## CENTRAL OHIO UNITED SERVICES ORGANIZATION 63085

Of the foregoing appropriation item 751-501, State Support, 63086  
 Vietnam Veterans of America, \$50,000 in each fiscal year shall be 63087  
 used to support the activities of the Central Ohio USO. 63088

## VETERANS SERVICE COMMISSION EDUCATION 63089

Of the foregoing appropriation item 753-501, State Support, 63090  
 Veterans of World War II-Korea-Vietnam, up to \$20,000 in each 63091  
 fiscal year may be used to provide moneys to the Association of 63092  
 County Veterans Service Commissioners to reimburse its member 63093  
 county veterans service commissions for costs incurred in carrying 63094  
 out educational and outreach duties required under divisions (E) 63095  
 and (F) of section 5901.03 of the Revised Code. Upon the 63096  
 presentation of an itemized statement to the Office of Veterans 63097  
 Affairs, the office shall direct the Auditor of State to issue a 63098  
 warrant upon the state treasury to the association to reimburse 63099  
 member commissions for reasonable and appropriate expenses 63100  
 incurred performing these duties. The association shall establish 63101  
 uniform procedures for reimbursing member commissions. 63102

**Section 115.** DVM STATE VETERINARY MEDICAL BOARD 63103

General Services Fund Group 63104

4K9 888-609 Operating Expenses \$ 471,003 \$ 496,731 63105

TOTAL GSF General Services 63106

## As Reported by the Senate Finance and Financial Institutions Committee

Fund Group	\$	471,003	\$	496,731	63107
TOTAL ALL BUDGET FUND GROUPS	\$	471,003	\$	496,731	63108
<b>Section 116. DYS DEPARTMENT OF YOUTH SERVICES</b>					63110
General Revenue Fund					63111
GRF 470-401 RECLAIM Ohio	\$	160,808,723	\$	164,415,944	63112
GRF 470-402 Community Program	\$	740,907	\$	839,490	63113
Services					
GRF 470-412 Lease Rental Payments	\$	17,376,700	\$	18,739,900	63114
GRF 470-502 Detention Subsidies	\$	6,163,213	\$	6,433,035	63115
GRF 470-510 Youth Services	\$	18,841,205	\$	21,307,671	63116
GRF 472-321 Parole Operations	\$	16,680,042	\$	17,246,018	63117
GRF 477-321 Administrative	\$	14,814,953	\$	15,934,443	63118
Operations					
GRF 477-406 Interagency	\$	252,450	\$	261,299	63119
Collaborations					
TOTAL GRF General Revenue Fund	\$	235,678,193	\$	245,177,800	63120
General Services Fund Group					63121
175 470-613 Education	\$	8,461,407	\$	8,817,598	63122
Reimbursement					
4A2 470-602 Child Support	\$	450,000	\$	400,000	63123
4G6 470-605 General Operational	\$	10,000	\$	10,000	63124
Funds					
479 470-609 Employee Food Service	\$	143,349	\$	146,933	63125
523 470-621 Wellness Program	\$	192,954	\$	197,778	63126
TOTAL GSF General Services					63127
Fund Group	\$	9,257,710	\$	9,572,309	63128
Federal Special Revenue Fund Group					63129
3V9 470-608 Federal Juvenile	\$	7,828,899	\$	0	63130
Programs FFY 01					
3W0 470-611 Federal Juvenile	\$	0	\$	7,828,899	63131
Programs FFY 02					

## As Reported by the Senate Finance and Financial Institutions Committee

3V5	470-604	Juvenile Justice/Delinquency Prevention	\$	5,159,202	\$	5,998,092	63132
321	470-601	Education	\$	1,298,156	\$	1,334,122	63133
321	470-603	Juvenile Justice Prevention	\$	2,973,733	\$	2,973,733	63134
321	470-606	Nutrition	\$	2,800,000	\$	2,800,000	63135
321	470-610	Rehabilitation Programs	\$	83,500	\$	83,500	63136
321	470-614	Title IV-E Reimbursements	\$	5,700,000	\$	5,700,000	63137
321	470-617	Americorps Programs	\$	407,860	\$	418,444	63138
TOTAL FED Federal Special Revenue							63139
Fund Group			\$	26,251,350	\$	27,136,790	63140
State Special Revenue Fund Group							63141
147	470-612	Vocational Education	\$	2,012,665	\$	2,090,392	63142
4W3	470-618	Help Me Grow	\$	10,900	\$	11,587	63143
5J7	470-623	Residential Treatment Services	\$	0	\$	500,000	63144
TOTAL SSR State Special Revenue							63145
Fund Group			\$	2,023,565	\$	2,601,979	63146
TOTAL ALL BUDGET FUND GROUPS			\$	273,210,818	\$	284,488,878	63147
OHIO BUILDING AUTHORITY LEASE PAYMENTS							63148
The foregoing appropriation item 470-412, Lease Rental							63149
Payments, in the Department of Youth Services, shall be used for							63150
payments, limited to the aggregate amount of \$36,116,600, to the							63151
Ohio Building Authority for the period from July 1, 2001, to June							63152
30, 2003, pursuant to the primary leases and agreements for							63153
facilities made under Chapter 152. of the Revised Code, which are							63154
the source of funds pledged for bond service charges on related							63155
obligations issued pursuant to Chapter 152. of the Revised Code.							63156
RECLAIM OHIO							63157

## As Reported by the Senate Finance and Financial Institutions Committee

In determining the amount of moneys necessary to fund the 63158  
foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal 63159  
years 2002 and 2003, the Department of Youth Services shall 63160  
compute the number of state target youth for each fiscal year. As 63161  
defined in section 5139.01 of the Revised Code, "state target 63162  
youth" means twenty-five per cent of the projected total number of 63163  
felony-level delinquency adjudications in the juvenile courts for 63164  
each year of a biennium, factoring in revocations and 63165  
recommitments. The foregoing appropriation item 470-401, RECLAIM 63166  
Ohio, shall provide for an amount not less than \$98 per day for 63167  
each state target youth or not less than \$20,000 per year for each 63168  
state target youth for each year of the biennium. 63169

## YOUTH SERVICES BLOCK GRANT 63170

Of the foregoing appropriation item 470-510, Youth Services, 63171  
\$50,000 in fiscal year 2002 shall be distributed directly to 63172  
Lighthouse Youth Services. 63173

## EMPLOYEE FOOD SERVICE AND EQUIPMENT 63174

Notwithstanding section 125.14 of the Revised Code, the 63175  
foregoing appropriation item 470-609, Employee Food Service, may 63176  
be used to purchase any food operational items with funds received 63177  
into the fund from reimbursement for state surplus property. 63178

## EDUCATION REIMBURSEMENT 63179

The foregoing appropriation item 470-613, Education 63180  
Reimbursement, shall be used to fund the operating expenses of 63181  
providing educational services to youth supervised by the 63182  
Department of Youth Services. Operating expenses include, but are 63183  
not limited to, teachers' salaries, maintenance costs, and 63184  
educational equipment. This appropriation item shall not be used 63185  
for capital expenses. 63186

## FINANCIAL ASSISTANCE FOR JUVENILE DETENTION FACILITIES 63187

## As Reported by the Senate Finance and Financial Institutions Committee

Pursuant to section 5139.281 of the Revised Code, funding 63188  
provided to a county for the operation and maintenance of each 63189  
home shall be in an amount of fifty per cent of the approved 63190  
annual operating cost, but shall not be in excess of \$156,928 in 63191  
each fiscal year. 63192

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 63193  
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 63194

On July 1, 2001, responsibility for a federal juvenile 63195  
justice program is transferred from the Office of Criminal Justice 63196  
Services to the Department of Youth Services. The Department of 63197  
Youth Services thereupon and thereafter is successor to, assumes 63198  
the obligations of, and otherwise provides for the continuation of 63199  
a federal juvenile justice program. 63200

Any business relating to a federal juvenile justice program 63201  
commenced but not completed by the Office of Criminal Justice 63202  
Services or its director prior to July 1, 2001, shall be completed 63203  
by the Department of Youth Services or its director in the same 63204  
manner, and with the same effect, as if completed by the Office of 63205  
Criminal Justice Services or its director. Notwithstanding the 63206  
prior provisions of this section, the Office of Criminal Justice 63207  
Services shall maintain responsibility for closing out all grants 63208  
received by the Office of Criminal Justice Services prior to July 63209  
1, 2001, under the federal juvenile justice program. In accordance 63210  
with an appropriation made to the Office of Criminal Justice 63211  
Services, the Office of Criminal Justice Services may make 63212  
expenditures from those grants and take all other appropriate 63213  
actions related to those grants. The Office of Criminal Justice 63214  
Services is responsible for any reporting responsibilities 63215  
associated with those grants. 63216

No validation, cure, right, privilege, remedy, obligation, or 63217  
liability is lost or impaired by reason of the transfer. All of 63218  
the Office of Criminal Justice Services' rules, orders, and 63219

**As Reported by the Senate Finance and Financial Institutions Committee**

determinations continue in effect as rules, orders, and 63220  
determinations of the Department of Youth Services, until modified 63221  
or rescinded by the Department of Youth Services. If necessary to 63222  
ensure the integrity of the numbering of the Administrative Code, 63223  
the Director of the Legislative Service Commission shall renumber 63224  
the Office of Criminal Justice Services' rules for a federal 63225  
juvenile justice program to reflect the transfer of the program to 63226  
the Department of Youth Services. 63227

The employees of the Office of Criminal Justice Services 63228  
assigned to work with a federal juvenile justice program are 63229  
transferred to the Department of Youth Services and shall retain 63230  
their positions and all the benefits accruing thereto. 63231

No action or proceeding pending on July 1, 2001, is affected 63232  
by the transfer, and any action or proceeding pending on July 1, 63233  
2001, shall be prosecuted or defended in the name of the 63234  
Department of Youth Services or its director. In all such actions 63235  
and proceedings, the Department of Youth Services or its director 63236  
upon application to the court shall be substituted as a party. 63237

**Section 117. EXPENDITURES AND APPROPRIATION INCREASES** 63238  
APPROVED BY THE CONTROLLING BOARD 63239

Any money that the Controlling Board approves for expenditure 63240  
or any increase in appropriation authority that the Controlling 63241  
Board approves pursuant to the provisions of sections 127.14, 63242  
131.35, and 131.39 of the Revised Code or any other provision of 63243  
law is appropriated for the period ending June 30, 2003. 63244

**Section 118. PERSONAL SERVICE EXPENSES** 63245

Unless otherwise prohibited by law, any appropriation from 63246  
which personal service expenses are paid shall bear the employer's 63247  
share of public employees' retirement, workers' compensation, 63248  
disabled workers' relief, and all group insurance programs; the 63249

## As Reported by the Senate Finance and Financial Institutions Committee

costs of centralized accounting, centralized payroll processing, 63250  
 and related personnel reports and services; the cost of the Office 63251  
 of Collective Bargaining; the cost of the Personnel Board of 63252  
 Review; the cost of the Employee Assistance Program; the cost of 63253  
 the Equal Opportunity Center; the costs of interagency information 63254  
 management infrastructure; and the cost of administering the state 63255  
 employee merit system as required by section 124.07 of the Revised 63256  
 Code. These costs shall be determined in conformity with 63257  
 appropriate sections of law and paid in accordance with procedures 63258  
 specified by the Office of Budget and Management. Expenditures 63259  
 from appropriation item 070-601, Public Audit Expense - Local 63260  
 Government, in Fund 422 may be exempted from the requirements of 63261  
 this section. 63262

**Section 119. REISSUANCE OF VOIDED WARRANTS** 63263

In order to provide funds for the reissuance of voided 63264  
 warrants pursuant to section 117.47 of the Revised Code, there is 63265  
 appropriated, out of moneys in the state treasury from the fund 63266  
 credited as provided in section 117.47 of the Revised Code, that 63267  
 amount sufficient to pay such warrants when approved by the Office 63268  
 of Budget and Management. 63269

**Section 120. \* CAPITAL PROJECT SETTLEMENTS** 63270

This section specifies an additional and supplemental 63271  
 procedure to provide for payments of judgments and settlements if 63272  
 the Director of Budget and Management determines, pursuant to 63273  
 division (C)(4) of section 2743.19 of the Revised Code, that 63274  
 sufficient unencumbered moneys do not exist in the particular 63275  
 appropriation to pay the amount of a final judgment rendered 63276  
 against the state or a state agency, including the settlement of a 63277  
 claim approved by a court, in an action upon and arising out of a 63278  
 contractual obligation for the construction or improvement of a 63279

## As Reported by the Senate Finance and Financial Institutions Committee

capital facility if the costs under the contract were payable in whole or in part from a state capital projects appropriation. In such a case, the director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code, or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation was made. The Controlling Board may approve or disapprove the application as submitted or modified. The amount of an increase in appropriation or new appropriation specified in an application approved by the Controlling Board is hereby appropriated from the applicable capital projects fund and made available for the payment of the judgment or settlement.

If the director does not make the application authorized by this section or the Controlling Board disapproves the application, and the director does not make application pursuant to division (C)(4) of section 2743.19 of the Revised Code, the director shall for the purpose of making that payment request to the General Assembly as provided for in division (C)(5) of that section.

**Section 121. INCOME TAX DISTRIBUTION TO COUNTIES**

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

**Section 122. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE**

Any appropriation may be used for the purpose of satisfying judgments or settlements in connection with civil actions against the state in federal court not barred by sovereign immunity or the

As Reported by the Senate Finance and Financial Institutions Committee

Eleventh Amendment to the Constitution of the United States, or  
 for the purpose of satisfying judgments, settlements, or  
 administrative awards ordered or approved by the Court of Claims  
 in connection with civil actions against the state, pursuant to  
 section 2743.15, 2743.19, or 2743.191 of the Revised Code. This  
 authorization does not apply to appropriations to be applied to or  
 used for payment of guarantees by or on behalf of the state, for  
 or relating to lease payments or debt service on bonds, notes, or  
 similar obligations and those from the Sports Facilities Building  
 Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the  
 Administrative Building Fund (Fund 026), the Adult Correctional  
 Building Fund (Fund 027), the Juvenile Correctional Building Fund  
 (Fund 028), the Transportation Building Fund (Fund 029), the Arts  
 Facilities Building Fund (Fund 030), the Natural Resources  
 Projects Fund (Fund 031), the School Building Program Assistance  
 Fund (Fund 032), the Mental Health Facilities Improvement Fund  
 (Fund 033), the Higher Education Improvement Fund (Fund 034), the  
 Parks and Recreation Improvement Fund (Fund 035), the State  
 Capital Improvements Fund (Fund 038), the Highway Obligation Fund  
 (Fund 041), the Coal Research/Development Fund (Fund 046), and any  
 other fund into which proceeds of obligations are deposited.  
 Nothing contained in this section is intended to subject the state  
 to suit in any forum in which it is not otherwise subject to suit,  
 nor is it intended to waive or compromise any defense or right  
 available to the state in any suit against it.

**Section 123. \* UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS**

The maximum amounts that may be assessed against nuclear  
 electric utilities in accordance with division (B)(2) of section  
 4937.05 of the Revised Code are as follows:

	FY 2002	FY 2003	
Department of Agriculture			63339
Fund 4E4 Utility Radiological Safety	\$69,016	\$73,059	63340
			63341

## As Reported by the Senate Finance and Financial Institutions Committee

Department of Health			63342
Fund 610 Radiation Emergency Response	\$870,505	\$923,315	63343
Environmental Protection Agency			63344
Fund 644 ER Radiological Safety	\$242,446	\$255,947	63345
Emergency Management Agency			63346
Fund 657 Utility Radiological Safety	\$874,602	\$927,241	63347
<b>Section 124. UNCLAIMED FUNDS TRANSER</b>			63348
Notwithstanding division (A) of section 169.05 of the Revised			63349
Code, prior to June 30, 2003, upon the request of the Director of			63350
Budget and Management, the Director of Commerce shall transfer to			63351
the General Revenue Fund up to \$30,000,000 of the unclaimed funds			63352
that have been reported by the holder of unclaimed funds as			63353
provided by section 169.05 of the Revised Code, irrespective of			63354
the allocation of the unclaimed funds under that section.			63355
<b>Section 125. GRF TRANSER TO FUND 5N4, ERP PROJECT</b>			63356
IMPLEMENTATION			63357
On July 1, 2001, or as soon thereafter as possible, the			63358
Director of Budget and Management shall transfer \$2,432,110 in			63359
cash from the General Revenue Fund to Fund 5N4, ERP Project			63360
Implementation. On July 1, 2002, or as soon thereafter as			63361
possible, the Director of Budget and Management shall transfer			63362
\$2,535,770 in cash from the General Revenue Fund to Fund 5N4, ERP			63363
Project Implementation.			63364
<b>Section 126. CORPORATE AND UCC FILING FUND TRANSFER TO GRF</b>			63365
No later than the first day of June in each year of the			63366
biennium, the Director of Budget and Management shall transfer			63367
\$1,000,000 from the Corporate and Uniform Commercial Code Filing			63368
Fund to the General Revenue Fund.			63369

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<b>Section 127.</b> GENERAL OBLIGATION DEBT SERVICE PAYMENTS	63370
Certain appropriations are in this act for the purpose of	63371
paying debt service and financing costs on general obligation	63372
bonds or notes of the state issued pursuant to the Ohio	63373
Constitution and acts of the General Assembly. If it is determined	63374
that additional appropriations are necessary for this purpose,	63375
such amounts are appropriated.	63376
<b>Section 128.</b> LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF	63377
STATE	63378
Certain appropriations are in this act for the purpose of	63379
making lease payments pursuant to leases and agreements relating	63380
to bonds or notes issued by the Ohio Building Authority or the	63381
Treasurer of State or, previously, by the Ohio Public Facilities	63382
Commission, pursuant to the Ohio Constitution and acts of the	63383
General Assembly. If it is determined that additional	63384
appropriations are necessary for this purpose, such amounts are	63385
appropriated.	63386
<b>Section 129.</b> AUTHORIZATION FOR TREASURER OF STATE AND OBM TO	63387
EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS	63388
The Office of Budget and Management shall initiate and	63389
process disbursements from lease rental payment appropriation	63390
items during the period from July 1, 2001, to June 30, 2003,	63391
pursuant to leases and agreements relating to bonds or notes	63392
issued under Section 2i of Article VIII, Ohio Constitution, and	63393
Chapters 154. and 3318. of the Revised Code. Disbursements shall	63394
be made upon certification by the Treasurer of State of the dates	63395
and amounts due on those dates.	63396
<b>Section 130.</b> STATE AND LOCAL REBATE AUTHORIZATION	63397

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There is hereby appropriated, from those funds designated by 63398  
 or pursuant to the applicable proceedings authorizing the issuance 63399  
 of state obligations, amounts computed at the time to represent 63400  
 the portion of investment income to be rebated or amounts in lieu 63401  
 of or in addition to any rebate amount to be paid to the federal 63402  
 government in order to maintain the exclusion from gross income 63403  
 for federal income tax purposes of interest on those state 63404  
 obligations pursuant to section 148(f) of the Internal Revenue 63405  
 Code. 63406

Rebate payments shall be approved and vouchered by the Office 63407  
 of Budget and Management. 63408

**Section 131.** TRANSFERS FROM SPECIFIED FUNDS 63409

Notwithstanding any other provision of law to the contrary, 63410  
 the Commissioners of the Sinking Fund shall transfer the balance 63411  
 remaining after provision for payment of all outstanding bonds or 63412  
 notes, coupons, and charges, from the Improvement Bond Retirement 63413  
 Fund, the Public Improvement Bond Retirement Fund, and the 63414  
 Development Bond Retirement Fund, to the General Revenue Fund as 63415  
 expeditiously as possible upon this act taking effect. 63416

Notwithstanding any other provision of law to the contrary, 63417  
 the Commissioners of the Sinking Fund shall transfer the balance 63418  
 remaining after provision for payment of all outstanding bonds or 63419  
 notes, coupons, and charges, from the Highway Improvement Bond 63420  
 Retirement Fund, to the Highway Operating Fund as expeditiously as 63421  
 possible upon taking effect of this act. 63422

**Section 132.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 63423  
 REESTABLISHMENT OF ENCUMBRANCES 63424

Any cash transferred by the Director of Budget and Management 63425  
 as provided by section 126.15 of the Revised Code is appropriated. 63426  
 Any amounts necessary to reestablish appropriations or 63427

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encumbrances as provided in section 126.15 of the Revised Code are 63428  
appropriated. 63429

**Section 133. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 63430

Pursuant to the plan for compliance with the Federal Cash 63431  
Management Improvement Act required by section 131.36 of the 63432  
Revised Code, the Director of Budget and Management is authorized 63433  
to cancel and reestablish all or parts of encumbrances in like 63434  
amounts within the funds identified by the plan. The amounts 63435  
necessary to reestablish all or parts of encumbrances are 63436  
appropriated. 63437

**Section 134. STATEWIDE INDIRECT COST RECOVERY** 63438

Whenever the Director of Budget and Management determines 63439  
that an appropriation made to a state agency from a fund of the 63440  
state is insufficient to provide for the recovery of statewide 63441  
indirect costs pursuant to section 126.12 of the Revised Code, the 63442  
amount required for such purpose is appropriated from the 63443  
available receipts of such fund. 63444

**Section 135. GRF TRANSFERS ON BEHALF OF THE STATEWIDE** 63445  
INDIRECT COST ALLOCATION PLAN 63446

The total transfers made from the General Revenue Fund by the 63447  
Director of Budget and Management pursuant to this section shall 63448  
not exceed the amounts transferred into the General Revenue Fund 63449  
pursuant to division (B) of section 126.12 of the Revised Code. 63450

A director of an agency may certify to the Director of Budget 63451  
and Management the amount of expenses not allowed to be included 63452  
in the Statewide Indirect Cost Allocation plan pursuant to federal 63453  
regulations, from any fund included in the Statewide Indirect Cost 63454  
Allocation plan, prepared as required by section 126.12 of the 63455  
Revised Code. 63456

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Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared pursuant to section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

**Section 136.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

An unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of a fiscal year is reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the following period and shall remain available only for the purpose of discharging the encumbrance:

(A) For an encumbrance for personal services, maintenance, equipment, or items for resale, other than an encumbrance for an item of special order manufacture not available on term contract or in the open market or for reclamation of land or oil and gas wells for a period of not more than five months from the end of the fiscal year;

(B) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(C) For an encumbrance for reclamation of land or oil and gas

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wells, for a period ending when the encumbered appropriation is 63488  
expended or for a period of two years, whichever is less; 63489

(D) For an encumbrance for any other expense, for such period 63490  
as the director approves, provided such period does not exceed two 63491  
years. 63492

Any operating appropriations for which unexpended balances 63493  
are reappropriated beyond a five-month period from the end of the 63494  
fiscal year, pursuant to division (B) of this section, shall be 63495  
reported to the Controlling Board by the Director of Budget and 63496  
Management by the thirty-first day of December of each year. The 63497  
report on each such item shall include the item, the cost of the 63498  
item, and the name of the vendor. This report to the board shall 63499  
be updated on a quarterly basis for encumbrances remaining open. 63500

Upon the expiration of the reappropriation period set out in 63501  
divisions (A), (B), (C), or (D) of this section, a reappropriation 63502  
made pursuant to this section lapses, and the Director of Budget 63503  
and Management shall cancel the encumbrance of the unexpended 63504  
reappropriation no later than the end of the weekend following the 63505  
expiration of the reappropriation period. 63506

Notwithstanding the preceding paragraph, with the approval of 63507  
the Director of Budget and Management, an unexpended balance of an 63508  
encumbrance that was reappropriated on the first day of July 63509  
pursuant to this section for a period specified in division (C) or 63510  
(D) of this section and that remains encumbered at the close of 63511  
the fiscal biennium is hereby reappropriated pursuant to this 63512  
section on the first day of July of the following fiscal biennium 63513  
from the fund from which it was originally appropriated or 63514  
reappropriated for the applicable period specified in division (C) 63515  
or (D) of this section and shall remain available only for the 63516  
purpose of discharging the encumbrance. 63517

If the Controlling Board approved a purchase, that approval 63518

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remains in effect as long as the appropriation used to make that 63519  
purchase remains encumbered. 63520

**Section 137. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 63521

Notwithstanding any provision of law to the contrary, on or 63522  
before the first day of September of each fiscal year, the 63523  
Director of Budget and Management, in order to reduce the payment 63524  
of adjustments to the federal government, as determined by the 63525  
plan prepared pursuant to division (A) of section 126.12 of the 63526  
Revised Code, may designate such funds as the director considers 63527  
necessary to retain their own interest earnings. 63528

**Section 138. FAMILY SERVICES STABILIZATION FUND** 63529

During fiscal year 2002 the Director of Budget and Management 63530  
may transfer up to \$100 million in cash from the Family Services 63531  
Stabilization Fund to the General Revenue Fund. 63532

**Section 139. TEMPORARY STABILIZATION OF LOCAL GOVERNMENT** 63533  
**DISTRIBUTIONS** 63534

(A) On or before the third day of each month of the period 63535  
July 2001 through May 2002, the Tax Commissioner shall determine 63536  
the amounts credited under sections 5727.45, 5733.12, 5739.21, 63537  
5741.03, and 5747.03 of the Revised Code, respectively, to the 63538  
Local Government Fund, to the Library and Local Government Support 63539  
Fund, and to the Local Government Revenue Assistance Fund in the 63540  
twelfth preceding month. On or before June 3, 2002, the Tax 63541  
Commissioner shall determine the amounts credited under sections 63542  
5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised 63543  
Code, respectively, to the Local Government Fund, to the Library 63544  
and Local Government Support Fund, and to the Local Government 63545  
Revenue Assistance Fund in June 2000. For purposes of this 63546  
section, any amount transferred during the period January 1, 2001, 63547

through June 30, 2001 to the Local Government Fund, to the Local  
Government Revenue Assistance Fund, or to the Library and Local  
Government Support Fund under section 131.44 of the Revised Code  
shall be considered to be an amount credited to that respective  
fund under section 5747.03 of the Revised Code.

Notwithstanding sections 5727.45, 5733.12, 5739.21, 5741.03,  
and 5747.03 of the Revised Code to the contrary, for each month in  
the period July 1, 2001, through June 30, 2003, from the public  
utility excise, corporate franchise, sales, use, and personal  
income taxes collected:

(1) An amount shall first be credited to the Local Government  
Fund that equals the amount credited to that fund from that tax  
according to the schedule in division (B) of this section.

(2) An amount shall next be credited to the Local Government  
Revenue Assistance Fund that equals the amount credited to that  
fund from that tax according to the schedule in division (B) of  
this section.

(3) An amount shall next be credited to the Library and Local  
Government Support Fund that equals the amount credited to that  
fund from that tax according to the schedule in division (B) of  
this section.

(B) The amounts shall be credited from each tax to each  
respective fund as follows:

(1) In July 2001 and July 2002, the amounts credited in July  
2000;

(2) In August 2001 and August 2002, the amounts credited in  
August 2000;

(3) In September 2001 and September 2002, the amounts  
credited in September 2000;

(4) In October 2001 and October 2002, the amounts credited in

October 2000;	63578
(5) In November 2001 and November 2002, the amounts credited in November 2000;	63579 63580
(6) In December 2001 and December 2002, the amounts credited in December 2000;	63581 63582
(7) In January 2002 and January 2003, the amounts credited in January 2001;	63583 63584
(8) In February 2002 and February 2003, the amounts credited in February 2001;	63585 63586
(9) In March 2002 and March 2003, the amounts credited in March 2001;	63587 63588
(10) In April 2002 and April 2003, the amounts credited in April 2001;	63589 63590
(11) In May 2002 and May 2003, the amounts credited in May 2001;	63591 63592
(12) In June 2002 and June 2003, the amounts credited in June 2000.	63593 63594
(C) Notwithstanding section 5727.84 of the Revised Code to the contrary, for the period July 1, 2001, through June 30, 2003, no amounts shall be credited to the Local Government Fund or to the Local Government Revenue Assistance Fund from the kilowatt hour tax, and such amounts that would have otherwise been required to be credited to such funds shall instead be credited to the General Revenue Fund. Notwithstanding section 131.44 of the Revised Code to the contrary, for the period July 1, 2001, through June 30, 2003, no amounts shall be transferred to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund from the Income Tax Reduction Fund, and such amounts that would have otherwise been transferred to such funds from the Income Tax Reduction Fund shall	63595 63596 63597 63598 63599 63600 63601 63602 63603 63604 63605 63606 63607

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instead be transferred to the General Revenue Fund. 63608

Notwithstanding any other provision of law to the contrary, 63609  
the Tax Commissioner shall compute separate adjustments to the 63610  
amounts credited from the public utility excise, corporate 63611  
franchise, sales, use, and personal income taxes to the Local 63612  
Government Fund, the Local Government Revenue Assistance Fund, and 63613  
the Library and Local Government Support Fund during July 2001. 63614  
The adjustments shall equal the amount credited to each respective 63615  
fund from each respective tax during June 2000 minus the amount 63616  
credited to that fund from that tax during June 2001. If an 63617  
adjustment is a positive amount, during July 2001, such amount 63618  
shall be credited to the Local Government Fund, the Local 63619  
Government Revenue Assistance Fund, or the Library and Local 63620  
Government Support Fund, as appropriate, and shall be deducted 63621  
from the General Revenue Fund. If an adjustment is a negative 63622  
amount, during July 2001, such amount shall be deducted from the 63623  
Local Government Fund, the Local Government Revenue Assistance 63624  
Fund, or the Library and Local Government Support Fund, as 63625  
appropriate, and shall be credited to the General Revenue Fund. 63626  
Any amount remaining in the Local Government Fund, the Local 63627  
Government Revenue Assistance Fund, or the Library and Local 63628  
Government Support Fund after the distributions from such funds 63629  
are made to local governments in August 2001, shall be certified 63630  
by the Tax Commissioner to the Director of Budget and Management 63631  
by August 15, 2001, and the Director of Budget and Management 63632  
shall transfer such amount from each respective fund to the 63633  
General Revenue Fund by August 31, 2001. 63634

For purposes of this section, "pro rata share" means the 63635  
percentage calculated for each county and used in each month of 63636  
the period July 2000 through June 2001 to distribute the amounts 63637  
credited to the Library and Local Government Support Fund in 63638  
accordance with section 5747.47 of the Revised Code. 63639

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Notwithstanding any other provision of law to the contrary, 63640  
in July 2001, each county undivided library and local government 63641  
support fund shall receive from the Library and Local Government 63642  
Support Fund an amount equal to the amount it would have received 63643  
pursuant to section 5747.47 of the Revised Code for that month, 63644  
minus its pro rata share of any amount that has been or shall be 63645  
transferred from the Library and Local Government Support Fund to 63646  
the OPLIN Technology Fund in that month. In August 2001, each 63647  
county undivided library and local government support fund shall 63648  
receive from the Library and Local Government Support Fund an 63649  
amount equal to the amount it received from that fund in July 2000 63650  
and August 2000 minus the amount it received from that fund in 63651  
July 2001 and minus its pro rata share of any amount transferred 63652  
from that fund to the OPLIN Technology Fund in July 2001 or August 63653  
2001. In August 2001, each county undivided local government fund 63654  
shall receive from the Local Government Fund, each municipality 63655  
that receives a distribution directly from the Local Government 63656  
Fund shall receive from that fund, and each county undivided local 63657  
government revenue assistance fund shall receive from the Local 63658  
Government Revenue Assistance Fund an amount equal to the amount 63659  
it received from that respective fund in July 2000 and August 2000 63660  
minus the amount it received from that respective fund in July 63661  
2001. In each month of the periods September 1, 2001, through June 63662  
30, 2002, and September 1, 2002, through June 30, 2003, each 63663  
county undivided local government fund shall receive from the 63664  
Local Government Fund, each municipality that receives a 63665  
distribution directly from the Local Government Fund shall receive 63666  
from that fund, each county undivided local government revenue 63667  
assistance fund shall receive from the Local Government Revenue 63668  
Assistance Fund, and each county undivided library and local 63669  
government support fund shall receive from the Library and Local 63670  
Government Support Fund, the same amount it received from that 63671  
respective fund in the corresponding month of the period September 63672

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1, 2000, through June 2001. In each month of the period July 1, 63673  
2002, through August 31, 2002, and in the month of July 2003, each 63674  
county undivided local government fund shall receive from the 63675  
Local Government Fund, each municipality that receives a 63676  
distribution directly from the Local Government Fund shall receive 63677  
from that fund, each county undivided local government revenue 63678  
assistance fund shall receive from the Local Government Revenue 63679  
Assistance Fund, and each county undivided library and local 63680  
government support fund shall receive from the Library and Local 63681  
Government Support Fund, the same amount it received from that 63682  
respective fund in the corresponding month of the period July 1, 63683  
2000, through August 31, 2000. If during any month of the period 63684  
September 1, 2001, through July 31, 2003, a transfer is made from 63685  
the Library and Local Government Support Fund to the OPLIN 63686  
Technology Fund, the amount distributed to each county undivided 63687  
library and local government support fund shall be reduced by its 63688  
pro rata share of the amount transferred. 63689

During the period July 1, 2001, through July 31, 2003, the 63690  
Director of Budget and Management shall issue those directives to 63691  
state agencies that are necessary to ensure that the appropriate 63692  
amounts are distributed to the Local Government Fund, to the Local 63693  
Government Revenue Assistance Fund, and to the Library and Local 63694  
Government Support Fund to accomplish the purposes of this 63695  
section. 63696

**Section 140.** BUDGET STABILIZATION FUND TRANSFERS FOR THE 63697  
DEPARTMENT OF JOB AND FAMILY SERVICES 63698

Notwithstanding section 131.43 and division (D) of section 63699  
127.14 of the Revised Code, if the Director of Budget and 63700  
Management, in consultation with the Director of Job and Family 63701  
Services, determines that Medicaid expenditures for the biennium 63702  
are likely to exceed the amounts appropriated in the Department of 63703

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Job and Family Services appropriation item 600-525, Health 63704  
 Care/Medicaid, the Director of Budget and Management may, with 63705  
 Controlling Board approval, transfer up to \$150 million in cash 63706  
 from the Budget Stabilization Fund to the General Revenue Fund and 63707  
 increase the appropriation to appropriation item 600-525, Health 63708  
 Care/Medicaid, accordingly. In increasing the appropriation to 63709  
 appropriation item 600-525, Health Care/Medicaid, the Director of 63710  
 Budget and Management shall add to the amount transferred from the 63711  
 Budget Stabilization Fund appropriation amounts that are 63712  
 attributable to the federal match that is indicated by the state 63713  
 and federal division of appropriation item 600-525, Health 63714  
 Care/Medicaid, as represented in this act. Before any transfers 63715  
 are authorized, the Director of Budget and Management shall 63716  
 exhaust the possibilities for transfers of moneys within the 63717  
 Department of Job and Family Services to meet the identified 63718  
 shortfall. 63719

**Section 141.** BUDGET STABILIZATION FUND TRANSFERS TO THE 63720  
 EMERGENCY PURPOSES FUND 63721

Notwithstanding section 131.43 of the Revised Code and 63722  
 division (D) of section 127.14 of the Revised Code, the Director 63723  
 of Budget and Management may, with Controlling Board approval, 63724  
 transfer up to \$5 million, in each of fiscal years 2002 and 2003, 63725  
 from the Budget Stabilization Fund to the Emergency Purposes Fund 63726  
 of the Controlling Board, which is hereby created in the state 63727  
 treasury, and establish the necessary appropriation authority. The 63728  
 Controlling Board may, at the request of any state agency or the 63729  
 Director of Budget and Management, transfer all or part of the 63730  
 moneys in the fund for the purpose of providing disaster and 63731  
 emergency situation aid to state agencies and political 63732  
 subdivisions in the event of disasters and emergency situations. 63733

**Section 142.** TRANSFERS TO THE GENERAL REVENUE FUND 63734

Notwithstanding any other provision of law to the contrary, 63735  
during fiscal years 2002 and 2003, the Director of Budget and 63736  
Management is hereby authorized to transfer cash from non-federal, 63737  
non-General Revenue Fund funds that are not constitutionally 63738  
restricted to the General Revenue Fund. The total amount of cash 63739  
transfers made pursuant to this section to the General Revenue 63740  
Fund during fiscal years 2002 and 2003 shall not exceed \$30 63741  
million. 63742

**Section 143.** That Section 5 of Am. Sub. S.B. 50 of the 121st 63743  
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 63744  
the 123rd General Assembly, be amended to read as follows: 63745

"**Sec. 5.** Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 63746  
General Assembly shall take effect ~~July 1, 2001~~ October 16, 2003." 63747

**Section 144.** That existing Section 5 of Am. Sub. S.B. 50 of 63748  
the 121st General Assembly, as most recently amended by Am. Sub. 63749  
H.B. 283 of the 123rd General Assembly, is hereby repealed. 63750

**Section 145.** That Section 153 of Am. Sub. H.B. 117 of the 63751  
121st General Assembly, as most recently amended by Am. Sub. H.B. 63752  
283 of the 123rd General Assembly, be amended to read as follows: 63753

"**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 63754  
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 63755  
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 63756  
repealed, effective ~~July 1~~ October 16, 2001 2003. 63757

(B) Any money remaining in the Legislative Budget Services 63758  
Fund on ~~July 1~~ October 16, 2001 2003, the date that section 63759  
5112.19 of the Revised Code is repealed by division (A) of this 63760  
section, shall be used solely for the purposes stated in then 63761  
former section 5112.19 of the Revised Code. When all money in the 63762

Legislative Budget Services Fund has been spent after then former 63763  
section 5112.19 of the Revised Code is repealed under division (A) 63764  
of this section, the fund shall cease to exist." 63765

**Section 146.** That existing Section 153 of Am. Sub. H.B. 117 63766  
of the 121st General Assembly, as most recently amended by Am. 63767  
Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed. 63768

**Section 147.** That Section 3 of Am. Sub. H.B. 440 of the 121st 63769  
General Assembly, as most recently amended by Sub. S.B. 245 of the 63770  
123rd General Assembly, be amended to read as follows: 63771

"**Sec. 3.** Sections 122.23, 122.24, 122.25, 122.26, and 122.27 63772  
of the Revised Code are hereby repealed, effective July 1, ~~2001~~ 63773  
2003." 63774

**Section 148.** That existing Section 3 of Am. Sub. H.B. 440 of 63775  
the 121st General Assembly, as most recently amended by Sub. S.B. 63776  
245 of the 123rd General Assembly, is hereby repealed. 63777

**Section 149.** That Section 3 of Am. Sub. H.B. 215 of the 122nd 63778  
General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd 63779  
General Assembly, be amended to read as follows: 63780

"**Sec. 3.** Section 1751.68 of the Revised Code is hereby 63781  
repealed, effective ~~July 1, 2001~~ October 16, 2003." 63782

**Section 150.** That existing Section 3 of Am. Sub. H.B. 215 of 63783  
the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 63784  
123rd General Assembly, is hereby repealed. 63785

**Section 151.** That Section 3 of Am. Sub. H.B. 621 of the 122nd 63786  
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 63787  
the 123rd General Assembly, be amended to read as follows: 63788

"Sec. 3. That sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code are hereby repealed, effective July 1, 2001 2003." 63789  
63790  
63791

Section 152. That existing Section 3 of Am. Sub. H.B. 621 of the 122nd General Assembly, as most recently amended by Am. Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed. 63792  
63793  
63794

Section 153. That Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly be amended to read as follows: 63795  
63796

"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 Law Enforcement Improvements Trust Fund (Fund J87) that are not otherwise appropriated. 63797  
63798  
63799  
63800

		Appropriations	
	AGO ATTORNEY GENERAL		63801
CAP-716	Lab and Training Facility Improvements	\$ 2,000,000	63802
		<u>5,200,000</u>	63803
TOTAL	Attorney General	\$ 2,000,000	63804
		<u>5,200,000</u>	63805
TOTAL	Law Enforcement Improvements Trust Fund	\$ 2,000,000	63806
		<u>5,200,000"</u>	63807

Section 154. That existing Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly is hereby repealed. 63809  
63810

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: 63811  
63812  
63813

"Sec. 18. (A) The Tobacco Oversight Accountability Panel is hereby created. The committee shall consist of the Director of 63814  
63815

## As Reported by the Senate Finance and Financial Institutions Committee

Budget and Management or the Director's designee, three members of 63816  
the House of Representatives appointed by the Speaker of the House 63817  
of Representatives, no more than two of whom shall belong to the 63818  
same political party as the Speaker, and three members of the 63819  
Senate appointed by the President of the Senate, no more than two 63820  
of whom shall belong to the same political party as the President. 63821

(B) The Panel shall develop appropriate achievement 63822  
benchmarks for each of the following: 63823

(1) The Tobacco Use Prevention and Cessation Trust Fund; 63824

(2) The Law Enforcement Improvements Trust Fund; 63825

(3) The Southern Ohio Agricultural and Community Development 63826  
Trust Fund; 63827

(4) Ohio's Public Health Priorities Trust Fund; 63828

(5) The Biomedical Research and Technology Transfer Trust 63829  
Fund; 63830

(6) The Education Facilities Trust Fund; 63831

(7) The Education Technology Trust Fund. 63832

(C) On or before ~~July 1~~ December 31, 2001, the Panel shall 63833  
submit a report describing the achievement benchmarks developed 63834  
under division (B) of this section to the Governor, the General 63835  
Assembly, and the chairpersons and ranking minority members of the 63836  
finance committees of the Senate and House of Representatives. 63837  
Upon submitting the report, the panel shall cease to exist." 63838

**Section 156.** That existing Section 18 of Am. Sub. S.B. 192 of 63839  
the 123rd General Assembly, as amended by Sub. S.B. 346 of the 63840  
123rd General Assembly, is hereby repealed. 63841

**Section 157.** That Section 4 of Am. S.B. 210 of the 123rd 63842  
General Assembly be amended to read as follows: 63843

## As Reported by the Senate Finance and Financial Institutions Committee

"Sec. 4. (A) There is hereby created the Civil Service Review Commission. The Commission shall consist of the following members:

(1) Three members of the Senate appointed by the President of the Senate, with at least one member from the minority party;

(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least one member from the minority party;

(3) Nine members appointed by the Governor, of whom one shall be the Director of Administrative Services or the Director's designee, one shall be from a union representing the largest number of state employees, one shall be from a union representing the largest number of local government employees, two shall be recommended by a statewide organization representing counties, two shall be recommended by a statewide organization representing municipal corporations, and two shall represent the public.

All appointments shall be made not later than one month after ~~the effective date of this section~~ September 22, 2000. The Commission shall be co-chaired by a member of the House of Representatives designated by the Speaker of the House of Representatives and a member of the Senate designated by the President of the Senate. The co-chairs shall alternate chairing meetings of the Commission by agreement of the co-chairs.

(B) The Commission shall review civil service laws and practice under those laws in Ohio. In conducting the review, the Commission shall conduct a comprehensive analysis of Ohio's civil service laws as set forth in the Revised Code and associated rules, including an analysis of how the laws and any associated rules are applied in practice by public entities across Ohio. Additionally, the Commission may review decisions of the Personnel Board of Review created in section 124.05 of the Revised Code or

other administrative and judicial bodies to determine how  
decisions of the Board or those other bodies influence the  
interpretation or application of civil service laws. The  
Commission also may review practices and innovations of public  
entities in other states. The Commission may call witnesses and  
review any other information that it determines to be appropriate  
and may consider recommendations of the Governor's Management  
Improvement Commission.

(C) Upon completion of its review under division (B) of this  
section, but not later than ~~nine months after all of the~~  
~~appointments have been made under division (A) of this section~~  
December 31, 2001, the Commission shall issue a report to the  
President of the Senate and the Speaker of the House of  
Representatives. The report shall identify current statutes,  
rules, practices, and procedures and shall make recommendations  
for changes to those statutes, rules, practices, and procedures  
that the Commission determines necessary to improve them. Upon  
issuance of the report under this division, the Commission ceases  
to exist."

**Section 158.** That existing Section 4 of Am. S.B. 210 of the  
123rd General Assembly is hereby repealed.

**Section 159.** That Sections 9a and 28.43 of Sub. S.B. 245 of  
the 123rd General Assembly be amended to read as follows:

Reappropriations

"**Sec. 9a.** DYS DEPARTMENT OF YOUTH SERVICES  
CAP-830 Muskingum County Juvenile Justice Center \$ 600,000  
Total Department of Youth Services \$ 600,000  
Total General Revenue Fund \$ ~~13,263,923~~  
13,163,923

## As Reported by the Senate Finance and Financial Institutions Committee

<u>MUSKINGUM COUNTY JUVENILE JUSTICE CENTER</u>			63902
<u>The amount reappropriated for the foregoing appropriation</u>			63903
<u>item CAP-830, Muskingum County Juvenile Justice Center, shall be</u>			63904
<u>\$600,000.</u>			63905
<b>Sec. 28.43. SOC SOUTHERN STATE COMMUNITY COLLEGE</b>			63906
CAP-010 Basic Renovations	\$	132,297	63907
CAP-019 New North Campus Facility	\$	249,553	63908
CAP-022 Clinton County Facility	\$	405,381	63909
Total Southern State Community College	\$	787,231	63910
<u>CLINTON COUNTY FACILITY</u>			63911
<u>The amount reappropriated for the foregoing appropriation</u>			63912
<u>item CAP-022, Clinton County Facility, shall be the sum of the</u>			63913
<u>unencumbered and unallotted balances as of June 30, 2000, in</u>			63914
<u>appropriation item CAP-022, plus \$70,142."</u>			63915
<b>Section 160.</b> That existing Sections 9a and 28.43 of Sub. S.B.			63916
245 of the 123rd General Assembly is hereby repealed.			63917
<b>Section 161.</b> That Sections 10 and 13 of Am. Sub. S.B. 287 of			63918
the 123rd General Assembly be amended to read as follows:			63919
<b>"Sec. 10.</b> The excise tax imposed by section 5727.811 of the			63920
Revised Code shall <del>first</del> apply to <u>every</u> natural gas <del>distributed</del>			63921
<u>distribution company for all natural gas volumes billed by, or on</u>			63922
<u>behalf of, the company</u> on and after July 1, 2001. Before that			63923
date, a natural gas distribution company shall register with the			63924
Tax Commissioner in accordance with section 5727.93 of the Revised			63925
Code, as amended by <del>this act</del> <u>Am. Sub. S.B. 287 of the 123rd</u>			63926
<u>General Assembly.</u>			63927
<b>Sec. 13. (A)</b> The amendment or enactment by <del>this act</del> <u>Am. Sub.</u>			63928

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. 63929  
63930  
63931

(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. 63932  
63933  
63934

**Section 162.** That existing Sections 10 and 13 of Am. Sub. S.B. 287 of the 123rd General Assembly are hereby repealed. 63935  
63936

**Section 163.** That Sections 129 and 180 of Am. Sub. H.B. 283 of the 123rd General Assembly be amended to read as follows: 63937  
63938

**"Sec. 129. MORATORIUM FOR NEW MR/DD RESIDENTIAL FACILITY BEDS** 63939  
63940

(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 Chapter 119. of the Revised Code specifying what constitutes an emergency for the purposes of this section above the statewide total number of residential facility beds on October 28, 1993. For purposes of identifying the number of beds that existed on that date, the Director shall include the number of nursing home beds 63941  
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63957

## As Reported by the Senate Finance and Financial Institutions Committee

that were being operated under section 5123.192 of the Revised Code as intermediate care facility for the mentally retarded beds certified by the Department of Health 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 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 Notwithstanding the requirement of division (A) of this section that the director refuse to issue a license under section 5123.19 of the Revised Code if the issuance will result in an increase in the number of residential facility beds, but subject to the limitation imposed under division (C) of this section, 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 for beds described in section 5123.192 of the Revised Code if the applicant for the license meets the requirements for licensure under section 5123.19 of the Revised Code and either of the following applies:~~

(1) The applicant is the entity that holds the controlling

interest in the right to operate the beds pursuant to a 63990  
certificate of need granted under section 3702.52 of the Revised 63991  
Code; 63992

(2) The applicant is not the entity that holds the 63993  
controlling interest in the right to operate those beds pursuant 63994  
to a certificate of need granted under section 3702.52 of the 63995  
Revised Code, but prior to July 1, 2001, the director approved the 63996  
applicant's proposal for the development of residential facility 63997  
beds by converting the beds to beds licensed under section 5123.19 63998  
of the Revised Code. 63999

(C) The director shall authorize under division (B) of this 64000  
section no additional beds beyond those being converted to 64001  
residential facility beds licensed under section 5123.19 of the 64002  
Revised Code." 64003

**Section 164.** That existing Section 129 of Am. Sub. H.B. 283 64004  
of the 123rd General Assembly is hereby repealed. 64005

**Section 165.** That Section 1 of Sub. H.B. 574 of the 123rd 64006  
General Assembly be amended to read as follows: 64007

~~"Sec. 1. (A) Within thirty days after the effective date of~~ 64008  
~~this act~~ Not later than January 31, 2001, a joint legislative 64009  
committee shall be appointed to study the impact of high 64010  
technology start-up businesses on economic development and small 64011  
businesses in this state and certain other matters. The committee 64012  
shall consist of seventeen members, two of whom shall serve as 64013  
co-chairpersons, as follows: 64014

(1) Three members from the House of Representatives, two of 64015  
whom shall be appointed by the Speaker of the House of 64016  
Representatives and one of whom shall be appointed by the Minority 64017  
Leader of the House of Representatives. The Speaker of the House 64018

## As Reported by the Senate Finance and Financial Institutions Committee

- of Representatives shall designate one of the members appointed by  
the Speaker as a co-chairperson of the committee. 64019  
64020
- (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. 64021  
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- (3) One former member of the House of Representatives  
appointed by the Speaker of the House of Representatives; 64026  
64027
- (4) One former member of the Senate appointed by the  
President of the Senate; 64028  
64029
- (5) One member, appointed by the Speaker of the House of  
Representatives, who shall represent the venture capital industry  
in the state; 64030  
64031  
64032
- (6) One member, appointed by the President of the Senate, who  
shall be an attorney and an expert in high-technology legal  
issues; 64033  
64034  
64035
- (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; 64036  
64037  
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- (8) The Director of Development or the Director's designee. 64042
- (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  
testify before the committee shall be reimbursed for their actual  
and necessary travel expenses incurred in attending committee 64043  
64044  
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64048

## As Reported by the Senate Finance and Financial Institutions Committee

hearings. These and other expenses associated with the committee's 64049  
 performance of its functions shall be paid from any funds 64050  
 appropriated for the operation of committees of the General 64051  
 Assembly. 64052

(C) The committee shall examine how to retain high technology 64053  
 start-up businesses in the state, the factors motivating these 64054  
 businesses to locate in the state or to relocate out of the state, 64055  
 and the overall impact of these businesses on economic development 64056  
 and small businesses in Ohio. The committee shall submit a report 64057  
 along with its recommendations based on the study to the General 64058  
 Assembly by ~~August~~ March 1, ~~2001~~ 2002. Upon submitting its report 64059  
 and recommendations, the committee shall cease to exist." 64060  
 64061

**Section 166.** That existing Section 1 of Sub. H.B. 574 of the 64062  
 123rd General Assembly is hereby repealed. 64063

**Section 167.** \* That Sections 6.02, 9, 21.01, and 23 of Am. 64064  
 Sub. H.B. 640 of the 123rd General Assembly be amended to read as 64065  
 follows: 64066

"**Sec. 6.02.** AFC ARTS AND SPORTS FACILITIES COMMISSION 64067

CAP-047	Cincinnati Classical Music Hall of Fame	\$	300,000	64068
CAP-053	Powers Auditorium Improvements	\$	500,000	64069
CAP-059	Johnny Appleseed Museum Theatre	\$	200,000	64070
CAP-818	Great Lakes League Baseball Stadium in Lake County	\$	350,000	64071
CAP-819	Cooper Stadium Relocation Feasibility Study	\$	350,000	64072
Total Arts And Sports Facilities Commission			\$ 1,700,000	64073

GREAT LAKES LEAGUE BASEBALL STADIUM IN LAKE COUNTY 64074

Notwithstanding division (F) of section 3383.07 of the 64075

As Reported by the Senate Finance and Financial Institutions Committee

Revised Code, all or a portion of the foregoing appropriation item 64076  
 CAP-818, Great Lakes League Baseball Stadium in Lake County, may 64077  
 be expended for the cost of preparing a financial and development 64078  
 plan or feasibility study, and purchasing engineering and 64079  
 architectural services, designs, plans, specifications, surveys, 64080  
 and estimates of costs for that Great Lakes League Baseball 64081  
 Stadium in Lake County. Any amount expended for that purpose from 64082  
 the appropriation shall count toward the maximum fifteen percent 64083  
 of the construction cost of the sports facility to be paid from 64084  
 state funds. 64085

COOPER STADIUM RELOCATION FEASIBILITY STUDY 64086

Notwithstanding division (F) of section 3383.07 of the 64087  
 Revised Code, all or a portion of the foregoing appropriation item 64088  
 CAP-819, Cooper Stadium Relocation Feasibility Study, may be 64089  
 expended for the cost of preparing a financial and development 64090  
 plan or feasibility study, renovation, and purchasing engineering 64091  
 and architectural services, designs, plans, specifications, 64092  
 surveys, and estimates of costs for that Cooper Stadium. Any 64093  
 amount expended for that purpose from the appropriation shall 64094  
 count toward the maximum fifteen percent of the construction cost 64095  
 of the sports facility to be paid from state funds. 64096

**Sec. 9.** All items set forth in this section are hereby 64097  
 appropriated out of any moneys in the state treasury to the credit 64098  
 of the Waterways Safety Fund (Fund 086), which are not otherwise 64099  
 appropriated. 64100

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 64101

CAP-324	Cooperative Funding for Boating	\$	<del>5,600,000</del>	64102
	Facilities		<u>6,600,000</u>	64103
CAP-874	Recreational Harbor Evaluation Project	\$	1,000,000	64104
CAP-934	Operations Facilities Development	\$	800,000	64105

## As Reported by the Senate Finance and Financial Institutions Committee

Total Department of Natural Resources	\$	<del>7,400,000</del>	64106
		<u>8,400,000</u>	64107
Total Waterways Safety Fund	\$	<del>7,400,000</del>	64108
		<u>8,400,000</u>	64109

**Sec. 21.01.** ADA DEPARTMENT OF ALCOHOL AND DRUG 64111

ADDICTION SERVICES 64112

CAP-002 Community Assistance Projects \$ 3,365,000 64113

Total Department of Alcohol and Drug Addiction 64114

Services \$ 3,365,000 64115

COMMUNITY ASSISTANCE PROJECTS 64116

Of the foregoing appropriation item CAP-002, Community 64117

Assistance Projects, \$225,000 shall be used for the Adelante Drug 64118

and Alcohol Treatment Facility, ~~\$100,000 shall be used for the~~ 64119

~~Foundations Recovery Center,~~ and \$40,000 shall be used for the 64120

Sojourner Women's and Children's Outpatient Center. 64121

RESPONSIBILITY FOR FACILITIES 64122

No portion of the foregoing appropriation item, CAP-002, 64123

Community Assistance Projects, shall be used for the Hamilton 64124

County Alcohol and Drug Addiction Services Center or the Stark 64125

County Alcohol and Drug Addiction Services Center until the 64126

Department of Alcohol and Drug Addiction Services and the county 64127

in which the facility is located first enter into an agreement 64128

regarding the transfer of the title of the facility and the 64129

associated property from the state to the county in which it is 64130

located. If the county refuses or otherwise fails to enter into an 64131

agreement on or before June 30, 2001, the department may transfer 64132

title to the facility and associated property to any other person 64133

or entity when the transfer is deemed advantageous to the state. 64134

It shall be specified in the agreement that when title to the 64135

facility and associated property is transferred, then immediately 64136

upon the transfer of title the transferee shall assume all 64137

As Reported by the Senate Finance and Financial Institutions Committee

responsibility, including financial responsibility, for the 64138  
 facility and associated property. The foregoing condition placed 64139  
 on the release of funds to the Hamilton County Alcohol and Drug 64140  
 Addiction Services Center and the Stark County Alcohol and Drug 64141  
 Addiction Services Center shall not apply if such release of funds 64142  
 is necessary to protect the health and safety of the Center 64143  
 patients. 64144

**Sec. 23.** All items set forth in this section are hereby 64145  
 appropriated out of any moneys in the state treasury to the credit 64146  
 of the Parks and Recreation Improvement Fund (Fund 035) created by 64147  
 division (F) of section 154.22 of the Revised Code, derived from 64148  
 the proceeds of obligations heretofore and herein authorized, to 64149  
 pay costs of capital facilities, as defined in section 154.01 of 64150  
 the Revised Code, for parks and recreation. 64151

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				64152
CAP-012	Land Acquisition	\$ 3,150,000		64153
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000		64154
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 8,725,000		64155
CAP-718	Grand Lake St. Mary's State Park	\$ 150,000		64156
CAP-748	Local Parks Projects	\$ 4,409,000		64157
CAP-787	Scioto Riverfront Improvements	\$ 9,175,000		64158
CAP-789	Great Miami Riverfront Improvements	\$ 2,000,000		64159
CAP-821	State Park Dredging and Shoreline Protection	\$ 300,000		64160
CAP-836	State Park Renovations/Upgrading	\$ 50,000		64161
CAP-876	Statewide Trails Program	\$ 3,175,000		64162
CAP-910	Scioto Peninsula Property Acquisition	\$ 4,750,000		64163
CAP-928	Statewide Accessibility Improvements	\$ 125,000		64164

## As Reported by the Senate Finance and Financial Institutions Committee

CAP-931	Statewide Wastewater/Water Systems	\$	2,000,000	64165
	Upgrade			
Total Department of Natural Resources		\$	38,859,000	64166
Total Parks and Recreation Improvement Fund		\$	38,859,000	64167
FEDERAL REIMBURSEMENT				64168
All reimbursements received from the federal government for				64169
any expenditures made pursuant to this section shall be deposited				64170
in the state treasury to the credit of the Parks and Recreation				64171
Improvement Fund (Fund 035).				64172
LOCAL PARKS PROJECTS				64173
Of the foregoing appropriation item CAP-748, Local Parks				64174
Projects, \$100,000 shall be used for the Darke County Park				64175
District; <del>\$750,000</del> <u>\$500,000</u> shall be used for Erie Metro Parks				64176
Land Acquisition; \$40,000 shall be used for Grove City Fryer Park				64177
Improvements; \$60,000 shall be used for Ritter Park Improvements;				64178
\$125,000 shall be used for Highland Community Park Improvements;				64179
\$12,500 shall be used for Big Prairie/Lakeville Park Improvements;				64180
\$25,000 shall be used for Holmes County Park Improvements; \$25,000				64181
shall be used for Stockport Riverfront Park Improvements; \$50,000				64182
shall be used for Silver Park Improvements; \$50,000 shall be used				64183
for New Philadelphia City Park Improvements; \$100,000 shall be				64184
used for Dover Park Improvements; \$40,000 shall be used for				64185
Newcomerstown Park Improvements; \$60,000 shall be used for				64186
Sugarcreek Park Improvements; \$20,000 shall be used for Dodge Park				64187
Improvements; \$20,000 shall be used for Grandview Park				64188
Improvements; \$6,500 shall be used for Crossroads Park				64189
Improvements; \$38,000 shall be used for Wauseon Park Land				64190
Acquisition; \$450,000 shall be used for Barberton Park				64191
Improvements; \$150,000 shall be used for Black Swamp <del>Land</del>				64192
<del>Acquisition</del> <u>Improvements</u> ; \$50,000 shall be used for Felicity Park				64193
Improvements; \$50,000 shall be used for Cincinnati Whitewater				64194

## As Reported by the Senate Finance and Financial Institutions Committee

Canal Tunnel Park; \$75,000 shall be used for the Walbridge Parks 64195  
 Improvements; \$50,000 shall be used for the Village of Richwood 64196  
 Parks; \$112,000 shall be used for the West Creek Preserve - City 64197  
 of Parma; \$100,000 shall be used by the West Creek Preservation 64198  
 Committee for a West Creek Watershed Project; and \$350,000 shall 64199  
 be used for Stark County Parks. 64200

## LOCAL PARKS PROJECTS - RIVERFRONT PLAZA 64201

Of the foregoing appropriation item CAP-748, Local Parks 64202  
 Projects, \$1,000,000 shall be used for Riverfront Plaza in 64203  
 Cincinnati. The Director of Natural Resources shall study and 64204  
 determine whether it is feasible and suitable to include the 64205  
 Riverfront Plaza in the state park system. 64206

## STATEWIDE TRAILS PROGRAM 64207

Of the foregoing appropriation item CAP-876, Statewide Trails 64208  
 Program, \$2,000,000 shall be used for the Ohio to Erie Bike Trail 64209  
 in Greene County, Madison County, and Clark County; \$125,000 shall 64210  
 be used for the Bike Path Extension in Delaware County; \$150,000 64211  
 shall be used for the Village Green Hillside Bike/Hike Path in 64212  
 Butler County; \$150,000 shall be used for the Pleasant Run Creek 64213  
 Bike/Hike Path in Butler County; \$500,000 shall be used for the 64214  
 Delhi Nature Trail in Hamilton County; \$50,000 shall be used for 64215  
 the New Richmond Bike Path; and \$50,000 shall be used for the Lake 64216  
 to River Greenway Bike Path in Trumbull County. 64217

## SCIOTO RIVERFRONT IMPROVEMENTS 64218

Of the foregoing appropriation item CAP-787, Scioto 64219  
 Riverfront Improvements, \$7,750,000 shall be used for Spring and 64220  
 Long Park and \$1,425,000 shall be used for Whittier peninsula 64221  
 property acquisition and demolition. 64222

## STATE PARK RENOVATIONS/UPGRADING 64223

Of the foregoing appropriation item CAP-836, State Park 64224

As Reported by the Senate Finance and Financial Institutions Committee

Renovations/Upgrading, \$50,000 shall be used for the Kennedy Stone House Improvements in Salt Fork State Park." 64225  
64226

**Section 168.** \* That existing Sections 6.02, 9, 21.01, and 23 of Am. Sub. H.B. 640 of the 123rd General Assembly are hereby repealed. 64227  
64228  
64229

**Section 169.** \* That Sections 6.01 and 18 of Am. Sub. H.B. 640 of the 123rd General Assembly, as most recently amended by Am. Sub. S.B. 346 of the 123rd General Assembly, be amended to read as follows: 64230  
64231  
64232  
64233

Appropriations

<b>"Sec. 6.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>			64234
CAP-785	Rural Areas Historical Projects	\$ <del>4,838,500</del>	64235
		<u>5,338,500</u>	
CAP-786	Rural Areas Community Improvements	\$ 13,537,300	64236
CAP-817	Urban Areas Community Improvements	\$ 27,066,000	64237
CAP-818	Community Theatre Renovations	\$ 1,210,000	64238
Total Department of Administrative Services		\$ <del>46,651,800</del>	64239
		<u>47,151,800</u>	

RURAL AREAS HISTORICAL PROJECTS 64240

From the foregoing appropriation item CAP-785, Rural Areas Historical Projects, grants shall be made for the following projects: 64241  
64242  
64243

<u>Euclid Beach Carousel</u>	\$	<u>500,000</u>	64244
Camden Town Hall and Opera House	\$	75,000	64245
Historic Hopewell Church	\$	10,000	64246
Preble County Historical Society	\$	150,000	64247
Allen County Museum Building Expansion	\$	600,000	64248
Allen County Railroad Museum	\$	50,000	64249
John P. Parker Historic Site Restoration	\$	200,000	64250

## As Reported by the Senate Finance and Financial Institutions Committee

Grant Memorial Building	\$	185,000	64251
Steamship William G. Mather Maritime Museum	\$	25,000	64252
Bedford Historical Society	\$	250,000	64253
Fulton County Historical Society Museum			64254
Rehabilitation	\$	50,000	64255
Lyons and Area Historical Society Train Depot			64256
Restoration	\$	40,000	64257
Middlefield Historical Society	\$	45,000	64258
Hancock Historical Society-New			64259
Agriculture/Transportation Building	\$	150,000	64260
Henry County Historical Society Building			64261
Improvements	\$	50,000	64262
Holmes County Historic Building Improvements	\$	25,000	64263
Holmes County Historical Society Victorian			64264
House	\$	30,000	64265
Harvey Wells House Restoration	\$	100,000	64266
Western Reserve Railroad Association Train			64267
Station Improvements	\$	10,000	64268
Great Lakes Historical Society Renovations	\$	200,000	64269
Monroe County Park District Parry Museum	\$	20,000	64270
Morgan County Historical Society Building			64271
Renovations	\$	25,000	64272
General Sheridan Monument Restoration	\$	6,000	64273
Haydenville Museum	\$	7,500	64274
Overland Inn Historical Site	\$	50,000	64275
Spring Hill Historic Home	\$	100,000	64276
Stan Hywet Hall and Gardens	\$	1,000,000	64277
Gnadenhutten Historical Society	\$	15,000	64278
Van Wert Historical Society Red Barn Project	\$	40,000	64279
Marietta Lockmaster's House Renovation	\$	50,000	64280
New Matamorus Historical Society Renovations	\$	25,000	64281
Wayne County Historical Society	\$	150,000	64282
Wood County Historic Courthouse	\$	1,000,000	64283

## As Reported by the Senate Finance and Financial Institutions Committee

Mt. Pleasant Historical Society	\$	10,000	64284
Dennison Railroad Depot Museum	\$	95,000	64285
RURAL AREAS COMMUNITY IMPROVEMENTS			64286
From the foregoing appropriation item CAP-786, Rural Areas			64287
Community Improvements, grants shall be made for the following			64288
projects:			64289
Southern Ohio Health Network Facility	\$	100,000	64290
Allen County Reservoir Feasibility Study	\$	250,000	64291
Belmont County Office Space	\$	30,000	64292
Meigs County Industrial Park	\$	100,000	64293
Lawrence County Industrial Park	\$	100,000	64294
Gallia County Industrial Park	\$	100,000	64295
Community Building - Belmont County	\$	2,000,000	64296
Watt Center - Belmont County	\$	15,000	64297
4-H Barn - Brown County	\$	50,000	64298
People Working Cooperatively Facility			64299
Improvements	\$	75,000	64300
Champaign YMCA	\$	200,000	64301
Clermont County Courthouse	\$	50,000	64302
Clermont County Visitor Information Center	\$	50,000	64303
Clinton County Firing Range	\$	50,000	64304
Coshocton Infrastructure Improvements	\$	150,000	64305
Bethlehem Water Well	\$	2,700	64306
West Lafayette Municipal Building Roof	\$	7,200	64307
Tuscarawas Township Safety Improvements	\$	10,000	64308
Village of Warsaw Improvements	\$	39,100	64309
Coshocton Softball Field Lighting Improvements	\$	20,000	64310
Defiance/Williams Flood Mitigation Project	\$	1,350,000	64311
Bellepoint Bridge Reconstruction	\$	75,000	64312
West After-School Center	\$	50,000	64313
Gallia County Water Projects	\$	25,000	64314
Fairmount Fine Arts Center	\$	40,000	64315

## As Reported by the Senate Finance and Financial Institutions Committee

Guernsey Infrastructure Improvements	\$	100,000	64316
Tornado Warning Sirens - Guernsey County	\$	60,000	64317
Old Kenton Armory Improvements	\$	100,000	64318
Court House/City Hall Improvements - Highland County	\$	400,000	64319 64320
Holmes County Home Renovations	\$	25,000	64321
Old Children's Home Renovations - Holmes County	\$	25,000	64322
Fairport Community Center	\$	150,000	64323
Mentor Fire and Police Headquarters Relocation	\$	100,000	64324
Hanna House - Lake County	\$	25,000	64325
Perry Township Industrial Park Land Acquisition	\$	65,000	64326
Red Mill Creek Water Retention Basin	\$	20,000	64327
Madison Village Community Building ADA Upgrades	\$	12,500	64328
Mentor-on-the-Lake Erosion Control Project	\$	135,000	64329
Athalia Community Facility	\$	20,000	64330
Chesapeake Community Facility	\$	20,000	64331
Proctorville Community Facility	\$	20,000	64332
Lawrence County Water Projects	\$	25,000	64333
Downtown Parking Garage and Walkway - Licking County	\$	500,000	64334 64335
Institute of Industrial Technology	\$	500,000	64336
Outdoor Education Laboratory Construction - Marion County	\$	60,000	64337 64338
Medina County Engineered Fuel Project	\$	575,000	64339
Chester Court House	\$	15,000	64340
Meigs County Water Projects	\$	25,000	64341
Fort Piqua Hotel	\$	400,000	64342
Graysville Community Center	\$	50,000	64343
Midway Community Center	\$	10,000	64344
Chesterhill Water Tower Improvements	\$	50,000	64345
Morgan Infrastructure Improvements	\$	100,000	64346
Morgan County Economic Development	\$	125,000	64347
Secrest Auditorium Improvements	\$	50,000	64348

## As Reported by the Senate Finance and Financial Institutions Committee

Diesel Powered Generators - Muskingum County	\$	6,000	64349
Muskingum County Center for Seniors	\$	8,000	64350
Maysville Community Improvements	\$	10,000	64351
Muskingum County Court House Improvements	\$	65,000	64352
Litter Prevention Complex - Muskingum County	\$	17,300	64353
Noble County Infrastructure Improvements	\$	185,000	64354
Lake Erie Islands Regional Welcome Center	\$	500,000	64355
Corning Community Center	\$	10,000	64356
Somerset Court House	\$	100,000	64357
New Lexington Community Center	\$	125,000	64358
Crooksville Family Recreation Center	\$	70,000	64359
Perry County Agricultural Society	\$	75,000	64360
Nelsonville Pool	\$	100,000	64361
Cave Lake Center for Community Leadership	\$	350,000	64362
Atwater Township Town Hall Improvements	\$	100,000	64363
Brimfield Township Community Center	\$	75,000	64364
Portage County Sheriff's Department Shooting Range	\$	200,000	64366
WSTB Equipment Upgrade	\$	50,000	64367
Richland Academy of Arts and Sciences Discovery Center	\$	100,000	64369
Mansfield Area YMCA	\$	200,000	64370
Mohican School in the Out-of-Doors Expansion	\$	325,000	64371
Mansfield Reformatory Preservation Project	\$	100,000	64372
Ross County Multi-Purpose Facility	\$	50,000	64373
Bellevue Society for the Arts	\$	10,000	64374
County Jail Improvements - Sandusky County	\$	300,000	64375
Southern Ohio Port Authority	\$	50,000	64376
Meadowbrook Park Ballroom Restoration	\$	100,000	64377
Eastern Ohio Developmental Alliance Equipment Purchase	\$	10,000	64379
Uhrichsville Municipal Building Improvements	\$	80,000	64380
Project Pride Town Hall	\$	20,000	64381

## As Reported by the Senate Finance and Financial Institutions Committee

Marietta Nutrition Facility	\$	100,000	64382
Liberty Township Community Center	\$	20,000	64383
West Salem Town Hall	\$	150,000	64384
City of Rittman Recreation Center	\$	125,000	64385
Bryan Senior Center	\$	450,000	64386
Jerry City Town Hall Improvements	\$	7,000	64387
Bradner Historic Building	\$	45,000	64388
Fairfield Township Community Recreation Facility	\$	150,000	64389
Lighthouse Youth Center Improvements	\$	250,000	64390
Chagrin Falls Park Community Center - Seniors'			64391
Room Construction	\$	10,000	64392
City of Willowick - Senior Center Remodeling,			64393
Addition, and Completion	\$	100,000	64394
Painesville Township Greenspace	\$	15,000	64395
Clermont County Animal Shelter	\$	22,500	64396

## ROSS COUNTY MULTI-PURPOSE FACILITY 64397

Of the foregoing appropriation item CAP-786, Rural Areas 64398  
 Community Improvements, the \$50,000 earmarked for the Ross County 64399  
 Multi-Purpose Facility is for a feasibility study for the 64400  
 facility. Yoctangee Park in Chillicothe, Ohio, is specifically 64401  
 excluded as a site from any feasibility study for a multi-purpose 64402  
 facility. 64403

## PORTAGE COUNTY SHERIFF'S DEPARTMENT SHOOTING RANGE 64404

Of the foregoing appropriation item CAP-786, Rural Areas 64405  
 Community Improvements, the \$200,000 earmarked for the Portage 64406  
 County Sheriff's Department Shooting Range shall be distributed to 64407  
 the Portage County Sheriff's Department for utilization by that 64408  
 department for a training facility. Any structure so constructed 64409  
 with these funds shall be used by the Portage County Sheriff's 64410  
 Department as a training facility for ten years or moneys must be 64411  
 repaid to the state by Portage County. The Portage County 64412  
 Sheriff's Department may contract with other law enforcement 64413

## As Reported by the Senate Finance and Financial Institutions Committee

agencies to use the training facility.		64414
URBAN AREAS COMMUNITY IMPROVEMENTS		64415
From the foregoing appropriation item CAP-817, Urban Areas		64416
Community Improvements, grants shall be made for the following		64417
projects:		64418
Cross Links 2000 - Middletown Downtown		64419
Revitalization	\$ 2,000,000	64420
Solon Community Arts Center	\$ 275,000	64421
Cleveland Health Museum	\$ 1,000,000	64422
Cleveland Jewish Community Center	\$ 350,000	64423
Beck Center for the Arts	\$ 500,000	64424
Cleveland School for the Arts	\$ 100,000	64425
Hill House	\$ 325,000	64426
Bellfaire/Jewish Children's Bureau	\$ 1,020,000	64427
Karamu House Improvements	\$ 600,000	64428
Halloran Ice Skating Rink	\$ 300,000	64429
Cleveland Greenhouse Improvements	\$ 255,000	64430
Alliance for Poles of America Facility		64431
Improvements	\$ 260,000	64432
West Side Ecumenical Ministry	\$ 375,000	64433
Solon VFW Memorial	\$ 7,000	64434
Solon Senior Center	\$ 300,000	64435
Brecksville Senior Development Project	\$ 10,000	64436
Bentlyville Village Hall	\$ 30,000	64437
Sterns Farm	\$ 70,000	64438
Schaaf Community Center	\$ 100,000	64439
Olmstead Community Center	\$ 100,000	64440
Horizon Center	\$ 200,000	64441
North Royalton Recreation Center	\$ 200,000	64442
St. Vincent de Paul Recycle Project	\$ 250,000	64443
Cleveland Free Clinic	\$ 370,000	64444
Alta House	\$ 35,000	64445

## As Reported by the Senate Finance and Financial Institutions Committee

Rickenbacker House Restoration and Park	\$	475,000	64446
King Lincoln District Revitalization	\$	1,425,000	64447
J. Ashburn Youth Center	\$	500,000	64448
Columbus Downtown Initiatives Planning	\$	1,900,000	64449
Leo Yassenoff Columbus Community Center	\$	400,000	64450
Rickenbacker Air and Industrial Park	\$	6,000,000	64451
Clintonville Improvements	\$	150,000	64452
Grove City YMCA	\$	35,000	64453
Victorian Village Society	\$	15,000	64454
Beech Acres Family Center	\$	50,000	64455
Health Education Center	\$	25,000	64456
Convention Center Expansion Planning	\$	500,000	64457
German Heritage Museum	\$	12,000	64458
Lincoln Heights Health Center Improvements	\$	1,000,000	64459
South End Revitalization Project	\$	100,000	64460
Toledo International Youth Hostel Renovations	\$	50,000	64461
Sylvania Recreation Center	\$	450,000	64462
Sylvania Senior Center	\$	300,000	64463
Canton Civic Center	\$	1,000,000	64464
Canton Jewish Community Center Renovations	\$	20,000	64465
Canton Jewish Women's Center	\$	100,000	64466
J.R. Coleman Center	\$	250,000	64467
Gateway Social Services Building	\$	450,000	64468
Massillon Domestic Violence Shelter for Battered Women	\$	100,000	64469 64470
Massillon Civic Center	\$	1,000,000	64471
Football Hall of Fame	\$	150,000	64472
Stark Central YMCA	\$	25,000	64473
Stark County Convention and Visitors Bureau			64474
Tourist Center	\$	25,000	64475
Akron Jewish Community Center Renovations	\$	85,000	64476
Oriana House	\$	450,000	64477
Cedar Grove Mausoleum Improvements	\$	30,000	64478

## As Reported by the Senate Finance and Financial Institutions Committee

Amphitheater, Riverwalk, and Kinsman House		64479
Improvements	\$ 1,000,000	64480
Fairlawn, Bath, Copley Community Center	\$ 65,000	64481
Loew Field Improvements	\$ 50,000	64482
Harvard Community Services Center Renovation and Expansion	\$ 20,000	64483 64484
City of South Euclid-Construction of Complying Community Ground Sign	\$ 5,000	64485 64486
Henn Mansion Renovation	\$ 25,000	64487
Collinwood Community Service Center Repair and Renovation	\$ 20,000	64488 64489
Bowman Park - City of Toledo	\$ 80,000	64490
Godman Guild	\$ 65,000	64491
COMMUNITY THEATRE RENOVATIONS		64492
From the foregoing appropriation item CAP-818, Community Theatre Renovations, grants shall be made for the following projects:		64493 64494 64495
Hayesville Opera House	\$ 50,000	64496
Cleveland Public Theatre Improvements - Gordon Square	\$ 160,000	64497 64498
Markay Theatre Renovations	\$ 100,000	64499
Stranahan Theatre	\$ 100,000	64500
Holland Theatre	\$ 250,000	64501
Lorain Palace Theatre Improvements	\$ 200,000	64502
Ohio Ballet	\$ 250,000	64503
Ritz Theatre Renovations	\$ 100,000	64504
<b>Sec. 18.</b> All items set forth in this section are hereby		64506
appropriated out of any moneys in the state treasury to the credit		64507
of the Arts Facilities Building Fund (Fund 030). Revenues to the		64508
Arts Facilities Building Fund shall consist of proceeds of		64509
obligations authorized to pay costs of the following capital		64510
improvements:		64511

## As Reported by the Senate Finance and Financial Institutions Committee

			Appropriations	
AFC ARTS FACILITIES COMMISSION				64512
CAP-010	Sandusky State Theatre Improvements	\$ 200,000		64513
CAP-013	Stambaugh Hall Improvements	\$ 500,000		64514
CAP-033	Woodward Opera House Renovation	\$ 250,000		64515
CAP-037	Canton Palace Theatre Renovations	\$ 750,000		64516
CAP-044	National Underground Railroad Freedom Center	\$ 3,500,000		64517
CAP-045	Cincinnati Contemporary Arts Center	\$ 2,000,000		64518
CAP-046	Cincinnati Museum Center Improvements	\$ 200,000		64519
CAP-048	John and Annie Glenn Museum	\$ 500,000		64520
CAP-051	Akron Civic Theatre Improvements	\$ 1,000,000		64521
CAP-052	Akron Art Museum	\$ 2,500,000		64522
CAP-056	Ohio Agricultural and Industrial Heritage Center	\$ 2,500,000		64523
CAP-063	Robins Theatre Renovations	\$ 1,000,000		64524
CAP-734	Hayes Presidential Center-Museum and Home Improvements	\$ 750,000		64525
CAP-735	Paul Lawrence Dunbar House	\$ 672,000		64526
CAP-741	Adena State Memorial Renovations	\$ 3,888,000		64527
CAP-742	Ft. Meigs Museum and Exhibit Improvements	\$ 1,805,000		64528
CAP-780	Harding Tomb and Site Renovations	\$ 138,000		64529
CAP-781	Archives and Library Automation	\$ 300,000		64530
CAP-784	Ohio Historical Center Rehabilitation	\$ 500,000		64531
CAP-786	Piqua/Fort Pickawillany Acquisition and Improvements	\$ 435,000		64532
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$ 200,000		64533
CAP-790	Reese-Peters Site Improvements	\$ 250,000		64534
CAP-798	Multi-Site Fire and Security System Improvements	\$ 100,000		64535
CAP-801	Statewide Underground Storage Tank Removal	\$ 107,000		64536

## As Reported by the Senate Finance and Financial Institutions Committee

CAP-802	Zane Grey Museum Improvements	\$	280,000	64537
CAP-803	Digitization of OHS Collection	\$	750,000	64538
CAP-806	Grant Boyhood Home Improvements	\$	200,000	64539
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	64540
CAP-811	National First Ladies Library	\$	500,000	64541
CAP-812	Dayton Performing Arts Center	\$	9,500,000	64542
CAP-814	Crawford Museum of Transportation and Industry	\$	<del>3,000,000</del> <u>2,500,000</u>	64543
Total Arts Facilities Commission		\$	<del>38,725,000</del> <u>38,225,000</u>	64544
Total Arts Facilities Building Fund		\$	<del>38,725,000</del> <u>38,225,000"</u>	64545

**Section 170.** \* That existing Sections 6.01 and 18 of Am. Sub. H.B. 640 of the 123rd General Assembly, as most recently amended by Am. Sub. S.B. 346, are hereby repealed.

**Section 171.** That Section 4 of Am. Sub. H.B. 478 of the 119th General Assembly, as amended by Am. Sub. S.B. 300 of the 121st General Assembly and Am. Sub. H.B. 215 of the 122nd General Assembly, is hereby repealed.

The intent of this repeal is to remove the limitation imposed by Section 4 of Am. Sub. H.B. 478 of the 119th General Assembly upon the continued existence of sections 3702.71, 3702.72, 3702.73, 3702.74, 3702.75, 3702.76, 3702.77, 3702.78, 3702.79, 3702.80, and 3702.81 of the Revised Code. This intent is not affected by the rule of construction in section 1.57 of the Revised Code.

**Section 172.** That Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as most recently amended by Sub. S.B. 245 of the 123rd General Assembly, is hereby repealed.

As Reported by the Senate Finance and Financial Institutions Committee

**Section 173.** That Section 17 of Am. Sub. H.B. 282 of the 123rd General Assembly, as most recently amended by Sub. S.B. 245 of the 123rd General Assembly, is hereby repealed. 64564  
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**Section 174.** That Section 180 of Am. Sub. H.B. 283 of the 123rd General Assembly is hereby repealed. 64567  
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**Section 175.** That Section 9 of Sub. S.B. 245 of the 123rd General Assembly is hereby repealed. 64569  
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**Section 176.** That Section 15 of Am. Sub. S.B. 287 of the 123rd General Assembly is hereby repealed. 64571  
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**Section 177.** \* All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 032), created under section 3318.25 of the Revised Code, derived from the proceeds of obligations heretofore and herein authorized to pay the cost of facilities for a system of common schools throughout the state for the period beginning July 1, 2002, and ending June 30, 2004. 64573  
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SFC SCHOOL FACILITIES COMMISSION 64581

CAP-770	School Building Program Assistance	\$	300,000,000	64582
	Total School Facilities Commission	\$	300,000,000	64583
	Total School Building Program Assistance Fund	\$	300,000,000	64584

SCHOOL BUILDING PROGRAM ASSISTANCE 64585

The foregoing appropriation item CAP-770, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code. 64586  
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Expenditures from appropriations contained in this section 64591

## As Reported by the Senate Finance and Financial Institutions Committee

may be accounted for as though made in the main capital 64592  
 appropriations act for the fiscal year 2003-2004 biennium enacted 64593  
 by the 124th General Assembly. The School Facilities Commission 64594  
 shall not commit any of the appropriations made in this section 64595  
 until after July 1, 2002. 64596

**Section 178.** The Ohio Public Facilities Commission is hereby 64597  
 authorized to issue and sell, in accordance with the provisions of 64598  
 Section 2n of Article VIII, Ohio Constitution, and Chapter 151. 64599  
 and particularly sections 151.01 and 151.03 of the Revised Code, 64600  
 original obligations in an aggregate principal amount not to 64601  
 exceed \$300,000,000 to pay the costs associated with previously 64602  
 authorized capital facilities and the capital facilities 64603  
 authorized in the immediately preceding section of this act for 64604  
 the School Building Assistance Program for the School Facilities 64605  
 Commission to distribute in accordance with their rules and 64606  
 guidelines pursuant to Chapter 3318. of the Revised Code. 64607

**Section 179.** The Office of Criminal Justice Services and the 64608  
 Department of Job and Family Services shall enter into an 64609  
 interagency agreement for the transfer to the Office of the 64610  
 Department's duties, records, assets, and liabilities related to 64611  
 the administration of funds received under the "Family Violence 64612  
 Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 64613  
 10401, as amended. 64614

**Section 180.** WOMEN'S POLICY AND RESEARCH COMMISSION FUND 64615  
 TRANSFERS 64616

Notwithstanding any other provision of law to the contrary, 64617  
 the Director of Budget and Management shall transfer any remaining 64618  
 amounts of cash from the specified obsolete fund to the General 64619  
 Revenue Fund (Fund GRF) within thirty days after the effective 64620  
 date of this section: Women's Policy and Research Commission, Fund 64621

## As Reported by the Senate Finance and Financial Institutions Committee

4V9, Women's Policy and Research Commission Fund.

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**Section 181.** OHIO FAMILY AND CHILDREN FIRST CABINET COUNCIL.

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The Ohio Family and Children First Cabinet Council shall conduct an assessment of the need for and resources available for services and programs that serve children under six years of age. The assessment shall include identifying supports available to those services and programs and gaps in services across Ohio, as well as a review of existing state laws and administrative procedures related to those services and programs. Based on its assessment, the Cabinet Council shall develop, in consultation with early childhood, business, and community organizations, a strategic plan that does both of the following:

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(1) Identifies goals for developing an integrated system of early care and education for families with children under six years of age.

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(2) Recommends specific steps that must be taken to accomplish those goals, including establishing linkages between schools and early childhood programs to ensure successful transitions for children and their families. The recommendations included in the strategic plan shall maximize opportunities for existing programs and services to blend funding sources and work together.

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The Cabinet Council shall provide copies of the strategic plan to the Governor, Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate not later than June 30, 2002.

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**Section 182.** On the effective date of this section, the Mine Examining Board is abolished and all of its functions and assets, liabilities, equipment, and records, irrespective of form or medium, are transferred to the Chief of the Division of Mineral

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## As Reported by the Senate Finance and Financial Institutions Committee

Resources Management in the Department of Natural Resources and 64652  
the Reclamation Commission, as provided in Section 1 of this act. 64653  
The Chief and the Reclamation Commission, as appropriate, are 64654  
thereupon and thereafter successor to, assume the obligations of, 64655  
and otherwise constitute the continuation of the Mine Examining 64656  
Board. 64657

Any business commenced, but not completed by, the Mine 64658  
Examining Board on the effective date of this section shall be 64659  
completed by the Chief or the Reclamation Commission, as 64660  
appropriate. No validation, cure, right, privilege, remedy, 64661  
obligation, or liability is lost or impaired by reason of the 64662  
transfer required by this section, but shall be administered by 64663  
the Chief or the Reclamation Commission, as appropriate. All of 64664  
the Mine Examining Board's rules, orders, and determinations 64665  
continue in effect as rules, orders, and determinations of the 64666  
Chief and the Reclamation Commission, as appropriate, until 64667  
modified or rescinded by the Chief or the Reclamation Commission, 64668  
as appropriate. 64669

Subject to the lay-off provisions of sections 124.321 to 64670  
124.328 of the Revised Code, all the employees of the Mine 64671  
Examining Board are transferred to the Division of Mineral 64672  
Resources Management and the Reclamation Commission, as 64673  
appropriate. 64674

Whenever the Mine Examining Board is referred to in any law, 64675  
contract, or other document, the reference shall be deemed to 64676  
refer to the Chief of the Division of Mineral Resources Management 64677  
or the Reclamation Commission, as appropriate. 64678

No action or proceeding pending on the effective date of this 64679  
section is affected by the transfer, and shall be prosecuted or 64680  
defended in the name of the Chief or the Reclamation Commission, 64681  
as appropriate. In all such actions and proceedings, the Chief or 64682

## As Reported by the Senate Finance and Financial Institutions Committee

the Reclamation Commission, as appropriate, shall be substituted  
as a party upon application by the receiving entity to the court  
or other appropriate tribunal.

**Section 183. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL  
FACILITIES**

Notwithstanding any other provisions of law to the contrary,  
the School Facilities Commission may provide assistance under the  
Exceptional Needs Pilot Program to any school district and not  
exclusively a school district in the lowest 50 per cent of  
adjusted valuation per pupil on the fiscal year 1999 ranking of  
school districts established pursuant to section 3317.02 of the  
Revised Code, for the purpose of the relocation or replacement of  
school facilities required as a result of extreme environmental  
contamination. If in the assessment of the school district's  
classroom facilities needs conducted under the Exceptional Needs  
Pilot Program pursuant to Section 26 of Am. Sub. H.B. 850 of the  
122nd General Assembly, the commission determines that all the  
school district's classroom facilities ultimately will require  
replacement under sections 3318.01 to 3318.20 of the Revised Code,  
then the commission may undertake a district-wide project under  
sections 3318.01 to 3318.20 of the Revised Code.

The School Facilities Commission shall contract with an  
independent environmental consultant to conduct a study and to  
report to the commission as to the seriousness of the  
environmental contamination, whether the contamination violates  
applicable state and federal standards, and whether the facilities  
are no longer suitable for use as school facilities. The  
commission then shall make a determination regarding funding for  
the relocation or replacement of the school facilities. If the  
federal government or other public or private entity provides  
funds for restitution of costs incurred by the state or school

## As Reported by the Senate Finance and Financial Institutions Committee

district in the relocation or replacement of the school 64714  
facilities, the school district shall use such funds in excess of 64715  
the school district's share to refund the state for the state's 64716  
contribution to the environmental contamination portion of the 64717  
project. The school district may apply an amount of such 64718  
restitution funds up to an amount equal to the school district's 64719  
portion of the project, as defined by the commission, toward 64720  
paying its portion of that project to reduce the amount of bonds 64721  
the school district otherwise must issue to receive state 64722  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 64723

**Section 184.** (A) The Ohio School Facilities Commission may 64724  
commit up to thirty-five million dollars to the Canton City School 64725  
District for construction of a facility described in this section, 64726  
in lieu of a high school that would otherwise be authorized under 64727  
Chapter 3318. of the Revised Code. The commission shall not commit 64728  
funds under this section unless all of the following conditions 64729  
are met: 64730

(1) The district has entered into a cooperative agreement 64731  
with a state-assisted technical college. 64732

(2) The district has received an irrevocable commitment of 64733  
additional funding from nonpublic sources. 64734

(3) The facility is intended to serve both secondary and 64735  
postsecondary instructional purposes. 64736

(B) The commission shall enter into an agreement with the 64737  
district for the construction of the facility authorized under 64738  
this section that is separate from and in addition to the 64739  
agreement required for the district's participation in the 64740  
Classroom Facilities Assistance Program under section 3318.08 of 64741  
the Revised Code. Notwithstanding that section and sections 64742  
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 64743  
agreement shall provide, but not be limited to, the following: 64744

(1) The commission shall not have any oversight 64745  
responsibilities over the construction of the facility. 64746

(2) The facility need not comply with the specifications for 64747  
plans and materials for high schools adopted by the commission. 64748

(3) The commission may decrease the basic project cost that 64749  
would otherwise be calculated for a high school under Chapter 64750  
3318. of the Revised Code. 64751

(4) The state shall not share in any increases in the basic 64752  
project cost for the facility above the amount authorized under 64753  
this section. 64754

All other provisions of Chapter 3318. of the Revised Code 64755  
apply to the approval and construction of a facility authorized 64756  
under this section. 64757

The state funds committed to the facility authorized by this 64758  
section shall be part of the total amount the state commits to the 64759  
Canton City School District under Chapter 3318. of the Revised 64760  
Code. All additional state funds committed to the Canton City 64761  
School District for classroom facilities assistance shall be 64762  
subject to all provisions of Chapter 3318. of the Revised Code. 64763

**Section 185.** Not later than July 1, 2001, the Tax 64764  
Commissioner shall certify to the Department of Education for each 64765  
city, local, and exempted village school district the total 64766  
federal adjusted gross income of the residents of the school 64767  
district, based on tax returns filed by the residents of the 64768  
district, for each of the three most recent years for which this 64769  
information is available. The Department shall use the information 64770  
certified under this section to compute each district's state 64771  
parity aid funding under section 3317.0217 of the Revised Code in 64772  
fiscal year 2002. 64773

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**Section 186.** Not later than March 1, 2003, the Department of Job and Family Services shall certify to the State Board of Education, for the month of October in 1998, 1999, 2000, 2001, and 2002, the unduplicated number of children ages five through seventeen residing in each school district and living in a family that had family income not exceeding the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and that participated in one of the following:

(A) Ohio Works First;

(B) The food stamp program;

(C) The medical assistance program, including the Healthy Start program, established under Chapter 5111. of the Revised Code;

(D) The Children's Health Insurance Program Part I established under section 5101.50 of the Revised Code or, prior to fiscal year 2000, an executive order issued under section 107.17 of the Revised Code;

(E) The disability assistance program established under Chapter 5115. of the Revised Code.

The Department of Job and Family Services shall report this information according to the school district of residence for each child in the same manner as required by section 3317.10 of the Revised Code. It is the intent of the General Assembly that in making this report, the Department of Job and Family Services will utilize the same, or substantially similar, computer programming as it developed to assist the Legislative Office of Education Oversight in developing the report "A New Poverty Indicator to Distribute Disadvantaged Pupil Impact Aid (DPIA)."

The Department of Education shall use the information reported under this section to calculate five-year averages in

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order to make payments to school districts under section 3317.029 64804  
of the Revised Code in fiscal year 2004 and subsequent fiscal 64805  
years. 64806

**Section 187.** The Department of Education shall consider the 64807  
feasibility and desirability of relocating the department staff 64808  
responsible for gifted education from the Center for Students, 64809  
Families, and Communities to the Center for Curriculum and 64810  
Assessment. 64811

**Section 188.** There is hereby created the Instructional 64812  
Subsidy and Challenge Review Committee. The Committee shall 64813  
contain eleven members: the Chancellor of the Ohio Board of 64814  
Regents or the chancellor's designee; two representatives of 64815  
two-year colleges and two representatives of the state 64816  
universities identified in section 3345.011 of the Revised Code, 64817  
all four of whom shall be appointed jointly by the President of 64818  
the Senate and the Speaker of the House of Representatives; three 64819  
members of the Senate appointed by the President of the Senate, 64820  
two of whom shall be members of the majority party and one of whom 64821  
shall be a member of the minority party; and three members of the 64822  
House of Representatives appointed by the Speaker of the House, 64823  
two of whom shall be members of the majority party and one of whom 64824  
shall be a member of the minority party. The Committee shall 64825  
perform a comprehensive review of the allocation formula for the 64826  
State Share of Instruction appropriation item as well as all of 64827  
the "Challenge" appropriation items contained in the Board of 64828  
Regents' budget and shall issue a report containing its 64829  
recommendations to the General Assembly not later than December 64830  
31, 2001. Upon issuance of its report, the Committee shall cease 64831  
to exist. 64832

**Section 189.** The Arts Facilities Building Fund and Sports 64833

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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 190.** An owner or operator of a facility that is regulated under Chapter 1509. of the Revised Code who submits the filing 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 this section shall be deemed to have satisfied all filing, listing, and notification requirements and all late fees, penalties, and interest and to have satisfied all other monetary obligations that were imposed on that person under Chapter 3750. of the Revised Code prior to that date. As used in this section, "facility" has the same meaning as in section 3750.01 of the Revised Code.

**Section 191.** Section 3704.034 of the Revised Code, as amended by this act, and sections 3745.10 and 3745.15 of the Revised Code, as enacted by this act, apply only to applications for permits, including modifications and renewals, and for plan approvals that are submitted to the Director of Environmental Protection on and after the effective date of this section.

**Section 192.** (A) Notwithstanding section 4717.07 of the Revised Code as amended by this act, the Board of Embalmers and Funeral Directors shall charge and collect the following fees for the renewal of licenses that expire on December 31, 2001:

(1) Sixty dollars for renewal of an embalmer's or funeral director's license;

(2) One hundred twenty-five dollars for renewal of a license to operate a funeral home;

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(3) One hundred dollars for renewal of a license to operate an embalming facility; 64864  
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(4) One hundred dollars for renewal of a license to operate a crematory facility. 64866  
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(B) Notwithstanding section 4717.08 of the Revised Code as amended by this act, every license issued under Chapter 4717. of the Revised Code expires on December 31, 2001, and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. 64868  
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**Section 193.** Unless five licensed embalmers and practicing funeral directors are serving on the Board of Embalmers and Funeral Directors on the effective date of this section, the first person appointed to fill a vacancy occurring on the Board on or after that date under section 4717.02 of the Revised Code, as amended by this act, shall be a licensed embalmer and practicing funeral director with at least ten consecutive years of experience in this state immediately preceding the date of the person's appointment. 64873  
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**Section 194.** Notwithstanding section 4775.08 of the Revised Code, as amended by this act, during calendar year 2001, the initial and annual renewal fee for a motor vehicle collision repair registration certificate and for a temporary motor vehicle collision repair registration certificate is one hundred dollars for each business location at which the motor vehicle collision repair operator conducts business as an operator. However, the Board of Motor Vehicle Collision Repair Registration may adjust the fee in the same manner as provided in division (A) of section 4775.08 of the Revised Code, as amended by this act. 64882  
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**Section 195.** (A) In prescribing distinguishing 64892

characteristics for a driver's license issued to a person who is 64893  
under twenty-one years of age, the Registrar of Motor Vehicles 64894  
shall consider both of the following: 64895

(1) Formatting the license vertically; 64896

(2) Conspicuously indicating the month, day, and years on 64897  
which the licensee becomes eighteen and twenty-one years of age. 64898

(B) In accordance with section 4507.13 of the Revised Code, 64899  
the Registrar may prescribe either or both of the distinguishing 64900  
driver's license characteristics considered under this section. 64901

**Section 196.** The Legislative Service Commission shall study 64902  
the fiscal impact on state revenues of extending the Ohio coal tax 64903  
credit for two years under section 5733.39 of the Revised Code. 64904  
Not later than July 1, 2002, the Commission shall report its 64905  
findings to the Speaker and Minority Leader of the House of 64906  
Representatives and the President and Minority Leader of the 64907  
Senate. 64908

**Section 197.** (A) As used in this section: 64909

(1) "Amnesty" means forgiving a taxpayer's liability for 64910  
penalties and one-half of the interest that accrue on account of 64911  
the late payment, nonpayment, underreporting, or unreporting of 64912  
qualifying delinquent taxes. 64913

(2) "Qualifying delinquent taxes" means taxes imposed under 64914  
division (B) of section 5709.01, section 5727.24, 5727.30, 64915  
5733.06, 5733.41, 5739.02 (except division (C) of section 64916  
5739.02), 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 64917  
5741.022, 5741.023, 5747.02, or 5747.41, or sections 5747.06 and 64918  
5747.07 of the Revised Code, that, on May 1, 2001, were due and 64919  
payable from a taxpayer or employer, that were unreported or 64920  
underreported, and that remain unpaid. "Qualifying delinquent 64921

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taxes" does not include taxes for which a notice of assessment or  
audit has been issued, a bill has been issued, or an audit is  
currently being or has been conducted.

(3) "Taxpayer" means any individual or other person, as  
defined in section 5701.01 or 5711.01 of the Revised Code, that is  
subject to taxes imposed under division (B) of section 5709.01,  
section 5727.24, 5727.30, 5733.06, 5733.41, 5739.02, 5739.021,  
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, 5741.023,  
5747.02, or 5747.41 of the Revised Code, including any vendor  
subject to sections 5739.03 and 5739.12 of the Revised Code, any  
seller subject to section 5741.04 or 5741.12 of the Revised Code,  
any employer subject to section 5747.06 or 5747.07 of the Revised  
Code, and any qualifying entity as defined in section 5733.40 of  
the Revised Code.

(B)(1) Beginning on October 15, 2001, and ending on January  
15, 2002, if a taxpayer that owes qualifying delinquent taxes pays  
the full amount of qualifying delinquent taxes and one-half of any  
interest to the Treasurer of State, in the form and manner  
prescribed by the Tax Commissioner, the Tax Commissioner shall  
grant amnesty for any penalties and one-half of the interest that  
otherwise are imposed as a result of delinquency in the payment of  
those taxes.

(2) Beginning October 15, 2001, and ending January 2002, if a  
taxpayer that owes qualifying delinquent taxes imposed pursuant to  
division (B) of section 5709.01 of the Revised Code files a return  
with the Tax Commissioner, in the form and manner prescribed by  
the Tax Commissioner, listing all property not previously listed  
for taxation, the Tax Commissioner shall issue a preliminary  
assessment certificate to the proper county auditor and grant  
amnesty for any penalties that otherwise may be imposed on the  
qualifying delinquent taxes. Upon receiving such a preliminary  
assessment certificate, the county auditor shall compute the

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amount of taxes due plus one-half of the interest prescribed by 64954  
sections 5711.32 and 5719.041 of the Revised Code. The county 64955  
treasurer shall collect from the taxpayer the tax and interest so 64956  
computed as otherwise prescribed by section 5711.33 of the Revised 64957  
Code. No payment otherwise prescribed by division (G) of section 64958  
321.24 of the Revised Code shall be made on account of such a 64959  
taxpayer. Notwithstanding any section of the Revised Code to the 64960  
contrary, the Tax Commissioner shall not furnish to any county 64961  
auditor information pertaining to the exemption from taxation 64962  
provided under division (C)(3) of section 5709.01 of the Revised 64963  
Code insofar as that information relates to a such a taxpayer. 64964

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(3) The Tax Commissioner shall prescribe forms on which 64966  
taxpayers may apply for amnesty. The Tax Commissioner may require 64967  
taxpayers applying for amnesty to file returns or reports, 64968  
including amended returns and reports, that otherwise would be 64969  
required. 64970

(C) If a taxpayer pays qualifying delinquent taxes as 64971  
prescribed in division (B) of this section, no criminal 64972  
prosecution or civil action shall be brought thereafter against 64973  
the taxpayer and no assessment shall be issued thereafter against 64974  
the taxpayer on account of the qualifying delinquent taxes paid. 64975

(D) Qualifying delinquent taxes and interest collected under 64976  
this section shall be credited to the General Revenue Fund, except 64977  
for qualifying delinquent taxes imposed pursuant to division (B) 64978  
of section 5709.01 of the Revised Code, which the county auditor 64979  
shall credit to the proper taxing district, and except for those 64980  
imposed pursuant to sections 5739.021, 5739.023, and 5739.026 of 64981  
the Revised Code, which shall be distributed as required under 64982  
division (B) of section 5739.21 of the Revised Code, and those 64983  
imposed pursuant to sections 5741.021, 5741.022, and 5741.023, of 64984  
the Revised Code which shall be distributed as required under 64985

division (B) of section 5741.03 of the Revised Code. 64986  
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(E) This section is hereby repealed, effective January 16, 64988  
2002. 64989

**Section 198.** The credit allowed by section 5747.29 of the 64990  
Revised Code shall not be claimed for taxable year 2001 or 2002. 64991

**Section 199.** Except as otherwise specifically provided in 64992  
this act, the codified sections of law amended or enacted in this 64993  
act, and the items of law of which the codified sections of law 64994  
amended or enacted in this act are composed, are subject to the 64995  
referendum. Therefore, under Ohio Constitution, Article II, 64996  
Section 1c and section 1.471 of the Revised Code, the codified 64997  
sections of law amended or enacted by this act, and the items of 64998  
law of which the codified sections of law as amended or enacted by 64999  
this act are composed, take effect on the ninety-first day after 65000  
this act is filed with the Secretary of State. If, however, a 65001  
referendum petition is filed against any such codified section of 65002  
law as amended or enacted by this act, or against any item of law 65003  
of which any such codified section of law as amended or enacted by 65004  
this act is composed, the codified section of law as amended or 65005  
enacted, or item of law, unless rejected at the referendum, takes 65006  
effect at the earliest time permitted by law. 65007

**Section 200.** Except as otherwise specifically provided in 65008  
this act, the repeal by this act of a codified section of law is 65009  
subject to the referendum. Therefore, under Ohio Constitution, 65010  
Article II, Section 1c and section 1.471 of the Revised Code, the 65011  
repeal by this act of a codified section of law takes effect on 65012  
the ninety-first day after this act is filed with the Secretary of 65013  
State. If, however, a referendum petition is filed against any 65014  
such repeal, the repeal, unless rejected at the referendum, takes 65015

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effect at the earliest time permitted by law. 65016

**Section 201.** Sections 105.41, 107.10, 111.16, 111.18, 111.23, 65017  
 111.25, 121.40, 122.011, 133.06, 147.01, 147.02, 147.03, 147.05, 65018  
 147.06, 147.13, 147.14, 147.37, 147.371, 166.03, 181.52, 901.43, 65019  
 901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 65020  
 1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 65021  
 1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1501.40, 65022  
 1502.12, 1701.05, 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 65023  
 1702.59, 1703.04, 1703.041, 1703.15, 1703.17, 1703.27, 1705.05, 65024  
 1705.06, 1705.38, 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 65025  
 1747.04, 1747.10, 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 65026  
 1782.433, 1785.06, 2303.20, 3301.70, 3302.041, 3313.603, 3314.08, 65027  
 3314.09, 3314.091, 3317.012, 3317.013, 3317.014, 3317.02, 65028  
 3317.021, 3317.022, 3317.024, 3317.029, 3317.0210, 3317.0212, 65029  
 3317.0213, 3317.0216, 3317.0217, 3317.03, 3317.05, 3317.051, 65030  
 3317.06, 3317.064, 3317.161 (3317.052), 3317.162 (3317.053), 65031  
 3317.11, 3317.13, 3317.16, 3317.19, 3317.20, 3318.042, 3318.52, 65032  
 3323.09, 3323.091, 3333.043, 3333.21, 3333.22, 3702.68, 3721.07, 65033  
 3721.51, 3721.56, 3734.57, 3745.014, 3745.11, 3745.22, 3769.08, 65034  
 3769.20, 3773.56, 3923.28, 3923.30, 4115.10, 4301.43, 4503.10, 65035  
 4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 4507.50, 65036  
 4507.52, 4511.81, 4519.03, 4519.10, 4519.56, 4519.69, 4734.20, 65037  
 4761.05, 4771.22, 4779.01, 4779.02, 4779.16, 4779.19, 4779.20, 65038  
 4779.26, 4905.87, 5101.071 (5101.251), 5101.521, 5101.821, 65039  
 5101.85, 5101.853 (5101.851), 5101.852, 5101.854 (5101.853), 65040  
 5103.07, 5111.041, 5111.042, 5111.081, 5111.171, 5111.231, 65041  
 5111.25, 5111.251, 5111.262, 5111.28, 5111.29, 5111.34, 5111.87 65042  
 (5111.871), 5111.872, 5111.873, 5123.01, 5123.041, 5123.044, 65043  
 5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 65044  
 5123.0411, 5123.0412, 5123.0413, 5123.082, 5123.71, 5123.76, 65045  
 5126.01, 5126.035, 5126.041, 5126.042, 5126.046, 5126.05, 65046  
 5126.051, 5126.053, 5126.054, 5126.055, 5126.056, 5126.057, 65047

5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 5126.15, 5126.16, 65048  
5126.18, 5126.19, 5126.20, 5126.22, 5126.221, 5126.25, 5126.31, 65049  
5126.311, 5126.313, 5126.32, 5126.357, 5126.431, 5139.11, 5703.49, 65050  
5705.091, 5705.19, 5705.41, 5705.44, 5725.31, 5727.84, 5727.85, 65051  
5729.07, 5733.122, 5733.351, 5733.42, 5747.39, and 6109.21 of the 65052  
Revised Code as amended or enacted by this act, and the items of 65053  
law of which such sections as amended or enacted by this act are 65054  
composed, are not subject to the referendum. Therefore, under Ohio 65055  
Constitution, Article II, Section 1d and section 1.471 of the 65056  
Revised Code, such sections as amended or enacted by this act, and 65057  
the items of law of which such sections as amended or enacted by 65058  
this act are composed, go into immediate effect when this act 65059  
becomes law. 65060

**Section 202.** (A) The amendment by this act removing language 65061  
from division (B)(1)(e) of section 125.22 of the Revised Code 65062  
constitutes an item of law that is subject to the referendum. 65063  
Therefore, under Ohio Constitution, Article II, Section 1c and 65064  
section 1.471 of the Revised Code, the item takes effect on the 65065  
ninety-first day after this act is filed with the Secretary of 65066  
State. If, however, a referendum petition is filed against the 65067  
item, the item, unless rejected at the referendum, takes effect at 65068  
the earliest time permitted by law. 65069

(B) The amendment by this act inserting division (A)(20) into 65070  
section 125.22 of the Revised Code constitutes an item of law that 65071  
is not subject to the referendum. Therefore, under Ohio 65072  
Constitution, Article II, Section 1d and section 1.471 of the 65073  
Revised Code, the item goes into immediate effect when this act 65074  
becomes law. 65075

**Section 203.** (A) The amendment by this act removing language 65076  
from division (B)(2) of section 3318.04 of the Revised Code 65077

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constitutes an item of law that is subject to the referendum. 65078  
Therefore, under Ohio Constitution, Article II, Section 1c and 65079  
section 1.471 of the Revised Code, the item takes effect on the 65080  
ninety-first day after this act is filed with the Secretary of 65081  
State. If, however, a referendum petition is filed against the 65082  
item, the item, unless rejected at the referendum, takes effect at 65083  
the earliest time permitted by law. 65084

(B) The amendment by this act inserting division (B)(3) into 65085  
section 3318.04 of the Revised Code constitutes an item of law 65086  
that is not subject to the referendum. Therefore, under Ohio 65087  
Constitution, Article II, Section 1d and section 1.471 of the 65088  
Revised Code, the item goes into immediate effect when this act 65089  
becomes law. 65090

**Section 204.** (A) The amendment by this act removing language 65091  
from divisions (G)(2) and (4) and (H)(1) and (2), and inserting 65092  
language into what are now divisions (G)(3) and (H), of section 65093  
3734.82 of the Revised Code constitutes an item of law that is 65094  
subject to the referendum. Therefore, under Ohio Constitution, 65095  
Article II, Section 1c and section 1.471 of the Revised Code, the 65096  
item takes effect on the ninety-first day after this act is filed 65097  
with the Secretary of State. If, however, a referendum petition is 65098  
filed against the item, the item, unless rejected at the 65099  
referendum, takes effect at the earliest time permitted by law. 65100

(B) The amendment by this act to former division (G)(3) (now 65101  
division (G)(2)) of section 3734.82 of the Revised Code 65102  
constitutes an item of law that is not subject to the referendum. 65103  
Therefore, under Ohio Constitution, Article II, Section 1d and 65104  
section 1.471 of the Revised Code, the item goes into immediate 65105  
effect when this act becomes law. 65106

**Section 205.** (A) The amendment by this act inserting language 65107

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into division (G) of section 5119.01 of the Revised Code 65108  
constitutes an item of law that is subject to the referendum. 65109  
Therefore, under Ohio Constitution, Article II, Section 1c and 65110  
section 1.471 of the Revised Code, the item takes effect on the 65111  
ninety-first day after this act is filed with the Secretary of 65112  
State. If, however, a referendum petition is filed against the 65113  
item, the item, unless rejected at the referendum, takes effect at 65114  
the earliest time permitted by law. 65115

(B) The amendment by this act removing language from division 65116  
(I) of section 5119.01 of the Revised Code constitutes an item of 65117  
law that is not subject to the referendum. Therefore, under Ohio 65118  
Constitution, Article II, Section 1d and section 1.471 of the 65119  
Revised Code, the item goes into immediate effect when this act 65120  
becomes law. 65121

**Section 206.** The repeal by this act of section 3317.0215 of 65122  
the Revised Code is not subject to the referendum. Therefore, 65123  
under Ohio Constitution, Article II, Section 1d and section 1.471 65124  
of the Revised Code, the repeal goes into immediate effect when 65125  
this act becomes law. 65126

**Section 207.** The repeals of sections 166.032, 1329.68, 65127  
5101.143, 5101.52, 5101.851, 5101.852, 5111.341, 5111.88, and 65128  
5126.054 of the Revised Code constitute items of law that are not 65129  
subject to the referendum. Therefore, under Ohio Constitution, 65130  
Article II, Section 1d and section 1.471 of the Revised Code, the 65131  
repeals go into immediate effect when this act becomes law. 65132

**Section 208.** \* Sections 121.04, 1501.04, and 3517.092 of the 65133  
Revised Code, as amended by this act, and the repeal by this act 65134  
of sections 1553.01, 1553.02, 1553.03, 1553.04, 1553.05, 1553.06, 65135  
1553.07, 1553.08, 1553.09, 1553.10, and 1553.99 of the Revised 65136

Code shall take effect July 1, 2002. 65137

**Section 209.** \* Section 5104.341 of the Revised Code, as 65138  
amended by this act, shall take effect January 1, 2002. 65139

**Section 210.** Sections 5739.032, 5739.07, 5739.102, 5739.12, 65140  
5739.121, 5739.13, 5741.10, and 5741.12 of the Revised Code, as 65141  
amended by this act, shall take effect January 1, 2002. Sections 65142  
5733.02, 5733.021, 5733.12, and 5733.18 of the Revised Code, as 65143  
amended by this act, shall take effect July 1, 2002. Sections 65144  
3734.904, 4301.422, 4303.33, 4303.331, 5727.25, 5727.26, 5727.82, 65145  
5728.08, 5735.06, 5735.061, 5743.62, 5743.63, 5745.03, 5745.04, 65146  
and 5749.06 of the Revised Code, as amended by this act, shall 65147  
take effect January 1, 2003. 65148

**Section 211.** The amendment by this act of sections 126.21, 65149  
131.01, 183.09, and 183.17 of the Revised Code applies to fiscal 65150  
years beginning with fiscal year 2003. 65151

**Section 212.** The enactment of section 1309.525 of the Revised 65152  
Code by this act is contingent upon and takes effect only if S.B. 65153  
74 of the 124th General Assembly becomes law and section 1309.40 65154  
of the Revised Code is repealed by that latter act. 65155

**Section 213.** Section 3317.10 of the Revised Code, as amended 65156  
by this act, shall take effect January 1, 2003. 65157

**Section 214.** (A) Sections 1345.21, 4707.01, 4707.011, 65158  
4707.02, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 65159  
4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 65160  
4707.13, 4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 65161  
4707.23, and 4707.99 of the Revised Code, as amended by this act, 65162  
shall take effect on October 1, 2001, or the earliest date 65163

thereafter permitted by law. 65164

(B)(1) On the effective date under division (A) of this 65165  
section of the sections as amended, the licensing functions of the 65166  
Department of Commerce under Chapter 4707. of the Revised Code are 65167  
transferred to the Department of Agriculture. The Department of 65168  
Agriculture thereupon and thereafter assumes these functions. 65169

Any business commenced but not completed by the Department of 65170  
Commerce on that effective date shall be completed by the Director 65171  
or Department of Agriculture in the same manner, and with the same 65172  
effect, as if completed by the Director or Department of Commerce. 65173  
No validation, cure, right, privilege, remedy, obligation, or 65174  
liability is lost or impaired by reason of the transfer of 65175  
functions required by this section and shall be administered by 65176  
the Director or Department of Agriculture. All of the Department 65177  
of Commerce's rules, orders, and determinations continue in effect 65178  
as rules, orders, and determinations of the Department of 65179  
Agriculture until modified or rescinded by the Department of 65180  
Agriculture. If necessary to ensure the integrity of the numbering 65181  
of the Administrative Code, the Director of the Legislative 65182  
Service Commission shall renumber the Department of Commerce's 65183  
relevant rules as appropriate to reflect their transfer to the 65184  
Department of Agriculture. 65185

No employees of the Department of Commerce are transferred to 65186  
the Department of Agriculture. The Director of Agriculture may 65187  
create up to three additional full-time positions for the 65188  
administration of the licensing functions of Chapter 4707. of the 65189  
Revised Code assumed by the Director and Department payable out of 65190  
the unexpended balances transferred to the Department of 65191  
Agriculture under division (B)(2) of this section. 65192

(2) The Director of Budget and Management shall determine the 65193  
amount of unexpended balances in the Department of Commerce 65194  
appropriation accounts that pertain to auctioneers and the 65195

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 215.** (A) There is hereby transferred to the Governor's Advisory Council on Physical Fitness and Sports, all books, records, documents, files, transcripts, and other materials that are in the possession of the Physical Fitness and Sports Advisory Board, as they existed immediately prior to the effective date of sections 3701.77, 3701.771, and 3701.772 of the Revised

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Code, as amended by this act. 65227

(B) All moneys appropriated or reappropriated to the Board 65228  
for the performance of the duties, powers, obligations, and 65229  
functions, and the exercise of the rights, that are transferred by 65230  
this act to the Council, to the extent of the remaining unexpended 65231  
or unencumbered balance of the appropriations or reappropriations, 65232  
whether obligated or unobligated, are hereby transferred to the 65233  
Council for performing the duties, powers, obligations, and 65234  
functions, and exercising the rights of the Council. Payments for 65235  
liabilities for expenses incurred before or after the effective 65236  
date of sections 3701.77, 3701.771, and 3701.772 of the Revised 65237  
Code, as amended by this act, shall be made on separate vouchers 65238  
or certificates approved by the Council. 65239

(C) All rules, acts, determinations, approvals, and decisions 65240  
of the Board pertaining to the duties, powers, obligations, and 65241  
functions that are transferred and assigned by this act to the 65242  
Council and that are in effect at the time of the transfer shall 65243  
continue in force as rules, acts, determinations, approvals, and 65244  
decisions of the Board until they are duly modified, superseded, 65245  
or repealed by the Council, as appropriate. Whenever the duties, 65246  
powers, obligations, and functions of the Board that are 65247  
transferred by this act to the Council are referred to or 65248  
designated in any law, contract, or other document pertaining to 65249  
those duties, powers, obligations, or functions, including the 65250  
reference to the Board within section 27 of Sub. H.B. 670 of the 65251  
121st General Assembly as subsequently amended, the reference or 65252  
designation shall be considered, as appropriate, to be a reference 65253  
or designation to the Council and to the duties, powers, 65254  
obligations, and functions as transferred to it. 65255

No existing right or remedy of any character shall be lost, 65256  
impaired, or affected by reason of the transfer, except as insofar 65257  
as that remedy or right shall be administered, as appropriate, by 65258

the Council instead of the Board.

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**Section 216.** Except as otherwise specifically provided in this act, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the uncodified sections of law amended or enacted in this act, and the items of law of which the uncodified sections of law amended or enacted in this act are composed, go into immediate effect when this act becomes law.

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**Section 217.** Uncodified sections of law amended or enacted in this act, and items of law contained within the uncodified sections of law amended or enacted in this act, that are marked with an asterisk are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the uncodified sections and items of law marked with an asterisk take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against an uncodified section or item of law marked with an asterisk, the uncodified section or item of law marked with an asterisk, unless rejected at the referendum, takes effect at the earliest time permitted by law.

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If the amending and existing repeal clauses commanding the amendment of an uncodified section of law are both marked with asterisks, the uncodified section as amended is deemed also to have been marked with an asterisk.

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An asterisk marking an uncodified section or item of law has the form \*.

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This section defines the meaning and form of, but is not

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itself to be considered marked with, an asterisk. 65289

**Section 218.** The amendment to Section 10 of Am. Sub. S.B. 287 65290  
of the 123rd General Assembly constitutes an item of law that is 65291  
subject to the referendum. Therefore, under Ohio Constitution, 65292  
Article II, Section 1c and section 1.471 of the Revised Code, the 65293  
item takes effect on the ninety-first day after this act is filed 65294  
with the Secretary of State. If, however, a referendum petition is 65295  
filed against the item, the item, unless rejected at the 65296  
referendum, takes effect at the earliest time permitted by law. 65297

**Section 219.** The amendments by this act to Section 5 of Am. 65298  
Sub. S.B. 50 of the 121st General Assembly, to Section 153 of Am. 65299  
Sub. H.B. 117 of the 121st General Assembly, to Section 3 of Am. 65300  
Sub. H.B. 440 of the 121st General Assembly, to Section 3 of Am. 65301  
Sub. H.B. 621 of the 122nd General Assembly, to Section 3 of Am. 65302  
Sub. H.B. 215 of the 123rd General Assembly, to Section 4 of Am. 65303  
S.B. 210 of the 123rd General Assembly, and to Section 129 of Am. 65304  
Sub. H.B. 283 of the 123rd General Assembly constitute items of 65305  
law that are not subject to the referendum. Therefore, under Ohio 65306  
Constitution, Article II, Section 1d and section 1.471 of the 65307  
Revised Code, the items go into immediate effect when this act 65308  
becomes law. 65309

**Section 220.** The repeals by this act of Section 18 of Am. 65310  
Sub. H.B. 650 of the 122nd General Assembly and of Section 17 of 65311  
Am. Sub. H.B. 282 of the 123rd General Assembly are not subject to 65312  
the referendum. Therefore, under Ohio Constitution, Article II, 65313  
Section 1d and section 1.471 of the Revised Code, the repeals go 65314  
into immediate effect when this act becomes law. 65315

**Section 221.** If the amendment or enactment in this act of a 65316  
codified or uncodified section of law is subject to the 65317

referendum, the corresponding indications in the amending, 65318  
enacting, or existing repeal clauses commanding the amendment or 65319  
enactment also are subject to the referendum, along with the 65320  
amendment or enactment. If the amendment or enactment by this act 65321  
of a codified or uncodified section of law is not subject to the 65322  
referendum, the corresponding indications in the amending, 65323  
enacting, or existing repeal clauses commanding the amendment or 65324  
enactment also are not subject to the referendum, the same as the 65325  
amendment or enactment. 65326

**Section 222.** An item, other than an amending, enacting, or 65327  
repealing clause, that composes the whole or part of an uncodified 65328  
section contained in this act has no effect after June 30, 2003, 65329  
unless its context clearly indicates otherwise. 65330

**Section 223.** The amendment of sections 4779.01, 4779.02, 65331  
4779.16, 4779.19, 4779.20, and 4779.26 of the Revised Code is not 65332  
intended to supersede the earlier repeal, with delayed effective 65333  
date, of those sections. 65334

**Section 224.** \* Section 102.06 of the Revised Code is 65335  
presented in this act as a composite of the section as amended by 65336  
both Am. Sub. H.B. 285 and Am. Sub. H.B. 492 of the 120th General 65337  
Assembly. The General Assembly, applying the principle stated in 65338  
division (B) of section 1.52 of the Revised Code that amendments 65339  
are to be harmonized if reasonably capable of simultaneous 65340  
operation, finds that the composite is the resulting version of 65341  
the section in effect prior to the effective date of the section 65342  
as presented in this act. 65343

**Section 225.** \* Section 121.04 of the Revised Code is 65344  
presented in this act as a composite of the section as amended by 65345  
both Sub. H.B. 601 and Am. Sub. H.B. 640 of the 123rd General 65346

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Assembly. The General Assembly, applying the principle stated in 65347  
division (B) of section 1.52 of the Revised Code that amendments 65348  
are to be harmonized if reasonably capable of simultaneous 65349  
operation, finds that the composite is the resulting version of 65350  
the section in effect prior to the effective date of the section 65351  
as presented in this act. 65352

**Section 226.** \* Section 124.24 of the Revised Code is 65353  
presented in this act as a composite of the section as amended by 65354  
both Sub. H.B. 601 and Am. Sub. H.B. 628 of the 123rd General 65355  
Assembly. The General Assembly, applying the principle stated in 65356  
division (B) of section 1.52 of the Revised Code that amendments 65357  
are to be harmonized if reasonably capable of simultaneous 65358  
operation, finds that the composite is the resulting version of 65359  
the section in effect prior to the effective date of the section 65360  
as presented in this act. 65361

**Section 227.** Section 901.63 of the Revised Code is presented 65362  
in this act as a composite of the section as amended by both Sub. 65363  
H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 65364  
General Assembly, applying the principle stated in division (B) of 65365  
section 1.52 of the Revised Code that amendments are to be 65366  
harmonized if reasonably capable of simultaneous operation, finds 65367  
that the composite is the resulting version of the section in 65368  
effect prior to the effective date of the section as presented in 65369  
this act. 65370

**Section 228.** \* Section 2317.02 of the Revised Code is 65371  
presented in this act as a composite of the section as amended by 65372  
both Sub. H.B. 506 and Am. Sub. S.B. 180 of the 123rd General 65373  
Assembly. The General Assembly, applying the principle stated in 65374  
division (B) of section 1.52 of the Revised Code that amendments 65375  
are to be harmonized if reasonably capable of simultaneous 65376

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operation, finds that the composite is the resulting version of 65377  
the section in effect prior to the effective date of the section 65378  
as presented in this act. 65379

**Section 229.** \* Section 2953.21 of the Revised Code is 65380  
presented in this act as a composite of the section as amended by 65381  
both Sub. S.B. 258 and Am. Sub. S.B. 269 of the 121st General 65382  
Assembly. The General Assembly, applying the principle stated in 65383  
division (B) of section 1.52 of the Revised Code that amendments 65384  
are to be harmonized if reasonably capable of simultaneous 65385  
operation, finds that the composite is the resulting version of 65386  
the section in effect prior to the effective date of the section 65387  
as presented in this act. 65388

**Section 230.** Section 3317.03 of the Revised Code is presented 65389  
in this act as a composite of the section as amended by both Am. 65390  
Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The 65391  
General Assembly, applying the principle stated in division (B) of 65392  
section 1.52 of the Revised Code that amendments are to be 65393  
harmonized if reasonably capable of simultaneous operation, finds 65394  
that the composite is the resulting version of the section in 65395  
effect prior to the effective date of the section as presented in 65396  
this act. 65397

**Section 231.** \* Section 3701.771 of the Revised Code is 65398  
presented in this act as a composite of the section as amended by 65399  
both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General 65400  
Assembly. The General Assembly, applying the principle stated in 65401  
division (B) of section 1.52 of the Revised Code that amendments 65402  
are to be harmonized if reasonably capable of simultaneous 65403  
operation, finds that the composite is the resulting version of 65404  
the section in effect prior to the effective date of the section 65405  
as presented in this act. 65406

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**Section 232.** \* Section 3701.772 of the Revised Code is 65407  
presented in this act as a composite of the section as amended by 65408  
both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General 65409  
Assembly. The General Assembly, applying the principle stated in 65410  
division (B) of section 1.52 of the Revised Code that amendments 65411  
are to be harmonized if reasonably capable of simultaneous 65412  
operation, finds that the composite is the resulting version of 65413  
the section in effect prior to the effective date of the section 65414  
as presented in this act. 65415

**Section 233.** Section 4503.12 of the Revised Code is presented 65416  
in this act as a composite of the section as amended by both Am. 65417  
H.B. 141 and Am. Sub. S.B. 60 of the 122nd General Assembly. The 65418  
General Assembly, applying the principle stated in division (B) of 65419  
section 1.52 of the Revised Code that amendments are to be 65420  
harmonized if reasonably capable of simultaneous operation, finds 65421  
that the composite is the resulting version of the section in 65422  
effect prior to the effective date of the section as presented in 65423  
this act. 65424

**Section 234.** \* Section 5101.141 of the Revised Code is 65425  
presented in this act as a composite of the section as amended by 65426  
both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General 65427  
Assembly. The General Assembly, applying the principle stated in 65428  
division (B) of section 1.52 of the Revised Code that amendments 65429  
are to be harmonized if reasonably capable of simultaneous 65430  
operation, finds that the composite is the resulting version of 65431  
the section in effect prior to the effective date of the section 65432  
as presented in this act. 65433

**Section 235.** \* Section 5101.80 of the Revised Code is 65434  
presented in this act as a composite of the section as amended by 65435

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both Am. Sub. H.B. 470 and H.B. 471 of the 123rd General Assembly. 65436  
The General Assembly, applying the principle stated in division 65437  
(B) of section 1.52 of the Revised Code that amendments are to be 65438  
harmonized if reasonably capable of simultaneous operation, finds 65439  
that the composite is the resulting version of the section in 65440  
effect prior to the effective date of the section as presented in 65441  
this act. 65442

**Section 236.** \* Section 5119.61 of the Revised Code is 65443  
presented in this act as a composite of the section as amended by 65444  
both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General 65445  
Assembly. The General Assembly, applying the principle stated in 65446  
division (B) of section 1.52 of the Revised Code that amendments 65447  
are to be harmonized if reasonably capable of simultaneous 65448  
operation, finds that the composite is the resulting version of 65449  
the section in effect prior to the effective date of the section 65450  
as presented in this act. 65451

**Section 237.** Section 5123.71 of the Revised Code is presented 65452  
in this act as a composite of the section as amended by both Sub. 65453  
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 65454  
General Assembly, applying the principle stated in division (B) of 65455  
section 1.52 of the Revised Code that amendments are to be 65456  
harmonized if reasonably capable of simultaneous operation, finds 65457  
that the composite is the resulting version of the section in 65458  
effect prior to the effective date of the section as presented in 65459  
this act. 65460

**Section 238.** Section 5123.76 of the Revised Code is presented 65461  
in this act as a composite of the section as amended by both Sub. 65462  
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 65463  
General Assembly, applying the principle stated in division (B) of 65464  
section 1.52 of the Revised Code that amendments are to be 65465

harmonized if reasonably capable of simultaneous operation, finds 65466  
that the composite is the resulting version of the section in 65467  
effect prior to the effective date of the section as presented in 65468  
this act. 65469

**Section 239.** \* Section 5727.26 of the Revised Code is 65470  
presented in this act as a composite of the section as amended by 65471  
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 65472  
The General Assembly, applying the principle stated in division 65473  
(B) of section 1.52 of the Revised Code that amendments are to be 65474  
harmonized if reasonably capable of simultaneous operation, finds 65475  
that the composite is the resulting version of the section in 65476  
effect prior to the effective date of the section as presented in 65477  
this act. 65478

**Section 240.** \* Section 5731.21 of the Revised Code is 65479  
presented in this act as a composite of the section as amended by 65480  
both Am. Sub. H.B. 313 and Sub. S.B. 108 of the 123rd General 65481  
Assembly. The General Assembly, applying the principle stated in 65482  
division (B) of section 1.52 of the Revised Code that amendments 65483  
are to be harmonized if reasonably capable of simultaneous 65484  
operation, finds that the composite is the resulting version of 65485  
the section in effect prior to the effective date of the section 65486  
as presented in this act. 65487

**Section 241.** \* Section 5739.02 of the Revised Code is 65488  
presented in this act as a composite of the section as amended by 65489  
Am. Sub. H.B. 138, H.B. 612, and Am. Sub. H.B. 640 of the 123rd 65490  
General Assembly. The General Assembly, applying the principle 65491  
stated in division (B) of section 1.52 of the Revised Code that 65492  
amendments are to be harmonized if reasonably capable of 65493  
simultaneous operation, finds that the composite is the resulting 65494  
version of the section in effect prior to the effective date of 65495

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the section as presented in this act. 65496

**Section 242.** If any item of law that constitutes the whole or 65497  
part of a codified or uncodified section of law contained in this 65498  
act, or if any application of any item of law that constitutes the 65499  
whole or part of a codified or uncodified section of law contained 65500  
in this act, is held invalid, the invalidity does not affect other 65501  
items of law or applications of items of law that can be given 65502  
effect without the invalid item of law or application. To this 65503  
end, the items of law of which the codified and uncodified 65504  
sections contained in this act are composed, and their 65505  
applications, are independent and severable. 65506